

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

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Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

August 16, 1999

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

The State of Utah hereby moves for leave to reply to the Applicant's August 6, 1999, Response to State of Utah's Request for Admission of Late-Filed Amended Utah Contention Q ("Applicant's Response"). The Applicant opposes the admission of the contention, on grounds of both lateness and admissibility. The Applicant's arguments are generally similar to arguments made by the NRC Staff in its opposition to the contention, *i.e.*, that the State lacks good cause because it could have raised its claims earlier, that its claims belong in the generic rulemaking for approval of the Holtec HI STORM cask, and that the analysis sought by the State has already been performed. In addition, the Applicant argues that the State may not raise cask integrity issues in relation to the Intermodal Transfer Facility.

The Board has already given the State leave to reply to the NRC Staff's response to Amended Contention Q, by August 18, 1999. Order (Granting Leave to File Reply to Response) (August 9, 1999). The State seeks leave to use that pleading to

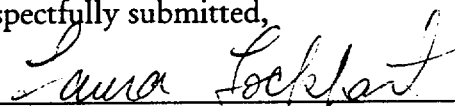
address the arguments made by the Applicant.

The State regrets the lateness of this motion, but counsel responsible for Amended Contention Q was out of town last week, and only became aware of the Applicant's Response when she returned to the office today. Although the Applicant apparently attempted to serve its response electronically on August 6, the transmittal was unsuccessful until August 10, after counsel had left town. Therefore counsel was unaware of the Response until she returned to work today.

The State has consulted with the Applicant regarding this request. The Applicant does not object to the State having an opportunity for a reply.

DATED this 16th 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 APPLICANT'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 16th day of August, 1999:

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