

November 12, 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.)	Docket No. 72-22
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

**APPLICANT'S ANSWER TO OGD'S CONTENTIONS RELATING TO THE
LOW RAIL TRANSPORTATION LICENSE AMENDMENT**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby submits its answers to Ohngo Gaudadeh Devia's ("OGD") "Contentions Relating to the Low Rail Transportation License Amendment," filed November 2, 1998 ("OGD Rail Cont.").¹ For the reasons set forth below, PFS respectfully submits that OGD's contentions should be denied in their entirety for failing to address and meet the criteria for the admission of late-filed contentions and for failing to meet the requirements for pleading contentions.

A. Failure to Address and Meet Criteria for Late-Filed Contentions

As set forth in PFS's Answer to the State of Utah's Rail Contentions, late-filed contentions must meet the five-factor test of 10 C.F.R. § 2.714(a)(1).² At the outset,

¹ On August 28, 1998, PFS filed an amendment to the license application which (1) moved the rail spur from the Skull Valley road corridor to a corridor running from Low, Utah running along the western side of Skull Valley to the Skull Valley Reservation (the "Low Corridor"), and (2) moved the Intermodal Transfer Point ("ITP") 1.8 miles west of its original location.

² "Applicant's Answer to State of Utah's Contentions Relating to the Low Rail Transportation License Amendment," dated October 14, 1998, at 2-4 (hereinafter "PFS Answer").

OGD's contentions must be dismissed because OGD has failed to address the five factors governing the admission of late-filed contentions.³ Absent a balancing of those factors, a late filing "will not be entertained." 10 C.F.R. § 2.714(a)(1). A late petitioner must address each of the factors and "affirmatively demonstrate" that they favor the admission of its petition. Duke Power Company (Perkins Nuclear Station, Units 1, 2 and 3), ALAB-615, 12 NRC 350, 352 (1980). Failing that, the petition may be summarily dismissed. Texas Utilities Electric Company (Comanche Peak Steam Electric Station, Unit 2), CLI-93-11, 37 NRC 251, 255 (1993); Boston Edison Company (Pilgrim Nuclear Power Station), ALAB-816, 22 NRC 461, 466 (1985) ("the burden of persuasion on the lateness factors is on the tardy petitioner and . . . , in order to discharge that burden, the petitioner must come to grips with those factors in the petition itself"). Because OGD has failed to come to grips with those factors, its contentions must be dismissed.

Moreover, it is clear that OGD has not satisfied the five-part criteria for the admission of late filed contentions. The most important factor is good cause for late filing. See Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 208 (1998) (hereinafter "LBP-98-7, 47 NRC at ___"). If a late-filed contention is predicated upon the previous unavailability of a document, a petitioner will not have good cause for its lateness, unless, among other things, the contention is "wholly depend-

³ At most, OGD has addressed, albeit not explicitly, the factor of good cause in its discussion of the timing of its receipt of the proposed license amendment. See OGD Rail Cont. at 2. OGD has completely failed to address any of the other four factors in any respect whatsoever.

ent” upon the content of the newly available document. Duke Power Company (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 NRC 1041, 1043-44 (1983).

Here, it is readily apparent from the contentions themselves that OGD lacks good cause for late filing. On their face, the great majority of OGD’s contentions are equally applicable to the rail line as initially proposed along the Skull Valley. Indeed, many of OGD’s Low rail contentions were raised in one manner or another by OGD in its original contentions and rejected by the Board.

Specifically, OGD claims that it and its members will be adversely affected by (i) the routine operation of the Low rail spur and transportation-related accidents (Contention R), (ii) potential acts of sabotage against spent fuel shipments on the rail spur (Contention S), (iii) the potential failure of flat-bed rail cars (Contention T), (iv) potential fires caused or enhanced by rail activities (Contention U), (v) failure of casks that may be used to ship spent fuel to the ISFSI (Contention V), (vi) accidents involving the loading and transportation of spent fuel shipping casks (Contention W), and (vii) failure to assess environmental justice issues caused by transporting spent fuel into Skull Valley via the rail spur (Contention X). None of these seven contentions is, however, in any way dependent upon the location of the rail line. OGD has provided no information to show that the Low Corridor rail line is any more vulnerable to accidents, sabotage, terrorism, rail car failures or wild fires, or more prone to raise environmental justice issues, than the formerly proposed Skull Valley road rail line. See also ER, Rev. 1 at §§ 2.7, 4.4.8, 5.2; compare ER Rev. O at § 4.4.8. Nor has PFS changed the cask design it plans to use to ship spent fuel to the ISFSI. Compare SAR, Rev. 0 at 1.4-1 with SAR, Rev. 2 at 1.4-1. In short, none of these

seven contentions relate to, much less wholly depend on, new information in the August 28, 1998 amendment to the license application.

Similarly, with respect to the other contentions, OGD has failed to identify -- by virtue of their vagueness and lack of specificity -- any new information on which the contentions are dependent.⁴ Indeed, in Contention Q, OGD challenges the NRC's procedure for evaluating the application without even mentioning the rail line or its location. In Contention Y, OGD alleges that one of its members is harmed by being deprived of the opportunity to graze her horses on Reservation land designated for the Low Corridor rail spur. However, OGD fails to show that her harm differs in any manner from that which she would have suffered from the lack of opportunity to graze her horses on Reservation land that would have been used for the Skull Valley road rail spur. In Contention Z, OGD alleges that the rail line will harm a culturally significant trail and related Goshute artifacts. But the supporting declaration identifies no specific trail or artifacts and only alludes to the fact that Skull Valley Goshutes used "to travel across the area where Low the rail spur will be constructed and operated" and the related potential for the presence of artifacts. Bullcreek Dec. ¶ 3. Neither Contention Z nor the declaration asserts that the Low Corridor area was used to any greater extent by Goshute ancestors than the Skull Valley road area or that there is any greater likelihood of artifacts in the Low Corridor area than the Skull Valley road area.

⁴ "[I]t is [petitioner's] burden to allege with particularity its good cause for late filing." Florida Power & Light Company (St. Lucie Plant, Unit No. 2), LBP-81-28, 14 NRC 333, 344 (1981); cf. Texas Utilities

Thus, OGD lacks good cause for the late filing of its contentions and, by virtue of its failure to address the factors set forth in 10 C.F.R. § 2.714(a)(1), it has utterly failed to “make a compelling showing on the other four factors.” LBP-98-7, 47 NRC at 208. Accordingly, its late filed contentions must be dismissed.

B. Failure to Meet Commission Pleading Requirements

As set forth below, each of OGD’s contentions must also be dismissed for failure to meet the Commission’s requirements for the pleading of contentions.

1. OGD Contention Q

OGD claims that by “acting on the proposed license and amendments prior to completing an Environmental Impact Statement . . . the NRC has made irretrievable commitments of resources resulting in severe prejudice to the EIS process” and that the “present procedure” employed by the NRC “prejudices the NRC’s ability to fairly assess alternatives” to the PFSF and the transportation of spent fuel. OGD Rail Cont. at 2.

This contention must be dismissed as an improper challenge to the basic structure of the NRC’s regulatory process. Contention Q raises no challenge to PFS’s license application as amended; rather it solely challenges the procedure employed by the Commission to evaluate the application and the process employed by the NRC Staff to prepare its EIS. Such challenges are improper and must be rejected.⁵ Further, Contention Q is to-

Electric Company (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-92-12, 36 NRC 62, 72 (1992) (“vague allegations cannot constitute ‘good cause’”).

⁵ Philadelphia Electric Company (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20, aff’d in part on other grounds, CLI-74-32, 8 AEC 217 (1974) (“a licensing proceeding before this agency is plainly not the proper forum . . . for challenges to the basic structure of the Commission’s regulatory process”); 54 Fed. Reg. 33,168, 33,171 (1989) (10 C.F.R. Part 2 Statement of Considerations)

tally vague and must be dismissed for lack of specificity. See 10 C.F.R. § 2.714(b)(2); LBP-98-7, 47 NRC at 178. OGD does not identify (1) how the NRC is “acting on the proposed license and amendments prior to completing” an EIS, (2) how the NRC has made “irretrievable commitments of resources” or (3) how the NRC’s procedure “prejudices [its] ability to fairly assess alternatives.” Nor has OGD supplied any factual bases for its assertions. Thus, Contention Q is totally deficient and must be dismissed.

2. OGD Contention R

OGD asserts that OGD and its members will be adversely affected by the “routine operation of the Low rail spur” and “by any transportation-related accidents.” OGD Rail Cont. at 2. Specifically, OGD claims that the “ability of OGD and its members to pursue the traditional Goshute lifestyle will be adversely impacted” by “visual intrusion, noise, worker and visitor traffic and activity” and that OGD members will suffer “individual and collective social, psychological, and cultural impacts, such as a sense of loss of well-being” from the storage and transportation of the spent fuel and fears of transportation accidents, terrorism, and sabotage. Id. at 2-3.

This contention must be dismissed because it is essentially identical to OGD Contention P, which the Board earlier considered and dismissed for failure to show a genuine dispute of material fact, lack of basis, failure to challenge the application, and improper assertion of psychological stress as an environmental impact.⁶ OGD has supplied no new

(“a contention will not be admitted if the allegation is that the NRC staff has not performed an adequate analysis”).

⁶ LBP-98-7, 47 NRC at 233-34; see also “Ohngo Gaudadeh Devia’s Contentions Regarding the Materials License Application of Private Fuel Storage in an Independent Spent Fuel Storage Installation,” dated

information to overcome these deficiencies. PFS's ER addresses the noise and worker traffic related to the Low rail spur, ER, Rev. 1 at 4.4-7 to 8, its visual impact, id. at 4.4-9, and transportation-related accidents occurring during its usage, id. at 5.2-1 to 3. OGD completely ignores these assessments and provides no bases whatsoever to challenge their adequacy. Thus, the few changes made by OGD to refer to the Low rail spur are insufficient to cure the contention's many defects and it must be dismissed, wholly apart from being late-filed, for the same reasons that the Board dismissed OGD Contention P.

3. OGD Contention S

OGD claims that it is adversely affected by potential acts of sabotage against spent fuel shipments on the rail spur and that "PFS and the NRC" have failed to adequately address the potential for and the impacts of such sabotage. OGD Rail Cont. at 3.

This contention raises assertions previously raised in OGD Contention C in which OGD asserted, among other things, that the application failed to adequately consider potential acts of sabotage and terrorism during the transportation of spent fuel. Compare OGD Contentions at 7, 11-13. The Board dismissed OGD Contention C, see LBP-98-7, 47 NRC at 227-28, and Contention S should be dismissed for similar reasons. Contention S is utterly devoid of basis in documented fact or expert opinion contrary to the basic requirement of 10 C.F.R. § 2.714(b)(2)(ii). Further, Contention S seeks to raise an issue -- transportation sabotage -- that is outside the scope of this hearing and impermissibly seeks

November 24, 1997, at 36 (hereinafter "OGD Contentions"); Applicant's Answer to Petitioners' Contentions, dated December 24, 1997, at 612-19.

to challenge the NRC and DOT regulations, and associated generic rulemaking determinations, which address and govern the transportation of spent fuel, including related sabotage. See 10 C.F.R. § 51.52; 10 C.F.R. Parts 71 and 73; Applicant's Answer to Petitioners' Contentions at 506-10. Thus Contention S must be dismissed.⁷

4. OGD Contention T

OGD claims that it and its members will be adversely affected by the failure of "PFS and/or the NRC to fully evaluate the potential failure of the flat bed rail cars that will transport the spent nuclear fuel" and by malfunctions or accidents, including sabotage, repair activities, human error in moving casks, and "similar effects that have not been fully considered by PFS." OGD Rail Cont. at 3-4.

Contention T must be dismissed for the same reasons as OGD Contention S above for (i) completely lacking any supporting factual basis whatsoever, (ii) seeking to litigate matters -- rail transportation accidents, repairs, and sabotage -- outside the scope of this hearing, and (iii) impermissibly seeking to challenge the NRC and DOT regulations, and associated generic rulemaking determinations, which address and govern the transportation of spent fuel. See LBP-98-7, 47 NRC at 227-28; 10 C.F.R. § 51.52; 10 C.F.R. Parts 71 and 73; Applicant's Answer to Petitioners' Contentions, at 506-10.

5. OGD Contention U

OGD asserts that its members will be "adversely affected by potential fires caused by or enhanced by rail activities." OGD Rail Cont. at 4. OGD also claims that the impact

⁷ Moreover, to the extent that Contention S challenges the NRC Staff's evaluation of PFS's application, it must be rejected. 54 Fed. Reg. at 33,171.

of a range fire could be “devastating” and that the ER does not discuss “the impacts of creating the buffer zone [around the rail line] or the impacts of a fire.” Id.

Contention U must be dismissed for lack of basis in that OGD provides no fact or expert opinion to support any claim regarding the impact of the rail line to cause or enhance range fires. See OGD Rail Cont. at 4. Nor does OGD provide any basis to show that the impact of any fire started by the rail line or the effect of the rail line on any fire would be significant. Id.⁸

Further, the contention must be dismissed for ignoring PFS’s treatment of wildfires in the application. The ER states that a “40 ft wide rail spur corridor will be cleared of vegetation to provide a buffer zone in preventing fires” that may be caused by rail transport or construction⁹ and that “the rail spur will be constructed close to grade to allow emergency fire vehicles access over the rail bed.” ER, Rev. 1 at 4.4-9. Although alluding to this corridor, OGD provides no basis to challenge the sufficiency of this corridor to prevent fires or the ability of emergency fire vehicles to cross over the rail bed. Also, although OGD claims that the ER “does not discuss the impacts of creating the buffer zone,” OGD Rail Cont. at 4, in fact the ER directly addresses the effect of clearing a corridor on either side of the rail line. ER at 4.4-1 to 4.¹⁰ OGD completely ignores this as-

⁸ An applicant is not required to address insignificant environmental effects. 10 C.F.R. § 51.45(b)(1) (“impacts shall be discussed in proportion to their significance”); 49 Fed. Reg. 9,352, 9,363 (1984) (“There shall be only brief discussion of other than significant issues,” 10 C.F.R. Part 51, Statement of Considerations).

⁹ This buffer zone will be established prior to rail construction activities. See ER, Rev. 1 at 3.2-6.

¹⁰ Specifically, the ER notes that the permanent loss of vegetation will be approximately 155 acres which “is minor compared to the over 1 million acres” of similar habitat in Tootle County, that “[t]here are . . .

assessment in the ER and provides absolutely no basis to challenge its adequacy. Therefore, this contention must be dismissed.

6. OGD Contention V

OGD claims that OGD and its members will be adversely affected by “any type of failure of the casks that may be used to ship spent nuclear fuel” to the ISFSI. OGD Rail Cont. at 4. OGD claims that PFS’s and the NRC’s reliance on Table S-4 is unwarranted because the casks have not been adequately tested and that, in turn, undermines PFS’s assessment of the impact of spent fuel transportation. Id. at 4-5.

This contention raises issues similar to OGD Contention I in which OGD asserted that the PFS cask design was “unsafe and untested for long periods of time,” which the Board rejected.¹¹ This contention must be similarly rejected because OGD provides no facts or expert opinion whatsoever to support its assertion that PFS cannot rely on Table S-4 without performing further testing on the shipping casks. Moreover, like OGD Contention I, Contention V impermissibly seeks to challenge Table S-4 and the associated generic rulemaking determinations embodied in Table S-4, and must therefore be dismissed.

7. OGD Contention W

OGD asserts that its members will be adversely affected by potential human error, accidents or malfunctions “involving the 1) loading of shipping casks, 2) transportation of

no unique vegetation habitat features in areas proposed for vegetation removal,” and that the impact on animal species is expected to be minimal. ER at 4.4-3. Moreover, PFS will take steps, such as providing alternative nesting or den locations, to mitigate impacts on particularly sensitive species that may be present in or near the corridor. Id. at 4.4-3. See also ER, Rev. 1 at § 2.3.3.

¹¹ See LBP-98-7, 47 NRC at 230; OGD Contentions at 22; Applicant’s Answer to Petitioners’ Contentions at 556-58.

shipping casks to a railhead and 3) transportation of shipping casks via rail, including the proposed rail spur” to the ISFSI. OGD Rail Cont. at 5. OGD further claims that Table S-4 “does not adequately contemplate any of [these] issues,” and thus PFS may not rely on Table S-4 to satisfy the requirement to protect the public health and the environment. Id.

This contention is a broad based challenge, similar to Utah Contention V,¹² to NRC regulations and generic determinations concerning the transportation of spent nuclear fuel, namely 10 C.F.R. § 51.52 and WASH-1238. Thus, similar to Utah V, this contention should be dismissed for impermissibly challenging NRC regulations and associated generic rulemaking determinations. See LBP-98-7, 47 NRC at 200-01; Applicant’s Answer to Petitioner’s Contentions at 297-310. Contention W must also be dismissed because it is utterly devoid of basis in fact or expert opinion and is plainly wrong. Contrary to OGD’s claim, 10 C.F.R. § 51.52 assesses the impacts associated with “irradiated fuel . . . shipped from the reactor by truck, rail, or barge,” § 51.52(a)(5), and “possible accidents in transport,” § 51.52(a)(6). Thus, this contention must be dismissed.

8. OGD Contention X

OGD claims that “PFS and/or the NRC” have failed to assess environmental justice issues arising from the proposed transportation of spent fuel into Skull Valley via rail spur. OGD Rail Cont. at 5. OGD claims that it is “discriminatorily and disproportionately impacted by the plan to transport high level spent nuclear fuel into the Skull Valley area,”

¹² “State of Utah’s Contentions on the Construction and Operating License Application by Private Fuel Storage, LLC for an Independent Spent Fuel Storage Facility,” dated November 23, 1997, at 150-157.

that “[a] facility like PFS and a rail spur to accommodate it would not be proposed for communities that are wealthy, more densely populated, and predominately white,” and that it is unfairly being asked to bear the burden of the nation’s use of nuclear power. Id.

This contention, like the previous contention, does not depend on PFS’s relocation of its rail line but is a general challenge to the project. First, apart from its obvious lack of good cause discussed in Part A above, the contention is completely unsupported by fact or expert opinion. OGD provides no fact or expert opinion to support its claim of disproportionate impact resulting from the Low Corridor rail spur.¹³ OGD also provides no support for its claim of being unfairly asked to bear the burden of the nation’s nuclear power program. Second, OGD’s alleged claim of racial discrimination is beyond the scope of NEPA and this proceeding: “nothing in NEPA or in the cases interpreting it indicates that the statute is a tool for addressing problems of racial discrimination.” Louisiana Energy Services, L.P. (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 101 (1998). See also Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-98-13, 48 NRC 26, 35 (1998) (claims regarding discrimination in site selection are not cognizable). Third, OGD’s claims that it is unfairly being asked to bear the burden

¹³ OGD refers to “the analysis provided in OGD Contention O” as “further support” for this contention. OGD Rail Cont. at 5-6. However, Contention O concerned alleged disproportionate impacts arising from placing the proposed ISFSI in the “dead center of an Indian Reservation.” See OGD Contentions at 28. Here, the proposed rail line runs from the reservation to Low, Utah, on the main Union Pacific rail line near Interstate 80, some 30 miles away. ER, Rev. 1 at 4.4-1. Therefore, even assuming OGD could incorporate its analysis from OGD Contention O, that analysis is not on point, and having provided no other support for its claims of disproportionate impact in Contention X, the contention must be dismissed.

of the nation's nuclear power program are policy arguments that do not suffice as bases for contentions. LBP-98-7, 47 NRC at 179. Thus, Contention X must be dismissed.

9. OGD Contention Y

OGD claims that it and its members are harmed by the use of the lands proposed for the Low Corridor rail spur and that, in particular, PFS failed to adequately address the impact of the rail spur on one OGD member's use of Reservation land for grazing horses. OGD Rail Cont. at 5-6.

This contention must be dismissed for ignoring relevant material in the application, LBP-98-7, 47 NRC at 181, and for failing to provide an adequate factual or reasoned basis to challenge the sufficiency of the application. Florida Power and Light Company (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-90-16, 31 NRC 509, 512 (1990). The ER discusses the amount of land that would be used for the rail spur and discusses the impact of constructing and operating the rail spur on grazing as follows:

Construction activities related to the Low Corridor will temporarily disturb resident livestock and cause them to avoid the construction area. Impacts from the removal of habitat (776 acres temporarily and 155 acres permanently) is minimal when compared to the 271,000 acres of rangeland in Skull Valley. Operation of the rail spur is not expected to adversely affect the use of the area for livestock grazing. Livestock will be able to freely cross the rail spur tracks accessing rangeland on either side. Due to the infrequent number of trips (1-2 round trips/week) and the slow train speed (20 mph), collisions with livestock are not anticipated. Further consultation with BLM will be conducted to determine if any additional measures are required to insure livestock access and safety.

ER, Rev. 1 at 4.4-2. The ER also addresses the revegetation of the Low Corridor and the rail line's potential impact on wildlife species. *Id.* at 4.4-3 to 4. OGD completely ignores

this assessment in the ER and provides no basis to challenge its adequacy. Thus, Contention Y must be dismissed.

10. OGD Contention Z

OGD claims that the construction and operation of the rail spur "will permanently damage the historically and culturally significant trail" used by the Goshutes and others to travel through the Skull Valley region and that the ER fails to assess whether significant artifacts exist in the area proposed for the rail spur. OGD Rail Cont. at 6.

This contention must be dismissed for lack of basis, vagueness and lack of specificity, and failure to demonstrate the existence of a genuine dispute of material fact. 10 C.F.R. § 2.714(b)(2)(ii) & (iii). First, the contention contains no basis to support its allegation regarding permanent damage to "the historically or culturally significant trail" used to travel through Skull Valley. OGD Rail Cont. at 6 (emphasis added). The supporting declaration only alludes to "oral history" that Skull Valley Goshutes used "to travel across the area where the Low rail spur will be constructed and operated" and identifies no specific trail that will be damaged by the rail spur. See Bullcreek Dec. ¶ 3. The supporting declaration therefore does not support the claim set forth in the contention, and the contention must be dismissed.¹⁴ Moreover, the declaration's statement is insufficiently specific to support a valid contention. See LBP-98-7, 47 NRC at 178.

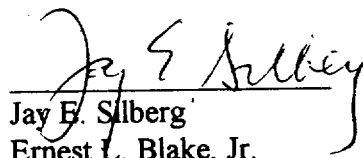
¹⁴ See Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-804, 21 NRC 587, 593 (1985) (rejecting contention where document cited as basis "[did] not support the point for which it [was] urged").

Second, the contention and the declaration are similarly insufficient to plead a valid contention concerning alleged artifacts in the Low Corridor. The supporting declaration merely states that "artifacts may be located on the lands where the rail spur will be constructed and operated." Bullcreek Dec. ¶ 3 (emphasis added). Indeed, the affiant acknowledges:

I have only known about the proposed Low rail spur alignment since early October and have not had the opportunity to adequately determine if any artifacts do indeed exist on the lands where the Low rail spur will be constructed and operated or on lands to which . . . access will be blocked by the Low rail spur.

Id. at ¶ 4 (emphasis added). Such vague, speculative claims do not provide sufficient basis to admit a contention for litigation in an NRC licensing proceeding. LBP-98-7, 47 NRC at 180 ("mere speculation" is not an adequate basis). Moreover, neither the contention nor the supporting declaration provide any basis to challenge the adequacy of the cultural resources assessment set forth in the ER, Rev. 1 at § 4.4.8 which concluded "that there is only a low probability of encountering archaeological or historical sites in the proposed rail spur corridor." Therefore, this contention must be dismissed.

Respectfully submitted,



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Dated: November 12, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Applicant's Answer to OGD's Contentions Relating to the Low Rail Transportation License Amendment" 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 12th day of November 1998.

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