

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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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:

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