

October 26, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S RESPONSE TO
CONTENTIONS OF THE CONFEDERATED TRIBES OF THE GOSHUTE
RESERVATION RELATING TO THE LOW RAIL LICENSE AMENDMENT

INTRODUCTION

Pursuant to the Atomic Safety and Licensing Board's "Order (Schedule for Additional Contentions Responses)," dated October 15, 1998, and 10 C.F.R. § 2.714(c), the staff of the Nuclear Regulatory Commission ("Staff") hereby files its response to the "Contentions of the Confederated Tribes of the Goshute Reservation Relating to the Low Rail License Amendment" ("CT Rail Contentions"), filed October 14, 1998. For the reasons set forth below, the Staff submits that the Confederated Tribes' Rail Contentions should be rejected.

BACKGROUND

In its "Memorandum and Order (Ruling on Motions to Suspend Proceeding and for Extension of Time to File Contentions)," dated October 17, 1997, the Licensing Board extended the time for filing contentions until November 24, 1997. In accordance with that Order, on or about November 24, 1997, contentions were filed by the Confederated Tribes and other petitioners for leave to intervene in this proceeding, to which the Staff and Applicant Private Fuel Storage,

L.L.C. ("PFS" or "Applicant") then responded. By Memorandum and Order dated April 22, 1998, the Licensing Board ruled on the admissibility of those contentions, including certain contentions concerning the Applicant's proposed use of the Rowley Junction Intermodal Transfer Point (ITP). See *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142 (1998), as modified, LBP-98-10, 47 NRC 288 (1998).

On August 28, 1998, the Applicant submitted a revision to its license application which, *inter alia*, proposed a new rail spur corridor and a new location for the Rowley Junction ITP.¹ On October 14, 1998, the Confederated Tribes filed their Rail Contentions, in which they set forth six contentions challenging the Applicant's revised proposal concerning use of the ITP.² In accordance with the Licensing Board's Order dated October 15, 1998, the Staff herein responds to the Confederated Tribes' Rail Contentions.

DISCUSSION

A. The Confederated Tribes' Rail Contentions Fail to Satisfy the Commission's Requirements for Late-Filed Contentions.

The criteria to be considered when determining the admissibility of a late-filed contention are set forth in 10 C.F.R. § 2.714(a)(1)(i)-(v). *Sacramento Municipal Utility Dist.* (Rancho Seco Nuclear Generating Station), CLI-93-12, 37 NRC 355, 363 (1993). The relevant factors are:

¹ Letter to Director, Office of Nuclear Material Safety and Safeguards, NRC, from John D. Parkyn, Chairman, PFS, dated August 28, 1998.

² On September 29, 1998, the State of Utah filed "State of Utah's Contentions Relating to the Low Rail Transportation License Amendment" ("Utah Rail Contentions"), to which the Staff and Applicant then responded. See "NRC Staff's Response to State of Utah's Contentions Relating to the Low Rail Transportation License Amendment" ("Staff Response to Utah Rail Contentions"), dated October 14, 1998; and "Applicant's Answer to State of Utah's Contentions Relating to the Low Rail Transportation License Amendment," dated October 14, 1998.

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

10 C.F.R. § 2.714(a)(1). While a balancing of these factors is required, where a petitioner fails to show good cause for filing its contentions late, it must make a compelling showing that the other factors weigh in its favor in order for its late contentions to be admitted. *See, e.g., PFS, LBP-98-7, 47 NRC at 173, 175.*³

The Licensing Board's Order of October 17, 1997, extended the time for filing contentions until November 24, 1997. Therefore, contentions submitted after that date -- such as the instant contentions, submitted nearly one year later, on October 14, 1998 -- are considered to be late. The Confederated Tribes assert that good cause exists for the late filing of these contentions, in that they did not receive the application revision until September 29, 1998. CT Rail Contentions at 6. The Confederated Tribes, however, have not identified any information contained in the application revision that they needed to draft their contentions that was not available earlier, and they have therefore failed to demonstrate good cause for the late filing of these contentions.

³ In addition to the showing that a balancing of the five factors favors the admission of its late-filed contentions, a petitioner must also meet the requirements for setting forth a valid contention. 10 C.F.R. § 2.714(d)(2).

A review of the Confederated Tribes' Rail Contentions demonstrates that they are not dependent in any manner upon the new information contained in the revised application and, except for Contention N (which alleges that the revised application contains many changed pages), these matters could have been raised before the November 24, 1997 date for filing contentions. Thus, the original application indicated that the Applicant planned to construct and operate an ITP at Rowley Junction and to construct a railroad spur to connect the ISFSI to the Union Pacific railroad mainline in Skull Valley. See original Environmental Report (ER) at §§ 3.2.1.4. and 4.4. The revised application describes new locations for the rail spur and ITP, but generally does not raise any issue that would not apply as well to the rail spur alternative contained in the original application. Compare original ER § 4.4 (indicating that a rail spur is to be installed "parallel to the existing Skull Valley Road" and "adjacent" thereto, with a feasibility study to be performed to determine "on which side of [the] Road the track will be located"), with revised ER § 4.4 (indicating that the rail spur is to be installed "from the mainline on the south side of Interstate 80 at Low" to the ISFSI). While the revised application describes a new location for the rail spur, that location does not differ materially from the original rail spur proposed to be in Skull Valley. Inasmuch as the instant contentions do not depend upon any information unique to the new locations and could have been written based on the original application, good cause is lacking for the late filing of these contentions.

A balancing of the other factors specified in 10 C.F.R. § 2.714(a)(1) weighs against the admission of these contentions. Regarding factor two, other means do not appear to be available to protect the Confederated Tribes' interest with respect to the issues raised in their contentions, so this factor favors their admission. Regarding factor four, the Confederated Tribes' interest

could be well represented by the State of Utah with respect to Contentions I through L, inasmuch as those contentions derive from the State's Low Rail Contentions, but it is unlikely that any other party could represent the Confederated Tribes' interests concerning Contentions M and N since those issues are not being litigated by other parties.⁴ Accordingly, this factor favors the admissibility of some but not all of the contentions. In any event, these two factors carry less weight than the other factors specified in the regulation. See *Commonwealth Edison Co.* (Braidwood Nuclear Power Station, Units 1 and 2), CLI-86-8, 23 NRC 241, 245 (1986); *PFS*, LBP-98-7, 47 NRC at 208.

With respect to factor three, the Confederated Tribes have not identified any experts upon whom they intend to rely and have not provided a summary of what those experts would say in support of the contentions. Without such information, the Confederated Tribes have failed to demonstrate that their participation may be expected to assist in developing a sound record. See *Braidwood*, CLI-86-8, 23 NRC at 246; *Private Fuel Storage*, LBP-98-7, 47 NRC at 208-09. This factor, therefore, weighs against the admission of these contentions.

With respect to the fifth factor, the Staff submits that the admission of these contentions will broaden the issues and delay the proceeding. These contentions raise many matters that have not been admitted for litigation as yet. Informal discovery is in progress, formal discovery will commence in about two months, and hearings are scheduled to commence in 10 months. The admission of these contentions would require some adjustment of the hearing schedule, would

⁴ The Staff notes that Contention M raises issues (concerning sabotage and the potential for an accidental release of radiation during transport) that have been excluded by the Licensing Board's ruling on contentions. See *PFS*, LBP-98-7, 47 NRC 142 (dismissing in whole or part Utah K, Utah V, Castle Rock 9, OGD C, OGD M, and Confederated Tribes B ¶3).

broaden the issues to be heard, and would cause delay in the completion of hearings. While the Confederated Tribes claim that any delay has been caused by the Applicant and is outweighed by the issues' significance (CT Rail Contentions at 6), these arguments lack merit inasmuch as the contentions do not rely upon any specific information contained in the revision to the application. Accordingly, this factor weighs against the admission of these contentions.

In sum, the Confederated Tribes have failed to establish good cause for the late filing of these contentions, and have failed to show that a balancing of the factors specified in 10 C.F.R. § 2.714(a)(1) favors admission of the contentions. The contentions should therefore be rejected.

B. The Confederated Tribes' Rail Contentions Fail to Satisfy the Requirements Governing the Admissibility of Contentions.

The Staff's views with respect to the admissibility of the Confederated Tribes' Rail Contentions, apart from the issue of late-filing, are set forth below. For the reasons described herein, the Staff submits that the contentions fail to satisfy the Commission's requirements governing the admissibility of contentions and should be rejected.

Confederated Tribes' Contention I

The Goshute Tribe hereby adopts and restates as though set forth in full herein the additional Contentions and Supporting Bases of the State of Utah filed with the Board on September 29, 1998, relating to the Low Rail Transportation License Amendment.

Staff Response:

The Staff opposes Contention I because it is not really a contention itself, but merely seeks to incorporate other contentions. As such, Contention I fails to present a litigable issue. *See PFS, LBP-98-7, 47 NRC at 237.* The Staff, however, would not oppose the Confederated Tribes' adoption of the State's Low Rail Contentions, if the State is designated as the lead party primarily responsible for litigating those contentions. *See id.* at 206-11.

Confederated Tribes' Contention J.

The Applicant's Environmental Report fails to provide adequate consideration to the potential fire hazards and the impediment to response to wild fires associated with constructing and operating the proposed rail line in the Low corridor.

Staff Response:

The Staff objects to the admission of this contention on the grounds that it is not supported by the requisite facts or expert opinion, does not show that a genuine dispute exists with the Applicant on a material issue of fact, does not refer to any allegedly deficient portion of the application, and constitutes an impermissible challenge to the basic structure of the Commission's regulations. *See* 10 C.F.R. §§ 2.714(b)(2)(ii)-(iii) and 2.758.

The Confederated Tribes refer to Utah Contention HH and, in addition, state that a train moving at 20 mph "could easily be overtaken by a wildfire" and that the location and 26-mile length of the rail line makes rail transportation "particularly susceptible to damage and personal injury in the event of a wildfire" CT Rail Contentions at 2. The Confederated Tribes further contend that the train would be "vulnerable to damage and injury from such fires," and that the Applicant's Environmental Report does not address these considerations. *Id.*

With respect to the Confederated Tribes' reference to Utah Contention HH, the Staff adopts and incorporates by reference its arguments in opposition to that contention. *See* Staff Response to Utah Rail Contentions, at 3-11. With respect to the Confederated Tribes' additional statements, they fail to address the Applicant's evaluation of transportation accidents, set forth in ER § 5.2, "Transportation Accidents," or the Applicant's discussion of the means to be utilized to reduce the potential for wild fires, *Id.*, at 4.4-9; they fail to provide any reason to believe that the Environmental Report's treatment of these matters is deficient; and they fail to present any challenge to the Applicant's discussion of cask safety or emergency preparedness in the event of

fires. *See, e.g.*, revised Emergency Plan (EP) at 2-15 and 3-5. Moreover, the Confederated Tribes fail to set forth any facts or expert opinion in support of these assertions, and fail to demonstrate the existence of a genuine dispute with the Applicant on a material issue of fact, as required by 10 C.F.R. § 2.714(b)(2)(ii)-(iii).

Further, insofar as this contention concerns the safety of spent fuel in transportation (as distinct from assertions that such transportation will result in fire hazards), the contention raises a matter that is governed by 10 C.F.R. Part 71 and Department of Transportation regulations, and fails to raise an issue that is appropriate for litigation in this proceeding. *See PFS, LBP-98-7, 47 NRC at 184, 190-91; 10 C.F.R. § 2.758.* Accordingly, this contention should be rejected.

Confederated Tribes' Contention K.

The "Amended" Application fails to account for the costs associated with the construction, maintenance, operation, and decommissioning of the rail line and the costs associated with the ultimate removal of the stored fuel at the end of the lease.

Staff Response:

The Staff objects to the admission of this contention, on the grounds that it fails to set forth the any facts or expert opinion in support of the contention, does not show that a genuine dispute exists with the Applicant on a material issue of fact, and does not refer to any allegedly deficient portion of the application. *See 10 C.F.R. § 2.714(b)(2)(ii)-(iii).*⁵

In this contention, the Confederated Tribes refer to Utah Contention II; in addition, they assert that the Applicant has failed to provide cost information relating to the construction,

⁵ Insofar as the contention concerns decommissioning costs, the contention replicates certain concerns that were presented in Confederated Tribes Contention A -- which the Licensing Board has previously rejected. *See PFS, LBP-98-7, 47 NRC at 234.* With respect to other concerns raised in this contention, pertaining to transportation decommissioning costs, the Confederated Tribes have not shown that those concerns could not have been presented earlier as part of their Contention A.

maintenance, operation and decommissioning of the rail line; and they assert that decommissioning should include removal of the rail line, revegetating the area, and removing the spent fuel from the PFS site upon termination of the license. CT Rail Contentions at 3-4.

With respect to the Confederated Tribes' reference to Utah II, the Staff adopts and incorporates by reference its response to that contention. See Staff Response to Utah Rail Contentions, at 12-18. With respect to the Confederated Tribes' other statements, they have failed to provide any facts or expert opinion to support the contention, as required by 10 C.F.R. § 2.714(b)(2). In addition, they have failed to present a genuine dispute of material fact with the Applicant as to the need for rail spur decontamination at the end of the license term or the Applicant's statement that such transportation is unlikely to involve contamination. See License Application, Appendix B (Preliminary Decommissioning Plan), at 6-1. Similarly, they have not presented any facts or expert opinion to indicate that the Applicant's projection of construction and operational costs are no longer valid due to the relocation of the rail spur. See ER § 7.3 and Table 7.3-1.⁶ Regarding the removal of the rail spur, the Confederated Tribes fail to address the Applicant's statement that "[i]t is anticipated that the low corridor rail spur will be utilized by others in the Skull Valley and will not be dismantled and removed," ER § 4.6.4; nor do they provide any reason to believe that removal of the rail line or revegetation of the area will be required, resulting in associated costs. Finally, the Confederated Tribes do not present any facts

⁶ Information concerning the cost of the rail spur may be found in PFS' application to the Bureau of Land Management (BLM) for a right-of-way over BLM lands. See "Application for Transportation and Utility Systems and Facilities on Federal Lands," attached to letter from John D. Parkyn, PFS, to Glenn Carpenter, BLM, dated August 28, 1998 (projecting a construction cost of \$25 million). See also, Letter from John D. Parkyn, PFS, to Director, NMSS, dated May 19, 1998 (providing proprietary information as to the basis for PFS' construction cost estimate, including transportation component).

or expert opinion to challenge the Applicant's statement that spent fuel will be removed from the site prior to decommissioning, or its projection of decommissioning costs at the end of the license term. *See* License Application, App. B, at 1-1, and Ch. 4. Accordingly, the contention fails to satisfy the requirements of 10 C.F.R. § 2.714(b)(2)(ii)-(iii).

Confederated Tribes' Contention L.

The intermodal transfer point (ITP), under the proposed "Amendment," becomes [a] temporary storage facility which requires a separate and additional license. 10 C.F.R. § 72.6(c)(1).

Staff Response:

The Staff objects to the admission of this contention on the grounds that it fails to set forth any facts or expert opinion in support of the contention, does not show that a genuine dispute exists with the Applicant on a material issue of fact, and does not refer to any allegedly deficient portion of the application. *See* 10 C.F.R. § 2.714(b)(2)(iii). In addition, the contention constitutes an impermissible challenge to the Commission's regulations in 10 C.F.R. Part 71.⁷

In this contention, the Confederated Tribes assert that the ITP requires an NRC license, referring to Utah Contention B-1; and they allege there is an increased likelihood that radioactive material will remain at the ITP for "potentially extended time periods," claiming that PFS has not adequately considered schedular interruptions "caused by mechanical breakdowns . . . , wildfires, employee work-stoppages, and problems occurring on the main rail lines (including, e.g., rising Great Salt Lake waters which could delay removal of defective casks)." CT Rail Contentions at 4.

With respect to the Confederated Tribes' reference to Utah Contention B-1, the Staff adopts and incorporates by reference its views concerning the admissibility of that contention.

⁷ In addition, the Confederated Tribes do not set forth any information that is unique to the new transportation locations, that could not have been raised earlier. In fact, the State raised this issue in Utah Contention B. Thus, the contention should be rejected as untimely.

See Staff Response to Utah Low Rail Contentions, at 18-20. With respect to the Confederated Tribes' additional statements, they have failed to provide any facts or expert opinion to support their view that the specified problems could cause spent fuel to accumulate at the ITP, contrary to the requirements of 10 C.F.R. § 2.714(b); nor have they indicated any reason to believe that these concerns could not have been raised earlier with respect to the rail spur's previous location. Further, their assertions that spent fuel will accumulate at the ITP constitute speculation and are unsupported by sufficient facts to demonstrate the existence of a material dispute with the Applicant. Accordingly, these assertions do not support the admission of the contention. *PFS*, LBP-98-7, 47 NRC at 180-81.

Further, the Confederated Tribes' assertion that these factors require that the ITP receive an NRC license constitutes an impermissible challenge to the Commission's transportation regulations in 10 C.F.R. Part 71 -- as the Licensing Board previously ruled in rejecting portions of Utah Contention B. *See PFS*, LBP-98-7 at 184 (rejecting portions of Utah Contention B concerning the volume and quantity of fuel shipments that could result in storage at the ITP). For these reasons, this contention should be rejected.

Confederated Tribes' Contention M.

The proposed rail line will increase hazards to the public.

Staff Response:

The Staff opposes the admission of this contention on the grounds that it fails to set forth any facts or expert opinion in support of the contention on which the Confederated Tribes intend to rely at hearing, and fails to present a genuine dispute with the Applicant on a material issue of fact. *See* 10 C.F.R. § 2.714(b)(2)(ii) and (iii). In addition, it constitutes a challenge to the basic structure of the Commission's regulations governing safeguards for nuclear material in

transportation, as set forth in 10 C.F.R. Parts 71 and 73, and fails to raise an appropriate issue for litigation in this proceeding. Further, the contention does not rely on any information that could not have been raised earlier, since both the original and revised locations for the rail line are close to the interstate highway. See original ER § 3.2.1.4.

In this contention, the Confederated Tribes assert that trains carrying the spent fuel will have an increased vulnerability to terrorist attack due to the "placement of a slow moving train on a track running parallel to the interstate highway," and that such a location "will increase the possibility of exposure by the traveling public" to a radiation release. CT Rail Contentions at 5. The Confederated Tribes, however, fail to provide any support for these assertions, and they fail to provide any reason to believe that the Applicant's dose analyses are deficient. See, e.g., ER § 4.7.2. Further, with respect to the risk of a terrorist attack during transportation, the contention raises a matter that is inappropriate for litigation in this proceeding. See, e.g., PFS, LBP-98-7, 47 NRC at 227 (OGD Contention C). For these reasons, this contention should be rejected.

Confederated Tribes' Contention N.

The "Amendment" fails to provide adequate notice to the public of the changes, which are substantial.

Staff Response:

The Staff objects to the admission of this contention on the grounds that it lacks sufficient basis and does not set forth sufficient information to show that a genuine dispute of material fact exists with the Applicant, as required in 10 C.F.R. § 2.714(b)(2), and fails to present a concrete issue that is appropriate for litigation in this proceeding.

The Confederated Tribes assert that the application should be "republished" in the *Federal Register* because the revised application proposes "substantial" and "sweeping" changes on

"hundreds of pages" of the application. CT Rail Contentions at 5. No basis is provided in support of this assertion, and it should be rejected. The Commission's *Federal Register* Notice of July 31, 1997, indicated that the application was submitted under 10 C.F.R. Part 72 for a license "to possess spent fuel and other radioactive materials associated with spent fuel storage" in an ISFSI to be constructed in Skull Valley.⁸ The description of the proposed action in the *Federal Register* Notice is thus quite broad, and the change to the location of the rail spur and ITP does not vitiate the effectiveness of that Notice. Further, although many pages of the application have changed, the actual changes (as delineated by side bars) are limited in scope and nature -- generally relating to either the revised transportation corridor or additional environmental studies by the Applicant. Inasmuch as the Applicant described the proposed use of a rail spur and ITP in its initial application, the revised application does not create a fundamental change in the nature or scope of the application, and no basis has been provided to support the claim that the changes are "sweeping" in nature. For these reasons, this contention should be rejected.

CONCLUSION

For the reasons set forth above, the CT Rail Contentions should be rejected.

Respectfully submitted,



Catherine Marco
Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 26th day of October 1998

⁸ "Private Fuel Storage, Limited Liability Company; Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing," 62 *Fed. Reg.* 41,099 (1997).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Independent Spent
Fuel Storage Installation))

) Docket No. 72-22-ISFSI
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO CONTENTIONS OF THE CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION RELATING TO THE LOW RAIL LICENSE AMENDMENT" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the United States mail, first class, as indicated by an asterisk, with copies by electronic mail as indicated, this 26th day of October, 1998:

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to GPB@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)

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)

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

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

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Danny Quintana, Esq.*
Danny Quintana & Associates, P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101
(E-mail copy to
quintana@Xmission.com)

Jay E. Silberg, Esq.*
Ernest Blake, Esq.*
Paul A. Gaukler, Esq.*
SHAW, PITTMAN, POTTS &
TROWBRIDGE
2300 N Street, N.W.
Washington, DC 20037-8007
(E-mail copies to jay_silberg,
paul_gaukler, and ernest_blake
@shawpittman.com)

Denise Chancellor, Esq.*
Fred G. Nelson, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
(E-mail copy to dchancel@State.UT.US)

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 cnakahar@state.UT.US)

Diane Curran, Esq.*
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, D.C. 20009
(E-mail copy to
DCurran.HCSE@zzapp.org)

John Paul Kennedy, Sr., Esq.*
1385 Yale Ave.
Salt Lake City, UT 84105
(E-mail copy to john@kennedys.org)

Joro Walker, Esq.*
Land and Water Fund of the Rockies
165 South Main St., Suite 1
Salt Lake City, UT 84111
(E-mail copy to joro61@inconnect.com)

Richard E. Condit, Esq.
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302
(E-mail copy to rcondit@lawfund.org)

Clayton J. Parr, Esq.*
PARR, WADDOUPS, BROWN, GEE
& LOVELESS
185 S. State St., Suite 1300
P.O. Box 11019
Salt Lake City, UT 84147-0019
(E-mail copy to karenj@pwlaw.com)



Sherwin E. Turk
Counsel for NRC Staff