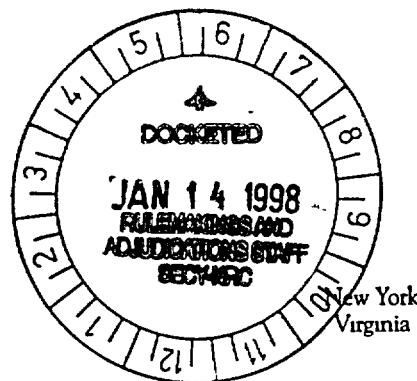


18737

SHAW PITTMAN
POTTS & TROWBRIDGE
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N Street, N.W.
Washington, D.C. 20037-1128
202 663.8000
Facsimile 202.663 8007

PAUL A GAUKLER
202.663 8304
paul_gaukler@shawpittman.com



January 14, 1998

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
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

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: In the matter of Private Fuel Storage, LLC
(Private Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

Dear Judges Bollwerk, Kline and Lam:

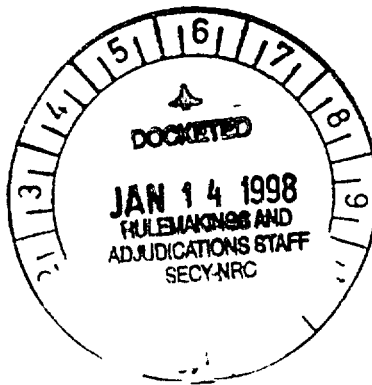
We have discovered that the Table of Contents to Applicant's December 24, 1997 Answer to Petitioners' Contentions contains incorrect page citations and are enclosing herewith a corrected Table of Contents. We apologize for any inconvenience.

Sincerely,

Paul A. Gaukler

enclosure

cc: Service List



Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Denise Chancellor, Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873

John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105

Clayton J. Parr, Esq.
Castle Rock, et al.
Kimball, Parr, Waddoups, Brown & Gee
185 S. State Street, Suite 1300
P.O. Box 11019
Salt Lake City, Utah 84147-0019

Charles J. Haughney
Acting Director, Spent Fuel Pro
Office of Nuclear Material Safet
U.S. Nuclear Regulatory Comm
Washington, D.C. 20555

Office of the Secretary
U.S. Nuclear Regulatory Comm
Washington, D.C. 20555-0001

Attention: Rulemakings and A

Diane Curran, Esq.
2001 S Street, N.W.
Washington, D.C. 20009

Jean Belille, Esq.
Ohngo Gaudadeh Devia
Land and Water Fund of the Ro
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

Adjudicatory File
Atomic Safety and Licensing B
U.S. Nuclear Regulatory Comm
Washington, D.C. 20555-0001

TABLE OF CONTENTS

I. <u>INTRODUCTION</u>	2
II. <u>STANDARDS FOR ADMISSIBILITY AND SCOPE OF CONTENTIONS</u>	3
A. Overview Of Admissibility Requirements.....	3
B. General Limitations On The Admissibility Of Contentions	5
C. The Detailed Pleading Requirements Of 10 C.F.R. § 2.714(b)(i)-(iii)	11
D. Scope of Contentions	16
E. Incorporation by Reference	18
III. <u>SKULL VALLEY BAND CONTENTIONS</u>	20
IV. <u>UTAH CONTENTIONS</u>	21
A. Utah Contention A: Statutory Authority	22
B. Utah Contention B: License Needed for Intermodal Transfer Facility	25
C. Utah Contention C: Failure to Demonstrate Compliance with NRC Dose Limits.....	42
D. Utah Contention D: Facilitation of Decommissioning	58
E. Utah Contention E: Financial Assurance	69
F. Utah Contention F: Inadequate Training and Certification of Personnel.....	84
G. Utah Contention G: Quality Assurance	92
H. Utah Contention H: Inadequate Thermal Design.....	101
I. Utah Contention I: Lack of a Procedure for Verifying the Presence of Helium in Canisters	121

J. Utah Contention J: Inspection and Maintenance of Safety Components, Including Canisters and Cladding.....	131
K. Utah Contention K: Inadequate Consideration of Credible Accidents.....	146
L. Utah Contention L: Geotechnical.....	165
M. Utah Contention M: Probable Maximum Flood	168
N. Utah Contention N: Flooding.....	169
O. Utah Contention O: Hydrology.....	172
P. Utah Contention P: Inadequate Control of Occupational and Public Exposure to Radiation.....	187
Q. Utah Contention Q: Adequacy of ISFSI Design to Prevent Accidents.....	207
R. Utah Contention R: Emergency Plan	215
S. Utah Contention S: Decommissioning.	236
T. Utah Contention T: Inadequate Assessment of Required Permits and Other Entitlements	256
U. Utah Contention U: Impacts of Onsite Storage not Considered	282
V. Utah Contention V: Inadequate Consideration of Transportation-Related Radiological Environmental Impacts.....	292
W. Utah Contention W: Other Impacts Not Considered.	310
X. Utah Contention X: Need for the Facility	323
Y. Utah Contention Y: Connected Actions.....	330
V. CASTLE ROCK CONTENTIONS	336
A. Castle Rock Contention 1: Absence of NRC Authority	336
B. Castle Rock Contention 2: Non-Compliance with Regulations.....	340
C. Castle Rock Contention 3: Conflict with DOE Duties and Prerogatives.....	343

D. Castle Rock Contention 4: Attempts to Evade the Requirements of the NWPA.....	346
E. Castle Rock Contention 5: Application for Permanent Repository.....	349
F. Castle Rock Contention 6: Emergency Planning and Safety Analysis Deficiencies.....	353
G. Castle Rock Contention 7: Inadequate Financial Qualifications	366
H. Castle Rock Contention 8: Groundwater Quality Degradation.....	377
I. Castle Rock Contention 9: Regional and Cumulative Environmental Impacts	381
J. Castle Rock Contention 10: Retention Pond.....	386
K. Castle Rock Contention 11: Radiation and Environmental Monitoring	390
L. Castle Rock Contention 12: Permits, Licenses and Approvals	397
M. Castle Rock Contention 13: Inadequate Consideration of Alternatives.	407
N. Castle Rock Contention 14: Inadequate Consideration of Impacts.....	420
O. Castle Rock Contention 15: Cost-Benefit Analysis.....	425
P. Castle Rock Contention 16: Impacts on Flora, Fauna and Existing Land Uses.....	430
Q. Castle Rock Contention 17: Inadequate Consideration of Land Impacts.....	437
R. Castle Rock Contention 18: Impacts on Public Health.....	448
S. Castle Rock Contention 19: Septic Tank.....	455
T. Castle Rock Contention 20: Selection of Road or Rail Access to PSFS Site	457
U. Castle Rock Contention 21: Exact Location of Rail Spur	460
V. Castle Rock Contention 22: Road Expansion Authorizations.	462
W. Castle Rock Contention 23: Existing Land Uses	464

X. Castle Rock Contention 24: Incorporation by Reference	473
VI. OGD CONTENTIONS.....	474
A. OGD Contention A: Lack of Sufficient Provisions for Prevention of and Recovery from Accidents.	474
B. OGD Contention B: Emergency Plan Fails to Address the Safety of Those Living Outside of the Facility	486
C. OGD Contention C: License Application Lacks Sufficient Provisions for Protection Against Transportation Accidents.....	493
D. OGD Contention D: License Application Lacks Procedures for Returning Damaged Casks to the Generating Reactor.....	514
E. OGD Contention E: License Application Fails to Provide Information and a Plan to Deal with Casks that May Leak or Become Contaminated During the 20 to 40 year storage period.....	521
F. OGD Contention F: The License Application Fails to Make Clear Provisions for Funding of Estimated Construction Costs, Operating Costs, and Decommissioning Costs	529
G. OGD Contention G: The License Application Fails to Provide for Adequate Radiation Monitoring.....	533
H. OGD Contention H: The License Application Poses Undue Risk to Public Health and Safety Because It Fails to Provide Adequate Protection of the Site Against Intruders.....	544
I. OGD Contention I: The Cask Design is Unsafe and Untested f or Long Periods of Time	556
J. OGD Contention J: The License Application Fails to Address the Status of Compliance with all Permits, Licenses and Approvals Required for the Facility	562
K. OGD Contention K: There are no provisions for paying for casks that may need to be returned to the generating facility	570
L. OGD Contention L: Operators will not be trained for the specific job when hired and operators will undergo on-the- job training	578

M. OGD Contention M: No Provisions for Transportation Accidents are Made.....	583
N. OGD Contention N: There May Be a Leak that Contaminates the Present Water System.....	587
O. OGD Contention O: Environmental Justice Issues Are Not Addressed.....	591
P. OGD Contention P: Members of OGD Will Be Adversely Impacted by Routine Operations of the Proposed Storage Facility and Its Associated Transportation Activities.....	612
 VII. CONFEDERATED TRIBES CONTENTIONS	619
A. Confederated Tribes Contention A: Decommissioning Plan Deficiencies.....	619
B. Confederated Tribes Contention B: Lack of protection against worst case accidents.....	630
C. Confederated Tribes Contention C: Inadequate Assessment of Costs Under NEPA	643
D. Confederated Tribes Contention D: Inadequate Discussion of No-Action Alternative.	654
E. Confederated Tribes Contention E: Failure to Give Adequate Consideration to Adverse Impacts on the Historic District	658
F. Confederated Tribes Contention F: Failure to Adequately Establish Financial Qualifications.....	662
G. Incorporation by Reference of Castle Rock Contentions.....	672
H. Incorporation by Reference of State of Utah Contentions	672
 VIII. CONCLUSION.....	672