

ATTACHMENT 1

William D. (Bill) Peterson, M.S., P.E.
Registered Utah No. 2766

William D. (Bill) Peterson, M.S., P.E.
Pigeon Spur Fuel Storage Facility - NRC Docket 72-23
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May 26, 2000

Paul G. Bollwerk, Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
US NRC, Washington D.C. 20555-0001 FAX 301-415-5599.

Office of the Secretary
Rule Makings and Adjudication Staff.
US NRC, Washington D.C. 20555-0001 FAX 301-415-1101

Ref: PFS Spent Fuel Storage Facility - NRC Docket 72-22,
Skull Valley Goshute Indian Reservation

Dear Mr. Secretary:

For many years Utah's Governor Michael O. Leavitt has conducted an unlawful, ill-informed, misguided, and wrongful attack on storage of spent nuclear fuel (SNF) in Utah. This has hindered the license application of PFS in NRC Docket No. 72-22 and hindered the license application of Pigeon Spur in NRC Docket No. 72-23. Both PFS and Pigeon Spur are seeking licensing for storage of 40,000 metric tons of SNF. Today's demand for storage in the United States electrical generation industry is 70,000 metric tons of SNF. Both PFS and Pigeon Spur facilities are needed to meet all of today's demands for storage of SNF.

Because of the Governors attack on storage of SNF many representatives of Utah who should have stepped forward and made representative statements from their office have been hesitant and have not so made their office required stand.

Engineer William Peterson with Pigeon Spur is seeking answers and resolution which apply to both Docket No. 72-22 and 72-23. He invites, petitions "subpoenas" if possible the following listed various John Doe to step forward in the NRC meetings of June 23 and June 30 and in less than five minutes resolves issues clouded by the restraints caused by Governor Leavitt's attack on SNF storage; as follows:

John Doe 1 - Utah Division of Radiation Control Board. In matters of storage of SNF Utah does not have or claim primacy. In matters of reprocessing of SNF Utah does not have or claim primacy. In the matters of interstate transport of SNF Utah does not have or claim primacy. In all three of these matters primacy is with the Federal Government.

John Doe 2 - Governor Michael O. Leavitt. In matters of storage of SNF Utah does not have or claim primacy. In matters of reprocessing of SNF Utah does not have or claim primacy. In the matters of interstate transport of SNF Utah does not have or claim primacy. In all three of these matters primacy is with the Federal Government.

John Doe 3 - Senator Orrin Hatch. Federal controlling laws and practical matters of operations of generating electricity from nuclear material require the storage of SNF. The Senator does not object these federal laws and the practical storage of SNF. The Senator does not object to the storage of SNF according to the rightful intentions of NRC License Applications of Docket No.s 72-22 and 72-23. In the matter of storage of SNF the Federal Government has not relinquished primacy to the State of Utah.

John Doe 4 - Senator Robert Bennett. Federal controlling laws and practical matters of operations of generating electricity from nuclear material require the storage of SNF. The Senator does not object these federal laws and the practical storage of SNF. The Senator does not object to the storage of SNF according to the rightful intentions of NRC License Applications of Docket No.s 72-22 and 72-23. In the matter of storage of SNF the Federal Government has not relinquished primacy to the State of Utah.

John Doe 5 - Congressman Jim Hansen. Federal controlling laws and practical matters of operations of generating electricity from nuclear material require the storage of SNF. The Congressman does not object these federal laws and the practical storage of SNF. The Senator does not object to the storage of SNF according to the rightful intentions of NRC License Applications of Docket No.s 72-22 and 72-23. In the matter of storage of SNF the Federal Government has not relinquished primacy to the State of Utah.

John Doe 6 - Congressman Merrill Cook. Federal controlling laws and practical matters of operations of generating electricity from nuclear material require the storage of SNF. The Congressman does not object these federal laws and the practical storage of SNF. The Senator does not object to the storage of SNF according to the rightful intentions of NRC License Applications of Docket No.s 72-22 and 72-23. In the matter of storage of SNF the Federal Government has not relinquished primacy to the State of Utah.

John Doe 7 - Congressman Christopher Cannon. Federal controlling laws and practical matters of operations of generating electricity from nuclear material require the storage of SNF. The Congressman does not object these federal laws and the practical storage of SNF. The Senator does not object to the storage of SNF according to the rightful intentions of NRC License Applications of Docket No.s 72-22 and 72-23. In the matter of storage of SNF the Federal Government has not relinquished primacy to the State of Utah.

John Doe 8 - Tooele County Commissioner. In the matter of storage of SNF in Tooele County, does the Commissioner object to storage of SNF according to the federal laws and the rightful intentions of NRC License application No. 72-22.

John Doe 9 - Tooele County Commissioner. In the matter of storage of SNF in Tooele County, does the Commissioner object to storage of SNF according to the federal laws and the rightful intentions of NRC License application No. 72-22.

John Doe 10 - Tooele County Commissioner. In the matter of storage of SNF in Tooele County, does the Commissioner object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-22.

John Doe 11 - Box Elder County Commissioner. In the matter of storage of SNF in Box Elder County, does the Commissioner object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-23.

John Doe 12 - Box Elder County Commissioner. In the matter of storage of SNF in Box Elder County, does the Commissioner object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-23.

John Doe 13 - Box Elder County Commissioner. In the matter of storage of SNF in Box Elder County, does the Commissioner object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-23.

John Doe 14 - Grouse Creek Development Committee. In the matter of storage of SNF in Box Elder County, does the Committee object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-23.

John Doe 15 - Park Valley Development Committee. In the matter of storage of SNF in Box Elder County, does the Committee object to storage of SNF according to the federal law and the rightful intentions of NRC License application No. 72-23.

John Doe 16 - Hill Air Force Base. In the matter of storage of SNF in Utah, ref PFS in Tooele County and Pigeon Spur in Box Elder County, does the Air Force object to storage of SNF in Utah according to the federal law and the rightful intentions of NRC License applications 72-22 and 72-23.

John Doe 17 - United States Bureau of Land Management. In the matter of storage of SNF in Utah, ref PFS in Tooele County and Pigeon Spur in Box Elder County, does the Bureau of Land Management object to storage of SNF in Utah according to the general intentions of NRC License applications 72-22 and 72-23.

Where a John Doe fails to appear and answer to the subpoena, his answer will be assumed to be yes, that he agrees with the averments of the statements, and that he does not object. Furthermore it will be assumed that the John Doe agrees with the application of the federal law and the rightful intentions of the NRC License applications. Where a John Doe so instructs an answer, or fails to appear and answer to his subpoena, Mr. Peterson or his representative will stand at the June 23 and June 30 meeting and say "in answer to the questions put to the John Doe No. 1-17, his answers are in the affirmative."

Respectfully yours,

William D. (Bill) Peterson, M.S., P.E.

ATTACHMENT 2

William D. (Bill) Peterson, M.S., P.E.
Pigeon Spur Fuel Storage Facility - NRC Docket 72-23
2127 Lincoln Lane
Holladay, Utah 84124
Tel/FAX 801-277-3981

May 31, 2000

Paul G. Bollwerk, Administrative Judge
Atomic Safety and Licensing Board Panel
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US NRC, Washington D.C. 20555-0001 FAX 301-415-5599, Tel 301-415-7454

And

Office of the Secretary
Rule Makings and Adjudication Staff,
US NRC, Washington D.C. 20555-0001 FAX 301-415-1101, Tel 301-415-1969

Ref: PFS Spent Fuel Storage Facility - NRC Docket 72-22,
Skull Valley Goshute Indian Reservation
ref - Pigeon Spur Project - NRC Docket 72-23

Dear Mr. Secretary:

I herewith petition for to be an "official intervener" in the mater of license application NRC Docket No. 72-22. I am seeking license in a similar project at a site 85 miles north west - NRC Docket No. 72-23. Matters affecting NRC Docket No. 72-22 likewise affect NRC Docket 72-23.

BACKGROUND I am a licensed professional engineer. I am an individual. License application No. 72-23 is my license application for storage of spent nuclear fuel (SNF). For nearly a decade I have been working to build and operate a facility to store SNF. I have substantial experience in this area of work. I engineered and my company PEMCO built the equipment to move the Vitro uranium tailings. We have done seventeen projects at INEEL. No nuclear material enters, occupies, or leaves the FAST project at INEEL without seeing my design and my equipment. I have designed and built canister which are used to transport high level radiation materials.

Prior to my nuclear related work I was responsible for, designed and manufacture equipment to build and transport rocket motors. I was cognizant over all mechanical equipment for the maintenance of the Sargent Rocket Motor System. I also designed equipment for the manufacture and transport rocket motors built by Hercules. This included railroad cars for interstate transport. In summary, I have designed and built handling equipment and systems for dangerous materials with very great potential for damages.

I have done these things where I have been schooled and have gained experience to do these things. The bottom line is that I have a license in society to do what I do. I have a

Master's Degree in Mechanical Engineering. I have experience in the material handling of very dangerous materials, and I am lawfully and currently licensed to do this.

Actions, representation, and public comments have imposed upon the ability of PFS in its pursuing of License Application No. 72-22, and likewise upon myself in Pigeon Spur in NRC Docket No. 72-23, doing our work in the Federal Law. With my background, education, experience, and engineering license I am qualified to see storage of spent nuclear fuel and make assessments, designs, and develop a site for storage of SNF.

Other persons, in this case Governor Michael O. Leavitt, certainly have a right to see and comment on my work. However, I question the right of another person to make comment that what I am doing is threatening and harmful to other, where such comments may not be by fact and responsibility, where the person is not qualified in society, is not a licensed professional engineer licensed to make such an assessment, nor who is one who has the experience and background to see and judge what I am doing.

Storage of SNF is an item that the United States needs. The U.S.'s not have storage of SNF is preventing our nation from having an energy policy, we cannot formulate a strategy to reverse global warming, and it is hindering disposal (burning-up) weapons plutonium. Our nation's Congress has made laws mandating storage of SNF. The Office of the Nuclear Waste Negotiator was created for five years under the President specifically to find a solution to intermediate storage of SNF. In that time I offered Pigeon Spur and PFS offered the Skull Valley Indian Reservation. PFS's offer was based around a status of Indian lands. The Pigeon Spur offer was based upon looking at and studies of remote areas of land along existing railroads. It just happened that both resulted in pursue of locations in Utah's remote west desert.

Comments on PFS apply to Pigeon Spur. Governor Leavitt's attack on PFS imply upon Pigeon Spur. Peterson and Pigeon Spur are currently seeking support from Utah Congressional representation in Washington. Governor Leavitt's position to stop transport and storage of SNF in Utah directly apply to both PFS and Pigeon Spur.

Peterson wants to see Governor Leavitt's reasons, rational, and qualified reports to support his stand against shipping and storage of SNF. In the matter of Governor Leavitt and Utah v PFS at the Skull Valley Goshute Indian Reservation, Utah and the Governor apparently qualified as an "official intervener". Likewise Professional Engineer William Peterson, with his project Pigeon Spur petition for a like qualification as an "official intervener"

Peterson and his supporting advisory board believe that storage of SNF is strongly supported by the commissions of Utah's Tooele County and Box Elder County and that habitating land tenants, including the people living there who need and want jobs, the Bureau of Land Management, the Military, and Utah's representation to Washington. We want this support seen where expression of it has been withheld because of the outspoken stand of Governor Leavitt. We want to see Governor Leavitt's technical grounds of his public made views. I petition for "official intervener" status in the matter of NRC Docket No. 72-22.

Sincerely yours,

ATTACHMENT 3

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 Pigeon Spur Fuel Storage Facility
 NRC Docket No. 72-23
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 Holladay, Utah, 84124
 Tel/FAX 801-277-3981
 E-Mail BillPeterson@OlympicHost.com

In the matter of the License Application
 of Private Fuel Storage (PFS)
 NRC Docket No. 72-22
 v
 State of Utah, Intervener

Petition to Intervene
 Adjudications Staff
 And
 Judge G. Paul Bollwerk, III

William D. (Bill) Peterson
 Pigeon Spur Fuel Storage Facility (PSFSF)
 NRC Docket No. 72-23
 Third Party Intervener
 v
 State of Utah, Intervener

COMPLAINT
 for Intervener's use of State Law
 to deprive 3rd party intervener of rights
 in Storage of SNF by Federal Law

INTRODUCTION

Engineer Peterson works for storage of spent nuclear fuel (SNF). He works for storage of SNF to help the achievement of four global requirements.

- An Energy policy
- Use of nuclear fuels to reduce global warming
- Recovery of energy in spent nuclear fuel, i.e. reprocess SNF
- Disposal of weapons plutonium, consume MOX fuel in nuclear reactors

Like PSF, Peterson began work for SNF storage around 1993 in the time of the Nuclear Waste Negotiators under the direction of the President. PSF worked with Indian tribes to find a place for storage of SNF. Peterson researched the nation's railroad property archives to find a site for storage of SNF. Mind that only a belt up the intermountain western states is ideal for long life of concrete structure. Other regions in the U.S. are too moist for long life of exposed concrete. It just happens that both PSF and Peterson found sites in remote regions of Utah's west desert.

HISTORIES OF PRIVATE FUEL STORAGE AND PIGEON SPUR ARE PARALLEL

Both PFS and Pigeon Spur are seeking licensing for storage of 40,000 metric tons of SNF. Today's demand for storage in the United States electrical generation industry is for storage of 70,000 metric tons of SNF. Both PFS and Pigeon Spur facilities are needed to meet all of today's demands for storage of SNF. PFS is seeking to license a site on the Skull Valley Goshute Indian reservation with NRC in Docket No. 72-22. Peterson is seeking to license a site at the Pigeon Spur of the Southern Pacific railroad in his License application NRC No. 72-23.

In working for storage of SNF Peterson has been working with the Box Elder County Commission for four years. Peterson has also taken the issue to members of Utah's legislature, and has been particularly working with Utah House Speaker Melvin Brown and State Senate John Holmgren - Chair of the Energy, Natural Resources, and Health and Environment Committees. They supported SNF storage in Box Elder County.

In 1997 Peterson took the Pigeon Spur matter to Utah's Division of Radiation Control Board per Utah Code 19-3-104. Board Secretary Bill Sinclair responded saying that the board would not see the matter until the matter was submitted to the NRC. Peterson then submitted the matter to NRC who promptly assigned the matter NRC Docket No. 72-23. Peterson notified Utah's DRC board of their NRC submission and NRC's assignment of Docket Number 72-23. Board Secretary Bill Sinclair then responded saying that now the board would not see the matter until the Pigeon Spur License Application was submitted to NRC. In around a year, Peterson prepared and submitted the license application for Docket No. 72-23 to the NRC. Still today the Utah DRC board has not seen Peterson's 1997 request to see the matter. Utah law says that a radiation matter in Utah shall first be seen by Utah's DRC Board. Then the Board will determine primacy. If the board determines that Utah has primacy, then the Board may make rules. After which, the Utah Legislature and Governor may see the matter. Where the board finds primacy with the Federal Government. Utah law does not direct the matter further to the State Legislator and Governor. The DRC board should find the Federal Government has primacy in this matter and the matter should be left with the Federal Government. This is consistent with court findings.

Judge Joe Kendall on October 3rd, of 1997,
in: Waste Control Specialists, LLC v. U.S. Department of
Energy/Alvin L. Alm and Mary Anne Sullivan, Civil No. 7-97CV-202-

X in the U.S. District Court for the Northern District of Texas. Wichita Falls Division ordered findings that no state may license or control radiological matters where 95) the Federal law has pre-empted this subject matter and does not relinquish to a state any federal AEA power to oversee or regulate. 96 See WCS v DOE

Contrary to this order and federal law, the State of Utah has made and published Utah law purporting to control storage of nuclear material:

19-3-105 Legislative and gubernatorial approval required.

(1) (a) A person may not own, construct, modify, or operate any facility for the purpose of commercially transferring, storing, decaying in storage, treating, or disposing of radioactive waste without first submitting and receiving the approval of the board for a radioactive materials license for the facility.

(b) A person may not construct a new commercial radioactive waste transfer, storage, decay in storage, treatment, or disposal facility until:

(i) the requirements of Section 19-3-104 have been met.

(ii) in addition and subsequent to the approval required in Subsection (a), the governor and Legislature have approved the facility,

(iii) local planning and zoning has authorized the facility.

19-3-301 Restrictions on high level nuclear waste placement in state.

The state shall not approve the placement in Utah of high level nuclear waste unless the governor, after consultation with the county executive and county legislative body of the affected county and with concurrence of the Legislature, officially approves such placement.

The State of Utah's laws are in direct defiance with federal law and in defiance of the findings of U.S. District Court Judge Joe Kendall, October 3rd, 1997, in WCS v DOE. On the 2nd of September, 1997 Peterson brought a complaint against Governor Michael O. Leavitt in Case No. 2:97CV 0691C before Judge Teena Cambell in U.S. District Court for the State of Utah. Governor Leavitt failed to answer the averments of Peterson's complaints where the Governor has uses State law to prevent Peterson right in the federal law.

Title 42 U.S.C. § 1983 provides that "[e]very person" who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for

damages.

Governor Leavitt did not answer the averments of Peterson's complaint, instead, he claimed immunity by his office. We see now in *WCS v DOE* the Governor does not have any official office in the matter of storage of SNF and the Governor clearly does not have government immunity where its actions (or failure to act) causes damages to an individual, as shown in *Redman v U.S. Coastguard* approximately 1890.

The operating gross revenues of the Pigeon Spur Storage Facility (PSFSF) in full capacity is \$300,000 per day. Peterson claims for damages against Governor Michael O. Leavitt in the amount of \$300,000 per day since a reasonable time after Peterson's submissions to the DRC Board where the DRC Board should have responded and given notice of Federal Primacy of storage of SNF. Peterson claims for damages for two years delay now amount a claim of damages of \$219,000,000 against Governor Michael O. Leavitt and the State of Utah.

The 108 nuclear power plants of the United States pay around \$3M per day. For this the U.S. Government is responsible to furnish storage of SNF in such a facility as being offered by PFS in NRC Docket No.72-22 or Pigeon Spur in NRC Docket No. 72-23. The "Policy" of Governor Leavitt levied by the DRC Board and other officials of the State of Utah are costing the Nation's Utilities and the Federal Government in the amount of \$3M per day, and in two years is costing \$2.2 Billion.

Other not so apparent costs are the costs of not having a national energy policy. Today the electric power plants of the United States are operating at around 95% capacity. These plants were designed to operate at 80% capacity. At this operation rate, there is not time or opportunity for proper maintenance. In the next twenty years, the demand for electrical power is expected to increase by 60%. The power industry does not have means to furnish this power. New coal fuel burning plants cannot be built because of the need to reduce fossil fuel gasses to reduce the effects of global warming. Existing hydroelectric plants are being threatened by dam removal. The nation's only other high energy source nuclear power is stymied by the SNF storage issue. To meet future demands there should be at least 200 new nuclear power plants on the nation's drawing boards today.

The nuclear material "policy" of Utah's Governor Michael O. Leavitt is keeping the

nation from having a national energy policy. Governor Leavitt's nuc Policy is locking the nation into causing increased Global Warming. The Gov's nuc Policy is stopping the making of MOX fuel from the nation's weapons and mixing it with SNF MOX fuel and burning it up in electric power reactors. The damages the Gov's nuc Policy is causing is astronomical.

The Governor and the State of Utah entered into the PFS SNF storage matter on the Skull Valley Goshute Indian reservation to thrust upon the NRC and PFS the Utah Governor's policy of no SNF shipping, storage, and processing in Utah. The Governor has no standing to affect the SNF storage on the Indian reservation. Where Peterson is working to do like storage of SNF at Pigeon Spur, the intervening of the Governor and the State of Utah targets its damaging "policy" to Mr. Peterson's efforts to develop the PSFSF. Mr. Peterson has no dispute with the NRC's and PFS's efforts to site SNF storage on the Skull Valley Goshute Indian Reservation. Mr. Peterson does have a problem with Governor Leavitt's use of State law to prevent storage of SNF in Utah.

The Governor's closest advisors, his science advisors Ms. Susan Winters, Mr. Randy Bowers, his DRC Board Chairman at that time Mr. Robert Hoffman, University professors, Legislative advisors House Speaker Mel Brown, Senate Science and Environmental Chair John Holmgren all do not oppose the PFS and Pigeon Spur project of SNF in Utah. Mr. Peterson has talked with all of these. Even UDEQ Executive Director Ms. Dianne Nielsen has no scientific or just reason otherwise for not having storage of SNF in Utah, except that its against Governor Leavitt's policy.

Mr. Peterson herewith petitions for intervening status in the matter of PFS and NRC in the license application of NRC Docket No. 72-22. Mr. Peterson is likewise seeking a license in his application of NRC Docket No. 72-23. Mr. Peterson petitions for intervener status in the matter of NRC Docket No. 72-22 where the proceeding of the Docket No. 72-22 matter affects the outcome in NRC Docket No. 72-23. Mr. Peterson petitions for intervener status so that where Governor Leavitt has not answered and explained the physical reason[s] and lawful reason[s] for his "Policy" of no shipping, storage, or processing of SNF in Utah, Peterson, the NRC, and PFS will be able to see the Governor's advisor support from Professional Engineers the Governor must of had seeing this matter or in the alternative find that the Governor has no just reason for his "policy" contrary to the federal law.

The right to INTERVENTION in the NRC rule 2.714 of CFR 10

Governor Leavitt's "Policy" - a New Proceeding

PFS has been developing storage of SNF on property they have leased from the Skull Valley Goshute Indian Tribe on their reservation in Tooele County, Utah. Years ago PFS had Stone & Webster Engineers prepare a license application and in NRC assigned Docket No. 72-22 PFS they submitted their license application to NRC. In time, but unknown to Peterson, the State of Utah and apparently the Governor of Utah entered the Docket 72-22 matter as an intervener. Somewhat parallel to this in 1997 Peterson brought court action U.S. District Case No. 2:97CV 0691C in the court of Judge Teena Cambell. Peterson complained for the political hysteria Governor Leavitt's public displays were making of the subject of Peterson's work. Governor Leavitt was creating a scare in the public by his talk of pink clouds hovering over his grandmother's house in Cedar City, Utah, after bomb tests in the test desert area of Nevada. Governor Leavitt, or his family are apparently so called "down winders". Peterson himself is a "down winder". But this has nothing to do with storage of spent fuel, only the opposite. Spent fuel is made up of variety of materials that are mixed conglomerate in individual fuel rods which are held separated with racks. Around the rods is an inert gas atmosphere. From every aspect there simply is no way that a critical mass of plutonium can form to make a bomb. In Peterson's proposed reprocessing, the plutonium is seen only in MOX (mixed-oxide) form, in which such state pure plutonium cannot possibly accumulate or be forced into a critical mass to make a bomb:

Nuclear fuel is in the form of heavy pellets which are confined in fuel rods, which are sealed in canisters in an inert gas atmosphere. In the engineered storage the SNF never gets to the outside atmosphere. But then, even if a cannister and its fuel rods were to be broken apart, the pellets would only lay around on or in the ground where they could be easily found with a Geiger counter.

Where the SNF is stored in concrete storage casks, a person even laying against and embracing the concrete casks would only see 3 millirems of radiation. In comparison in a typical aircraft commercial flight, one is being exposed to 5 millirems of radiation from the sun. If we allowed living in the SNF storage field, it would be a much safer place to for

radiation than working in a flying commercial aircraft.

A nuclear utility engineer points out that if one take all of the SNF so called waste from a nuclear power plant for twenty five years, and spread it out over a football field, the material would stack only six inches high. In comparison, only 8% of the residue from a coal burning plant is solid material. The rest of the 92% goes up the stack and is spread out over the land. Coal contains uranium. Exposure to uranium from coal smoke is five million times as great as being around a plant which makes energy from nuclear fission. Getting back to that 8% of solid ash. For twenty five years if you stack that on a football field, the pile would be over a mile high. No matter how one look at energy from nuclear materials is far cleaner and safer than energy from coal.

Anyway, Peterson saw no reason for Governor Leavitt to talk down his work for SNF storage. Peterson tried to meet with Governor Leavitt and talk this out but Governor Leavitt made himself unaccessible. To mutually see the issue, Peterson brought a complaint against the Governor to resolve the matter. Peterson thought the matter was resolved with the suit. But in the time since, Governor Leavitt just keeps right on talking about the pink clouds over his grandmothers house and now still today he expounds a "policy" of not seeing SNF transported, stored, or processed in Utah.

There is no reason to single out and make fear of SNF except "nuclear" is a word that commands immediate attention. This is partially the fault of our use of nuclear material for weapons. For over a half a century nuclear material has been a fear subject of the whole world. Even today, how nuclear weapons materials are processed and used in weapons is kept secret and what people don't know keeps them in fear. In this context, the Federal Government targeted the lands of Indian reservations for storage of SNF. This targeted storage had the immediate appearance of hiding the subject or trying to skirt the issue around the general public. This created a huge problem for engineer Peterson or anyone else attempting to make a storage facility SNF. Eventually, however, in an intelligent society, a community with a good education system, the truth of nuclear material can be taught. Utahans are exceptionally well educated and exceptionally concerned people. If there is anywhere in the U.S. that people will listen and then act responsibly for a good cause, Utah is the place.

Saving the environment, ridding the world of nuclear weapons, preserving our energy for future generations are good subjects which Utahans will hear and act upon. Utahans are supportive of the U.S. Government and its laws. It is inconsistent for Governor Leavitt to expound a policy contrary to Federal Law. For a time, until the public knows better, one speaking against nuclear material may appear to be a saving knight in white armor. But the truth is that the use of nuclear itself is the saving knight in white armor. The Governor's initial stand against SNF would have been a quick easy short exercise that would give him a short political shot of benefit, if the issue would have gone away. The issue is too big. He did not realize that in time his attack on nuclear material would prove to be indefensible and would prove to be wrong. The more Governor Leavitt pursues a policy of not seeing nuclear material the deeper in trouble he gets. Nearly two thirds of the Senators and Congressional Representatives in Washington are demanding a solution to the spent nuclear fuel issue. Washington will not stand for any Governor in any state to perpetuate a "policy" of "not in my state." The federal laws for interstate transport, and for use of nuclear materials to make electricity does not exclude any state. Governor Leavitt will loose if he continues to expound his "policy" against nuclear energy.

Peterson thought the Governor's so called "policy" against use, transport, storage, and processing would end, but it has continued. County Commissioners and Utah's delegation to Washington speak with the Governor with words of support. But in reality, in Washington they have to support any alternative to storage of SNF. They have to do this for the future of the environment, the future of electric power, the future of energy resources, and the future of a safe nuclear weapons ridden world. Just as George Wallace ushered in civil rights, Governor Leavitt is ushering in acceptance of nuclear fuel in Utah.

In this posture, we would be expecting that Governor Leavitt would back off with his "policy" of no nuclear material in Utah, but he has not.

This issue of SNF storage in Utah has created a two-faced atmosphere that must now be resolved. Today's situation is a new issue. Today we have a situation that was not expected in the licensing procedure of PSF on the Skull Valley Goshute Indian reservation. Governor Leavitt is an intervener and with his intervention he has brought in an unlawful "policy" to attempt the use of the land of the Goshute Indian Reservation. But he can't do this

on independent Indian land. When he takes a stand against storage of SNF in Utah in License Application 72-22, his stand actually only applies to Utah License Application 72-23, Pigeon Spur in Box Elder County. At this point, Professional Engineer Peterson has a right to know the Professional Engineering data behind Governor Leavitt's "policy". The spent nuclear fuel issue is beyond politics. The politics was done twenty years ago. Today the solution needs to be engineered. Not in Utah is not a choice in the United States in the Federal Law. It is time for Governor Leavitt to show the basis of his "policy" stand. Peterson seeks to subpoena the technical reports Governor Leavitt relies upon for his "policy" stand so that this data may be seen by scientists qualified to make judgment of what should be done with the SNF issue.

Hence, we are seeing a new proceeding in the PFS License application. The new proceeding is to see fairly and squarely all of the Governor's "policy" stand against transport, storage, and processing of SNF in Utah, and for that matter, in the United States, where the Federal law applies.

Intervention in the Original Matter

Ref - 2.714 (i) *Good cause, if any, for failure to file on time.* When Utah and Governor Leavitt intervened, he brought with him his "policy" of the Federal Law not applying to Utah. Excluding Utah from the Federal Law was not an aspect of action of Congress in CFR Part 10. The intervention of Utah and Governor Leavitt changed the original proceeding which change affects NRC Docket No. 72-23.

Ref - 2.714 (ii) *The availability of other means whereby the petitioner's interest, will be protected.* In the time of Governor Leavitt's intervention the petitioner was working at other means to see the Governor's issues where he now simply expounds his "policy" of no SNF travel, storage, or processing in Utah. The Federal court action of Peterson v. Leavitt in Case No. 2:97CV 0691C before Judge Teena Cambell in U.S. District Court for the State of Utah should have resolved this issue. The Governor avoided that confrontation by a claim of immunity. Now, still Governor Leavitt makes political hysteria of Peterson's work of storage of SNF.

Ref - 2.714 (iii) *The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.* Governor Leavitt is applying his "policy" in every way he can to the proceeding of Licensing NRC Docket No. 72-22. The

Governor is actually using Utah State Funds to stop a Federal Project. Just exactly why Governor Leavitt has made his "policy" needs to be seen. This is an engineering issue. The politics was done years ago. The scientific data of Governor Leavitt's "policy" needs to be dealt with fairly and squarely and resolved in the understanding of everyone. This interveners seeing the issues of the Governor's "Policy" with Utah will help the License application of Docket No. 72-22.

Ref - 2.714 (iv) *The extent to which the petitioner's interest will be represented by existing parties.* PFS wants to Docket No. 72-22 to be licensed. PSFSF wants to Docket No. 72-23 to be licensed. Both are contending with the "policy" of no SNF transport or storage in Utah brought in by intervener Governor Michael Leavitt. PSFSF will aid PFS in the contention of the "policy" issue of Governor Leavitt.

Ref - 2.714 (v) *The extent to which the petitioner's participation will broaden the issues or delay the proceeding.* PFS is technically affected by Governor Leavitt's "policy" of no transport or storage of SNF in Utah where transport is by interstate commerce rail and storage is on independent Indian property. But Governor Leavitt "policy" issue is still there causing contention between the State, Tooele County, The Bureau of Land Management, the Air force, and the Skull Valley Indian tribe. The Governor's same "policy" more directly affects PSFSF where Pigeon Spur is on Utah land. With this connection, Peterson has a right to see Governor Leavitt's "policy" and bring the matter before the NRC judges. This will narrow the issues and speed up the proceedings.

The issue in the law is the question of the Governor of Utah right to use State of Utah Law to influence the matter of storage of SNF according to the Federal law. Specifically, intervening petitioner Peterson complains that Governor Leavitt state or governor "policy" of not allowing the travel and storage of SNF in Utah is a use of Utah law to infringes upon Peterson rights in the Federal law to do his work of storage of SNF. Ref - Title 42 U.S.C. § 1983.

Mr. Peterson with his project the Pigeon Spur Fuel Storage Facility (PSFSF) may be affected by up and coming NRC licensing proceedings of the Private Fuel Storage Facility (PFSF) June 19 through June 30, 2000. Mr. Peterson herewith makes written notice for leave to intervene in the forth coming (and on going) NRC licensing proceeding of the application of

PFS in NRC Docket No. 72-22. ref CFR 10 Part 2.714 (a)(1).

In the above meetings it is anticipated that a representative of Governor Michael O. Leavitt will come forth as an intervener and represent that the SNF travel and storage of SNF cannot happen in Utah because of the Governor's "policy" against it. This affects both NRC Docket No. 72-22 and 72-23. When this happens, intervener Peterson wishes to subpoena all of the intervener State of Utah data supporting the Governor's "policy" so that the NRC Judges can determine the validity of the Governor's "policy".

Peterson takes leave to enter this matter at this particular point of proceeding at this time, and at this time of this particular proceeding Peterson petitions that his request to take leave to intervene is timely.

Dated this 5th day of June, 2000.

William D. (Bill) Peterson
Pigeon Spur Fuel Storage Facility
NRC Docket No. 72-23

CERTIFICATE OF SERVICE / DELIVERY

This is to certify that a true and correct copy of the foregoing Petition to Intervene was delivered by FAX to the Attorney General for Utah as:

State of Utah, the office of Utah Attorney General, Jan Graham,
State Capital Building, County of Salt Lake, DENISE CHANCELLOR,
USN #5452 - Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114
Telephone: (801) 366-0290, Fax No. (801) 366-0292

Dated this 5th day of June, 2000.

William D. Peterson

Peterson's previous document dated May 26, 2000 which was sent by FAX to the Judges of the NRC was hand delivered to Ms. Denise Chancellor at the Division of Radiation Control Board Meeting June 2nd, 2000 at 2:00AM

Dated this 5th day of June, 2000.

William D. Peterson