

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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 9, 1999

**STATE OF UTAH'S MOTION FOR LEAVE TO REPLY
TO APPLICANT'S AND STAFF'S RESPONSES TO
SECOND AMENDED CONTENTION Q**

The State of Utah hereby moves for leave to reply to the Applicant's and NRC Staff's responses to State of Utah's Request for Admission of Late-Filed Second Amended Utah Contention Q (August 23, 1999). Applicant's Response to State of Utah's Request for Admission of Late-Filed Second Amended Utah Contention Q (September 3, 1999); NRC Staff's Response to State of Utah's Request for Admission of Late-Filed Second Amended Utah Contention Q (September 3, 1999).

The State seeks leave to reply to various arguments made by the Applicant and the Staff that Second Amended Contention Q lacks a legal or factual basis and does not satisfy the Commission's criteria for late-filing. These arguments were not and could not have been anticipated by the State, and therefore the State should be allowed to respond in order to provide the Licensing Board with a complete record on which to decide whether to admit the contention.

If granted leave, the State intends to file its reply on or before Monday,
September 13, 1999.¹

Neither the Applicant nor the Staff oppose this motion.

DATED this 9th day of September, 1999.

Respectfully submitted,



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¹The State notes that the Applicant's and Staff's Responses were filed by electronic mail on the afternoon of Friday, September 3. As a practical matter, the State's counsel and expert were not able to begin work on replying to them until Tuesday, September 7. Thus, the time sought for preparing the State's Reply (five working days) is reasonable.

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S MOTION FOR LEAVE TO REPLY TO APPLICANT'S AND STAFF'S RESPONSES TO SECOND AMENDED CONTENTION Q was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 16th day of August, 1999:

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