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Pigeon Spur Fuel Storage Facility  
NRC Docket No. 72-23  
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DOCKETED  
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OF  
ADJUDICATION

UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

In the matter of the License Application of Private Fuel Storage (PFS) NRC Docket No. 72-22	!	CONTENTIONS Third Party COMPLAINT INTERVENTION 10 C.F.R § 2.714(b)(2)
v State of Utah & Governor, Intervener	!	
!		for Intervener's use of State Law to deprive PFS and PSFSF of rights of Storage of SNF by Federal Law
William D. (Bill) Peterson Pigeon Spur Fuel Storage Facility (PSFSF) NRC Docket No. 72-23 Third Party Intervener	!	Adjudications Staff And
v State of Utah & Governor, Intervener	!	Judges G. Paul Bollwerk, III , Chairman, Dr. Jerry R Kline and Dr. Peter S. Lam

The petitioner (intervener) has pleaded for admission to intervene into the matter of Private Fuel Storage (PFS) v. NRC for a license to store spent nuclear fuel (SNF) in NRC Docket No. 72-22-ISFSI per 10 C.F.R § 2.714. The State of Utah and Governor Michael O. Leavitt have intervened into this matter and the capricious action of the Governor is hurting and damaging Peterson. Peterson is a Legitimate Stake Holder.

The petitioner is seeking licensing for storing SNF at a similar site, the Box Elder Fuel Storage Initiative, NRC Docket No. 72-23, at the Pigeon Spur of the Southern Pacific Railroad mainline transcontinental railroad which traverses east-west in western Box Elder County. Storage

Template = SECY-037

SECY-02

of SNF is key to four global requirements:

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

Contentions:

1. a) Dr. Dianne R. Nielson is the Executive Director of Utah's Department of Environmental Quality. b) She speaks the "policy" of the Governor.
2. Denise Chancellor, Esq. is an Assistant Attorney General for the State of Utah.
3. They Represent the State and Governor of Utah in the subject of SNF storage.
4. a) Utah has a Division of Radiation Control Board (DRC Board). b) In seeing a nuclear subject, the board is first required to determine primacy if the State is qualified to maintain primacy from the federal government - State v. Federal, ref Ut Code 19-3-104 (3)(b).
5. If the DRC Board determines the State has primacy the DRC Board make may rules, ref Ut Code 19-3-104 (3)(a).
6. Otherwise, the board may not adopt rules, for the purpose of the state assuming responsibilities from the United States Nuclear Regulatory Commission, ref Ut Code 19-3-104 (6)(a).
7. a) By Utah law, the Utah DRC Board must see and b) has seen the PFS matter. c) After seeing the PFS matter, NRC Docket No. 72-22, d) the DRC Board has determined that the Federal government has primacy over PFS project on the Skull Valley Band of Goshute Indian reservation, ref its license application being NRC Docket No. 72-22.
8. Likewise, a) by Utah law. the Utah DRC Board must see, and b) has seen the Pigeon Spur matter. c) After seeing the Pigeon Spur matter, NRC Docket No. 72-23, d) the DRC Board

has determined that the Federal government has primacy over the Pigeon Spur project at the Pigeon Spur of the Southern Pacific Railroad, ref its license application being NRC Docket No. 72-23.

9. a) With the matter determined by the DRC Board to have Federal primacy, b) the matter may not be seen by the Utah Legislature and the Governor, c) according to Utah law.
10. The Utah Legislature and Utah Governor have made unconstitutional law (law contrary to the law and rules of the U.S. NRC), ref Ut Code 19-3-105 and 19-3-301.
11. The Utah Legislature and Governor are not protected by “immunity” of their office for their unconstitutional activity in the Federal law.
12. a) Where Utah’s Governor is inhibiting storage of SNF by PFS in Tooele County and inhibiting storage of SNF by Peterson in Box Elder County as provided according to the Federal law, b) Utah’s Governor is liable to PFS and c) liable to Peterson for damages, per Title 42 U.S.C. § 1983.
13. a) The Governor’s view of storage of SNF is not rational. b) Storage of SNF has nothing to do with “pink clouds over his grandmother’s house” when Governor Leavitt was a little boy. c) Storage of above-ground canisters many miles away from any city would not endanger the lives or health of citizens. d) Transportation of SNF by rail through populated areas would not present an unprecedented or more serious risk that the currently accepted routine transportation of chemicals and fuels e) The Governor is not being professionally advised in this matter. f) The Governor does not have reports from Professional Engineer[s] for support of his “policy” in matters of storage of SNF. g) The Governor is practicing professional engineering without a P.E. license.
14. a) The Governor is making and implementing a “policy” against storage of SNF by PFS

- and Peterson which is unlawful, b) and for doing this the Governor is liable for damages.
15. a) Utah's governor wrongly equated atomic bomb fallout with potential spent fuel canister breakage and spillage. b) There are no technical reports to support this.
  16. Utah's Governor has made and perpetuated false impressions about nuclear material.
  17. Utah's Governor has created an unwarranted fear of SNF in the general public of Utah..
  18. a) Utah's Governor has campaigned against federal law and mustered the public to go against and resist the federal law of storage of SNF. b) The public's perception is based upon its ignorance of atomic matters and the wrongful connection Governor Leavitt has made to the Nevada atomic bomb testing and related fallout. c) Governor Leavitt's campaign against SNF storage is strictly political and not factual. d) Governor Leavitt's campaign against SNF storage has stymied the nation's energy policy, e) has prevented the U.S. from having a needed growth of electric power capability, f) has prevented the U.S. from having and implementing a plan to reverse causes of global warming, g) has prevented the U.S. from having and implementing a plan to destruct weapons plutonium, h) has prevented the U.S. from having and implementing a plan to save and use the energy reserves in SNF, i) has damaged Peterson and his efforts to provide the U.S. much needed SNF storage, j) and he is delaying Peterson work to make reprocessing of SNF happen.
  19. On December 1, 1997, Peterson made formal application to Utah's Division of Radiation Control (DRC) Board for storage of SNF at Pigeon Spur. b) The DRC board has stalled acting on Peterson's application. c) The DRC board has made unwarranted demands on Peterson to stall the Board's seeing Peterson's application. d) Even after Peterson's meeting the demands, the DRC Board has not seen and acted on Peterson's application. e) The only action the DRC Board can make on Peterson's application is to find that the

storage of SNF is a federal matter and that the U.S. Government has primacy in the matter.

f) Utah cannot license, control, or regulate storage of SNF. Ref Judge Joe Kendall in Waste Control Specialists, LLC v. U.S. Department of Energy/Alvin L. Alm and Mary Anne Aullivan, Civil No. 7-97CV-202-X in the U.S. District Court for the Northern District of Texas, October 3<sup>rd</sup>, 1997. g) Utah's delay has damaged Peterson in this in excess of \$160M

20. On December 2<sup>nd</sup>, 1997, Peterson made formal application to Utah's Division of Radiation Control (DRC) Board for reprocessing of SNF. b) The DRC board has stalled acting on Peterson's application. c) The DRC board has made unwarranted demands on Peterson to stall the Board's seeing Peterson's application. d) Even after Peterson's meeting the demands, the DRC Board has not seen and acted on Peterson's application. e) The only action the DRC Board can make on Peterson's application is to find that the reprocessing of SNF is a federal matter and that the U.S. Government has primacy in the matter. f) Utah cannot license, control, or regulate reprocessing of SNF. Ref Judge Joe Kendall in Waste Control Specialists, LLC v. U.S. Department of Energy/Alvin L. Alm and Mary Anne Aullivan, Civil No. 7-97CV-202-X in the U.S. District Court for the Northern District of Texas, October 3<sup>rd</sup>, 1997. g) Utah's delay has damaged Peterson in this in excess of \$200M..

21. a) Professional Engineer Peterson has offered a plan for disposal of SNF by first placing SNF in temporary storage at Pigeon Spur, then later reprocessing the SNF and making new fuel which is then used in power generating reactors. b) Practical science supports this recycling procedure. c) Senator Domenici of New Mexico supports this recycling. d) SNF recycling was developed at INEEL and they support this procedure. e) Recycling of SNF is done in France, England, and Sweden. f) New plants to recycle SNF are being built in

Japan, Australia, and India. g) If the U.S. buries its SNF in Yucca Mountain 95% of the nations U238 reserves will wind up buried at Yucca mountain and h) will thus be unused. i) Practical science cannot justify burying SNF at Yucca Mountain or anywhere else. j) Peterson, with Utah, needs to champion reprocessing of SNF. k) Reprocessing of SNF needs to be championed with the SNF storage facility built at Pigeon Spur. l) Storage of SNF at Pigeon Spur coupled with follow-up reprocessing of SNF is a solution to the SNF disposal problem.

22. a) When Governor Leavitt and Dr. Dianne Nielson say SNF should be kept at generating plants until there is a solution for SNF, they are ignoring Peterson's solution. b) The solution to SNF is in Utah. c) The solution for SNF begins with NRC Docket No. 72-23. d) Governor Leavitt and Dr. Nielson are wrongfully using NRC Docket No. 72-22 to fight against Peterson's solution for SNF in NRC Docket No. 72-23. e) Peterson has valid third party complaints in NRC Docket No. 72-22 against Utah and Governor Leavitt for their damages to Peterson and Pigeon Spur in NRC Docket No. 72-23.

23. a) On Sept. 2<sup>nd</sup>, 1997, Peterson complained that Governor Leavitt was using Peterson's good technologies to make political hysteria (U.S. District Court No. Court Case No. 2:97CV 0691C before Judge Teena Cambell). b) The Governor only ignored Peterson and did not answer the averments of Peterson's complaint. c) Instead, he plead for political immunity and d) got the court's relief. e) On Dec. 1<sup>st</sup> & 2<sup>nd</sup>, 1997, Peterson wrote to Utah of his intention to store SNF at Pigeon spur, and f) also announced his intentions to reprocess SNF. g) Peterson's pleading is not answered. h) Peterson has only been given excuses.

24. a) Lastly, the State's attorney Denise Chancellor was a witness to travesties of justice in

Utah's courts against Peterson. b) As an officer of the court, c) where she witnessed and has knowledge, d) she should have corrected situations and gotten Peterson paid for his work moving the Vitro uranium tailings. e) With Denise Chancellor being its representative, f) the State being a party against Peterson in Utah Courts, g) the judges have been unscrupulous and corrupt. h) In this complaint Peterson incorporates his complaints in U.S. District No. 2:97CV 0691C, i) and demands that the State and Governor answer each and every averment in them in addition to this pleading and in this matter of Peterson's petition to intervene. j) Ms. Chancellor must correct a filing date interpretation error in Utah Supreme Court No. 940560 from Ut District No. 900900523, k) where the court's records show service and filing on Nov 28<sup>th</sup>, when it was Nov 21<sup>st</sup>, l) and Ms. Chancellor must correct records in Ut Corp 118115 where meaningless meeting minutes of a so-called meeting of "former" directors have been fraudulently entered from unauthorized filings in Utah District Court No. 910904929, ref judgment No. 2173675. m) This relates where they all stem from Federal money paid to Utah to Move the Vitro uranium tailings, where Utah did not properly bond the project and Peterson was not paid for supplying equipment and doing the engineering for the moving of the uranium tailings. Peterson was not paid \$250,000 on the project and lost his \$7 million business.

25. a) Peterson v Leavitt should have been resolved in 1997 U.S. District Court No. No. 2:97CV 0691C. b) Utah's standing in NRC Docket No. 72-23 should have been resolved shortly after that with Peterson's applications to Utah's DRC Board. c) Utah's Governor should not be continuing this matter for public attention as a hot political issue. d) The congress made its law for SNF years ago. e) It's time to take the politics out of SNF and let the engineers do what is required to provide power for our nation, reverse global warming,

and get rid of weapons plutonium.

26. a) Details of construction oversight and fire control are county issues. b) They should be worked out between the county people and project engineers. c) The State's seeing these matters in contention is out of line.
27. a) Peterson complains against the State of Utah for monetary damages for interfering with storage of SNF in the amount of \$160 million, b) interfering with reprocessing of SNF damages in the amount of \$200 million, c) from work moving the Vitro tailings, for not having a proper payment bond and for withholding pertinent information \$16.2 million, and d) for allowing false filings in Ut Corp 118115 in Utah's Department of Commerce, Division of Corporations \$10 million, e) without interest applied, f) total \$386.2 million.

Dated this 27<sup>th</sup> Day of June, 2000.



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Third Party Intervener

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UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

In the matter of the License Application of Private Fuel Storage (PFS) NRC Docket No. 72-22	!	CONTENTIONS PETITION TO INTERVENE Third Party COMPLAINT
v	!	
State of Utah & Governor, Intervener	!	
<hr/>		CERTIFICATE OF SERVICE DELIVERY, MAIL & FAX
William D. (Bill) Peterson Pigeon Spur Fuel Storage Facility (PSFSF) NRC Docket No. 72-23 Third Party Intervener	!	Adjudications Staff And
v	!	Judge G. Paul Bollwerk, III
State of Utah & Governor, Intervener	!	

CERTIFICATE OF SERVICE / DELIVERY

This is to certify that on this day a true and correct copy of the foregoing CONTENTIONS relative to Petition to Intervene was sent by electronic mail and delivered by deposit in the U.S. mail, first class, addressed as shown on the attached list.

Dated this 27<sup>th</sup> day of June, 2000.



William D. Peterson

MailCert.lst

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