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STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



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ATTORNEY GENERAL

OFFICE OF THE SECRETARY  
RULEMAKING AND ADJUDICATIONS  
PALMER DEPAULIS  
Chief of Staff

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

February 27, 1998

Emile L. Julian, Assistant for  
Rulemakings and Adjudications  
Rulemakings and Adjudications Staff  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike, One White Flint North  
Mail Stop: O16G15  
Washington, D.C. 20555

Re: In the Matter of Private Fuel Storage, LLC, Docket 72-22

Dear Mr. Julian;

Enclosed are original Declarations which had not been available or were inadvertently omitted at the time two of Utah's pleadings were filed. Since these pleadings contain proprietary information, the original pleadings were sent to you, but the Declarations accompanying those original pleadings were either copies or faxed versions. Please replace the copied or faxed versions of those Declarations with the enclosed original Declarations.

Those pleadings and accompanying Declarations are:

1. "State of Utah's Request for Consideration of Late-Filed Contentions EE and FF," dated December 23, 1997, supported by the Declarations of Lawrence A. White (dated December 22, 1997) and Lawrence L. Holish (dated December 19, 1997) (originals enclosed), Exhibits 25 and 26 respectively; and
2. "State of Utah's Reply to the NRC Staff's and Applicant's Responses to State of Utah's Contentions EE and GG, and Notice of Withdrawal of Contention FF," dated February 11, 1998, supported by the Declaration of Lawrence L. Holish (dated February 9, 1998) (original enclosed), Exhibit 1.

Enclosed also is a copy of the first page of each pleading for your convenience.

Yours truly,

Jean Braxton,  
Legal Assistant

Enclosures: as stated

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SECY-02

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)	)	December 23, 1997

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STATE OF UTAH'S REQUEST FOR CONSIDERATION  
OF LATE-FILED CONTENTIONS EE AND FF

**Introduction**

Pursuant to 10 C.F.R. §§ 2.714(a)(1) and (b)(1), the State of Utah hereby requests consideration of Contentions EE and FF. These contentions address issues raised by the vendor's proprietary reports on seismic stability and radiation shielding for the Holtec HI STORM cask, which the State received under a confidentiality agreement on November 13, 1997. These reports are HI-971631, Multi-Cask Seismic Response at the PSF [sic] ISFSI, (May 19, 1997) (hereinafter "Holtec Seismic Report"), and HI-971645, Radiation Shielding Analysis for the Private Fuel Storage Facility (March 1997) (hereinafter "Holtec Radiation Shielding Report").

The State submits that it satisfies the criteria for late-filing of these contentions under 10 C.F.R. § 2.714(a)(1):

First, the State has good cause for late filing, because the State was not able to

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

*Exhibit 25*

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

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

**DECLARATION OF LAWRENCE A. WHITE, P.E.**

1. I am an Executive Vice President of Versar, Inc., an engineering and consulting firm headquartered in Springfield, Virginia. I have extensive experience in the areas of nuclear licensing and radioactive waste management, including the siting, design, construction, operation, and decommissioning of nuclear facilities. Copies of my resume, which further describes my qualifications, and a description of Versar, Inc., are attached as Exhibit 1 to the contentions filed by the State of Utah in this proceeding on November 23, 1997.

2. I am familiar with Private Fuel Storage's ("PFS's") Safety Analysis Report and the design of the casks that PFS proposes to use at its Private Fuel Storage Facility ("PFSF"). I am also familiar with the seismic and radiation shielding analyses prepared by Holtec, which are relied on by PFS in support of its license application.

3. I assisted in the preparation of, and have reviewed, the State of Utah's Contention EE, regarding Failure to Demonstrate Cask-Pad Stability During a Seismic Event, and Contention FF, regarding Radiation Shielding. The technical facts presented in those contentions are true and correct to the best of my knowledge, and the conclusions drawn from those facts are based on my best professional judgment.

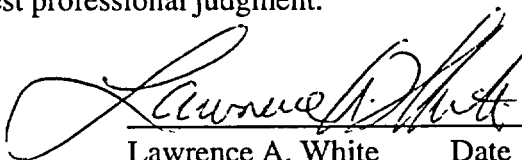
  
Lawrence A. White      Date *12/22/97*

Exhibit 26

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

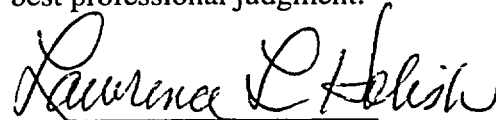
In the Matter of	)	
	)	
PRIVATE FUEL STORAGE, LLC	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent	)	ASLBP No. 97-732-02-ISFSI
Fuel Storage Installation)	)	
	)	

**DECLARATION OF LAWRENCE L. HOLISH, P.E.**

1. I am employed as head of the Engineering Division at Versar, Inc Midwest Regional Office. I have extensive experience in geotechnical engineering and seismic analysis for nuclear power plants and oher facilities. A copy of my resume, which further describes my qualifications, is attached.

2. I am familiar with Private Fuel Storage's ("PFS's") Safety Analysis Report and the design of the casks that PFS proposes to use at its Private Fuel Storage Facility ("PFSF"). I am also familiar with the seismic analysis prepared by Holtec, which is relied on by PFS in support of its license application.

3. I assisted in the preparation of, and have reviewed, the State of Utah's Contention EE, regarding Failure to Demonstrate Cask-Pad Stablility During a Seismic Event. The technical facts presented in that contention are true and correct to the best of my knowledge, and the conclusions drawn from those facts are based on my best professional judgment.



Lawrence L. Holish, P.E.

December 19, 1997

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)	)	February 11, 1998

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STATE OF UTAH'S REPLY TO THE NRC STAFF'S  
AND APPLICANT'S RESPONSES TO  
STATE OF UTAH'S CONTENTIONS EE and GG,  
AND NOTICE OF WITHDRAWAL OF CONTENTION FF

In accordance with the Licensing Board's Memorandum and Order of February 2, 1998, the State of Utah hereby replies to the Responses filed by the NRC Staff (Staff) and the Applicant on January 9, 1998 with respect to Contentions EE, and the Responses filed by the Staff and Applicant on January 20, 1998 with respect to Contention GG. With respect to Contentions EE and GG, this Reply is supported by the Declaration of Lawrence Holish, PE, Versar, Inc., attached hereto as Exhibit 1.

The State also hereby notifies the Board and parties of its withdrawal of Contention FF. By withdrawing the contention, however, the State does not accede to any of the arguments made by the Applicant and Staff regarding its admissibility and of the State's good cause to file it late.

Exhibit 1

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

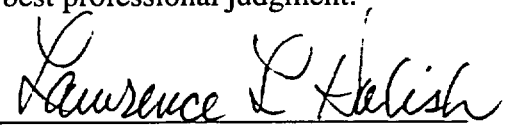
In the Matter of	)	
	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	)	
	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent	)	
Fuel Storage Installation)	)	February 9, 1998

**DECLARATION OF LAWRENCE L. HOLISH, P.E.**

1. I am employed as head of the Engineering Division at Versar, Inc. Midwest Regional Office. I have extensive experience in geotechnical engineering and seismic analysis for nuclear power plants and other facilities. A copy of my resume, which further describes my qualifications, is attached as Exhibit 26 to State of Utah's Contention EE, filed December 23, 1997.

2. I am familiar with Private Fuel Storage's ("PFS's") Safety Analysis Report and the design of the casks that PFS proposes to use at its Private Fuel Storage Facility ("PFSF"). I am also familiar with the seismic analyses prepared by Holtec and Sierra Nuclear, which are relied upon by PFS in support of its license application.

3. I assisted in the preparation of, and have reviewed, the State of Utah's Reply to Applicant's and NRC Staff's Response to State's Contentions EE and GG regarding Failure to Demonstrate Cask-Pad Stability During a Seismic Event. The technical facts presented in this Reply are true and correct to the best of my knowledge, and the conclusions drawn from those facts are based on my best professional judgment.

  
 Lawrence L. Holish, P.E.  
 Date February 9, 1998