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March 19, 1999

U.S. Nuclear Regulatory Commission
Office of the Secretary
Att'n: Rulemakings and Adjudications Staff
Washington, D.C. 20555

**Re: In the Matter of Private Fuel Storage, L.L.C., Docket No. 72-22-
ISFSI, PFS Appeal of Order Granting SUWA Intervention**

Dear Sir or Madam:

I am writing to clarify a possible inaccuracy in the record of the February 16, 1999 appeal filed by Private Fuel Storage, L.L.C. ("PFS") appealing the Atomic Safety and Licensing Board's February 3, 1999 Memorandum and Order, LBP-99-3, granting the Southern Utah Wilderness Alliance's ("SUWA") petition to intervene. The grounds for PFS's appeal set forth in its brief is that SUWA lacks standing and has failed to plead an admissible contention. With respect to the latter, PFS argued that SUWA's Contention B – which concerned alternatives to the proposed Low Corridor rail line (from the main Union Pacific rail line at Low to the PFS site) – should be dismissed for several reasons. One of these reasons was that the alternative that SUWA belatedly proposed (to run the rail line to the East to avoid SUWA's proposed wilderness area) was not feasible in that it would cross land owned by the State of Utah. See PFS Appeal Brief at 9-10 and note 12. The State of Utah is intractably opposed to the proposed ISFSI and would obviously not consent to realigning the rail line over State lands.

PFS based this argument on Exhibit 2 to SUWA's petition to intervene. Because this exhibit shows SUWA's proposed wilderness area to directly abut State-owned lands, any realignment of the rail line to the East would have to cross State land. If one assumes, however, that SUWA's proposed wilderness area is bounded on the East by an existing road, a more detailed topographic map shows a corridor of approximately 500 feet (at its narrowest point) between the road and the adjacent section of land to the East owned by the State

Office of the Secretary
March 19, 1999
Page 2

through which the rail line might conceivably be routed.¹ We do not believe that this potential 500 foot corridor for the rail line between SUWA's proposed wilderness area and the State-owned land is significant to the arguments made on appeal. SUWA claims visual and other impacts to its proposed wilderness area resulting from the proposed rail line (which it presumably would still claim if the proposed rail line were shifted somewhat to the East in order to avoid by a few hundred feet its proposed wilderness area) and never pointed to this potential routing as a feasible alternative in its opposition brief. However, upon noting this potential routing we feel obliged to bring it to the Commission's attention.

Sincerely,



Paul A. Gaukler

cc: Attached service list

Document #: 735516 v.1

¹ See Page 1 of Exhibit 1 to Applicant's Answer to Petition to Intervene and Contentions of Southern Utah Wilderness Alliance, dated December 1, 1998. Note that the scale on this map is inaccurate. When the map was copied from the United States Geological Survey map, of which it is a part, the scale and the copied portion of the map itself were inadvertently copied to different sizes.

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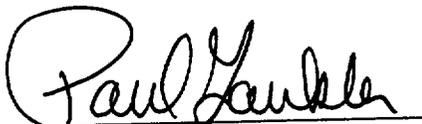
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Document #: 736744 v.1

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Paul A. Gaukler

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Private Fuel Storage Facility))

Docket No. 72-22

CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Letter of March 19, 1999 concerning "PFS Appeal of Order Granting SUWA Intervention" were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 19th day of March 1999.

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