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July 10, 2006 (12:13pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

July 10, 2006

BY FEDERAL EXPRESS  
Susan L. Uttal, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

SUBJECT: Burns Affidavit and Erin Report -- Shearon Harris Proceeding

Dear Susan,

During the oral argument on the admissibility of the Massachusetts Attorney General's contention in the Pilgrim license renewal case, Judge Young asked for copies of two documents from the U.S. Nuclear Regulatory Commission's ("NRC's") license amendment proceeding for expansion of storage capacity in the Shearon Harris spent fuel pools: (a) ERIN Report – "Technical Input for use in the Matter of Shearon Harris Spent Fuel Pool Before the Atomic Safety and Licensing Board," attached as Exhibit C to Affidavit of Edward T. Burns (November 15, 2000); and the Affidavit of Gareth W. Parry, Stephen F. LaVie, Robert L. Palla, and Christopher Gratton in Support of NRC Staff Brief and Summary Etc. (November 17, 2000). The documents are quoted on page 26 of the Massachusetts Attorney General's Reply to Entergy's and NRC Staff's Responses to Hearing Request and Petition to Intervene With Respect to Pilgrim License Renewal Proceeding (June 29, 2006).

At the oral argument, you said that the ERIN Report and Parry Affidavit had been removed from the NRC's Public Document Room, and that the NRC may wish to impose some security-related procedures if they are circulated to the Board and parties. We agreed that you would take care of sending the documents out under any appropriate restrictions, and that I would send you a copy of the ERIN Report, which you don't have.

Accordingly, I am sending you a copy of the ERIN Report and the Burns Affidavit.

Sincerely,

Diane Curran

Cc by e-mail w/o enclosure: Service list

**From:** Diane Curran <dcurran@harmoncurran.com>  
**To:** Ann Marshall Young <AMY@nrc.gov>, "Richard F. Cole" <RFC1@nrc.gov>, NRC Office of Commission Appellate Adjudication <OCAEmail@nrc.gov>, HearingDocket <HearingDocket@nrc.gov>, Matt Brock <matthew.brock@ago.state.ma.us>, "Susan L. Uttal" <slu@nrc.gov>, "David R. Lewis" <David.Lewis@shawpittman.com>, "Paul A. Gaukler" <Paul.Gaukler@Pillsburylaw.com>, Sheila Hollis <sshollis@duanemorris.com>, Nicholas Trikouros <NGT@nrc.gov>, "Harry E. Wedewer" <hew@nrc.gov>, Mary Lampert <lampert@adelphia.net>, Molly Bartlett <mollyhbartlett@hotmail.com>, Jered Lindsay <JL5@nrc.gov>, SherVerne Cloyd <SRC2@nrc.gov>, Mark Sylvia <msylvia@townhall.plymouth.ma.us>  
**Date:** Mon, Jul 10, 2006 12:13 PM  
**Subject:** Letter from Diane Curran to Susan Uttal

Dear Board and parties,

As we discussed in the oral argument on July 5, today I am sending Susan Uttal a copy of the ERIN Report referenced on page 26 of the Massachusetts Attorney General's Reply regarding its contention. A copy of the cover letter is attached to this e-mail for your information. (It is not being sent out by first-class mail.) I understand that Ms. Uttal will circulate the ERIN Report and the Affidavit of Gareth Parry (which she already has) to the Board and parties.

I would also like to remind you that I will be out of the country from July 11 through July 17, and will return to the office on the 18th. Mr. Brock will be out of the office this week and will return on July 17th.

Sincerely,  
Diane Curran

**Mail Envelope Properties** (44B27CB9.15D : 17 : 20829)

**Subject:** Letter from Diane Curran to Susan Uttal  
**Creation Date** Mon, Jul 10, 2006 12:13 PM  
**From:** Diane Curran <dcurran@harmoncurran.com>

**Created By:** dcurran@harmoncurran.com

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Files	Size	Date & Time
MESSAGE	751	Monday, July 10, 2006 12:13 PM
1266 DC letter to Susan Uttal re ERIN Report 7-10-06.doc		24576
Mime.822	36795	

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<b>ReplyRequested:</b>	No
<b>Return Notification:</b>	None

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