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'98 MAR 16 P3:43

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

12 March, 1998

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

Re. Scientists' petition to allow the safe storage for spent Nuclear fuel on Goshute Land

Dear Sirs

Please find enclosed the original memorandum for the above entitled matter, along with its exhibits A and B. We apologize for any inconvenience caused. However, should you have any questions about this, do not hesitate to call our office.

Sincerely,

Isaac Quintana,
Legal Assistant

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SECY-02

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

United States Of America
Nuclear Regulatory Commission
Before the Atomic Safety and Licensing Board

In the matter of	)	
	)	
Private Fuel Storage L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISPSI

SKULL VALLEY BAND OF GOSHUTES MEMORANDUM IN SUPPORT OF PETITION OF THE SCIENTISTS FOR SECURE NUCLEAR WASTE STORAGE AND THE ATLANTIC LEGAL FOUNDATION TO INTERVENE

This is the Reply of the Skull Valley Band to the Supplemental Petition of Scientists for Secure Waste Storage, (SSWS), and the Atlantic Legal Foundation Petition to Intervene in the above-entitled proceedings. Because of the political developments which have occurred in Utah over the last month, (see infra), it is imperative that this proposed intervention be allowed.

FACTS IN SUPPORT OF INTERVENTION

The failure of politics to solve this important national problem of interim storage of spent nuclear fuel has created an economic opportunity for the Band and a burden for the utilities and end users of nuclear power. The Band submits that the political opposition to this independent nuclear storage facility is damaging national security interests in assurance of adequate energy supplies. As this Administrative body is well aware, without

either on site spent fuel storage expansion or an interim storage facility like that proposed by the applicant, many reactors will be forced to shut down within the next ten years Even if we assume that the nation can make up the electrical generation lost by the reduction of nuclear power, the problem still exists with stranded costs of over $135 billion dollars and decommissioning of the various shut down reactors. The question is not one of need for an interim facility, but of politics.

It is in the nature of politics and politicians to take positions on issues which are safe and non-controversial. Despite the fact that Sweden, France, Japan and other countries are able to build storage facilities for spent nuclear fuel, American politicians would rather gain voter points than make the hard decisions on national energy policy.

In their Supplemental Petition, SSWS point out the numerous scientific flaws in the contentions filed by opponents to this project. In speech after speech, the various opponents have referred to this storage facility as "dangerous", a "nuclear grave", a "nuclear dump" and otherwise pontificated that it is not in the Goshutes' and the others' best interests to go forward. See Exhibit A. In this last Utah legislative session some truly outrageous political posturing occurred.

-Legislation was passed which seized the Skull Valley Road from Tooele County and made it a state road. This road is the only access into the Reservation from I-80. This seizure of the Tooele County road occurred while other legislation was introduced to give roads to counties and cities to lessen the State's burden for maintenance. The seizure also occurred at a time when Utah's own Department of Transportation is suffering an admitted $250 million dollar shortfall for highway reconstruction.

-A Resolution condemning this interim storage project was passed by the legislature. Various representatives refused to take phone calls and be briefed on the project. The very limited debate was hysterical and emotional.

-Legislation was passed setting a bond of $2 billion dollars with fees of $5 million on this facility, *despite the fact that this facility is on a Reservation.* News story after news story interviewed the suddenly famous Utah politicians who got on the band wagon of fighting the Goshute Nuclear Waste War. One state Senator made an analogy of the Goshutes with Iraq and no concern for their neighbors! This proposed Skull Valley interim storage facility was the single most publicized political issue of this legislative session. This issue attracted more local media attention than any other.

FACTUAL AND LEGAL ARGUMENTS IN SUPPORT OF INTERVENTION

Political media posturing is old hat. It was politically expedient for Senator Joe McCarthy to accuse various people of being "communists" and thereby ruin their lives At the time he made these allegations, most politicians simply got on the band wagon rather than carefully examine his ridiculous claims and challenge them. Most politicians took the easy path of rumor and went along with the Red Scare. Few politicians were actually interested in the facts and in the truth As long as they were popular and re-elected, the rights of others mattered not. Many people would have liked to speak out but feared retaliation. In the short run this cheap wart on our body politic succeeded.

The Red Scare cost this country hundreds of millions of dollars in unnecessary defense expenditures and ruined the lives of thousands of individuals. Finally, truth won the day and the hysteria ended.

In Nazi Germany, it was far easier to get on the bandwagon of Jew hatred and Aryan superiority than to stand up and question authority. The Nazi politicians used political expediency to ruin the lives of millions of people. Opposition to the gospel truth of Hitler was at risk of one's life. Only the bravest Germans and others opposed the political hysteria of the day. The fear of retaliation was real. Ultimately, truth won the day and at horrendous cost to humanity, the Nazis were defeated.

During the Spanish Inquisition, the mere accusation of being a heretic was enough to cause the loss of property and liberty. Non-believers, at the pain of burning at the stake, soon became convinced about the "truth" of religious matters. Most people converted and otherwise conformed to the politics of the day. Very, very few dared to oppose the Inquisition and challenge political authority. Scientific truth and objective criticism was not a subject of conversation for fear of actual retaliation.

In his day, Copernicus could not win against the politics of the than all powerful Catholic Church. The thought that Earth was not the center of the universe was absolutely counter to the politics and religion of the day. One could lose one's position in the Church and loss of life and liberty was real. Ultimately, truth won and a new view of the universe was created.

During the Salem witch trials, it was easier to accuse someone of being involved with the occult than to allow open public scientific discussion. The mere accusation was enough to result in a trial which lead to death of the accused. Truth mattered not.

It is easy for Utah politicians to shout about the "danger" of the Goshute Nuclear Waste War. There are votes in opposing this project. It is even easier to misrepresent the

transportation issues and have the public treasuries available to "fight the Goshutes". Politics can ruin this Goshute/utility economic project because it is very expedient. But political expediency is not always morally right. The Lessor and PFS are going to have to win with science and truth. The Goshutes do not have Nobel prize nuclear physicists as members who can testify before the Nuclear Regulatory Commission that this project is "safe". Therefore, the need for this intervention.

If there is a health or environmental risk which has been missed by the Band over the last eight years of studying this project, these independent scientists might be able to find it and advise on precautions regarding the same. Over 200 brave Utah citizens support SSWS' intervention to bring truth to these proceedings See Exhibit B. Many of these citizens live in Tooele County, the site of the proposed facility.

This Court has broad equitable discretion in allowing this petition to intervene. Complex issues of nuclear science are involved as is public policy. SSWS' Petition to Intervene was filed **before** the initial Pre-Hearing Conference and a representative, Dr. Richard Wilson was in attendance. The applicant correctly sets forth the standard and the law. See generally, Pebble Springs, CLI-76-27, 4 NRC at 615-17.

CONCLUSION

The First Amendment creates a free market place of ideas where open, objective public discussion of the important issues results in better decisions. This is exactly why the Atlantic Legal Foundation and these experts need to be part of this important national discussion. For the reasons set forth supra, the Skull Valley Band of Goshutes and the Concerned Citizens of the State of Utah respectfully pray the Atomic Safety and Licensing

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Board and the Nuclear Regulatory Commission to allow the intervention of the Scientists for Secure Waste Storage and the Atlantic Legal Foundation in this licensing proceeding of Private Fuel Storage, LLC for their application to build a storage facility for spent nuclear fuel on the Skull Valley Band of Goshute Reservation.

DATED this 9th day of March, 1998.

DANNY QUINTANA & ASSOCIATES, PC.

Danny Quintana
General Counsel for the
Skull Valley Band of Goshutes

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Response were served upon the persons indicated below in the manner stated on the date stated:

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Secretary of the Commission
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11555 Rockville Pike One White Flint North
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G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Office of the Secretary
Attn: Rulemakings and Adjudication Staff
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Dated: 9th day of March, 1998.

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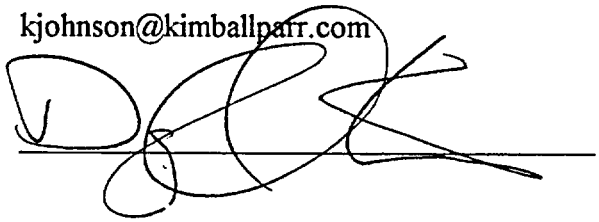

EXHIBIT A

2nd District Report

CONGRESSMAN MERRILL COOK

January 1998

Dear Friends:

I am writing to update you on issues Congress will tackle this year, give you a progress report on issues particularly important to Utahns and share my 1998 priorities for the 2nd District.

1998 is off to a remarkable start for Utahns and all Americans. This month, you begin to reap the benefits of the laws Congress passed last year, including your first federal tax cut in 16 years, more taxpayer rights and more health care benefits for Medicare recipients. **Page three of this newsletter updates you on important expansions in Medicare coverage every recipient should know about.**

Not only do Americans, this month, begin to enjoy the benefits of last year's historic legislation, we are getting some good news we haven't heard in more than 30 years: a projected budget surplus. **The Congressional Budget Office's latest analysis projects a surplus of $600 billion over the next 10 years.** Right now, Capitol Hill is buzzing with proposals for using this surplus. Those proposals include more tax cuts this year; paying down the accumulated debt and a move to stop using surpluses in the Social Security and highway trust funds to cover deficits in other programs, ultimately masking the size of the real budget deficit. **Page two of this newsletter updates you on the latest proposals for the surplus and tax reform.**

This year, I will continue in my work to accomplish the following goals for residents of the 2nd Congressional District:

- Protecting Utah's environment, particularly preventing the storage of deadly nuclear waste in Utah's desert.
- Working toward meaningful tax reform, scrapping our muddled, flaw-riddled code in favor of one that is fair, easy to understand and halts abuses by the IRS.
- Fighting to make sure more federal education dollars end up in the classroom and working to see that parents and local educators, not distant bureaucrats, have the strongest voice in a child's education.
- Assisting in the passage of common-sense spending measures like the "lock box" bill I have cosponsored, which requires that cuts in spending are locked away to reduce the federal deficit rather than being funneled into other programs.
- Fighting to get as much federal money as possible for Utah's highway projects, particularly the expansion of I-15.

Finally, I will continue my practice this year of hosting seminars, town meetings and conferences on topics important to you. **On Feb. 28 I invite you to attend my retirement**

Update on the Battle to Keep Deadly Nuclear Waste Out of Utah

On Dec. 2, I held a public meeting on plans by nuclear utilities from the East and California to store as much as 40,000 metric tons of spent nuclear fuel rods in casks above ground on the Goshute Reservation, 40 miles from the Salt Lake Valley. This meeting marked the first time all the players in the issue came together to discuss this troubling proposal. Gov. Mike Leavitt, local government officials, representatives of the utilities and concerned groups such as Downwinders of Utah participated in the 2 1/2 hour meeting.

Since then, I have continued my fight to keep this deadly waste out of Utah. I continue to work toward passage of my bill imposing prohibitively high fines on the shipment of nuclear waste to the Skull Valley Goshute site. This week, I urged the Nuclear Regulatory Commission to grant the state and other concerned groups status to intervene in the Goshute Tribe's application for a license to store the waste.

Rep. Merrill Cook confers with Gov. Mike Leavitt during the Dec. 2 meeting on the proposal to store nuclear waste in Utah's desert.

Congress Expands Benefits for Medicare Recipients

I am pleased to announce that Medicare now covers all or most of several vital, preventive tests. It's important that Medicare recipients and their families understand these important new benefits. Please take advantage of this expanded coverage. For more information, call the Medicare Hotline at 1-800-638-6833

Benefit	Description of Coverage
Mammographies Effective 1/1/98	Annual tests for women 40 years and older. 20% copay, but no part B deductible
Pap smear, pelvic and breast exams Effective 1/1/98	Covered one every three years for most women, annual coverage for women at high risk or with abnormal pap smear 20% copay, no part B deductible. All lab analysis covered.
Colorectal Cancer Screening Effective 1/1/98	Fecal blood test, 1 every 12 months for people 50 and over. Sigmoidoscopy, 1 every 48 months for people 50 and over. Colonoscopy, 1 every 24 months for people at high risk.

EXHIBIT B

PETITION TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION BY CONCERNED CITIZENS OF THE STATE OF UTAH

We, the following citizens of the State of Utah hereby Petition the Atomic Safety and Licensing Board and the Nuclear Regulatory Commission to allow the Scientists for Safe Nuclear Waste Storage and the Atlantic Legal Foundation to participate in the licensing hearings of Private Fuel Storage, LLC. The public interest of the nation is best served by allowing informed and accurate scientific knowledge at the licensing hearings on the proposed storage of spent nuclear fuel on the Skull Valley Goshute Reservation. We do not endorse or oppose the proposal by signing this petition. We simply support the concept of academic freedom in discussing important public policy issues and therefore encourage the participation of these scientists in this litigation.

NAME:	ADDRESS:	PHONE:
Linda Latham	400 Concord	882-3649
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[illegible]	364 W [illegible]	884 3603
Dianne Evans	P.O. Box 357	837-2282
R.K. [illegible]	778 W. Vine St.	882-6142
Debbi Mohrs	PO Box 321	884 0446
[illegible] Meade	305 N Main St. Tooele	882-7350
Lorraine [illegible]	305 N. Main Tooele	833-7335

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Christopher D. Harmon	3341 S. 700 E. SLC, UT 84106	(801) 484-2694
DUB BUTTERFIELD	3341 S. 700 E. SLC UT 84106	484-2694
TINA MARK	5981 OAKDALE DR S.L.C UT 84121	424-2345
Nicole Vandenberg	3058 Cobble Canyon Ln. Sandy, UT 84093	943-6398
Matthew Zito	1862 E. 3990 So. #6	272-0616
Josh Boardman	3164 Enchanted Hills Dr. SLC, UT 84121	942-7978
J.M. CHAMBERS	988 E 3745 S. #5 SLC, UT 84106	685-950.5
Brad Fogley	1322 Hidden Creek Ct., 84117	272-7297

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Maria C. Zaragoza	1216 W Pacific Av #8	
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	3232 VanCott Hall 60 So. W. Temple SLC 84112	
	Undersey Henderson 31114 VanCott Hall 155 S. Main Street SLC	
Bradford J. Ryan	1161 E 5645 S SLC UT 84121	263-3547
Roden L. Ball	7041 S. ANGELSEA W. JORDAN UT 84084	

CONCERNED CITIZENS
OF THE
STATE OF UTAH

PETITION

TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION

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NAME	CITY OF RESIDENCE
Christine Parker	West Jordan
Cindy Johnson	WVC, ut -
Mel Davis	Riverton UT.
Nick Bell	WVC, UT
Todd Hansen	WVC, UT
Jerry Gross	Murray, Utah
Kendall Perry	WC, UT

Control No. _____

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Dale Swindle	Kenn. Wa	—

Petition
Page Two

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[illegible]	630 S 1000 E	322-2187
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[illegible]		
Mandy Budzenski		
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[illegible]	1089 E 1010 N	224-4223
Eddie Bell	1840 S 1300 E	961-8750
[illegible]	[illegible]	[illegible]
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[illegible]	1435 Emerson SLC	581-0916

Petition
Page Three

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Marci Vogel	3956 El Serrito Dr.	
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Julie Hunt	163 Country Club	
Adrienne Wing		
Mary Norfleet		
Sommer Shafer		
Barbara E. Marshall		
Mary Hodson	3143 Georgina Ave	
Todd Whitfield		
emily k. dolan	1044 E. Anapamu	

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Greg Pignanelli	110 Francis Cr	585-4329
Frank Mishe	221 N St #D	531-1562
Ryan Wood	4841 Murray Ln	278-5443
Jeri Simonsen	102 University Village	583-3729
Wade Gagon	21203 Ballif Hall U of U	585-4479
Anna Byrnes	21201 Ballif Hall	585-4220

PETITION TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION BY CONCERNED CITIZENS OF THE STATE OF UTAH

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	4198 w. 3860 so. SLC UT 84120	(801) 585-4751
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	864 W. 200 South	(801) 359-3882
	3640 S. 8th E	(801) 364-3947
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Tom Waldo	614 S. 800 W.	322-1233
John E. Dooley, CHMM President Utah ASP. Chapter, American B.S. Society of Safety Engineers.	2312 E. 3700 So SLC. UT 84109	277-4992

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W. Jean Carlson	80 South 3rd East	322-4131
Frances Cornwell	710 E 200 S	3598927
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Michelann Nina		596-1623
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Francisco Medina	3009 W Sussex Pl. SLC, UT 84119	955-1491
Wendy J. Lewis	50 W. Broadway SLC, Ut. 84111	364-6500
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Mary Ann V Dean	3419 W 5600 S SLC UT 84118	968-5625
[signature]	3269 Bow View Dr. SLC, UT 84109	274-6766
Brittany Wann	2824 Allred Cir. S.L.C. Ut. 84118	267-3303
[signature]	490 Ambassador Way SLC 84108	582-5110
Wendy M Lewis	351 so main -SLC 84111	524-6612
Amy Williams	2070 E. Logan SLC UT 84108	582-6822
Cindy B Curtis	48 E Broadway SLC Ut. 84111	
[signature]	321 Boston Bldg SLC Ut	364-4040
Michael A Stott	321 Boston Bldg SLC Ut	364-4040

page six

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Stan Parker	8 East 300 South	366-4892
David W. Seely	8E 300 South #213	521-5205
Dawn Fields	8E 300 So #213	521-5225
[illegible]	1982 Summerdale Ave	582-4053
Kaitlyn Mooney	125 I Street	531-7516
[illegible]	5100 Broadway	363 3223
[illegible]	46 W. Broadway	363-3223
Cyndi Hebert	825 So Park St #1 SLC. UT 84102	355-8201
Emmalee Haight	3076 W. 9050 S. W. Jordan, Ut. 84088	561-9019
Craig Muse	238 So. 300 E SLC. UTAH 84101	539-1062
Dawn Kittel	8147 S. Creekwood W Jordan, Utah 84088	568-1835
Heather Hensley	2240 Wandsworth Cir Taylorsville, UT	968-8355
Craig McLachlan	11141 S. 1700 E Sandy, UT	364-6500

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PETITION TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION BY CONCERNED CITIZENS OF THE STATE OF UTAH

We, the following citizens of the State of Utah hereby Petition the Atomic Safety and Licensing Board and the Nuclear Regulatory Commission to allow the Scientists for Safe Nuclear Waste Storage and the Atlantic Legal Foundation to participate in the licensing hearings of Private Fuel Storage, LLC. The public interest of the nation is best served by allowing informed and accurate scientific knowledge at the licensing hearings on the proposed storage of spent nuclear fuel on the Skull Valley Goshute Reservation. We do not endorse or oppose the proposal by signing this petition. We simply support the concept of academic freedom in discussing important public policy issues and therefore encourage the participation of these scientists in this litigation.

NAME:	ADDRESS:	PHONE:
C B Hansen	836 N. Terrace Hills Dr SLC, UT 84103	533-0400
C R King	3682 E Gilroy Rd SLC 84109	" "
PAUL M. SIMMONS	117 E. 6890 S. MIDVALE, UT 84047	" "
Alan W. Martin	961 N. 950 E. B.Ft UT 84010	" "

Petition
Page Four

Name	Address	Phone
Molly Haines		
Lou Bessinger		
[illegible]	370 8th Ave SLC, UT 84103	321-5980
Danny L Carrocha	528 So Rockwell St	972-1338

NAME	CITY OF RESIDENCE
Paula Summers	SLC UT
Cory Molloy	SLC UT

Control No. _____

Emily Millar	21206 Ballif Hall	585-4231
[illegible]	21208 Ballif Hall	585-4182
John Knapton	21106 Ballif Hall	585-4939
K. N. Phillips	21101 Ballif Hall	585-4384
[illegible]	21104 Ballif Hall	585-4918
[illegible]	21205 Ballif Hall	585-4141
Jessica Barry	21209 Ballif Hall	585-4280
Alison Rodda	2121 Ballif Hall	585-4928
COLIN STEVENS	12318 AUSTIN HALL	585-4978

LANE MARBLE	3341 S 700 E Ste W	484-2694

PETITION TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION BY CONCERNED CITIZENS OF THE STATE OF UTAH

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NAME:	ADDRESS:	PHONE:
	Po. Box 112229 SLC UT 84147	801 533-5581
	712 South 6150 West OGDEN UT 84404	621-9310
	712 South 6150 West OGDEN UT 84404	621-9310
	2553 Cottage Loop Road Park City UT 84098	655-0571
	1471 3rd Street Ogden UT 84404	393 8821
	1471 3rd Street Ogden UT 84404	393-8821

PETITION TO THE ATOMIC SAFETY AND LICENSING BOARD AND THE NUCLEAR REGULATORY COMMISSION BY CONCERNED CITIZENS OF THE STATE OF UTAH

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NAME:	ADDRESS:	PHONE:
[signature]	1382 W. 900 South.	364-0317
[signature]	5761 S 700 W #51	265-8757
[signature]	3172 Driftwood Cr.	266-3452
[signature]	426 E. 767 50 Midvale	949-4927

	50 W Broadway #400, S.C, UT 84101	363-7756
	4302 Alhambra Dr, SLC, UT 84124	278-4826
	1900 Sidler SLC UT 84108	471-6355
	162 S 1300 E #6 ~~B209~~ SLC UT 84102	933-4665
	1084 W Ridgetop Cove S. Jordan, UT 84095	254-6608
	333 S. Elizabeth SLC UT 84102	582-0369
	413 Noble Rd, Tooele	843-0915

Name	Address	Phone
Colette N. Ah-Mo	1497 W. Van Buren Ave SLC, UT 84104	972-4435
Grant W Weiler	5405 Holladay Blvd Salt Lake City, UT 84117	278-3989
Dorothy S. Weiler	5405 HOLLADAY BLVD. SLC, Utah 84117	278-3989
JAMIE ERICKSON	7860 S. PONDEROSA WAY SANDY, UT 84094	233-8290

Note: I agree to the information put forth in the enclosed statement with regard to this petition page.

DANNY QUINTANA & ASSOCIATES, P.C.

Attorneys at Law
Fourth Floor
50 West Broadway
Salt Lake City, Utah 84101

(801)363-7726
Fax(801)521-4625

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

9 March, 1998

Office of the Secretary
Attn:Rulemakings and Adjudication Staff
U.S. Nuclear Regulatory Commission
Washington DC 20555

Re: Skull Valley Goshutes' Petition for Secure Waste Storage

Dear Sirs:

Please find enclosed the Skull Valley Goshutes' Memorandum in support of the Scientists' petition for Secure Nuclear Waste Storage. Should you have any questions regarding these documents, please contact our office at your convenience.

Sincerely,

Isaac Quintana
Legal Assistant

DANNY QUINTANA & ASSOCIATES, P.C.

Attorneys at Law
Fourth Floor
50 West Broadway
Salt Lake City, Utah 84101

(801)363-7726
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USNRC

'98 MAR 16 P3:42

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

9 March, 1998

Docketing And Service Branch
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop 01G15
11555 Rockville Pike One White Flint North
Rockville, MD 20852-2738

Re: Skull Valley Goshutes' Petition for Secure Waste Storage

Dear Sirs·

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Sincerely,

Isaac Quintana
Legal Assistant