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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel)	
Storage Installation))	September 14, 2000

STATE OF UTAH'S REQUEST TO WITHDRAW
CONTENTION UTAH GG

In its September 5, 2000 Order, the Board requested the parties provide a joint report indicating whether any further action on Contention Utah GG, Failure to Demonstrate Cask-Pad Stability During Seismic Event for TranStor Casks, is appropriate given the discussion on pages 2-22 to -23 of the Staff's draft Environmental Impact Statement.¹ In early September the State received a copy of the Applicant's license application amendment No. 17 in which the Applicant removed all references to the TranStor cask system -- with the exception of information associated with TranStor which Private Fuel Storage, LLC ("PFS") has now characterized at a "representative spent fuel storage system." See Letter from John D. Parkyn, PFS, dated August 31, 2000, transmitting license application amendment No. 17 to NRC. Given the Applicant's license amendment No. 17, the State now seeks withdrawal of Contention Utah GG. As such, there is no need for the parties to submit a joint report to the Board as requested under the Board's

¹ NUREG -1714, *Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah*, June 2000.

September 5 Order.

The State attempted to have admitted for hearing the adequacy of PFS's cask stability analysis as it related to both the Holtec casks² and the TranStor casks. The Board ruled that the Contention Utah EE did not meet the late-filed factors and did not admit the contention.³ Contention Utah GG, relating to the TranStor casks, did not suffer the same fate; it was admitted for hearing.⁴

In its Reply to the Applicant's Response to the Board's Order Requesting Clarification of Contention Utah GG, dated February 16, 2000 ("State's Reply"), the State advised the Board that "unless and until PFS amends its license application to remove the use of the TranStor cask system from the PFS facility, the issues in Contention GG still present a live controversy in this proceeding." State's Reply at 2-3. It now appears that PFS has removed all references to the use of TranStor casks at the PFS facility. Therefore, the issues in Contention Utah GG as they relate the TranStor cask no longer present a live controversy.

While the issues relating to the TranStor are no longer litigable, the same shortcomings with PFS's cask sliding analysis that the State enunciated in its January 21, 2000 Response to PFS's Motion for Summary Disposition of Contention GG also apply to the Holtec casks. Whether the casks are Holtec casks or TranStor casks, PFS's cask sliding

² See State of Utah's Request for Consideration of Late-Filed Contentions EE and FF (December 23, 1997).

³ Private Fuel Storage, LLC (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 207-209 (1998).

⁴ Id. at 210-211.

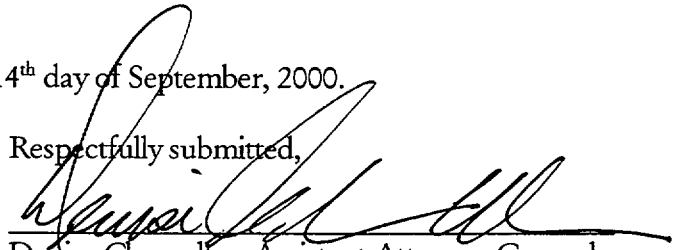
analysis fails to consider the potential range of conditions that may occur during a seismic event, such as whether the pad will remain rigid under cask loading; whether the simple frictional elements applied in the soil-structure interaction model are appropriate; and whether the analyzed coefficients of friction of 0.2 and 0.8 bound the actual behavior of the cask-pad interface under dynamic loading. It is the State's hope that the Staff will continue to require PFS to perform a more complete analysis that addresses the concerns raised by the State in Contention Utah GG.

Finally, in requesting withdrawal of Contention Utah GG, the State notes that results from PFS's cask design and sliding analyses have also been used in the foundation design of the cask pads. Accordingly, by requesting withdrawal of Contention Utah GG, the State is not relinquishing any ability to use PFS's cask sliding calculations as they may relate to soil stability and foundation loading in Contention Utah L.

For the foregoing reasons, the State requests the withdrawal of Contention Utah GG.

DATED this 14th day of September, 2000.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S REQUEST TO WITHDRAW
CONTENTION UTAH GG was served on the persons listed below by electronic mail
(unless otherwise noted) with conforming copies by United States mail first class, this 14th
day of September, 2000:

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A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor
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