

December 29, 1997

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

| | | |
|---------------------------------|---|---------------------------|
| In the Matter of |) | |
| |) | |
| PRIVATE FUEL STORAGE L.L.C. |) | Docket No. 72-22 |
| |) | |
| (Private Fuel Storage Facility) |) | ASLBP No. 97-732-02-ISFSI |

APPLICANT'S MOTION FOR LEAVE TO
FILE RESPONSE TO STATE OF
UTAH CONTENTIONS Z THROUGH DD

Applicant Private Fuel Storage L.L.C. pursuant to 10 C.F.R. § 2.711 hereby requests leave to file answers to the State of Utah's Contentions Z through DD on or before January 6, 1998. Applicant respectfully submits the following good cause for the filing of these answers.

On December 24, 1997, Applicant filed its Answers to Petitioners' Contentions. Included in the filing were Applicant's answers to the State of Utah's Contentions A through Y. On December 26, 1997, Applicant's counsel received a message from NRC Staff counsel inquiring about Applicant's responses to the State's Contentions Z through DD. Until that time, Applicant's counsel were unaware that the State had filed these additional contentions.

Applicant's counsel were unaware of Contentions Z through DD because the copy of the State's Contentions that was hand delivered to Applicant on November 23, 1997

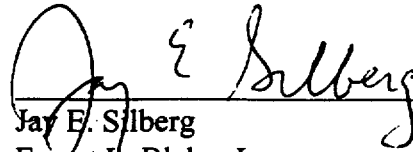
ended with Contention Y (page 168). The introduction to the State's filing did not state the number of contentions being filed or any information suggesting that Contention Y was not the last contention. Nor did we observe internal clues in the State's pleading alerting us to the "missing" contentions.

The copy of the State's contentions which was served by mail (and received several days later) did include Contentions Z through DD. However, Applicant's counsel was unaware of this fact until the message from NRC Staff counsel. When the mailed version was received, Applicant's counsel had it filed without attempting to compare it with the hand-delivered copy, assuming that the two were identical. The disparity was not recognized during the course of preparing Applicant's answers to the contentions because all the internal copies used by Applicant's counsel and counsel's staff had been duplicated from the hand-delivered copy.

Counsel for the NRC Staff has informed Applicant's counsel that the NRC has no objection to the requested relief. Counsel for the State of Utah was informed of the request and indicated the need to further consider the request.

For reasons set forth above, Applicant respectfully requests leave to file answers

to the State's Contentions Z through DD on or before January 6, 1998.

A handwritten signature in cursive script, appearing to read "Jay E. Silberg", is written over a horizontal line.

Jay E. Silberg

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Dated: December 29, 1997

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CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Motion for Leave to File Response to State of Utah Contentions Z through DD, dated December 29, 1997, were served on the persons listed below (unless otherwise noted) by facsimile with conforming copies by U.S. mail, first class, postage prepaid, this 29th day of December 1997.

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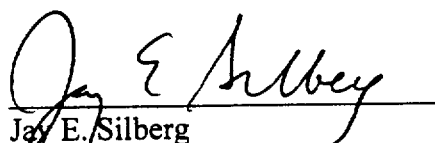
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Office of the Secretary
Attention: Rulemakings and Adjudications
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(Original and two copies)

* By U.S. mail only


Jay E. Silberg