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November 26, 1979

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- † ADMITTED TO THE DISTRICT OF COLUMBIA BAR

Samuel J. Chilk, Esq.  
Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Storage and Disposal of Nuclear Waste  
Rulemaking (10 CFR Parts 50 and 51)

Dear Sir:

In response to the Commission's invitation in the Federal Register, Scientists and Engineers for Secure Energy ("SE2"), a New York not-for-profit association chaired by Dr. Frederick Seitz and including over 1,000 distinguished scientists and engineers, wishes to indicate its intention to participate in the proceeding. 44 Fed.Reg 61,372 (October 25, 1979).

In recent years, there has been a shift in emphasis in the current national debate on nuclear energy. All too often, arguments have been supported by quotations taken out of context, untested assumptions, and emotional rhetoric; scientific data have been stretched far beyond their area of reliability. In defense of their pre-conceived stands, some participants in the debate have even raised improbable scenarios of the future, which can lead only to confusion and irrational fear. SE2 is a nationwide organization formed in the spring of 1976 by over 150 faculty members from American colleges and universities, both State and private, and researchers.

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Its purpose is to correct public misunderstanding of fundamental scientific and technological issues permeating the national energy debate. In pursuing this objective, the organization is committed to offering its views, based on the considerable knowledge and expertise of its members, to the public and to the various governmental agencies with responsibility for the development of a proper legal framework for the resolution of these issues, including participation in administrative and judicial proceedings.

Given this special character of SE2, it is inappropriate at this time for these eminent scientists and engineers to take a stand on the basic question or to characterize their participation in the proceeding as either a "limited" participation or a "full" participation.

Rather, it is their position that as the record is developed they can, on the basis of their knowledge and experience in nuclear energy and related matters, evaluate the information offered to the Commission and suggest various points of reference and questions for the Commission to explore in reaching a determination on this most important issue.

Likewise, the special character of the organization and its value to the Commission does not permit an appropriate choice between "full" or "limited" participation. On the one hand, it is impossible for SE2 to offer comment at this time on a record which has not yet been formed. On the other hand, the independence and objectivity of SE2 as well as the other and principal responsibilities of its members to both academic and national defense undertakings including nuclear waste related matters, make discovery (formal or informal, whether by interrogatory, deposition or otherwise) and cross-examination inappropriate. SE2 believes that an expansion of the limited participation concept to allow the organization to receive all statements of limited participants and all exchanges among full participants with a view to its providing comments, would best serve the purposes of this proceeding and give the Commission the benefit of the expertise of its members without burdening those members with undue and legalistic entanglements.

As noted above, SE2 requests that the Commission and all participants in the proceeding furnish one copy each of documents relevant to this proceeding to:

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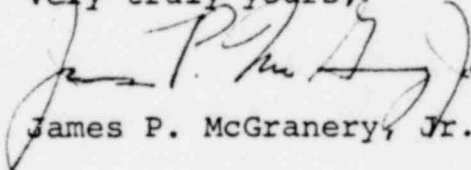
Dr. Miro M. Todorovich  
Executive Secretary  
Scientists and Engineers  
for Secure Energy  
410 Riverside Drive  
Suite 82A  
New York, New York 10025

and to

Mr. James P. McGranery, Jr., Esq.  
Special Counsel to SE2  
LeBoeuf, Lamb, Leiby & MacRae  
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If the Hearing officer appointed pursuant to the above-referenced notice of proposed rulemaking does not have the discretion to grant, or does not grant, the status of participation requested by SE2, the organization hereby requests that the matter be referred with the Commission for an appropriate determination without prejudice to SE2's actual participation in the proceeding.

Very truly yours,



James P. McGranery, Jr.

JPM:pj

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