

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	August 6, 1999

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**STATE OF UTAH'S MOTION FOR LEAVE TO REPLY  
TO NRC STAFF'S RESPONSE TO AMENDED CONTENTION Q**

The State of Utah hereby moves for leave to reply to the NRC Staff's August 5, 1999 Response to State of Utah's Request for Admission of Late-Filed Amended Utah Contention Q. The Staff opposes the admission of the contention, on grounds of both lateness and admissibility.

The State strongly disagrees with the Staff's characterization of the history and significance of the State's previous attempts to raise the Contention Q issues before the Board and the agency in general, and seeks an opportunity to address the issue before the Board. In addition, the State seeks an opportunity to address the technical arguments posed by the Staff in opposition to the admissibility of the contention, including whether the contention's claims should be raised instead in the Holtec cask approval proceeding; whether Holtec has, in fact, performed the new analysis sought by the amended contention; and if so, whether the analysis is adequate to satisfy the State's concerns. The State submits that an opportunity for a reply is needed in order

to ensure that the Board has a complete record for making a decision on the admissibility of the contention and the State's satisfaction of the late-filing criteria.

The attorney for the State who is responsible for Amended Contention Q will be out of town between August 9 and August 13, 1999. Therefore, the State requests that it be given until August 18, 1999 to file a reply.

The State has consulted with the NRC Staff regarding this request. The Staff does not object to the State having an opportunity for a reply, or to the requested date.

DATED this 6<sup>th</sup> day of August, 1999.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S MOTION FOR LEAVE TO REPLY TO NRC STAFF'S RESPONSE TO 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 6<sup>th</sup> day of August, 1999:

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