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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SERVED MAY 30, 2002

G. Paul Bollwerk III  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. G. Paul Bollwerk;

My wife and I are residents of the Salt Lake City area. I am writing to express my concern about the proposed Skull Valley nuclear waste storage site, and to request that your board vote against allowing nuclear waste to be stored at this site.

There are several reasons why the proposed Skull Valley nuclear waste storage plan is not an appropriate solution to the current spent nuclear fuel problem. First, the entire life cycle of the nuclear waste storage program should be overseen by the U.S. Federal Government. This was the Federal Government's commitment to the utility companies and public before the utilities were encouraged to build power producing nuclear reactors. Federal Government involvement ensures the national public interest will be protected from the construction through the clean up phase of the project. Federal involvement also ensures that an unplanned accident could be mitigated using all of the vast resources available only to the Federal Government. The private limited liability company that is planning to completely run the Skull Valley operation has no planned business operations besides storage, and is in fact a new company with no nuclear fuel storage experience. It therefore faces no public shame or significant financial damage if it mishandles the job. The LLC has no financial risk because it's apparent purpose is to keep the real companies that back the project financially and publicly isolated from the inherent hazards of nuclear fuel storage. The idea of having an LLC with no successful track record running an operation of this risk and magnitude sends chills down my spine. I can't think of a bigger red flag or cautionary signal for the project than the message that the companies who procured and used the fuel don't want to be associated with this project. The LLC represents unlimited risk to the public with limited chance of private accountability for mistakes and limited ability to handle unexpected emergencies. If the Skull Valley plan does get approved, it would be sensible to require the LLC to acquire and maintain a bond equivalent to the cost to clean up a significant release of radioactive materials, and to compensate affected people and property.

Second, it doesn't make sense to take the risks to move the nuclear waste twice if a plan can be developed to move it once. Moving the nuclear waste from the power plant to its final storage site eliminates uncountable cost, risk, negative publicity and political fights associated with an intermediate storage site. Moving the waste only once leaves two options. Leave the waste at its current storage site until the national long term repository is ready, or put the waste into intermediate storage as close to the final storage site as is possible. Both of these options help foster the professional management of the nuclear waste. Leaving the waste at its current location allows the team of corporate and government organizations that already have a long track record of successful nuclear waste management to continue their successful operations. Moving the waste to interim storage as close as possible to the final storage site reduces the number of complicated interfaces, approvals, policies, procedures and training necessary for the national

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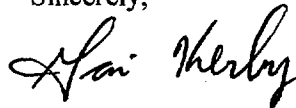
policy of nuclear waste storage because then it would only have to be done once at the location of the national long term storage site.

Third, the Utah political delegation and Salt Lake City area leaders are openly hostile towards the Skull Valley project. This condition will make it extremely difficult, expensive, and time consuming for the LLC and government organizations attempting to store nuclear waste at Skull Valley. Because Utah is a relatively homogeneous and tight knit community, the area leaders may prove surprisingly successful in applying legal and political pressure to keep the waste out of the area.

Finally, I feel that it would put my personal family health and safety at risk. I know this is the weakest argument in your prospective, but it is the reason why I felt compelled to write to you. I just don't feel at all comfortable with having an unproven LLC take on this kind of responsibility. I also worry the LLC will steer a path of the minimum government oversight and minimal expense, which again leads toward a maximum increase of public risk which would mean risk to me and my family if interim storage was allowed at Skull Valley.

Thank you for your time and consideration, and I welcome any additional insight and information your board can provide regarding the interim and long term storage plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Kerby". The signature is fluid and cursive, with the first name "Gavin" written in a larger, more prominent script than the last name "Kerby".

Gavin Kerby

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel Storage  
Installation)

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Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LIMITED APPEARANCE STATEMENT OF GAVIN KERBY have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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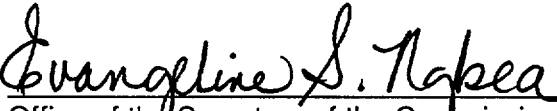
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 30<sup>th</sup> day of May 2002