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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

OFFICE OF PUBLIC AFFAIRS
FUEL ELEMENTS
ADJUTANT GENERAL

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 RESPONSE TO STATE OF UTAH'S
MOTION TO AMEND CONTENTION UTAH LL**

Pursuant to the Order of the Atomic Safety and Licensing Board ("Licensing Board" or "Board") of September 11, 2000,¹ Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby responds to the State of Utah's ("State") Motion to Amend Contention Utah LL, ("State Motion to Amend"), which was included as part of the State of Utah's Reply to Applicant's and Staff's Responses to Late-Filed Contentions Utah LL through OO and Motion to Amend Contention Utah LL, dated September 7, 2000. The Applicant has reviewed the State's Motion to Amend, the new reference which the State seeks to add as a new basis for the Utah LL, and the NRC Staff's Response to State of Utah's Motion to Amend Contention Utah LL, filed earlier today and endorses and agrees with the Staff's position stated in its response.

Specifically, Applicant's review of the new basis document filed by the State, entitled "Operational Throughput for the Multi-Purposse Canister System," TRW Environmental Safety Systems Inc. (Rev 0, September 30, 1993) is the same as that set forth by the NRC's Staff in its

¹ Order (Schedule for Responses to Motion to Amend Late-Filed Contention Utah LL) (Sept. 11, 2000) ("Board Sept. 11 Order").

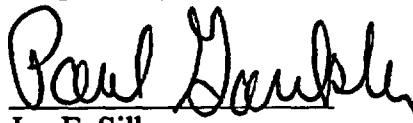
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response. The document does not support the numbers of PFS reactors which the State claimed in Utah LL to likely ship via rail without intermodal transfer. More importantly, the new basis document relied upon by the State is seven years old and has been superseded by the Draft Environmental Impact Statement for Yucca Mountain.² As pointed out in Applicant's Response to the State of Utah's Request for Admission of Late-Filed Contentions Utah LL Through OO ("Applicant's Response"), the Yucca Mountain DEIS shows entirely different numbers for PFS reactors that would not have direct rail access. Therefore, the new basis document does not support the admission of late-filed Contention Utah LL.

For the foregoing reasons and those set forth in Applicant's Response, the State's Motion to Amend Late-Filed Contention Utah LL and the State's Request for the Admission of Late-Filed Contention Utah LL should be denied.

Respectfully submitted,



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Dated: September 14, 2000

Counsel for Private Fuel Storage L.L.C.

² As pointed out by the Staff, TRW was responsible for preparing those portions of the Yucca Mountain DEIS relevant hers.

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(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Response to State of Utah's Motion to Amend
Contention Utah LL were served on the persons listed below (unless otherwise noted) by
facsimile this 14th day of September 2000.

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Attention: Rulemakings and Adjudications
Staff
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(Original and two copies)

* Adjudicatory File
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