

RAS 3635

DOCKETED
USNRC

2001 DEC 19 PM 2: 53

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket No. 72-22-ISFSI
PRIVATE FUELS STORAGE, LLC)	
)	ASLBP No. 97-732-02-ISFI
(Independent Spent Fuel Storage)	
Installation))	October 24, 2001
)	

**OGD RESPONSE TO STATE OF UTAH'S REQUEST FOR ADMISSION
OF LATE-FILED CONTENTION UTAH RR
(Suicide Mission Terrorism and Sabotage)**

Ohngo Gaudadeh Devia ("OGD") hereby submits its response to the State of Utah's request for admission of late-filed contention RR.

On October 10, 2001, the State of Utah filed a petition seeking admission of late-filed contention Utah RR in light of the unexpected and unprecedented events of September 11, 2001. Utah RR challenges the failure of Private Fuel Storage, LLC's ("PFS's") Safety Analysis Report ("SAR"), PFS's Environmental Report ("ER"), the Safety Evaluation Report, September 2000 ("SER"), and the draft Environmental Impact Statement ("DEIS") to assess the impacts from suicide terrorist attacks and acts of sabotage that may occur at the proposed PFS spent fuel storage installation in Skull Valley.

Template=SECY-041


SECY-02

Having reviewed the State of Utah's request for admission of late-filed contention Utah RR and the attached exhibits, OGD adopts and incorporates by this reference the entirety of the State of Utah's request for admission of late-filed contention Utah RR together with all attached exhibits.

The State of Utah meets the 10 CFR § 2.714(a) late-filed factors for proposing its contention Utah RR for the reasons stated in the State of Utah's request for admission of late-filed contention Utah RR that OGD hereby incorporates by reference.

For the reasons set forth above and incorporated herein by reference, OGD hereby joins and adopts the request for admission of contention RR, and requests that late-filed contention Utah RR be admitted.

Respectfully submitted this 24th day of October, 2001.



Paul C. EchoHawk, Esq.
ECHOHAWK LAW OFFICES
151 North 4th Avenue, Suite A
P.O. Box 6119
Pocatello, Idaho 83205-6119
Telephone: (208) 478-1624
Fax: (208) 478-1670
E-Mail: larry@echohawk.com
E-Mail: paul@echohawk.com
E-Mail: mark@echohawk.com

Attorneys for Ohngo Gaudadeh Devia
(OGD)

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2001, I caused to be served a true and correct copy of the foregoing by United States Mail, First Class and conforming copies by electronic mail, unless otherwise noted, and addressed to the following:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

Jay E. Silberg, Esq.
Ernest L. Blake, Jr., Esq.
Paul A. Gaukler, Esq.
Shaw Pittman, LLP
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Denise Chancellor, Esq.
Fred G Nelson, Esq.
Laura Lockhart
Assistant Attorneys General
Diane Curran, Esq.
Connie Nakahara, Esq.
Special Assistant Attorneys General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
E-Mail: dchancel@state.ut.us
E-Mail: jbraxton@email.usertrust.com
E-Mail: dcurran@harmoncurran.com

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

John Paul Kennedy, Sr., Esq.
David W. Tufts
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84111
E-Mail: dtufts@djplaw.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Joro Walker, Esq.
Richard E. Condit, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
E-Mail: utah@lawfund.org

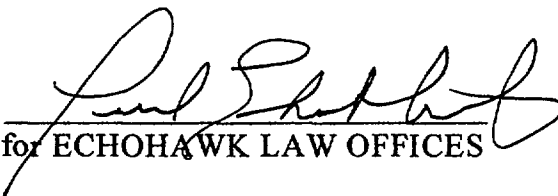
Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Marlinda Moon, Chairman
Sammy Blackbear, Sr., Vice Chairman
Miranda Wash, Secretary Spencer Abraham
Skull Valley Band of Goshute Indians
P.O. Box 511132
Salt Lake City, Utah 84151-1132

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: O14-G-15
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Tim Vollmann
3301-R Coors Road N.W. #302
Albuquerque, NM 87120
E-Mail: tvollmann@hotmail.com


for ECHOHAWK LAW OFFICES