

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

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

ERRATA TO NRC STAFF'S REPLY FINDINGS OF FACT
AND CONCLUSIONS OF LAW CONCERNING
CONTENTION SUWA B (RAIL LINE ALIGNMENT ALTERNATIVES)

The staff of the Nuclear Regulatory Commission ("Staff") has identified an error in the "NRC Staff's Reply Findings of Fact And Conclusions of Law Concerning Contention SUWA B (Rail Line Alignment Alternatives)" ("Staff Reply Findings"), dated July 8, 2002, which requires correction.¹ Specifically, in ¶ 2.52.1 of the Staff's Reply Findings, the Staff proposed the following finding:

2.52.1. SUWA states that "roadlessness" is a wilderness characteristic, and cites a declaration of Dr. Catlin submitted earlier in this proceeding. See SUWA Proposed Findings at 7-9. While we did not admit Dr. Catlin's earlier declaration into evidence, he stated in his testimony that the NCMA is roadless. See Catlin, Post Tr. 4795 at 3-4.

Staff Reply Findings at 2. It has come to the attention of the Staff, however, that the declaration referenced in this finding was offered into evidence in this proceeding by Private Fuel Storage, L.L.C. ("Applicant" or "PFS") as Applicant Exhibit KK, and admitted by the Licensing Board. Tr. 4565. Accordingly, the referenced paragraph in the Staff's Response should be corrected to read as follows:

2.52.1. SUWA states that "roadlessness" is a wilderness characteristic, and cites a declaration of Dr. Catlin submitted earlier in this proceeding. See SUWA Proposed Findings at 7-9. Dr. Catlin stated in his testimony that the NCMA is roadless. See Catlin, Post Tr. 4795 at 3-4.

¹ The Staff notified Counsel for the Southern Utah Wilderness Alliance ("SUWA") and Counsel for the Applicant of this correction by telephone, on July 11, 2002.

The Staff also referred to Dr. Catlin's declaration in ¶ 2.58.9 of the Staff's Reply Findings, in which the Staff proposed the following finding:

2.58.9. SUWA also argues that the portion of the NCMA that would be crossed by the proposed Low Corridor rail line has wilderness values beyond roadlessness. SUWA Proposed Findings at 14. SUWA, however, cites declarations that the Board has not admitted into evidence in this proceeding. *Id.* SUWA's assertions do not warrant any change in our conclusions. See Staff Proposed Findings, ¶¶ 2.52-2.58.

This paragraph in the Staff's Reply Findings should be corrected to read as follows:

2.58.9. SUWA also argues that the portion of the NCMA that would be crossed by the proposed Low Corridor rail line has wilderness values beyond roadlessness. SUWA Proposed Findings at 14. SUWA's assertions do not warrant any change in our conclusions. See Staff Proposed Findings, ¶¶ 2.52-2.58.

The Staff regrets any inconvenience that may have been occasioned by this error.

Respectfully submitted,

/RA/

Robert M. Weisman
Counsel for NRC Staff

Dated at Rockville, Maryland
this 11th day of July, 2002

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NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "ERRATA TO NRC STAFF'S REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW CONCERNING CONTENTION SUWA B (RAIL LINE ALIGNMENT ALTERNATIVES)" 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 11th day of July, 2002:

Michael C. Farrar, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to MCF@NRC.GOV)

Office of the Secretary*
ATTN: Rulemakings and Adjudications
Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copies to SECY@NRC.GOV
and HEARINGDOCKET@NRC.GOV)

Dr. Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to JRK2@NRC.GOV)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-C-1 OWFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to PSL@NRC.GOV)

James M. Cutchin, V*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail to JMC3@NRC.GOV)

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Jay E. Silberg, Esq.**
Ernest Blake, Esq.
Paul A. Gaukler, Esq.
Sean Barnett, Esq.
Shaw Pittman
2300 N Street, N.W.
Washington, DC 20037-8007
(E-mail copy to jay_silberg,
paul_gaukler, sean_barnett, and
ernest_blake@shawpittman.com)

Tim Vollmann, Esq.**
3301-R Coors Road N.W.
Suite 302
Albuquerque, NM 87120
(E-mail copy to tvollmann@hotmail.com)

Leon Bear, Chairman
Skull Valley Band of Goshute Indians
3359 South Main
Box 808
Salt Lake City, Utah 84115

Denise Chancellor, Esq.**
Fred G. Nelson, Esq.
Laura Lockhart, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
(E-mail copies to dchancellor, llockhart,
fnelson, jsoper, and jbraxton@utah.gov,
adminag@xmission.com)

Connie Nakahara, Esq.**
Utah Dep't of Environmental Quality
168 North 1950 West
P. O. Box 144810
Salt Lake City, UT 84114-4810
(E-mail copy to
cnakahara@utah.gov)

Diane Curran, Esq.**
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
(E-mail copy to
dcurran@harmoncurran.com)

John Paul Kennedy, Sr., Esq.**
David W. Tufts, Esq.
Durham, Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, UT 84105
(E-mail copy to dtufts@djplaw.com)

Joro Walker, Esq.**
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, UT 84105
(E-mail copy to utah@lawfund.org)

Paul C. EchoHawk, Esq.
EchoHawk Law Offices
151 North 4th Avenue, Suite A
P.O. Box 6119
Pocatello, Idaho 83205-6119
(E-Mail copies to: paul, larry and
mark@echohawk.com)

/RA/

Robert M. Weisman
Counsel for NRC Staff