

October 28, 1998

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 REQUEST FOR LEAVE TO FILE A LIMITED RE-  
PLY TO STATE OF UTAH'S REPLY TO APPLICANT'S AND  
STAFF'S RESPONSES TO LOW RAIL CONTENTIONS**

In accordance with the Atomic Safety and Licensing Board's ("Board") Memorandum and Order of February 2, 1998 (Memorializing Initial Prehearing Conference Directives), the Applicant requests leave to file a reply to the "State of Utah's Reply to Applicant's and Staff's Responses to Low Rail Contentions" limited solely to the issue of good cause for late filing of the contentions. In its reply, the State argues that it has good cause for the late filing because, according to the State, the original application reflected that the Applicant intended to use truck transportation as the sole means of transporting spent fuel from the main railroad line to the PFSF and considered rail transport to be merely optional. This is a new argument and one which Applicant believes is wrong. The Applicant therefore requests leave to file a short reply (less than five pages) on the issue of good cause to point out the various places in the original application where heavy haul truck transport and rail transport are treated as co-equal alternatives and to make related points from the record.

Counsel for Applicant has contacted counsel for the State, the NRC Staff and Confederated Tribes (which seeks to incorporate by reference the State's contentions) and none of these parties objects to the Applicant's request for leave to file a reply. Counsel for Applicant has not contacted the other parties since none of them have made any filings with respect to the State's Low Corridor rail contentions and do not appear to be affected by this request.

Accordingly, the Applicant requests the Board that it be allowed to file a short reply (less than five pages) to the State's reply to the Applicant's and Staff's responses to the Low Corridor rail contentions limited solely to the issue of good cause for the State's late filing of the contentions. Applicant would be able to file the reply within one or two days after a Board order approving the request.

Respectfully submitted,



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Dated: October 28, 1998

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Applicant's Request for Leave to File a Limited Reply to State of Utah's Reply to Applicant's and Staff's Responses to Low Rail Contentions" were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 28<sup>st</sup> day of October 1998.

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\* By U.S. mail only

  
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