

September 26, 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

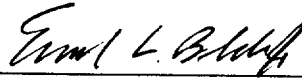
**APPLICANT'S ANSWER TO REQUEST FOR HEARING AND  
PETITION TO INTERVENE OF OHNGO GAUDADEH DEVIA**

Applicant Private Fuel Storage L.L.C. ("PFS") submits this answer to the Request for Hearing and Petition to Intervene ("OGD Pet.") filed on September 12, 1997, by the organization Ohngo Gaudadeh Devia ("the Petitioner"). PFS does not object to the Petitioner's standing in this proceeding. The Petitioner must still establish at least one valid contention before its request for a hearing can be granted. See 10 C.F.R. § 2.714(b)(1); Yankee Atomic Electric Co. (Yankee Nuclear Power Station), CLI-96-1, 43 N.R.C. 1, 5 (1996). PFS will address the Petitioner's right to a hearing based on the contentions required to be filed by the Petitioner pursuant to 10 C.F.R. § 2.714(b).

The Petitioner presents a statement of aspects on which it wishes to intervene pursuant to 10 C.F.R. § 2.714(a)(2). OGD Pet. at 18-24. Some of the aspects raised by the Petitioner appear to be beyond the scope of this proceeding (e.g., Utah Governor Mike Leavitt stated that once material is brought into the State, there is a possibility it may not leave, OGD Pet. at 20) and others appear to challenge NRC regulations (e.g., the design of the transportation cask does not provide

sufficient protection against accidents during transportation, OGD Pet. at 19). PFS will address these matters if and when contentions are filed by the Petitioner.

Respectfully submitted,



Jay E. Silberg  
Ernest L. Blake, Jr.

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Counsel for Private Fuel Storage L.L.C.

Dated: September 26, 1997

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Applicant's Answer to the Request for Hearing and Petition to Intervene of Ohngo Gaudadeh Devia," dated September 26, 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 26th day of September, 1997.

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Thomas D. Murphy  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

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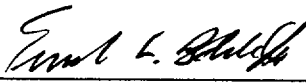
\* Charles J. Haughney  
Acting Director, Spent Fuel Project Office  
Office of Nuclear Material Safety and  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications Staff

(Original and two copies)

\* By U.S. mail only

  
\_\_\_\_\_  
Ernest L. Blake, Jr.