

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 THE STATE OF UTAH**

Applicant Private Fuel Storage L.L.C. ("PFS") submits this answer to the Request for Hearing and Petition to Intervene ("Utah Pet.") filed on September 11, 1997, by the State of Utah. PFS does not object to the State of Utah's standing in this proceeding. The State 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 State's right to a hearing based on the contentions required to be filed by the State pursuant to 10 C.F.R. § 2.714(b).

The State presents a statement of aspects on which it wishes to intervene pursuant to 10 C.F.R. § 2.714(a)(2). Utah Pet. at 19-25. Some of the aspects raised by the State appear to be beyond the scope of this proceeding (e.g., the Secretary of the Interior has not satisfied his trust responsibility to American Indians, Utah Pet. at 25) and others appear to challenge NRC regulations (e.g., NRC lacks the statutory authority to issue a license of an away-from-reactor ISFSI, Utah Pet. at 19). PFS will address these matters if and when contentions are filed by the State.

Respectfully submitted,



Jay E. Silberg  
Ernest L. Blake, Jr.

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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 the State of Utah," 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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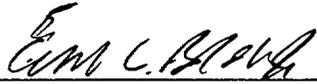
\* Charles J. Haughney  
Acting Director, Spent Fuel Project Office  
Office of Nuclear Material Safety and  
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Attention: Rulemakings and Adjudications Staff

(Original and two copies)

\* By U.S. mail only

  
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Ernest L. Blake, Jr.