

RAS 1825

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Pigeon Spur Fuel Storage Facility
NRC Docket No. 72-23
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FILE
ADMINISTRATIVE

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

v

State of Utah & Governor, Intervener

PETITION TO INTERVENE

Third Party COMPLAINT

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

v

State of Utah & Governor, Intervener

Adjudications Staff

And

Judge G. Paul Bollwerk, III

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

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SECY-02

Waste Negotiators, an office 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 climate 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. Peterson again notified the DRC Board. But, still today the Utah DRC board has not responded

to 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 that 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 used State law to deprive Peterson of his rights 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 his actions (or failure to act) causes damages to an individual, as taught 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 thus claims for damages for two years delay now amount to 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 SNF storage. 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 gases to reduce the effects of global warming. Existing hydroelectric plants are being threatened by dam removal. The nation's only other high energy source is nuclear power and it 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 nuclear "Policy" is locking the nation into causing increased Global Warming. The Gov's nuclear Policy is stopping the nation from the making of MOX fuel from the nation's weapons and mixing it with SNF MOX fuel and burning it up making electric power in nuclear reactors. The damages caused by the Governor's nuclear "Policy" are 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 thus targets its damaging "policy" onto 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 Dr. Suzanne Winters - Ramsey, Dr. Randy Bowers, his DRC Board Chairman at that time Mr. Robert Hoffman, University professors, Legislative advisors including House Speaker Mel Brown, Senate

Science and Environmental Chair John Holmgren all do not oppose the PFS and Pigeon Spur projects for storage of SNF in Utah. Mr. Peterson has talked with all of these. Even UDEQ Executive Director Dr. Dianne Nielsen has no scientific or just reason otherwise for not having storage of SNF in Utah, except that it is against Governor Leavitt's "policy."

Mr. Peterson herewith petitions for intervenor 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 intervenor 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 intervenor status so that where Governor Leavitt has not answered and explained the physical and scientific reason[s] and the 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 and his advisor's support (reports of Professional Engineers) which the Governor must of have in his 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. Some years ago PFS had Stone & Webster Engineers prepare a license application and in NRC assigned Docket No. 72-22 PFS has 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 intervenor[s]. Somewhat parallel to this in 1997 Peterson brought a court action against the Governor in U.S. District Case No. 2:97CV 0691C in the court of U.S. 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 a 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 spent nuclear fuel can form to make a bomb. In Peterson's proposed reprocessing, the plutonium is only in a MOX (mixed-oxide) form, in which such state the plutonium ingredient cannot possibly result in 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 configuration the SNF is never exposed to the outside atmosphere. But then, even if a canister 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 receive only a few millirems per hour of radiation (less than 3mrem). 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 as for radiation than working in a flying commercial aircraft.

A nuclear utility engineer points out that if one takes 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 as falling smoke. Coal contains reactive materials including 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 looks at energy from nuclear materials is far

cleaner and safer than energy from coal.

Peterson finds no basis for Governor Leavitt to impede his work for SNF storage. Peterson tried to meet with Governor Leavitt and talk this out but Governor Leavitt made himself unaccessible. To attempt to resolve the issue, Peterson brought a complaint against the Governor. 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 major problem for engineer Peterson or anyone else attempting to make a storage facility for 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 residents will listen and then act responsibly for a national 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 and wrong for Governor Leavitt to expound a policy contrary to Federal Law. For a time, until the public knows better, his speaking against nuclear material may appear to make him 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 might have been a quick easy short exercise that would have given him a short political shot of benefit, if the issue

would have gone away. But the issue is too big. The Governor 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 nation's 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 only 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 not. 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 on the table for 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 finally recanted and ushered in civil rights, Governor Leavitt's actions is causing the SNF issues to be seen and where it is seen fairly, SNF will be accepted 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 as yet, 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 procedures to date 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 to stop SNF storage on the land of the Goshute Indian Reservation. But he can't do this on sovereign 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 technical and scientific 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 proper 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 of 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 does not apply in Utah. Excluding Utah from the Federal Law was not an anticipated 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, more so than 72-22.

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 the issue. However, 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 thwart the proceeding of Licensing NRC Docket No. 72-22. The Governor is actually using Utah-State Funds to stop a Federal Project[s]. 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 intervenor's 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 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 intervenor Governor Michael Leavitt. PSFSF will aid PFS in the contention of the "policy" issue of Governor Leavitt. Again, with the Governor, PFS cannot argue the issues of storage on Indian land. PSFSF can argue the issue on State land. PSFSF can better content with the Governor than can PFS.

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 and no 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's right to use his office and State resources to influence the matter of storage of SNF as prescribed by Federal law. Specifically, intervening petitioner Peterson complains that Governor Leavitt's state or governor's "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 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's data supporting the Governor's "policy" so that the NRC Judges can determine the legality and 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.

A handwritten signature in black ink, appearing to read "William D. Peterson", with a long horizontal flourish extending to the right.

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

Work Notes, Miscellaneous Information

On September 2nd, 1997, in U.S. District Court Case No. 2:97CV 0691C Peterson recognized that Governor Leavitt was attacking storage of SNF by a variety of means.

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.

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:

12.714 Intervention. (a)(1) Any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition for leave to intervene. In a proceeding notice pursuant to 2.105, any person whose interest may be affected may also request a hearing. The petition and/or request shall be filed not later than the time specified in the notice of hearing, or as provided by the commission, in its ...

The statements of Governor Leavitt himself and also his representatives, particularly UDEQ Director Dr. Dianne Nielsen continue to convey the Governor's Policy that SNF will not be allowed to travel, be in or, be processed in Utah, and continue to convey the impression that SNF is to be unknown, misunderstood and feared.

Again, Friday May 31, 2000, 1:00 PM Peterson met again with Dr. Dianne Nielsen. She reiterated the Governor's policy of no SNF traveling; storage, or processing in Utah. Again Peterson ask for specific reasons since the Governor does not object to coal smoke (contains uranium), magnesium/chlorine fumes, pig feces, mining and processing of uranium, gasoline, ammonium phosphate explosives, and solid rocket motor propellant. Peterson has offered a gamete of extraordinary safety to insure Utah citizens safety from SNF, including:

- RR transport staging in Utah near Evanston to control SNF train travel in Utah
- Use of dedicated trains, 30 mph travel speed limit, best time for travel in Utah
- Travel route not on the Wasatch front
- Better / safer railroad handling and transport

High lift crane drop safety cushioning

Alternative dry pool storage

While in storage

Daily monitoring of coolant air temperature

Monthly monitoring of cask surface radiation

Semi-annual monitoring of cask internal inert gas pressure

Remote monitoring and control of the storage field

Twenty foot high earthen-berm additional shielding

To limit storage of SNF

Easier access to railroad for shipments in and out of the Pigeon Spur facility

Reprocessing of the SNF

What authority does Governor Leavitt have to make policy against federal matter?

Why should the Governor and/or Utah have policy against federal matter?

The Commission has allowed Utah to intervene.

The license applications of Docket Nos. 72-22 and 72-23 have been corrupted by the Governor - intervener.

The intervention of Utah is affecting the similar application of Peterson in Docket No. 72-23.

Leavitt's Policy of not having transport, storage, or reprocessing of SNF in Utah is hindering both Docket Nos. 72-22 and 72-23.

Peterson's problems with Utah in nuclear material matters began in 1985 when Peterson had the awesome responsibility of engineering the moving of the Vitro uranium tailings and the State specified shipping the tailings dry after Ford Bacon & Davis engineers told Utah that the tailings would not dry. The project manual required building a water collection pond and digging deep trenches in the tailings which was done, but no water was released by the tailings which held the water like a sponge.

At least four Utah courts have wilfully and wrongly avoided or wrongly acted in matters of Peterson to thwart the proper seeing by the courts matters of Peterson's or his business relative to nuclear material matters.

In Utah's refusing to see nuclear material matters with Peterson, Dr. Dianne Nielsen said that Utah does not have nuclear power plants so Utah does not have to store SNF in Utah. Peterson does not see that any state is excused from the Federal Nuclear Law.

A matter of his "policy" Governor Leavitt is fighting Federal law

D:\PNUC\NRC\Interven

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'00 JUN 16 AS 135

OFFICE OF THE
ADMINISTRATIVE
ADJUDICATOR

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	!	PETITION TO INTERVENE
v	!	Third Party COMPLAINT
State of Utah & Governor, Intervener	!	
!		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
v	!	And
State of Utah & Governor, Intervener	!	Judge G. Paul Bollwerk, III

CERTIFICATE OF SERVICE / DELIVERY

This is to certify that on this day a true and correct copy of the foregoing Petition to Intervene and May 26, 2000 letter to the Office of the Secretary 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 6th day of June, 2000.



William D. Peterson

MailCert'.lst

Office of the Secretary
Attention: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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(Original and two copies)

Office of the Commission Appellant
Adjudication

* Adjudicatory File
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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