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Nuclear Regulatory Commission  
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January 22nd 1998

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

Dear Sir

I found a few small errors in the letter that I sent to you on January 20th, 1998 and, in addition, one of us realized that it is important to clarify that we wish to intervene as a group. Accordingly, I correct slightly the letter.

Petitioners listed below 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 contend that the proposal of Private Fuel Storage to store spent nuclear fuel in Utah, 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 checking.

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. For example the petitioners do not at this stage anticipate cross

examination of witnesses on their own. 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. For this reason 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) 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) and the collective wisdom and expertise 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 lives and works in the State of Utah, not far from the proposed site, and his personal interest in the hearing therefore approximately equals that of any member 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 Goshute Indian Tribe, and it seems desirable that the board have available to it the spread of informed opinion. 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 access road goes somewhere. The petitioners expect to limit their participation accordingly whether or not it is formally limited by the board.

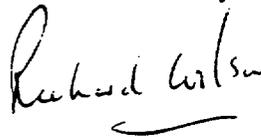
2.714 (i) It is the stated and clear intention of the petitioners NOT to enlarge the issues in the hearing: only to be able to clarify them and put them into perspective.

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.

This petition is also filed on behalf of the Atlantic Legal Foundation Inc., a public interest corporation located at 205 E. 42nd Street, Ninth floor, New York, NY 10017 Tel: 212 573 1960, who will act as legal advisor to the group.

The undersigned expects to be present at the site visit on Monday January 26th and at the pre-hearing conference in Denver on Tuesday January 27th. He will be able to respond in person to any questions by the presiding officer.

Yours sincerely

A handwritten signature in cursive script that reads "Richard Wilson". The signature is written in dark ink and is positioned above the printed name.

Richard Wilson

**Petitioners:**

**William T. Anders, former Astronaut  
former Chairman Nuclear Regulatory Commission  
former Ambassador to Norway  
former Chairman General Dynamics Corp.**

**Hans Bethe, Professor of Physics, Emeritus  
Cornell University**

**Nicolaas Bloembergen, Gerhard Gade University Professor Emeritus,  
Harvard University  
Nobel Laureate in Physics**

**Bernard L Cohen, Professor of Physics, University of Pittsburgh**

**Sheldon L. Glashow, Higgins Professor of Physics, Harvard University  
Nobel Laureate in Physics**

**William K. Kanes, Professor and Director  
Energy and Geosciences Institute  
University of Utah  
(provisional: full agreement anticipated shortly)**

**Manning Muntzing, Esq.  
former Director of Regulation, U.S. Atomic Energy Commission  
former President, American Nuclear Society**

**Norman F. Ramsey, Higgins Professor of Physics Emeritus  
Harvard University, Nobel Laureate in Physics**

**Marcus T Rowden Esq.,  
former Chairman Nuclear Regulatory Commission**

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

**Jacob Shapiro, Radiation Safety Officer Harvard University (retired)**

**Richard Wilson, Mallinckrodt Professor of Physics, Harvard University**

**It is anticipated that within the next few days many other scientists of comparable distinction including some from the state of Utah, will join the group of petitioners.**

**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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