

RAS 4912

October 3, 2002

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

October 8, 2002 (1:29PM)

Before the Commission

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)	
)	
PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22
)	ASLBP No. 97-732-02-ISFSI
(Private Fuel Storage Facility))	

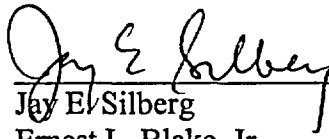
**APPLICANT'S ANSWER OPPOSING
STATE OF UTAH'S MOTION TO ALLOW THREE-PAGE
SUPPLEMENT ON THE MEANING OF 42 U.S.C. § 10155(h)**

On October 2, 2002, the State of Utah filed a "Motion to Allow Three-Page Supplement on the Meaning of 42 U.S.C. §10155(h)." According to the State, the motion was filed five days after one of Utah's lawyers "first had the flash leading to the [supplement]."

The "supplement" is the State's attempt to make a ninth separate filing to the NRC by the State on its legal theory that the Commission lacks the jurisdiction to license the proposed Private Fuel Storage Facility. See "Applicant's Response Opposing Utah's Motion for Reply Briefs And/Or Oral Argument Regarding Utah's Suggestion of Lack of Jurisdiction," dated May 30, 2002 at 1-3 (outlining the seven opportunities that the State had since 1997 to brief these issues to the NRC and the additional opportunities in the now-resolved federal district court litigation). In its June 7, 2002 order, the Commission afforded the State an eighth opportunity, which the State took advantage of. See "Utah's Reply Brief Regarding Utah's Suggestion of Lack of Jurisdiction," dated June 17, 2002.

Enough is enough. The Commission should deny the State's motion.

Respectfully submitted,



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Dated: October 3, 2002

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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "Applicant's Answer Opposing State of Utah's Motion to Allow Three-Page Supplement on the Meaning of 42 U.S.C. § 10155(H)" 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 3rd day of October 2002.

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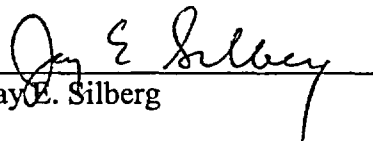
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