

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

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Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

December 30, 1997

**STATE OF UTAH'S MOTION FOR LEAVE TO REPLY
TO THE NRC STAFF'S AND PRIVATE FUEL STORAGE, LLC'S
RESPONSES TO PETITIONERS' CONTENTIONS**

The NRC Staff (Staff) and Private Fuel Storage, LLC (PFS) filed responses to the State of Utah's Contentions by e-mail December 24, 1997 (hard copies were received December 29). Today, the State received a copy of PFS's Motion for Leave to File Response to State of Utah Contentions Z through DD by January 6, 1998. The State has not objected to the Applicant's Leave to Respond.

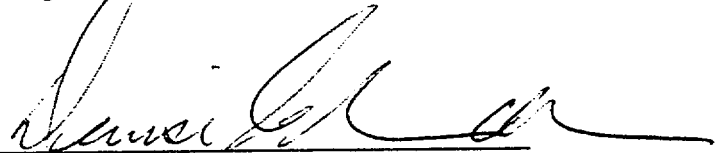
The State of Utah hereby motions for leave to reply to the Staff's and PFS's responses to Contentions. Some written reply to PFS's 672 page response and the Staff's 136 page response will assist in further defining the issues in dispute. Moreover, case law confirms affording petitioners, such as the State, the opportunity to reply to objections raised by the applicant and staff. See Long Island Lighting Company (Shoreham Nuclear Power Station), LBP-81-18, 14 NRC 71, 72-73 (1981) (accepting petitioner's answer to staff's and applicant's response to petitioner's contention), *citing*

Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-565, 10 NRC 521 (1979).

The State requests leave to reply to be filed on or before January 22, 1998. The State believes such a request is reasonable given the voluminous nature of the responses, the fact that PFS will supplement its response on January 6, 1998, and the intervening holiday periods. Because of the holiday season, the State has been unable to poll all parties; however, Petitioners Castle Rock Livestock and the Confederated Tribes of Goshute Reservation do not object to this request; the NRC Staff objects to the motion; and the Applicant objects to the January 22, 1998 deadline but was unable to otherwise state its position at this time.

DATED this 30th day of December, 1997.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of STATE OF UTAH'S MOTION FOR LEAVE TO REPLY TO THE NRC STAFF'S AND PRIVATE FUEL STORAGE, LLC'S RESPONSES TO STATE'S CONTENTIONS, were served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by U. S.

First Class mail as indicated, this 30th day of December, 1997:

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Dated this 30th day of December, 1997.


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