

February 24, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PRIVATE FUEL STORAGE L.L.C.

(Independent Spent
Fuel Storage Installation)

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Docket No. 72-22-ISFSI

NRC STAFF'S RESPONSE TO
APPLICANT'S AND STATE OF UTAH'S
PROPOSED TRANSCRIPT CORRECTIONS

Pursuant to 10 C.F.R. § 2.730(c) and the Licensing Board's "Memorandum and Order (Contention Revisions and Transcript Corrections)," dated February 9, 1998 (at 3), the NRC Staff ("Staff") hereby responds to the proposed corrections to the transcript of the Prehearing Conference held on January 27-29, 1998, submitted by Private Fuel Storage L.L.C. (the "Applicant") and the State of Utah on February 17, 1998.¹

The Staff has reviewed the Applicant's and State's proposed transcript corrections, and does not object to those proposed corrections except in the following respects:

(1) The Applicant proposes corrections to statements made by Judge Lam and Ms. Chancellor, at Page 139 Line 17, Page 140 Line 23, and Page 141 Line 1, to change the

¹ See (1) "Applicant's Response to Revised Contentions and Proposed Transcript Corrections" ("Applicant's Corrections"), dated February 17, 1998; and (2) "State of Utah's Comment on Revisions to Contentions and Proposed Corrections to the Pre-Hearing Transcript" ("State's Corrections"), dated February 17, 1998.

term "7261" to read "72.6(c)" (Applicant's Corrections at 5). This correction should be modified to read, more correctly, "72.6(c)(1)."

(2) The Applicant proposes a correction to a statement by Mr. Turk, at Page 150 Line 1, to insert the word "this" before the word "appears" at the beginning of the page (Applicant's Corrections at 6). This correction has also been addressed by the Staff in its proposed transcript corrections of February 17, 1998,² in which the word "this" was proposed to be inserted at the end of page 149 (Staff's Corrections at 2). The Applicant's proposed correction should be rejected, to prevent the word "this" from appearing twice.

(3) The Applicant proposes changes to Page 295, Lines 3 and 8, to change the term "new reg" to read "NUREG" (Applicant's Corrections at 9). The transcript does not contain the term "new reg" on line 8 of page 295; accordingly, page 295 line 8 should not be changed.

(4) The Applicant proposes a correction to Judge Lam's statement, at Page 375 Line 15, to change the word "that" to read "for" (Applicant's Corrections at 11). This proposed correction would render the sentence incomprehensible. The transcript is correct as printed, and this proposed change should be rejected.

(5) The Applicant proposes a correction to a statement by Mr. Turk at Page 385 Line 12, to change the words "for your economy" to read "at the prehearing" (Applicant's Corrections at 11). This change has also been addressed in the Staff's proposed transcript corrections of February 17, 1998, in which a correction to the quoted words was proposed, to read, "further at the hearing" (Staff's Corrections at 5). Inasmuch as the Applicant's proposed

² See "Attachment" to "NRC Staff's Motion to Correct the Transcript," dated February 17, 1998 ("Staff's Corrections").

transcript change differs from the transcript change proposed by the Staff, both changes cannot be made.³ As the party responsible for this statement, the Staff submits that its proposed correction should be adopted.

(6) The Applicant proposes a correction to Ms. Curran's statement, at Page 521 Line 10, to change the word "Limeric" to read "Limerick" (Applicant's Corrections at 12). The word "Limeric" does not appear on page 521 line 10, although it does appear on line 10 of page 523; the Staff would not object to the proposed change being made to page 523 line 10.

(7) The Applicant proposes a correction to Page 635 Line 13, to change the word "noreg" to read "NUREG" (Applicant's Corrections at 13). The word "noreg" does not appear on page 635, and this proposed change should therefore be rejected.

(8) The State proposes a correction to Page 139 Line 19, to change the word "there" to "they are" (State's Corrections at 3). In order to make the statement comprehensible, this correction should be modified to delete the words "there is" rather than only the word "there"; with this modification, the Staff does not oppose this correction.⁴

³ The fact that different parties have sought to correct the same portion of the transcript in different ways highlights the difficulties that can arise when parties seek to correct the transcript of statements made by persons other than their own counsel or witnesses. Accordingly, in the absence of compelling circumstances, the Staff suggests, that in the future, the parties refrain from filing proposed transcript corrections except with respect to statements made (a) by their own counsel or witnesses, (b) by another party's witness during cross-examination by the moving party, or (c) by members of the Licensing Board. Alternatively, transcript corrections should be made upon stipulation among the parties.

⁴ The State's proposed transcript corrections cite a version of the transcript for January 27, 1998, which appears to have been paginated differently than the transcript received by the Staff at the prehearing conference -- with the result that most of the statements cited by the State actually appear one line higher in the Staff's copy of the transcript for that day. The Staff assumes that the State's copy of the transcript for January 27, 1998, which was delivered after the prehearing conference, reflects the official and correct pagination thereof.

CONCLUSION

In sum, the Staff submits that the proposed transcript corrections discussed above should be modified as described herein. With these exceptions, the Staff does not oppose the Applicant's and State of Utah's proposed transcript corrections.

Respectfully submitted,



Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 24th day of February 1998

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO APPLICANT'S AND STATE OF UTAH'S PROPOSED TRANSCRIPT CORRECTIONS" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the United States mail, first class, as indicated by an asterisk, with copies by electronic mail as indicated, this 24th day of February, 1998:

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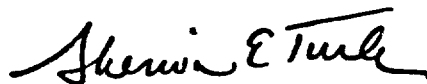
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