ERRATA TO U.S. DEPARTMENT OF ENERGY CONSOLIDATED REPLY BRIEF ON PHASE 1 LEGAL ISSUE SAFETY CONTENTIONS

It has come to the U.S. Department of Energy’s (DOE) attention that its Consolidated Reply Brief on Phase 1 Legal Issue Safety Contentions (DOE’s Reply), filed on January 6, 2010, contains an error in the section addressing contention NEV-SAFETY-171 (Legal Issue 11). The error appears in the “Conclusion” on page 52. The sentence should read: “Therefore, 10 C.F.R. §§ 63.113, 63.114, and Part 63 Subpart G, do not prohibit use of the PMA to validate or provide confidence in the TSPA, regardless of its limited use of data and software that were not qualified under DOE’s QA program for direct use in the TSPA.” The italicized text does not appear in DOE’s Reply as filed. Attached is a Table (Attachment 1), which identifies the page on which
this error occurs and identifies the text to be corrected. Also attached is a replacement for the affected page (Attachment 2), reflecting the correction identified in the table.

Respectfully submitted,

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Dated in Washington, DC
this 21st day of January 2010
Attachment 1

ERRATA TO U.S. DEPARTMENT OF ENERGY CONSOLIDATED REPLY BRIEF ON PHASE 1 LEGAL ISSUE SAFETY CONTENTIONS

<table>
<thead>
<tr>
<th>Page Number</th>
<th>Correction:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 10</td>
<td>After “. . . were not qualified under DOE’s QA program” insert “for direct use in the TSPA.”</td>
</tr>
</tbody>
</table>
Attachment 2
supporting documents, the PMA was one aspect of DOE’s TSPA post-development validation activities and was “planned, controlled, and documented” in accordance with the applicable provisions of procedures, which permit use of unqualified data and software in certain circumstances.\footnote{Detailed information concerning the QA measures applied during preparation of the PMA is provided in Appendix C of the TSPA-LA Model/Analysis report, MDL-00403 Rev 00 AD01 (LSN# DEN001579005).}

III. Conclusion

Therefore, 10 C.F.R. §§ 63.113, 63.114, and Part 63 Subpart G, do not prohibit use of the PMA to validate or provide confidence in the TSPA, regardless of its limited use of data and software that were not qualified under DOE’s QA program for direct use in the TSPA.

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DB1/64076383

\footnote{Id. at 2.5-15 to -16.}
CERTIFICATE OF SERVICE

I hereby certify that copies of the “ERRATA TO U.S. DEPARTMENT OF ENERGY CONSOLIDATED REPLY BRIEF ON PHASE 1 LEGAL ISSUE SAFETY CONTENTIONS” have been served on the following persons on this 21st day of January 2010 through the Nuclear Regulatory Commission’s Electronic Information Exchange.

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