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OFFICE OF SECRETARY
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MEMORANDUM

TO: Catherine Marco
Office of Secretary
Docketing and Service Branch
Nuclear Regulatory Commission

FROM: Clayton J. Parr

DATE: 9-11-97

RE: Notice of Filing of Petition to Intervene - Docket No.
72-22

Pursuant to my conversation with you, the following information is being sent in lieu of a Western Union telephone notice to William F. Kane, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards. The telephone notice was required in 62 Fed. Reg. 41099, but the Western Union forwarding arrangement is not currently in place.

The document being filed is styled as a Request for Hearing and Petition to Intervene.

Petitioners' Names: Castle Rock Land and Livestock, L.C.
Skull Valley Company, LTD.
Ensign Ranches of Utah, L.C.

Telephone: (801) 532-7840
(Phone number of counsel)

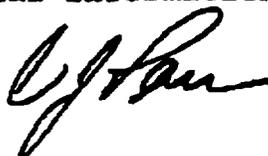
Date Mailed: September 11, 1997 (by Federal Express
to Office of the Secretary, Rockville,
Maryland).

Facility Name: Private Fuel Storage - Skull Valley ISFSI

Publication Date: July 31, 1997

Federal Register: 62 Fed. Reg. 41,009

Please advise if additional information is needed.



41,099; 10 C.F.R. § 2.105. Petitioners are related business entities under common management and share common interests in the subject matter of this proceeding. Petitioners hereby jointly request a hearing and leave to intervene in this proceeding.

III. FACTUAL BACKGROUND

A. Petitioners

Petitioners are independent ranching, farming and land investment companies with significant investments and operations located in Skull Valley, Tooele County, Utah. Petitioners Castle Rock and Skull Valley Co. collectively own approximately 67,000 acres in Skull Valley. Petitioner Ensign Ranches leases the lands owned by Castle Rock and Skull Valley and conducts farming and livestock operations thereon.

The locations of Petitioners' properties and major facilities in the vicinity of the proposed PFSF are shown on Exhibit 1 attached hereto.

Castle Rock's lands are used to winter approximately 2,000 mother cows and calves in Skull Valley and they provide summer pasture for approximately 200 mother cows and calves. In addition, Petitioner Castle Rock has three separate farms located in Skull Valley, the Hatch Farm, the Brown Farm and the Island Farm, all currently operated by Ensign Ranches. The Brown Farm is located immediately to the north of the Skull Valley Indian Reservation boundary and is located less than 2,000 feet from the proposed PFSF. The Island Farm is located approximately 4,000 feet north of the Brown Farm, while the Hatch Farm is located several miles to the south of Skull Valley Indian Reservation.

Petitioner Skull Valley Co.'s lands are used to winter approximately 2,000 mother cows and calves and to support approximately 500 mother cows and calves during the summer months. In addition, Petitioner Skull Valley Co. has two farms located in Skull Valley, the South Farm and the Iosepa Farm, which are currently operated by Ensign Ranches. The South Farm is located approximately four miles north of the Skull Valley Indian Reservation while the Iosepa Farm is located approximately seven miles north.

With the exception of the Hatch Farm owned by Petitioner Castle Rock, all of the farms owned by Castle Rock and Skull Valley Co. are located along the Skull Valley road and the proposed transportation route for the PFSF. The combined acreage currently being actively irrigated exceeds 3,000 acres; the remaining 64,000 acres owned by Petitioners are being used for related livestock (both cattle and sheep) and farming activities.

The farms owned by Petitioners are irrigated in the early spring months by water collected from the Stansbury Mountain located to the east of the PFSF site. During the summer months, this water is of necessity supplemented by water obtained from wells located on each of the farms. The farms currently and historically produce a variety of crops, including alfalfa, oats, barley and wheat. The alfalfa is fed to both beef cattle and to dairy cattle which produce milk for the Utah area. The grains are typically sold to a third party and ultimately are used for human consumption or are fed to beef or dairy cattle.

Livestock grazing takes place on native range land on both private land owned by the Petitioners and on land owned by the Bureau of Land Management (including the

Skull Valley Grazing Allotment and the South Skull Valley Grazing Allotment). This range land surrounds the Skull Valley Indian Reservation and the proposed PFSF on three sides and with the exception of the Dugway Proving Grounds federal facility, is the largest land and economic operation in Skull Valley. The 4,000 combined mother cows being run by Petitioner Ensign Ranches represent a significant investment with each animal being valued at current market prices of approximately \$800, or a combined value of approximately \$3.2 million. The cattle are raised and marketed for human consumption.

As part of the livestock and farming operations, Petitioners also own and operate approximately ten separate homes located in Skull Valley which, with the exception of the Hatch Farm home, are all located north of the PFSF site along the Skull Valley Road. Each of these homes is occupied by an employee and that employee's family. These homes are all provided culinary water through wells located adjacent to the homes.

The proposed PFSF is located "upstream" hydro-geologically from numerous wells used by Petitioners north of the PFSF site. This includes wells used for both human consumption, and for farm irrigation and the watering of livestock.

In conducting their farming and ranching operations, Petitioners rely heavily on the Skull Valley Road. As the only transportation corridor in Skull Valley, this road is used as exclusive access to all of the homes for employees of Petitioners. This road is also used to herd cattle between various pastures and shipping locations as well as being used heavily for the transportation of farm equipment and the crops produced from the farms.

In addition to their farming and ranching operations, Petitioners Castle Rock and Skull Valley Co. own the 67,000 acres for investment purposes. The Salt Lake Valley is located less than sixty miles from the property owned by Petitioners in Skull Valley. The Salt Lake Valley area is one of the fastest growing areas in the United States, and Petitioners believe the future potential for development of homes and related businesses in Skull Valley is significant. This potential is significantly increased due to the fact that currently Skull Valley is a pristine and unspoiled location and as such provides an attractive alternative to the increasingly urbanized Salt Lake Valley and nearby Tooele Valley.

Furthermore, Petitioners have ongoing discussions with several milk dairies, feed lots, and related food production businesses regarding relocations to Skull Valley on Petitioners' land. Due to Skull Valley's vast open space, clean water, the availability of dairy and beef cattle feed from Petitioners' farms, and the pristine and unspoiled environment, Skull Valley is a very attractive alternative to agriculturally oriented food production businesses looking to relocate from areas in Utah that are no longer satisfactory for such businesses due to their increasing urbanization. These opportunities are significant for Petitioners.

B. PFS Application for PFSF

On June 20, 1997, PFS filed an application with the NRC for a materials license to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation located on the Skull Valley Goshute Indian Reservation in Skull Valley, Utah. The term of the license would be for 20 years.

Notice of application was published by the NRC on July 31, 1997, 62 Fed. Reg. 41,099. References are made herein to PFS's License Application ("Application") and the accompanying Environmental Report ("ER"), Safety Analysis Report ("SAR") and Emergency Plan ("EP").

IV. PETITIONERS HAVE STANDING TO INTERVENE

Under the Atomic Energy Act and the rules and regulations of the Nuclear Regulatory Commission, "any person whose interest may be affected by a proceeding and who desires to participate" may file a petition to intervene. 10 C.F.R. § 2.714(a)(1); 42 U.S.C.A. § 2239(a)(1)(A). A party's right to intervene is based upon whether (1) the action being challenged could cause injury-in-fact to the petitioner, and (2) such injury is arguably within the zone of interest protected by the Atomic Energy Act or the National Environmental Policy Act (hereinafter "NEPA"). Vermont Yankee Nuclear Power Station, LBP-90-6, 31 NRC 85, 89 (1990), citing Portland General Electric Co., CLI-76-27, 4 NRC 610, 613-14 (1976).

A. Petitioners Have Standing to Intervene.

Petitioners would suffer injury-in-fact well within the zone of interest protected by the Atomic Energy Act and NEPA if PFS is allowed to proceed with its planned PFSF. Petitioners own and conduct agricultural operations on the lands immediately adjacent to the PFSF site. Petitioners have vital interests in protecting the welfare of their employees; the economic viability of their farming and ranching operations; their ability to use the Skull Valley Road for such cumbersome tasks as moving livestock and farm equipment; the integrity and quality of their water supplies; the quality of their

agricultural crops, including those crops used directly for human consumption directly and indirectly through milk and beef production; the investment value of their land in Skull Valley; and their ability to develop their land for industrial, residential, and recreational uses. All of these interests are threatened by the proposed PFSF. Apart from the residents of the Skull Valley Indian Reservation, Petitioners and their resident employees are the neighbors most vulnerable to the impacts of the PFSF. The proximity of Petitioners' lands and operations is sufficient alone to establish the requisite injury-in-fact entitling Petitioners to participate in the licensing proceeding. Florida Power & Light Co. (St. Lucie Nuclear Power Plant, Unit 1) CLI-89-21, 30 NRC 325, 329 (1989). Thus, Petitioners are entitled to intervene in this proceeding for the purpose of protecting their interests from the injury-in-fact threatened by the proposed PFSF.

B. Petitioners Will Suffer Injury-In-Fact If the NRC Licenses A PFSF In Skull Valley.

Petitioners are threatened by "distinct and palpable" injuries directly "traceable" to the proposed PFSF license application, which can be redressed by a decision denying the application. Kelly v. Selin, 42 F.3d 1501, 1508 (6th Cir.), cert. denied, 115 S. Ct. 2611 (1995), quoting Warth v. Seldin, 422 U.S. 490, 501 (1975). If the proposed facility is licensed, there is risk of an accidental radioactive release from the dry casks that would injure and compromise the health and safety of the Petitioners' employees and the consumers of their agricultural products, the integrity of the natural environment, and Petitioners' economic interests.

1. Petitioners are Threatened by Potential Releases of Radioactive Substances.

Accidental releases of radioactive substances could occur through transportation accidents, seismic events, inadequacy of the casks to provide absolute long-term containment of radioactive substances, or cask design or manufacturing flaws. A critical accident could cause a radiological explosion. An accident could also occur by sabotage or terrorism, or a cask dropped during transfer, or by many other means. EP, § 2.4; SAR, ch. 8.

An accidental release of radioactive substances is a direct threat to Petitioners' interests because of proximity to the PFSF site. Such a release could contaminate the air, ground water and surface water, the land, and surrounding people, animals, and plants. The employees and livestock of Petitioners could suffer immediate, severe radioactivity related illness or death from high-level radiation exposure if a cask were to explode or be fractured by sabotage. Cancer and leukemia and cellular or genetic defects could be caused by high or low level exposure. An accidental release would also cause significant adverse economic consequences, including diminished property values and a correlating decline in income and the agricultural and real estate development viability of the area.

Petitioners are concerned that PFS's license application for the PFSF lacks sufficient measures to protect them from such an accidental release, thus posing an undue risk to the health and safety of their employees. Petitioners' concerns may be redressed by denial of the license application on the ground that it fails to provide sufficient measures to protect health and safety.

2. Construction Activities Will Adversely Impact Petitioners' Interests.

Petitioners are concerned about the effects of construction activities related to the PFSF upon the health, safety, and welfare of their employees, their agricultural operations (and crops and beef produced thereby), and the value of their land. The Application states that a concrete batch plant will be built as part of the PFSF. ER, p. 3.2-2. The particulate emissions from this plant and the traffic hauling materials to and from the plant will cause significant damage to Petitioners. Likewise, the construction activity relating to the PFSF will continue for almost the entire initial permit term for the PFSF, ER, pp. 4.1-4 and 4.1-5, and will cause significant damage to Petitioners.

3. The Quality of Petitioners' Water is Threatened.

The PFSF would be serviced by a septic tank system. ER, pp. 3.3-4 and 3.3-5. This will apparently be the only method of disposal of sewage and wastewater related to the site, including disposal of human waste and water from sewers, drains, and the operations of the PFSF. Such waste water could contain radioactive substances. Petitioners believe the septic tank system creates a substantial potential of contamination to the ground water supply upon which Petitioners rely for water for human consumption, livestock, and farm crops.

Furthermore, the PFSF application states that a water retention pond will be placed on the north end of the site, presumably near lands owned by Petitioner. Again, the potential for groundwater pollution is significant as is the potential for overflow onto Petitioners' lands. The potential for such contamination is a significant threat to the health, safety, and welfare of Petitioners, their employees, and the general public that consumes beef and farm products produced by Petitioners.

4. Risks Outweigh Benefits.

Petitioners are also concerned that the Environmental Report contains insufficient information on which to base a decision on the relative risks, costs, and benefits of the proposed project, or on alternatives to the project. A critical concern is the prospect of indefinite storage because of the absence of firm assurances by the applicant that all waste at the site will be removed and decommissioning of the PFSF completed by any fixed date. Without such assurances, Petitioners believe the PFSF must be evaluated by the NRC as a permanent repository for high level nuclear waste and must satisfy all requirements imposed on a permanent repository. Petitioners believe that if supporting environmental documents, including the ER and the forthcoming Environmental Impact Statement ("EIS"), were to fully disclose the costs and risks of the proposed PFSF and the open ended nature of its operation, the NRC would choose not to license the facility. Thus, preparation of a complete and accurate ER and EIS would, in all likelihood, result in the denial of the permit, and thereby redress Petitioners' concerns.

5. The Application Fails to Describe the Nature and Proximity of Petitioners' Lands and Agricultural Operations or Potential Impacts Thereon.

The Application does not address or acknowledge Petitioners' farming operation and employee housing existing immediately north of the PFSF site. The Application does not mention that Petitioners are engaged in the activities of producing thousands of tons of crops that are consumed directly by humans, beef cattle, and dairy cattle. Furthermore, the livestock owned by Petitioners that graze in the area yield almost 5,000,000 pounds of beef annually, which is all consumed by humans. In addition, these

crops and livestock, as well as the people living on Petitioners' lands, all depend on ground water in the area for their survival. Were the PFSF to fully disclose the impact and risk associated with the PFSF as it relates to the above described interest of Petitioners, the NRC would choose not to license the facility and thereby redress Petitioners' concerns.

6. Petitioners' Use of the Skull Valley Road and Surrounding Lands Will be Impeded.

Petitioners believe that the proposed activity related to the PFSF will create significant problems and hardships relating to use of the Skull Valley Road. In order to move cattle and farm equipment, Petitioners rely on the Skull Valley Road and have done so for over 50 years. Petitioners' activities at times require traffic to stop for periods of time and also increase the dangers posed by any method of shipping nuclear material along this road. In addition, due to the number of livestock adjacent to the road, it is fairly common to have livestock running loose on the road, thereby creating a significant and uncontrolled risk for shipping nuclear material. Had the license application examined these issues and accurately explained the use and danger of the Skull Valley Road, the results would be a denial of the permit by the NRC. Furthermore, any expansion of the road will exceed the road's legal right-of-way and will inevitably involve infringement upon Petitioners' property adjacent to the road.

7. Petitioners' Lands and Operations Would be Damaged by the Alternative Rail Line.

The Application states that a new railroad spur "may" be constructed by PFS to connect the PFSF directly to the Union Pacific railroad mainline approximately 24 miles

to the north. ER, § 4.4. The estimate "assumes" that construction will occur within the existing Skull Valley road right-of-way and that no additional land acquisition will be required. ER, p. 4.4.1. The Application is seriously deficient in the description of the potential railroad and its implications. Affected parties should know either that the railroad is planned or that it is not. If PFS must weigh certain factors before deciding between the road access and the rail spur access alternatives, it should have done so before submitting the Application. If PFS has valid reasons for deferring the selection, it should state them and also describe what factors will be considered in making the decision. The absence of such information limits Petitioners' ability to assess the likelihood of a rail spur and to understand the factors pro and con concerning whether the rail spur is preferable to the road access alternative.

Land on both sides of the existing Skull Valley Road north of the Skull Valley Indian Reservation is held by Petitioners. Adverse effects of air pollution, noise, surface disturbances, traffic increases, rail crossings, fences, drainage diversions, and other impacts of a rail spur both during the construction and operating phases would impact Petitioners' employees, their ability to move livestock and vehicles on and off the road, and potentially their ability to use adjoining lands depending upon exactly how much land would be used for the rail spur and a buffer area. The absence of a detailed map showing the exact route and dimensions of the rail line and the boundaries of the existing right-of-way prevents Petitioners from assessing the scope of such impacts.

PFS has also not provided details concerning the road right-of-way itself. Does Tooele County hold a granted right-of-way? If so, is the right-of-way broad enough to

encompass construction and operation of a railroad? Are the dimensions sufficient to accommodate both construction and operational activities? Any deficiencies in these areas may necessitate a need to acquire additional property rights from Petitioners even if Tooele County were to grant necessary right-of-way use rights to PFS for the existing road (a factor that is also not discussed).

8. The Value of Petitioners' Property Will be Reduced and Additional Development of Petitioners' Lands Will be Precluded.

Finally and very significantly to Petitioners, the proposed PFSF would eliminate or sharply reduce the investment value and potential use of Petitioners' lands. The ability to locate future homes and businesses in Skull Valley will be directly related to the PFSF, the dangers associated with such a facility, and the public perception of the dangers associated with such a facility. Due to the nature of the PFSF, the food production businesses currently discussing relocation of dairies, feed lots, and businesses with Petitioners will terminate such discussions and have no interest in Skull Valley. Producing beef and dairy products next to or in proximity to the PFSF is not an acceptable risk for such enterprises. Likewise, residential and commercial development adjacent to the PFSF would no longer be desirable or economically feasible. These reactions by potential users would cause an immediate reduction in the value of Petitioners' lands as well as loss of future economic benefit. Diminution of property value due to public perception, even when it may be unreasonable, is judicially recognized as a damage and injury-in-fact. See City of Santa Fe vs. Komis, 845 P.2d 753, 756 (N.M. 1992). Such impacts on property values and future land uses are not

considered in the Application and any potential negative impacts of future land use are simply denied. ER, § 4.2.1.

C. Petitioners' Interests Fall Within the Zone Protected by the Atomic Energy Act and National Environmental Policy Act.

Petitioners' concerns regarding the health and safety risks posed by the proposed PFSF fall within the "zone of interest" protected by the Atomic Energy Act, whose purposes include the protection of the public from undue hazards posed by the nuclear industry. Vermont Yankee, supra, LBP-90-6, 31 NRC at 89; 42 U.S.C. §§ 2210(b), 2133(d). The "zone of interest" recognized under NEPA also encompasses Petitioners' interest in protecting the quality of the environment and the direct and indirect effects on Petitioners' lands, facilities, and operations arising from adverse environmental impacts. See Kelly v. Selin, 42 F.3d at 1509, citing Lujan v. Defenders of Wildlife, 112 S. Ct. 2130, 2149 (1992) (holding that injury to economic interests through loss of property values confers standing under NEPA).

V. STATEMENT OF ASPECTS ON WHICH PETITIONERS WISH TO INTERVENE.

Pursuant to 10 C.F.R. § 2.714(a)(2), the Petitioners are required to state the "specific aspect or aspects of the subject matter of the proceeding" as to which they wish to intervene. The purpose of this requirement is not to judge the admissibility of the issues, as the Petitioners have the right to amend their petition to intervene with contentions later in the proceeding. Consumers Power Co. (North Anna Power Station, Units 1 and 2), LBP-78-37, 8 NRC 275 (1978).

The aspects of the subject matter on which Petitioners seek to intervene are as follows:

1. The Application violates NRC regulations and NEPA because it fails to assess the potentially indefinite life span of the facility and fails to describe the risks and costs that could reasonably be anticipated during such a facility life span. The Application further contains no assurances that Applicant will remain responsible for and financially able to operate the facility during an indefinite life span.

2. The Application poses undue risk to public health and safety because it fails to provide reasonable assurances that Applicant will not abandon the facility and the nuclear waste or that Applicant will cease to exist once the facility is approved and constructed.

3. The Application poses undue risk to public health and safety because it fails to evaluate adequately risks from large magnitude seismic events to which the Skull Valley area is subject.

4. The Application poses undue risk to public health and safety because it lacks sufficient provisions for prevention of and recovery from accidents during delivery, off-loading, handling, and storage resulting from such causes as sabotage, cask drop and bend, or improper welds.

5. The Application poses undue risk to public health and safety because it lacks sufficient provisions for protection against transportation accidents.

6. The Application poses undue risk to public health and safety because it fails to provide an adequate emergency plan. In particular the Application does not

address the interrelationship between potential emergencies at the nearby Dugway Proving Grounds facility and at the PFSF and coordinated responses thereto.

7. The Application poses undue risk to public health and safety because the proposed site cannot be adequately protected against groundwater contamination, due to the facility design, its location, and the nature of the soils and bedrock of the area.

8. The Application poses undue risk to public health and safety because it does not address the potential of overflow from retention ponds and the environmental hazards created by such overflow.

9. The Application poses undue risk to public health and safety because it fails to provide for adequate radiation monitoring to protect the health of the public and workers and for any activities of Petitioners, including, but not limited to livestock grazing and farming and residential and commercial development. It also fails to provide for adequate radiation monitoring necessary to facilitate radiation detection, event classification, emergency planning, and notification, including systematic baseline measurements of soils, forage, and water from Petitioners' adjoining lands.

10. The Application poses undue risk to public health and safety because it fails to provide adequate protection of the PFSF against intruders. For instance the area is protected only by a fence that would not deter a determined intruder. Minimal protection would be afforded to tracks or rail cars along the primary access route which crosses Petitioners' lands.

11. The Application poses undue risk to public health and safety because it fails to provide adequate proof of financial assurances that PFS will, as an independent

private entity, have the financial capacity or will provide bonding sufficient to cover all costs incident to the PFSF throughout its entire life, including payments to third parties for damages, costs of accidents and other contingencies, costs of removal and restoration and costs of securing alternative repository sites for all casks and/or the nuclear waste contents thereof upon closure of the PFSF, whether planned or premature.

12. The Application poses undue risk to public health and safety because the decommissioning plan for the PFSF fails to describe with specificity the storage site or sites to which the approximately 4,000 casks from the PFSF will be transported.

13. The Application violates NRC regulations and NEPA because the ER fails to address adequately the status of compliance with all Federal, State, regional, and local permits, licenses and approvals required for the facility. See 10 C.F.R. §§ 51.71(d), 72.98. For example, the ER fails to adequately address Federal water discharge requirements and the certifications and permits required for water and storm water discharges. State air quality control requirements applicable to construction, transportation, and operational activities are not adequately addressed.

14. The Application violates NRC regulations and NEPA because the ER fails to give adequate consideration to alternatives, including alternative sites, alternative technologies, and the no-action alternative. See 10 C.F.R. §§ 51.45(c).

15. The Application violates NRC regulations and NEPA because the ER fails to give adequate consideration to the adverse impacts of the proposed PFSF, including the risk of transportation accidents, the risks of contamination of human and livestock food sources, the risks of contamination of water sources (including ground water

contamination arising from leaching of contaminated soils), the risks of particulate emissions from construction and cement activities, and similar risks. See 10 C.F.R. § 72.100.

16. The Application violates NRC regulations and NEPA because the ER fails to give adequate consideration to the adverse impacts the proposed PFSF will have upon the quality of ground water relied on by Petitioners and, by reason of consumption by the PFSF of water from planned wells, upon Petitioners' superior water rights. See 10 C.F.R. § 72.98.

17. The Application violates NRC regulations and NEPA because the ER does not contain a reasonable comparison of the costs and benefits of the proposed PFSF. See 10 C.F.R. § 51.45(c).

18. The Application violates NRC regulations and NEPA because the ER does not address the impact of the proposed facility upon the agriculture, recreation, wildlife, endangered species, and land quality of the area. See 10 C.F.R. § 72.100(b).

19. The Application violates NRC regulations and NEPA because the ER does not adequately consider the impact of the facility upon future economic and residential development in the vicinity, potential differing land uses, property values, the tax base, and the loss of revenue and opportunity for agriculture, recreation, beef and dairy production, residential and commercial development, and investment opportunities, all of which have compromised the economic base and future use of Skull Valley and the economic interests of Petitioners, or how such impacts can be mitigated. See 10 C.F.R. §§ 72.90(e), 72.98(c)(2).

20. The Application violates NRC regulations and NEPA because the ER does not adequately consider the impact of the facility upon the production of the agricultural products for human consumption by Petitioners and others in the area. See 10 C.F.R. § 72.98(b).

21. The Application violates NRC regulations and NEPA because the ER does not adequately consider the impact of a septic tank system on the ground water and ecology of the area and the related potential of this system to injure Petitioners. See 10 C.F.R. §§ 72.98(b); 72.100(b).

22. The Application violates NRC regulations and NEPA because it fails to describe the considerations governing selection of either the Skull Valley road or the rail spur access alternative over the other and the implications of such selection in light of such considerations. See 10 C.F.R. §§ 51.45(c), 72.100(b).

23. The Application violates NRC regulations and NEPA because it fails to describe in detail the route of the potential rail spur, property ownership along the route, and property rights needed to construct and operate the rail spur. See 10 C.F.R. § 72.90(a).

24. The Application violates NRC regulations and NEPA because it fails to describe adequately the nature and ownership of right-of-way rights that would permit PFS's contemplated improvements of the Skull Valley Road and what permits and approvals from or agreements with the owner or owners thereof are needed for such improvements. See 10 C.F.R. § 72.90(a).

25. The Application violates NRC regulations and NEPA because it fails to describe with particularity, using appropriate maps, land use patterns and ownership as to lands in the vicinity of the PFSF and along the 24 mile access route, including without limitation, homes, outbuildings, corrals and fences, roads and trails, pastures, crop producing areas, water wells, tanks and troughs, ponds, ditches and canals. See 10 C.F.R. §§ 72.90(a), 72.90(c), 72.98(b).

V. CONCLUSION

For all of the reasons set forth above, Petitioners must receive a hearing, and be permitted to intervene, pending admission of their contentions.

Respectfully Submitted,



Clayton J. Parr (Utah Bar #2529)

Michael M. Later (Utah Bar #3728)

Steven J. Christiansen (Utah Bar #5265)

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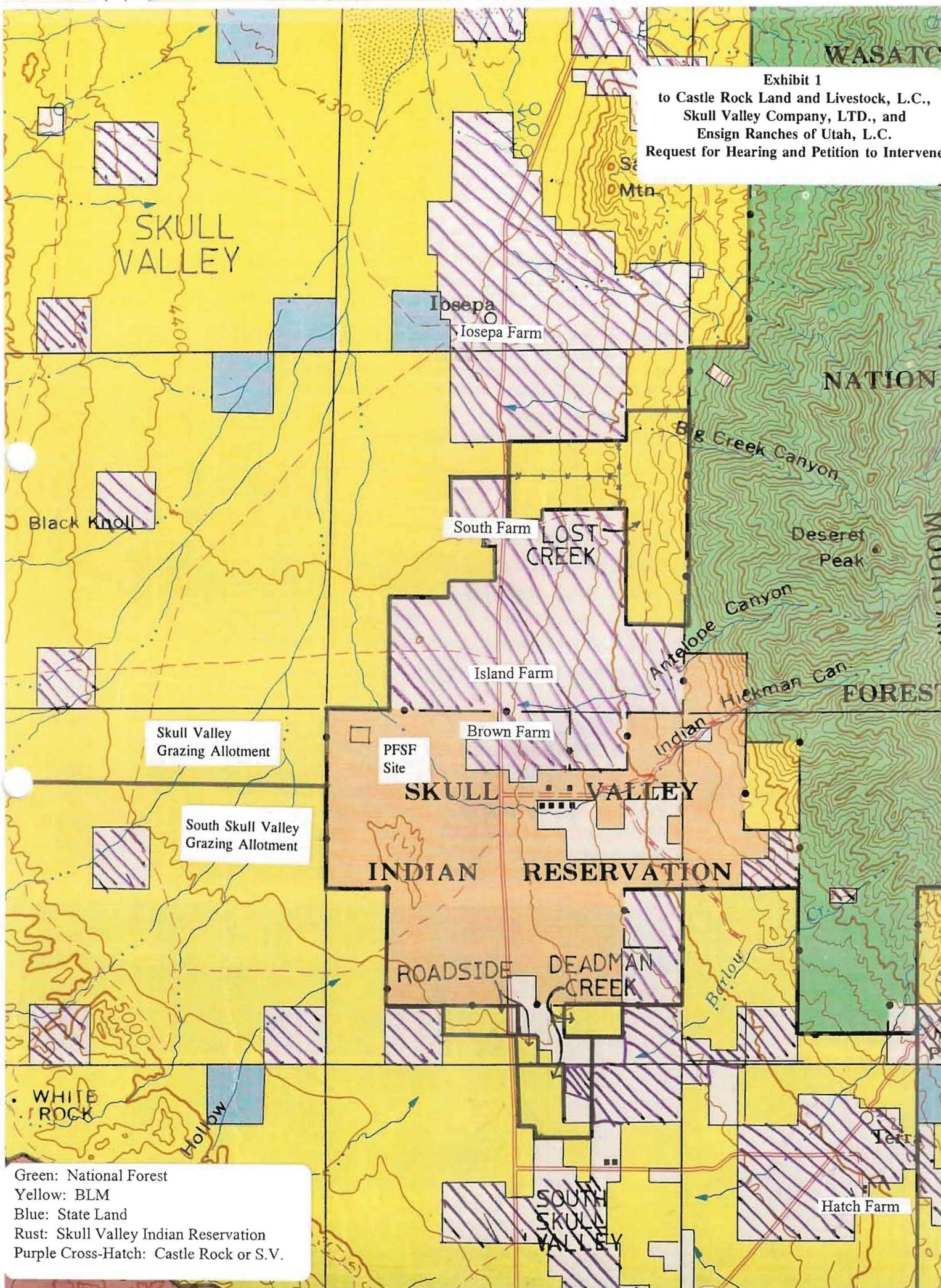
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Dated: Sept. 11, 1997

Exhibit 1
 to Castle Rock Land and Livestock, L.C.,
 Skull Valley Company, LTD., and
 Ensign Ranches of Utah, L.C.
 Request for Hearing and Petition to Intervene



Green: National Forest
 Yellow: BLM
 Blue: State Land
 Rust: Skull Valley Indian Reservation
 Purple Cross-Hatch: Castle Rock or S.V.

CERTIFICATE OF MAILING

I hereby certify that I caused to be sent by Federal Express overnight courier service an original and two copies of the foregoing CASTLE ROCK LAND AND LIVESTOCK, L.C., SKULL VALLEY COMPANY, LTD, and ENSIGN RANCHES OF UTAH, L.C. REQUEST FOR HEARING AND PETITION TO INTERVENE to the following:

Attn: Docketing & Services Branch
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop: 016G15
11555 Rockville Pike, One White Flint North
Rockville, MD 20852-2738

and also certify that I caused to be mailed first class postage prepaid a copy of the foregoing to the following:

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Washington, D.C. 20555

Dated this 11th day of September, 1997.



OFFICE OF SECRETARY
RULEMAKING AND
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97 SEP 12 P3:27
OFFICE OF SECRETARY
REGULATORY AND
ADJUDICATION STAFF

September 11, 1997

Docketing and Services Branch
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop: 016G15
11555 Rockville Pike, One White Flint North
Rockville, MD 20852-2738

Re: Docket NO. 72-22

Dear Sir or Madam:

We are transmitting with this letter the following for filing:

1. Original and two copies of Castle Rock Land and Livestock, L.C., Skull Valley Company, LTD., and Ensign Ranches of Utah, L.C. Request for Hearing and Petition to Intervene.
2. Notice of Appearance.

Please advise if anything more is needed. Thank you.

Very truly yours,


Clayton J. Parr

CJP/ca

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