

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, L.L.C.

(Independent Spent Fuel Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

June 11, 2001

ORDER

(Corrections to LBP-01-19)

The Licensing Board revises the slip opinion for LBP-01-19 to incorporate the following corrections:

1. On page two, line five of the text, insert the phrase “assess credible” between the words “to” and “aircraft”.
2. On page three, line twelve of the text, insert the word “credible” before the word “threat”.
3. On page four, line twelve of the text, change the semi-colon to a comma.
4. On page five, lines eight and nine of the text, revise “(SER) regarding” to read “(SER), in which it presented an analysis regarding”.
5. On page five, line eighteen of the text, delete the word “the” between the words “dispute” and “five”.
6. On page six, line ten of the text, delete the word “Material” between the words “Disputed” and “Facts”.

7. On page six, lines twenty and twenty-one of the text, revise the phrase “of Utah Contention K/Confederated Tribes Contention B” to read “of contention Utah K/Confederated Tribes B”.

8. On page seven, line two of the text, delete the word “strike” and substitute the word “excise”.

9. On page seven, line sixteen of the text, revise the phrase “governing the consideration” to read “governing Board consideration”.

10. On page seven, line two of footnote two, change the word “on” to “no”.

11. On page ten, line fifteen of the text, insert the word “which” between the words “and” and “the”.

12. On page eleven, line eleven of the text, revise the phrase “that result” to read “so as to result” and delete the word “facility”.

13. On page twelve, line six of the text, delete the word “to” between the words “down” and “within”.

14. On page twelve, line fourteen of the text, delete the word “regarding” and substitute the word “concerning”.

15. On page twelve, line twenty-one of the text, delete the phrase “has not received staff review because it”.

16. On page thirteen, line nineteen of the text, revise the word “goes” to read “go”.

17. On page sixteen, line twenty-two of the text, revise the word “path” to read “paths”.

18. On page seventeen, lines two and three of the text, revise the phrase “regarding the planning for and operation of the cruise” to read “regarding planning for, and the operation of, cruise”.

19. On page eighteen, line five of the text, change the comma to a semicolon after the word "issues".

20. On page eighteen, lines five and six of the text, revise the phrase "crashes, ordnance, and cruise missile crashes to the PFS facility" to read "crashes and associated ordnance impacting the PFS facility".

21. On page eighteen, line twelve of the text, and page nineteen, lines nine, twelve, eighteen, and twenty of the text, delete the word "reactor".

22. On page twenty-two, line eighteen of the text, insert the word "is" between the word "and" and the number "12".

23. On page twenty-two, line twenty of the text; page twenty-three, line fourteen of the text; page twenty-six, lines three, eleven, twelve, fourteen, and twenty-two of the text; page twenty-seven, lines three, ten, sixteen, and twenty-four of the text; page twenty-eight, line six of the text; page twenty-nine, line twenty-three of the text; page thirty, lines one and three of the text; page thirty-one, line ten of the text; page thirty-six, line seven of the text, and page fifty-four, lines three and eight of the text, delete the word "the" before the word "Skull".

24. On page twenty-five, lines eight and nine of the text, revise the phrase "3,000 to 4,000" to read "3000 to 4000".

25. On page twenty-five, line nine of the text, revise the phrase "minimum 1,000" to read "minimum of 1000".

26. On page twenty-five, line twelve of the text, revise the number "5,870" to read "5870".

27. On page twenty-six, line fourteen of the text, revise the term "F-16" to read "F-16s".

28. On page twenty-seven, line twenty-three of the text, revise the number "5,870" to read "5870".

29. On page twenty-eight, line two of the text, revise the number "5,757" to read "5757".
30. On page twenty-eight, line ten of the text, revise the number "6,759" to read "6759".
31. On page twenty-nine, line one of the text, place quotation marks around the word "bathtub".
32. On page thirty-one, line twenty of the text, insert the word "the" between the words "of" and "time" and revise the number "3,000" to read "3000".
33. On page thirty-three, line fourteen of the text, revise the number "5,000" to read "5000".
34. On page thirty-six, line four of the text, revise the phrase "of jettisoned live ordnance that could land near" to read "of facility impact from jettisoned live ordnance landing near".
35. On page thirty-six, lines five and six of the text, revise the phrase "a crashing aircraft that might crash into" to read "an aircraft crashing into".
36. On page thirty-six, line two of footnote eight, change the semicolon after "supra" to a comma, place a comma after the word "ordnance", and delete the comma after the word "and".
37. On page thirty-seven, line fourteen of the text, insert the word "carried" between the words "ordnance" and "by".
38. On page thirty-eight, line four of the text, delete the word "three".
39. On page thirty-eight, line five of the text, revise the phrase "PFS addressed these activities in twelve" to read "PFS put forth twelve".
40. On page thirty-eight, line sixteen of the text, revise the phrase "a crashing aircraft" to read "an aircraft".
41. On page thirty-nine, line five of the text, revise the phrase "hazards those declarants prepared, PFS" to read "hazards prepared by those declarants, PFS".

42. On page thirty-nine, line eight of the text, revise the number “3,741” to read “3741”.
43. On page forty-one, line twelve of the text, insert the word “attack” between the words “air-to-ground” and “and”.
44. On page forty-one, line nineteen of the text, insert the word “it” between the words “as” and “relates” and insert the word “attack” between the words “air-to-ground” and “and”.
45. On page forty-two, line eleven of the text, revise the number “5,726” to read “5726”.
46. On page forty-five, line eight of the text, revise the number “1,359” to read “1359”.
47. On page forty-six, line twenty-one of the text, revise the phrase “air liners” to read “airliners”.
48. On page forty-seven, line seven of the text, delete the phrase “to be” and substitute the word “is”.
49. On page forty-seven, line eight of the text, revise the parenthetical that ends “at 21-22.” so that it reads “at 21-22).”
50. On page fifty, line eight of the text, delete the phrase “cruise missile testing”.
51. On page fifty-two, line seven of the text, revise the word “Related” to read “Relating”.
52. On page fifty-two, lines three and four of footnote fourteen, revise the phrase “crashes, ordnance, and cruise missiles, including” to read “crashes and ordnance, including”.
53. On page fifty-four, lines twelve and thirteen of the text, revise the phrase “material, finding that the material at issue is not relevant to our findings regarding the PFS motion; (2) provides” to read “material; (2) provides”.

54. On page fifty-four, line fifteen of the text, insert the phrase "the assessment of credible" between the terms "governs" and "ISFSI".

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 11, 2001

* Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant Private Fuel Storage, L.L.C.; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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 the foregoing LB ORDER (CORRECTIONS TO LBP-01-19) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esquire
Catherine L. Marco, Esquire
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esquire
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Martin S. Kaufman, Esquire
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Joro Walker, Esquire
Director, Utah Office
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, UT 84105

Docket No. 72-22-ISFSI
LB ORDER (CORRECTIONS TO LBP-01-19)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

John Paul Kennedy, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Richard E. Condit, Esquire
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

Samuel E. Shepley, Esquire
Steadman & Shepley, LC
550 South 300 West
Payson, UT 84651-2808

Jay E. Silberg, Esquire
D. Sean Barnett, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Danny Quintana, Esquire
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, UT 84101

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of June 2001