

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

NRC STAFF'S RESPONSE TO STATE OF UTAH'S
REQUEST FOR ADMISSION OF LATE-FILED
MODIFICATION TO BASIS 2 OF CONTENTION UTAH LINTRODUCTION

Pursuant to 10 C.F.R. § 2.714(c), and the Atomic Safety and Licensing Board's "Order (Granting Joint Extension Motion)," dated November 17, 2000, the NRC Staff ("Staff") hereby responds to the "State of Utah's Request for Admission of Late-Filed Modification to Basis 2 of Contention Utah L," dated November 9, 2000 ("Third Modification Request"). For the reasons discussed below, the Staff submits that the State's Third Modification Request should be referred to the Commission, inasmuch as it seeks to invoke the Commission's adjudicatory procedures with respect to a proposed exemption from NRC regulatory requirements. In the alternative, if the Licensing Board rules upon the State's Third Modification Request, it should deny the request to the extent set forth below.

BACKGROUND

The State of Utah's original Contention L ("Geotechnical"), as admitted by the Board, asserted that:

The Applicant has not demonstrated the suitability of the proposed ISFSI site because the License Application and SAR do not adequately address site and subsurface

investigations necessary to determine geologic conditions, potential seismicity, ground motion, soil stability and foundation loading.

Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 191, 253 (1998).¹ Basis 2 for Contention Utah L, as filed by the State of Utah and admitted by the Board, asserted as follows:

2. Ground motion. The site may also be subject to ground motions greater than those anticipated by the Applicant due to spatial variations in ground motion amplitude and duration because of near surface traces of potentially capable faults (the Stansbury and Cedar Mountain faults). [Citation omitted.] Failure to adequately assess ground motion places undue risk on the public and the environment and fails to comply with 10 CFR § 72.102(c).²

Following the admission of this contention, various analyses were submitted by Private Fuel Storage, L.L.C. ("PFS" or "Applicant"), which indicated that the peak horizontal acceleration and peak vertical acceleration values from a seismic event would exceed the proposed facility's design values. To resolve the issue of seismic design, on April 2, 1999, PFS submitted a request for an exemption from the requirements of 10 C.F.R. § 72.102(f)(1) and 10 C.F.R. Part 100 Appendix A, in order to allow it to utilize a probabilistic seismic hazard analysis ("PSHA") and considerations of risk to establish the design earthquake ground motion levels at the facility, in lieu of the deterministic approach which PFS was required to utilize under Appendix A; in addition, the exemption request

¹ In admitting this contention, the Licensing Board noted that "the State agreed that its contention should not be construed as asking for evaluation of faults other than 'capable faults' as they are defined in 10 C.F.R. Part 100, App A. . ." LBP-98-7, 47 NRC at 191 n.14.

² "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 82-83.

proposed to design the facility to the ground motions produced by 1,000-year return period earthquakes.³

In response to the Applicant's exemption request, on April 30, 1999, the State filed a "Motion Requiring Applicant to Apply for Rule Waiver Under 10 CFR § 2.758(b) or in the Alternative Amendment to Utah Contention L" ("First Request"). On May 26, 1999, the Licensing Board denied the State's requests finding, *inter alia*, that "the question of admitting or amending contentions relative to the PFS exemption request must await favorable staff action on that request." *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-99-21, 49 NRC 431, 439 (1999).⁴

On December 15, 1999 (as revised on January 4, 2000), the Staff issued its Safety Evaluation Report concerning systems not directly associated with the dry storage casks proposed for the PFS facility ("Site SER").⁵ Therein, the Staff evaluated the characteristics of the proposed site, including geology and seismology, and presented the Staff's views with respect to a number of seismic and geological issues, including ground vibration and the Applicant's request for exemption (Site SER, § 2.1.6.2, at 2-35 - 2-45).

³ On August 24, 1999, the Applicant revised its exemption request to substitute a 2,000-year recurrence period in place of the 1,000-year period that it had proposed in its initial exemption request. See letter from John D. Parkyn (PFS) to Document Control Desk (NRC), dated August 24, 2000.

⁴ The Licensing Board further observed that "to countenance an adjudicatory challenge to the PFS exemption petition, the Board would have to invoke its certified question or referred ruling authority under 10 C.F.R. §§ 2.718(i), 2.730(f) to determine whether the Commission wants the Board to consider the contention." LBP-99-21, 49 NRC at 438 (footnote omitted).

⁵ "Safety Evaluation Report of the Site-Related Aspects of the Private Fuel Storage Facility Independent Spent Fuel Storage Installation," dated December 15, 1999 (corrected and reissued January 4, 2000) (Staff Exhibit A, Tr. 1545).

On January 26, 2000, following its receipt of the Site SER, the State filed a second request to amend Contention L,⁶ based, in part, on its assertions that the Staff “has granted the Applicant’s exemption request to use a probabilistic analysis (“PSHA”) based on a 2,000 year return period,” and “an exemption from 10 CFR § 72.102(c) which will allow the use of probabilistic methodology with a return period of 2,000 years” (Second Request at 5 and 7). Therein, the State proposed to modify Basis 2 for Contention Utah L (a) “to account for the Staff’s proposal” to use a PSHA rather than a deterministic seismic hazard analysis (“DSHA”), and (b) to challenge “the use of a 2,000 year return period instead of a 10,000 year return period.” *Id.* at 1.

On June 1, 2000, the Licensing Board denied the State’s second request to modify Contention Utah L, finding that the State’s modification request was not yet ripe:

[A]lthough the Staff seems inclined to grant the exemption, it has not yet done so. As a consequence, the ripeness concern upon which we based our earlier ruling [in LBP-99-21] continues unabated.

The State . . . provides an extended discussion of its views on its need and right in this proceeding to adjudicate the validity of the PFS exemption request, assuming that request is granted. As we observed previously relative to contention Utah L, based on our reading of the applicable precedent, if and when that contingency comes to fruition, “to countenance an adjudicatory challenge to the PFS exemption petition, the Board would have to invoke its certified question or referred ruling authority under 10 C.F.R. §§ 2.718(i), 2.730(f) to determine whether the Commission wants the Board to consider the contention.” LBP-99-21, 49 NRC at 438. As before, this is a bridge we, and the parties, will have to cross only if the staff rules favorably on the PFS exemption request.

Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-00-15, 51 NRC 313, 318 (1999) (emphasis added).

⁶ See “State of Utah’s Request for Admission of Late-Filed Modification to Basis 2 of Utah Contention L” (“Second Modification Request”), dated January 26, 2000.

On September 29, 2000, the Staff issued its final Safety Evaluation Report for the proposed PFS facility.⁷ Therein, the Staff completed its review of the Applicant's seismic exemption request, and concluded as follows: "[T]he use of PSHA methodology is acceptable. A 2,000-year return period is acceptable for the seismic design of the PFS Facility." SER § 2.1.6.2, at 2-42.

On November 9, 2000, the State filed its third request to modify Contention Utah L, in which it contested the Staff's determination to grant the Applicant's seismic exemption request to allow use of a PSHA methodology with a 2,000 year return period, instead of the deterministic approach which PFS was required to use under 10 C.F.R. Part 72. According to the State, the Staff's determination to grant PFS' seismic exemption request to allow use of a PSHA with a 2,000 year return period (a) fails to comply with a 1998 NRC Rulemaking Plan (Third Request at 6-7);⁸ (b) is based upon flawed or *ad hoc* reasoning (*Id.* at 7-12); and (c) does not ensure an adequate level of conservatism (*Id.* at 12-14). The State further asserts that it has good cause to file its modification request now, and that the other late-filing factors specified in 10 C.F.R. § 2.714(a)(1) support its admission (*Id.* at 14-15).

For the reasons set forth below, the Staff submits that the State's request to modify Basis 2 of Contention Utah L should be referred to the Commission. In the alternative, if the Licensing Board determines that it should rule upon the admissibility of this modification of Basis 2 in the first instance, it should exclude portions of the proposed modification to

⁷ See Letter from Mark S. Delligatti to John D. Parkyn, dated September 29, 2000, enclosing "Safety Evaluation Report Concerning the Private Fuel Storage Facility" ("SER").

⁸ SECY-98-126, "Rulemaking Plan: Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72," dated June 4, 1998. As stated therein, the rulemaking generally would revise 10 C.F.R. § 72.102 to allow new applicants for dry cask ISFSIs west of the Rocky Mountain Front to utilize the probabilistic techniques of 10 C.F.R. Part 100, as amended in 1997 (see § 100.23) instead of the deterministic approach in 10 C.F.R. Part 100 Appendix A. See SECY-98-126 at 2.

Basis 2, insofar as the State (a) seeks to challenge the adequacy of the Staff's evaluation, as distinct from the Applicant's exemption request itself, (b) asserts that the Staff's 1998 Rulemaking Plan constitutes a binding regulatory requirement, and (c) seeks to incorporate various other issues, unrelated to the Applicant's exemption request, into this contention.

DISCUSSION

A. Commission Review of the State's Request to Modify Contention Utah L Is Required, Inasmuch as the State Seeks to Contest an Exemption in this Adjudicatory Proceeding on a License Application.

The Licensing Board has previously indicated, based on its "reading of the applicable precedent," that if and when the Staff determines to grant the Applicant's seismic exemption request, "to countenance an adjudicatory challenge to the PFS exemption petition, the Board would have to invoke its certified question or referred ruling authority under 10 C.F.R. §§ 2.718(i), 2.730(f) to determine whether the Commission wants the Board to consider the contention." LBP-00-15, 51 NRC at 318, *citing* LBP-99-21, 49 NRC at 438. The Staff has now completed its review of the Applicant's exemption request, and has determined to grant the exemption request upon issuance of a license to the Applicant.

The Licensing Board's previous expressions concerning referral of the State's modification request to the Commission are in accord with established precedent. As set forth in the Staff's response to the State's first request to modify Contention Utah L,⁹ while the Commission could authorize the Board to consider the exemption request, it could also determine to act on the exemption request itself. *See, e.g., Commonwealth Edison Co.* (Zion Nuclear power Station, Units 1 and 2), CLI-00-05, 51 NRC 90, 98 (2000) (no right to hearing on an exemption under section 189a of the Atomic Energy Act); *Long Island*

⁹ See "NRC Staff's Response to 'State of Utah's Motion Requiring Applicant to Apply for Rule Waiver Under 10 CFR § 2.758(b) or in the Alternative Amendment to Utah Contention L,'" dated May 12, 1999, at 3-5 and n.4, and cases cited therein.

Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-84-8, 19 NRC 1154, 1155 (1984) (license application was to be modified by an exemption request, and the modified application could be considered by the Board); *U. S. Department of Energy* (Clinch River Breeder Reactor Plant), CLI-81-35, 14 NRC 1100, 1103-04 and n.2 (1981) (establishing an informal proceeding, declining to assign a pending exemption request to a Licensing Board despite the existence of factual issues, and indicating that a decision to hold hearings on an exemption request is discretionary). Accordingly, the instant request to modify Contention Utah L, contesting the Staff's proposed grant of PFS' seismic exemption request, should be referred to the Commission.

B. The State's Assertion that the Staff's Grant of the Exemption Request Is Based upon a Flawed Evaluation, and Contravenes a Commission Rulemaking Plan, Should Be Rejected as Failing to State a Legally Cognizable Basis.¹⁰

In support of its request to modify Basis 2 for Contention Utah L, the State repeatedly asserts -- as the central focus of its modification -- that the Staff's evaluation and bases for granting the seismic exemption request are flawed in numerous and varied respects (Third Modification Request at 6, 7, 8, 10, 11, 12, 14). Further, the State asserts that "the grant of the exemption request fails to comply with the NRC Rulemaking Plan," and that "the Staff has taken a position contrary to the Rulemaking Plan" (*Id.* at 6). These assertions fail to state a legally cognizable basis.

First, challenges to the adequacy of the Staff's review or evaluation do not establish a proper contention. See "Rules of Practice for Domestic Licensing Proceedings -- Procedural Changes in the Hearing Process," 54 Fed. Reg. 33168, 33171 (1989); *Curators*

¹⁰ While the Staff herein addresses the issues raised by the State in its Third Modification Request, the Staff believes that these issues are not ripe for admission pending a Commission determination as to whether the State's challenge to the proposed exemption should be addressed by the Licensing Board in this proceeding.

of the University of Missouri (TRUMP-S Project), CLI-95-8, 41 NRC 386, 395-96 (1995); *Louisiana Power and Light Co.* (Waterford Steam Electric Station, Unit 3), ALAB-812, 22 NRC 5, 55-56 (1985). Accordingly, while the Commission could direct the Licensing Board to consider a contention challenging the Applicant's exemption request, the Staff's review and evaluation of the Applicant's exemption request -- like the Staff's review of the license application itself -- does not constitute a proper subject of a contention. Therefore, any modification of Basis 2 of Contention Utah L should exclude those portions of the State's proposed modification that challenge the Staff's evaluation rather than the Applicant's seismic exemption request.¹¹

Second, an NRC rulemaking plan, which is relied upon here by the State, constitutes a proposal for rulemaking, which could be revised before a proposed rule is issued for comment.¹² Further, the rulemaking plan does not establish a binding regulatory requirement -- or even a proposed rule. In sum, there is no reason why an exemption request must be formulated by an Applicant or approved by the Staff based upon a proposed rule or regulatory approach. Accordingly, the State's assertion that the exemption request fails to comport with the proposed rulemaking fails to state a cognizable legal basis.

¹¹ Inasmuch as the State has not formulated a succinct statement of what it seeks to add to Contention Utah L, and most of its request constitutes an attack on the Staff's evaluation of the Applicant's seismic exemption request rather than a challenge to the exemption itself, the State's filing must be carefully parsed to determine which of its statements are admissible.

¹² The Staff notes that the Commission issued a Staff Requirements Memorandum (SRM) on June 24, 1998, in which it did not object to the rulemaking plan in SECY-98-126. In the intervening period, the Staff has continued to work on development of the technical bases for this rulemaking activity. Following its completion of this effort, the Staff will determine whether any changes to the rulemaking plan should be recommended for Commission consideration.

C. The State's Attempt to Insert Other Issues Into Contention Utah L, Unrelated to the Applicant's Exemption Request, Should Be Rejected as Improper and Untimely Raised.

1. The Issues Sought to Be Incorporated by Reference Are Beyond the Scope of the Applicant's Seismic Exemption Request.

In the midst of its proposed modification of Basis 2 of Contention Utah L, intended to challenge the pending seismic exemption request, the State attempts to "incorporate by reference" various (undefined) statements that were contained in its previous modification request or which may have been alluded to by Dr. Resnikoff -- which present a wholly different set of issues pertaining to the design of the facility, its ability to satisfy NRC dose limits, and the Applicant's accident analysis. In this regard, the State asserts:

The State continues to maintain that safety consequences may result from using a 2,000 year return. The State incorporates by reference the following safety issues described in its 1st Modified Basis 2 at 9-12: (1) The radiological consequences of a failed design; (2) PFS's failure to demonstrate that either (a) the design of the PFS facility will provide adequate protection against an exceedance of the dose limits in section 72.104(a), or (b) the equipment is designed to withstand a 2,000 year recurrence earthquake. See Resnikoff Dec., Exh. 2, wherein he states "there have been no significant changes in the safety concerns raised in Second Modification to Basis 2 from those described in the First Modification to Basis 2 and my supporting Declaration. . . if Modification to Basis 2 is admitted, I am prepared to provide expert testimony regarding the matters described in my Declaration of January 26, 2000." Resnikoff Dec. at ¶¶ 5 and 6.

Third Modification Request, at 6-7.

The State's attempt to incorporate these other issue statements into the instant modification request should be rejected. A review of the State's modification request of January 26, 2000, which is referred to herein, reveals that the issues sought to be incorporated by the State pertain to (a) Canister Transfer Building equipment, such as the HI-TRAC overpack and the potential failure of the single failure-proof crane in the event of

a 2,000-year return earthquake, and (b) assumptions for the accident leak rate, “breach hole” size, leak hole size, and the potential for a sabotage event involving certain specified weapons. See Second Modification Request, at 9-12.

These issues are unrelated to the Applicant's seismic exemption request, and the State has shown no basis for the inclusion of these issues within this contention. The effect of the Applicant's exemption request would be to allow the use of a PSHA to establish the maximum ground motion to be considered in the design of the facility. This issue is unrelated to the design and accident analysis concerns which the State seeks to incorporate by reference from its filing of January 26; rather, those earlier concerns were based on the Applicant's SAR and the State's argument that an exemption request should include consideration of those matters.¹³ There is no legal basis, however, to require an exemption request to include such considerations, other than the State's assertion that those concerns would be considered under the Staff's 1998 rulemaking plan. However, as discussed above, the State's reliance on the rulemaking plan is misplaced, because even if a final regulation is developed in line with the rulemaking plan (which is uncertain), there is no existing regulatory basis to require consideration of such issues. Accordingly, these concerns should be excluded from any modification of Basis 2 of Contention Utah L.

2. The Issues Sought to be Incorporated by Reference Are Untimely Without Good Cause, and Are Not Supported by a Favorable Balancing of the Late-Filing Criteria in 10 C.F.R. § 2.714(a)(1).

The criteria to be considered when determining the admissibility of a late-filed contention, or a basis offered in support thereof, have been addressed by the Licensing

¹³ These concerns were not supported by the State's seismic expert (Dr. Arabasz), who supports other portions of the proposed amendment -- but are based upon citations to the Applicant's Safety Analysis Report ("SAR") and the views of the State's accident analysis expert, Dr. Resnikoff -- further indicating that these issues are based upon matters other than PFS' seismic exemption request. See Second Modification Request at 9-12.

Board on numerous occasions,¹⁴ and will not be reiterated at length herein. In brief, late-filed contentions must satisfy 10 C.F.R. § 2.714(a)(1)(i)-(v), which requires that a balancing of five specified factors supports the admission of the late-filed contention or basis therefor. The first factor, good cause for lateness, carries the most weight in the balancing test. *See State of New Jersey* (Department of Law and Public Safety), CLI-93-25, 38 NRC 289, 295 (1993). Absent a showing of good cause, a petitioner must make a compelling showing that the remaining factors outweigh the lack of good cause for the untimely filing. *Id.* Finally, a petitioner or intervenor must also meet the requirements for setting forth a valid contention, as stated in 10 C.F.R. § 2.714(d)(2).¹⁵

Significantly, the State has not shown good cause why it could not have presented its concerns pertaining to these accident analysis issues previously. These concerns are not based on new information contained in the Staff's SER or the Applicant's seismic exemption request, but upon the Applicant's SAR and information provided long ago. Accordingly, these concerns were untimely raised without a showing of good cause.¹⁶

¹⁴ *See, e.g., Private Fuel Storage, L.L.C.* (Independent spent Fuel Storage Installation), LBP-00-27, 52 NRC ___, slip op. at 4-10 (Oct. 30, 2000) (Contention Utah KK); *Id.*, LBP-00-23, 52 NRC 114, 120-23 (2000) (late petition to intervene).

¹⁵ The Licensing Board should not accept uncritically the assertion that a document, factual information or expert opinion supplies the basis for a contention. Rather, the cited document or information must be reviewed to ensure that it does supply a basis for the contention. *See Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), ALAB-919, 30 NRC 29, 48 (1989), *vacated in part on other grounds*, CLI-90-4, 31 NRC 333 (1990); *see also Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), LBP-96-2, 43 NRC 61, 90 (1996) (a document put forth by an intervenor as the basis for a contention is subject to scrutiny both for what it does and does not show).

¹⁶ The Staff recognizes that the State has good cause for filing its proposed modification at this time -- but only to the extent that it is based on the seismic exemption request (as distinct from the equipment and accident issues discussed above). Also, while factors two and four appear to favor the admission of the State's modification of Basis 2, factors three and five do not. *See* nn. 17 and 18, *infra*.

With respect to the other factors specified in 10 C.F.R. § 2.714(a)(1), the State's lack of good cause for its late filing of these issues is not overcome by a "compelling" showing that the other factors specified in 10 C.F.R. § 2.714(a)(1) favor their admission. *State of New Jersey*, 38 NRC at 296. Regarding factors two and four, other means do not appear to be available to protect the State's interest with respect to the issues raised in the Late-Filed Bases, and the State's interest would not be represented by existing parties with respect to these issues; these factors, however, carry less weight than the three other factors specified in the regulation. *PFS*, LBP-98-7, 47 NRC at 208. With respect to factor three, the State's participation on these equipment design and accident analysis issues is not likely to assist in developing a sound record, in that these issues are wholly unrelated to the issue of whether the Applicant's seismic exemption request should be approved; and the admission of these issues would only confuse the record and would not assist the Commission in evaluating the Applicant's ground motion analysis and exemption request.¹⁷

Finally, the fifth factor weighs against the admission of these equipment and accident analysis concerns, in that they would broaden the issues and cause delay in the

¹⁷ With respect to factor three, the State asserts that its participation will assist in developing a sound record, as follows:

In particular, testimony by Dr. Arabasz will give the Board another perspective on the Applicant's seismic hazard analysis. See 1st Modified Basis 2 at 21-22, which is incorporated by reference. See *also* Arabasz Dec., Exh. 1. The State will also offer testimony by Dr. Marvin Resnikoff with respect to the potential for SSCs at PFS to exceed Part 72 dose limits. See Resnikoff Dec., Exh. 2.

Third Modification Request, at 14-15. While the Staff does not dispute Dr. Arabasz' ability to contribute to the development of a sound record on seismic issues (in contrast to Dr. Resnikoff, who has not been shown to have any expertise in this area), the State has failed to summarize its experts' proposed testimony or to show what that testimony would be. Accordingly, the State has not shown that this factor favors the admission of any portion of its proposed modification of Contention Utah L.

proceeding.¹⁸ The State has had ample time and opportunity to raise these concerns previously; discovery on safety issues (including Contention Utah L) is now virtually closed;¹⁹ the admission of these additional equipment and accident analysis issues would require additional discovery and the filing of summary disposition motions, and would require additional time to address in developing and presenting testimony in the proceeding -- even if other issues raised in the State's Third Modification Request are admitted. In sum, the State has not made a "compelling" showing that these four factors outweigh the State's lack of good cause for its late filing of these equipment and accident analysis concerns. Accordingly, these concerns should be excluded from the amended contention.

CONCLUSION

For the reasons set forth above, the Staff submits that the State's late-filed request to modify the bases for Contention Utah L should be referred to the Commission. In the alternative, if the Licensing Board rules upon the admissibility of the State's proposed modification of this contention, various issues and assertions presented by the State should be excluded for the reasons and to the extent set forth above.

Respectfully submitted,

Sherwin E. Turk */RA/*
Counsel for NRC Staff

Dated at Rockville, Maryland
this 29th day of November 2000

¹⁸ The admission of any portion of the State's proposed modification of Contention Utah L (a) will broaden the issues, and (b) is likely to delay the proceeding, since it could result in the need for further discovery and would impact the schedule for filing summary disposition motions (scheduled for December 29, 2000) and/or testimony (scheduled for April 27, 2000). *See* Attachment to "Memorandum and Order (General Schedule Revision, Withdrawal of Contentions Utah H and Utah U, and Status of Contention Utah GG)," dated September 5, 2000.

¹⁹ *See* n. 18, *supra*.

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-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED MODIFICATION TO BASIS 2 OF CONTENTION UTAH L" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 29th day of November, 2000:

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