

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

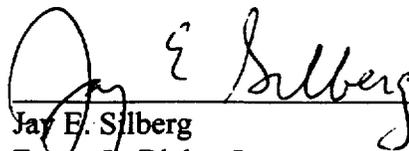
ended with Contention Y (page 168). The introduction to the State's filing did not state the number of contentions being filed or any information suggesting that Contention Y was not the last contention. Nor did we observe internal clues in the State's pleading alerting us to the "missing" contentions.

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

Ernest L. Blake, Jr.

Paul A. Gaukler

SHAW, PITTMAN, POTTS &
TROWBRIDGE

2300 N Street, N.W.

Washington, D.C. 20037

(202) 663-8000

Counsel for Private Fuel Storage L.L.C.

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.

G. Paul Bollwerk III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: GPB@.nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK@.nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: PSL@.nrc.gov

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

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: SET@nrc.gov

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 S. State Street, Suite 1300
P.O. Box 11019
Salt Lake City, Utah 84147-0019
e-mail: CJR@pwlaw.com

Diane Curran, Esq.
2001 S Street, N.W.
Washington, DC 20009
e-mail: dicurran@aol.com

* By U.S. mail only

* Charles J. Haughney
Acting Director, Spent Fuel Project Office
Office of Nuclear Material Safety and
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Jean Belille, Esq.
Ohngo Gaudadeh Devia
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
e-mail: landwater@lawfund.org

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
50 West Broadway, Fourth Floor
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

Office of the Secretary
Attention: Rulemakings and Adjudications
Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

(Original and two copies)


Jay E. Silberg