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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE  
OF THE  
ADMINISTRATOR

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 24, 2000

**STATE OF UTAH'S NOTICE OF WITHDRAWAL OF  
CONTENTION UTAH U (IMPACTS OF ON-SITE STORAGE)**

The State of Utah hereby notifies the Licensing Board and parties that it is withdrawing Utah Contention U (Impacts of On-site Storage), the NEPA<sup>1</sup> companion to Contention Utah H (Inadequate Thermal Design). Utah H charged that the Applicant, Private Fuel Storage, L.L.C. ("PFS"), had failed to provide an adequate thermal design for the PFS facility. State of Utah's Contentions on the Construction and Operating License Application by [PFS] for an Independent Spent Fuel Storage Installation (Nov. 24, 1997) (hereinafter, "State's Contentions") at 47-53. Likewise, Contention U, basis one, stated that the Applicant had given "inadequate consideration to the potential adverse impacts of onsite spent fuel storage" in that "[t]he ER fails to consider the impacts of overheating of casks due to the facility's inadequate thermal design. See Contention H (Inadequate Thermal Design), whose basis is adopted and incorporated herein by reference." State's Contentions at 127. Contentions Utah H and Utah U, basis one, were admitted by the Board in its April 22, 1998 decision, Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-

<sup>1</sup> National Environmental Policy Act, 42 USC §§ 4321 to 4370e.

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SECY-02

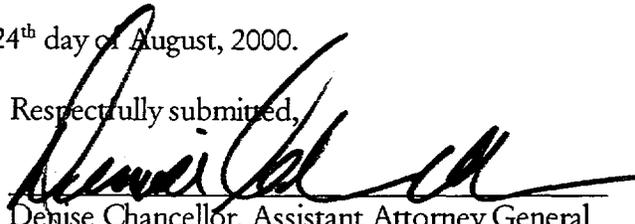
98-7, 47 N.R.C. 142, 188-189, and 199 (1998).

On June 15, 2000, the State withdrew Contention Utah H after the NRC Staff performed an independent thermal analysis of the proposed PFS facility which results allayed the State's concerns. See State of Utah's Notice of Withdrawal of Contention Utah H (June 15, 2000).

Accordingly, the State sees no reason to go forward with Contention Utah U and requests leave of the Board to withdraw this contention.

DATED this 24<sup>th</sup> day of August, 2000.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAHS NOTICE OF WITHDRAWAL OF CONTENTION UTAH U (IMPACTS OF ON-SITE STORAGE) was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 24<sup>th</sup> day of August, 2000:

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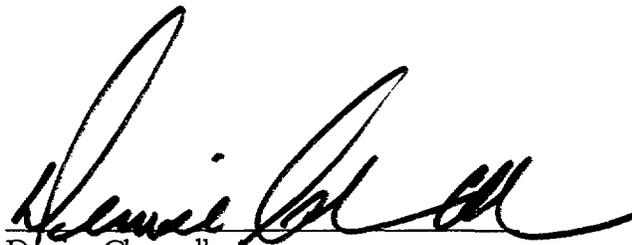
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A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor  
Assistant Attorney General  
State of Utah