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February 2nd 1998

Docket Number 72-22-ISFSI  
Licensing hearing on proposal of Private Fuel Storage LLC  
Amended petition

Dear Sir,

Petitioners listed below have formed a group "Scientists for Secure Waste Storage" and request leave to intervene, as a group, in the above hearing and extensions thereof in accordance with the rules of practice for domestic licensing proceedings.

This request is late. Petitioners were only aware of the proposal and the proposed hearings thereon at a late date and it has taken a little time to collect the information, and discuss a position thereon.

The petitioners believe that the proposal of Private Fuel Storage to store spent nuclear fuel in the Skull Valley Indian reservation, is in principle a sensible proposal to cope with one of the steps in the technology of nuclear power in a safe and environmentally acceptable way. The petitioners have little doubt that such a storage facility can be built and operated safely. In that sense the petitioners support the proposal.

Petitioners would like to have the opportunity to review and comment (preferably in writing) upon any and all scientific and technical issues that are, or will come before the board. We desire this right to make sure that the scientific and technical testimony is accurate and in proper context. It is the intention of the petitioners that written comments would be circulated among the petitioners and the group report would then represent their views rather than merely represent the views of a spokesman. To the extent that oral comments may be made by a spokesman for the petitioners, these will be sent to each and every petitioner for subsequent checking. The comments of the group will, of course, be available for cross examination and it is expected that the spokesman will be the person so examined.

The petitioners also note that according to paragraph 2.715 of the rules of practice the presiding officer may at his discretion permit a limited appearance either orally or by written statements of the position on the issues at any session of the hearing or at the pre-hearing conference. It is possible that if the presiding officer permits a wide latitude in such limited appearances that the aims of

the petitioners in making sure that the issues are properly clarified and that the public good is appropriately represented will be met through a limited appearance or appearances at more than one stage of the hearing. However the more formal intervention may give more flexibility in ensuring that the petitioners can properly present the best scientific and technical information and respond to such other information as may be presented in this matter. The petitioners are alarmed by inaccurate (and not publicly retracted) statements on the science and technology of nuclear physics and its application to waste storage, that have been made by officials of the State of Utah, which is one of the participants. These statements have been made in the press and also expressed in various communications. The petitioners feel that to accept, condone or give credence to such statements would misrepresent and demean science and the scientific community and they desire to intervene to help ensure that the scientific and technical record is correct. For these reasons we request leave to intervene even at this late stage.

The petitioners make response to the following factors as listed in 2.714(d) (1) of the rules of practice.

(i) Most of the petitioners have worked much of their lives in research on the science and technology of nuclear energy and in planning and regulating nuclear energy (as set forth succinctly in the qualifications beside the names, with exceptions noted) and the collective knowledge and experience of the petitioners can be of help to the board and therefore to the public at large.

(ii) None of the petitioners have personal financial or property interests in the proceeding. Their interest however is great, but is solely an interest in the public good and a desire to ensure that the public good be properly considered. One of the petitioners live and works in the State of Utah, not far from the proposed site, and his personal interest in the hearing is therefore the same as any other resident of the State of Utah.

(iii) If an order is presented in the petitioners interest, it will be (in the opinion of the petitioners) in the broad public interest also. The comments on items (i) and (ii) above show that each and every petitioner in his own way has spent many years considering the impact of these matters on the public.

In accordance with 2.714 (f) petitioners anticipate and would accept restrictions on an intervention. In order petitioners note that:

2.714 (f) (1) petitioners are unlikely to introduce irrelevant argument. Although the argument is very likely to be repetitive and duplicative, in view of the experience and expertise of the petitioners such argument and discussion is more likely to clarify the issues being discussed than to complicate and obscure them.

2.714 (f) (2) Although the petitioners share a common interest with the proposers in ensuring that the nuclear power program of the USA be continued with the minimum of environmental problems, there are

differences. The spokesman may not always be able to fully represent the details of the various opinions. It is moreover likely that the petitioners will have, on occasion different views in detail from the proposer Private Fuel Storage Inc., or the Skull Valley Band of Goshute Indians, and it seems desirable that the board have available to it the spread of informed opinion. For this reason a full intervention will make a clearer docket than an alternate possibility of presenting the testimony as a witness called by one of the other parties. Only then will the board be able to make the best possible decision.

2.714 (f) (3) At no time do the petitioners want to disturb the authority of the licensing board or modify the compass of the hearing.

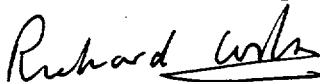
2.714 (g) The petitioners are at present unaware of the detail of all the issues in the hearing. Such details, for example, of whether an access road should go to the left or to the right of a particular hill will clearly be of no concern to the petitioners provided that some reasonable access is provided. Although some of the petitioners are well informed on the legal and procedural matters of the commission, their interest is to ensure that the science and technology is sound. The petitioners expect to limit their participation accordingly whether or not it is formally limited by the board.

2.714 (i) It is the stated and clear intention of the petitioners NOT to enlarge the issues in the hearing: only to be able to clarify them and put them into perspective.

We also request that the petitioners be permitted to participate in the preparation (and peer review) of the Commission's Safety and Environmental reports to the extent consistent with this intervention. We request that we be provided with copies of the notes of that testimony and those filings of others that pertain to scientific and technical matters regarding the transportation and storage of spent fuel.

The legal advisor to the "Scientists for Secure Waste Storage" is the Atlantic Legal Foundation Inc., located at 205 E. 42nd Street, Ninth floor, New York, NY 10017 Tel; 212 573 1960. The president is E. Lewis, Esq. and the General Counsel Martin Kaufman, Esq. The Atlantic Legal Foundation is a public interest legal foundation that has represented scientists in a number of amicus curiae briefs in the aim of ensuring reliable scientific data in legal proceedings. Two of these (Daubert and Joiner) were presented to the U.S. Supreme Court.

Yours sincerely



Richard Wilson

Spokesman for Scientists for Secure Waste Storage

Petitioners and members of "Scientists for Secure Waste Storage":

William T. Anders, former Astronaut  
former Chairman Nuclear Regulatory Commission  
former Ambassador to Norway  
former Chairman General Dynamics Corp.  
Resident in Eastsound, Washington

Hans Bethe, Professor of Physics Emeritus, Cornell University  
Nobel Laureate in Physics (for understanding the energy in the sun)  
Resident in Ithaca, NY

Nicolaas Bloembergen, Gerhard Gade University Professor Emeritus  
Harvard University, Professor of Physics  
Nobel Laureate in Physics  
Resident in Lexington, Massachusetts

Allan Bromley, Dean of Engineering, Yale University  
Sterling Professor of the Sciences  
Past President American Physical Society  
formerly The Assistant to President George Bush for Science and Technology  
Resident at or near New Haven, Connecticut

Max Carbon, Professor of Nuclear Engineering Emeritus  
University of Wisconsin,  
formerly member of Advisory Committee on Reactor Safeguards, AEC/NRC  
formerly INPO accreditation board  
Resident of Madison, WI

Bruce W. Church, Desert Research Institute, University of Nevada  
Adjunct research Professor University of Cincinnati  
formerly head of Environmental Health and Safety  
DOE Nevada operations office.  
Resident in Logandale, NV  
Native of Southern Utah

Bernard L. Cohen, Professor of Physics, University of Pittsburgh  
author of many papers on nuclear waste disposal  
Resident at or near Pittsburgh, Pennsylvania

\*Gerard Debreu, Professor of Economics, University of California  
Nobel Laureate in Economics  
Resident at or near Berkeley, California

Sheldon L. Glashow, Higgins Professor of Physics, Harvard University  
Nobel Laureate in Physics (for his work on the "standard model")  
Resident in Brookline, Massachusetts

Robert J. Hoffman, certified health physicist  
Radiation Safety Consultant  
Formerly Chairman Radiation Control Board of the State of Utah

Resident in Salt Lake City

An affidavit confirming this participation will be available

\*Daniel M. Kammen, Assistant Professor of Public Policy and  
International Affairs

Princeton University

expert on solar energy in developing countries

Resident in Princeton, New Jersey

John Landis, Past President, American Nuclear Society  
formerly Senior Vice President, Stone & Webster Corporation  
Past Chairman American National Standards Association  
Resident in Weston, Massachusetts

Ralph Lapp, Safety Consultant

author of books on dangers of radiation

Resident in Alexandria, Virginia

Otto G. Raabe, Professor University of California  
Institute of Toxicology and Environmental Health  
Current president Health physics Society  
Resident in Davis, CA

Norman F. Ramsey, Higgins Professor of Physics Emeritus  
Harvard University,  
Nobel Laureate in Physics  
former Science Ambassador to NATO  
former President, Universities Research Association  
Resident in Brookline, Massachusetts

Marcus T Rowden Esq.,  
former Chairman Nuclear Regulatory Commission  
Resident at or near Washington, DC

Glenn T. Seaborg, Professor of Chemistry Emeritus, University of  
California  
formerly Chancellor University of California  
formerly Chairman Atomic Energy Commission  
Nobel Laureate in Chemistry  
Resident in Lafayette, California

Allen Lee Sessoms, President, Queens College, New York  
formerly Science Counselor, U.S. Embassy, Paris  
formerly Deputy Chief of Mission, Department of State, Mexico  
City  
Department of Energy, Energy Advisory Committee  
As a person with native American ancestry, he has a particular  
concern for and understanding of many of the issues.  
Resident in Newton, Massachusetts

Jacob Shapiro, Radiation Safety Officer Harvard University (retired)  
Author of a major text on radiation health physics  
Resident in Massachusetts

Richard Wilson, Mallinckrodt Professor of Physics, Harvard University  
expert on nuclear physics and risk analysis, especially effects  
of radiation and air pollution  
advisor on risks to many US agencies and foreign governments  
Resident in Newton, Massachusetts

other scientists are likely to join the group at a later time.

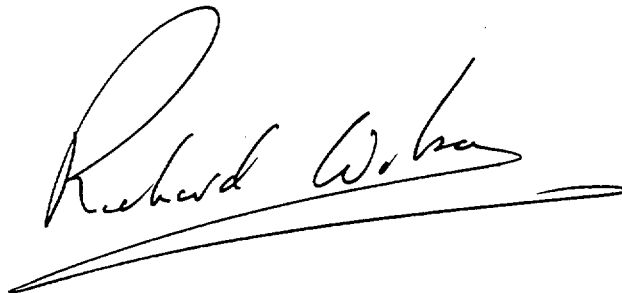
Collectively the petitioners have expertise in most of the  
matters before the committee including fundamental physics and  
chemistry, numerical assessment of risks, and effects of radiation.  
However the signatories marked with an asterisk note that they do not  
have as much experience in nuclear energy as noted in the response to  
2.714(d)(i).

Certificate of Service:

I hereby certify that copies of the above petition were served on the persons listed below by E MAIL (with copies by US first class mail postage prepaid) except as noted below where copies were only sent by first class mail.

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CJ Haughney, NRC  
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ASLB, NRC

A handwritten signature in dark ink, appearing to read "Richard W. Haughney", with a long horizontal flourish extending to the right.