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

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ORIGINAL  
FILED  
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

ADDITIONAL CONTENTIONS  
PETITION TO INTERVENE  
From Sept 2, 1997, COMPLAINT

CERTIFICATE OF SERVICE  
DELIVERY, MAIL & FAX

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

v

Third Party Intervener

Adjudications Staff  
And  
Judge G. Paul Bollwerk, III

State of Utah & Governor, Intervener

From intervener Peterson June 27, 2000, paper. in the third party complaint of Peterson v Governor:

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.

*William D. Peterson*

June 28, 2000

William D. Peterson  
2127 Lincoln Lane,  
Holladay, Utah 84124  
Tel 801/277-3981

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UNITED STATES DISTRICT COURT  
Frank E. Moss Federal Building  
SALT LAKE CITY, STATE OF UTAH

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WILLIAM D. PETERSON II,	:	COMPLAINT
	:	
Plaintiff	:	U.S. District Court No. 2:97CV 0691C
v.	:	
	:	Judge: Teena Cambell
Governor Michael O. Leavitt	:	
	:	Jury trial demanded
Defendant	:	Magistrate Refused 28 U.S.C.~635(c)

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1. Plaintiff Peterson herewith complains for his rights and privileges to do his work and project of storage of spent nuclear fuel at Pigeon Spur adjacent to the Contentional Railroad, centered in the western United States, where this requirement is mandated by the Congress of the United States, in the laws of the United States, and in the license of U.S. Patent Serial No. 5448604.

2. Utah has no law to disallow this work in the federal law.

3. The plaintiff is a resident of Salt Lake County.

4. The defendant is a resident of Salt Lake County

5. The plaintiff is mechanical engineer educated and long time (39 years) experienced in nuclear materials handling.

6. Twelve years ago the plaintiff provided engineering and equipment to move the Vitro uranium tailings.

7. Since 1984 the plaintiff has worked to provide storage for spent nuclear fuel from the nations 110 power plants producing electricity from nuclear energy.

8. In 40 years, spent nuclear fuel from these plants has never harmed anyone, killed anyone, or damaged the environment.

9. Utah has been and continues to be active in providing uranium for nuclear energy.

10. For four decades Utah mines have provided uranium for the nations power plants and nuclear weapons production.

11. In this time more than one thousand Utah uranium miners have suffered premature deaths from exposure to radiation in the processes of mining the materials.

12. Peterson's system is designed to improve public and worker safety, lower costs, and extend the United States energy.

13. Today processes developed at Idaho's INEL and Washington's Hanford are reprocessing spent nuclear

fuel in France, England, and Sweden for Japan and Europe.

14. In the past some Washington D.C. politicians have taken a stand that spent nuclear fuel should be permanently buried.

15. Today the consciences of nuclear scientists, including 600 members of east Idaho's Intermountain Research Institute and Coalition 21 favor reprocessing spent nuclear fuel, as is the consensus and being done for the Orient and Europe.

16. If reprocessed, today's U.S. cache of spent nuclear fuel in storage would provide 3,000 years of fuel for nuclear power produced energy.

17. In view of the options, the Pigeon Spur alternative is the U.S.'s best option for today's and future energy alternatives.

18. For many years the plaintiff has worked to provide a storage facility for temporary storage of spent nuclear fuel for the nation's 110 nuclear power plants, according to laws from legislation of the congress, the requirements of DOE, NRC and now in the licenses of U.S. Patent Serial No. 5448604.

19. Peterson's remotely controlled rail road storage concept is the only such patented and licensed concept existing.

20. Note however, the same type of spent nuclear storage, except for delivery and handling by truck is proceeding on the Goshute Indian reservation in Tooele County and Governor Leavitt has absolutely no say in this matter.

21. Transport of spent nuclear fuel is regulated by Federal Interstate Transport Laws and Utah and Governor Leavitt have no say in this.

22. As the plaintiff has proceeded with his work Utah's Governor Leavitt has made public statements implying that storage of spent nuclear fuel - Peterson's work is detrimental to Utah and the health of Utahans.

23. Governor Utah Leavitt's public statements on storage of spent fuel raises unwarranted public hysteria of scientific issues of Peterson's licensed technologies.

24. Such hysteria causes confusion ultimately making the perpetrator (defendant) a hero. After being told Peterson was working on storage of spent fuel. a neighbor replied "we can't do that, why it killed all of those sheep" she mistakenly referred to the incident where 500 of Doc. Osgothorp's sheep were killed by Tooele's nerved gas. In other words, the perpetrator of such hysteria, to some. make himself like a hero to all causes people view as bad.

25. Governor Utah Leavitt's public statements on storage of spent nuclear fuel in Utah is slander of Peterson and his technologies and is damaging to the progress of Peterson's work.

26. Governor Leavitt hysteria implications of spent nuclear fuel being hazardous to the public is fraud and damages and threatens Peterson's work and livelihood.

27. Federal law mandates a spent fuel storage facility and Governor Leavitt's opposition (defiance of federal law) is unlawful.

28. 20% of the nations energy is produced from nuclear fission. In this nuclear science there is no emissions or cause for human harm in the safety conditions established and used.

29. Contrarily, emissions from the burning of fossil fuels, (the nations most prominent energy source) produces air born emissions and contaminants (radiation) five million times as hazardous as spent nuclear fuel storage and these burning emissions result in respiratory illness in the U.S. (and world) being a significant cause of health injury and death.

30. Governor Leavitt's opposition to nuclear technologies is detrimental to everyone's health (nationally and internationally).

31. Governor Leavitt is not scientifically educated.

32. Governor Leavitt's saying he has not been furnished information in the matter is fraud where he has University Engineering Departments who he has not heard but instead ordered them to be silent in the subject, ordering them and others not to speak out (see attached State memo).

33. Governor Leavitt is interfering with the public freedom of access to information of nuclear material technologies and storage.

34. The Governor and Utah officials under him have unlawfully thwarted Peterson and his work by unlawful altering of court records, allowed and perpetuated unauthorized fraudulent filings by outsiders in Peterson's corporation No. 118115 records and has perpetuated an unconstitutional retrial of findings by un-empowered lower court justices unlawfully reviewing final summary judgment findings for which they have no authority or jurisdiction.

35. Peterson complains for a court order that the governor discontinue his wrong and misleading hysteria causing statements in this highly scientific matter of storage of spent nuclear fuel and allow plaintiff Peterson to proceed with his nuclear storage project and work in the federal law, in the Utah law which supports federal law, and in the law and license of U.S. Patent Serial No. 5448604.

36. In the alternative, Peterson complains the court find where Governor Leavitt continues his public opposition to the legislation of the U.S. Congress mandating storage of spent fuel, he unlawful, is committing fraud and slander creating unwarranted hysteria for his personal stature and gain, at the expense of Peterson.

37. Where Governor Leavitt continues his opposition counter to federal law, in fraud, slander and interference of freedom of information to nuclear technologies and to Peterson's work in Utah for storage of spent nuclear fuel, the plaintiff complains for an award of damages in the amount of \$500 million for the facility's value, and 40 years of operation revenues of \$20 million per year, making the total value and loss to Peterson in the amount of \$1.3 billion dollars, which losses and damages plaintiff so seeks from Governor Leavitt.

38. When Utah's Governor and Dr. Dianne Nielson say nuclear material, science, and work do not belong in Utah they are saying the likes of sunshine does not belong in Utah.

39. Governor Leavitt and Dr. Nielson are back peddling writing to NRC for information. NRC does not teach the future for spent nuclear fuel but the University of Utah Colleges of Engineering and Fuel Sciences do.

40. Peterson complains that Governor Leavitt should be listening to the likes of Dr. Alex Oblad and other scientists in nuclear and fuels sciences.

41. But instead, Governor Leavitt is threatening Utah employed scientists of their jobs if they speak out.

42. Governor Leavitt has vast sources on the technologies and future of nuclear spent fuel from the UofU, INEL, IRI, and Coalition 21, as well as DOE, NRC, the Goshute Indians, PFS, P&A Engineers and particularly U.S. Patent Serial No. 5448604.

43. Peterson complains that Governor Leavitt show where he is getting his information of nuclear spent fuel storage technologies.

44. For Governor Leavitt to speak in ignorance, hysteria, degradation, and misrepresentation of nuclear energy storage industry and Peterson's technologies and work is unlawful by federal law, state law requiring adherence to federal law, and out and out fraud and slander.

45. Supporting affidavit and memorandum accompany this complaint. Four hours of video and DOE, NRC, and Department of Navy publications served on the defendant are part of this complaint and support this complaint.

46. Much, if not all, of this support is information has already been given to Governor Leavitt and all is available to him and Governor Leavitt should be aware of these things and take them into consideration before he makes public statements of the nuclear spent fuel industry and Peterson's work and technologies.

47. Peterson's Pigeon Spur site off the Continental railroad is a most ideal location for temporary storage of spent nuclear fuel.

48. The Pigeon Spur site allows uninterrupted intercontinental railroad transport to each storage spot, from which each storage cask can be further transported to INEL, Hanford, or to a trucking connection to Yucca Mountain.

49. Peterson license per U.S. Patent Serial No. 5448604 is the only such rail transport system for temporary storage of spent nuclear fuel in the world.

50. Japan has announced that it intends to dominate the nuclear energy industry as it has dominated the automotive, electronic, and banking industries.

51. Japan reprocesses its spent nuclear fuel by the processes developed here in the U.S. at INEL and Hanford.

52. To have deficit recovery and balance the budget, it is essential that the United States not loose its energy technologies and assets in the nuclear industry.

53. It is essential for the future of the United States that Governor Leavitt not interfere with the development of the Pigeon Spur alternative for temporary storage of spent nuclear fuel.

54. The plaintiff complains for Governor Leavitt to allow the Pigeon Spur alternative for temporary storage of spent nuclear fuel to continue, and that he discontinue his slander and promotion of hysteria of this nuclear technology and Peterson work.

55. In the alternative, the plaintiff complains for Governor Leavitt to pay for losses and the damages he is causing in amount of the value of the storage facility \$1/2 billion plus 40 years of operating revenues at \$20 million per year.

Dated this 2nd of September, 1997.

 June 28, 2000  
William D. Peterson, plaintiff

William D. Peterson  
2127 Lincoln Lane,  
Holladay, Utah 84124  
Tel 277-3981

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UNITED STATES DISTRICT COURT  
Frank E. Moss Federal Building  
SALT LAKE CITY, STATE OF UTAH

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WILLIAM D. PETERSON II,	:	MEMORANDUM AND AFFIDAVIT
	:	in support of COMPLAINT
Plaintiff	:	
	:	U.S. District Court No.2:97CV 0691C
v.	:	
	:	Judge: Teena Cambell
Governor Michael O. Leavitt	:	
	:	Jury trial demanded
Defendant	:	Magistrate Refused 28 U.S.C.~635(c)

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INTRODUCTION

Peterson further complains of fraud, interference of Peterson lawful rights to work, slander, concealing information, abuse of office, interference of Peterson 1st Amendment rights to petition to the Government, interference with freedom of information which interfering with 1st Amendment speech rights of public employees right to do their work to teach and inform public of information about nuclear material properties and facts relevant to Peterson's process including teaching and informing of Peterson's technologies published in U.S. Patent Serial No. 5448604 (Exhibit C). Peterson complains of unlawful conduct of Governor Leavitt where he defies U.S. laws relative to nuclear fission materials 10 CFR interfering with Peterson's work.

SECTIONS

- A. GOVERNOR'S DEFIANCE IS OPPOSITION TO THE LAW - The Supreme Law of Utah is the U.S. Constitution in which the congress has required U.S. temporary storage of Spent Nuclear Fuel. The Governor's opposition is a defiance U.S. law and Utah requiring allegiance to U.S. law. (see exhibit A)

The law of nuclear materials matters is federal law, as it comes through the U.S. Constitution and the Congress. See particularly 10 CFR - parts in exhibit A. The supreme law of Utah is also this law, see Constitution of Utah, Art I. Sec. 3.

- B. GOVERNOR'S DEFIANCE IS DETRIMENTAL TO UTAH AND PETERSON - Not participating in Peterson's proposed project increases hazards to Utah, increases Utah's risk exposure, and causes lost jobs and lost revenues. The Governor's defiance interferes with Peterson's doing his work.

- C. GOVERNOR PERPETUATES FRAUD TO SEEKS PERSONAL POLITICAL GAIN AT DETRIMENT OF PETERSON - Governor is wrongfully and fraudulently using the word "nuclear" to

cause hysteria to gain attention to himself to seek to improve his public appearance at the expense of Peterson the public and science. The Governor is making and perpetuating misconceptions and untruths about hazards of spent nuclear fuel and Peterson's technologies to cause hysteria, make and perpetuate fear and fraud to fraudulently and unlawfully stop Peterson from doing his work. (See Exhibit B)

D. **GOVERNOR IS HIDING TRUTH, KEEPING KNOWLEDGE FROM PUBLIC** - The Governor is not educated in science and has ordered his science advisors, even University of Utah Professors not to talk about nuclear subjects and not answer questions. The Governor is being a dictator, not a leader, and is attempting to control knowledge for his personal gain. The Governor's interference with scientists 1st Amendment speech rights is a gross violation upon all U.S. citizens and Peterson's rights to knowledge and truth and freedom to peaceably petition for grievances, particularly in the public need for energy and clean air, clean water, and safety from pollution. The Governor's interference with 1st Amendment speech and petition rights hides truths and perpetuates ignorance, misconceptions, hysteria, fear and fraud in the public.

E. **GOVERNOR HAS A HISTORY OF DAMAGING PETERSON** - The Governor and his staff first harmed Peterson in their withholding information of the Vitro tailings where Peterson was responsible for the method and equipment for its removal from Salt Lake to Clive Utah. As a part of Peterson's petition for grievance, Utah unlawfully removed Peterson and his directors corporate filing from Utah's Department of Commerce unlawfully and fraudulently allowing theft of Peterson's business by fiduciary intruders. This was recognized by Utah District Court Judge Anne Stirba but she ordered that Peterson was not damaged. In a petition of this to the Utah Supreme Court the court unlawfully and fraudulently altered court filing records to wrongfully swing judgment benefit from Peterson to Utah. This is all admitted by Utah in U.S. District Court matter 2-96CV138G.

In addition, it is now found that unauthorized filings have been made by intruders in Peterson's Utah No. 118115 corporation where after a summary judgment of Judge Scott Daniels on April 14, 1992 in 910904929, the findings were unconstitutionally taken before two lower court judges and fraudulently purported to be set aside according to URCP 36(b) which was not applicable and lawful where Rule 36(a) discovery was not published and not the basis for summary judgment of Peterson and where the summary judgment was unlawfully re-examined Peterson was unlawfully (unconstitutionally) put in double jeopardy by Utah, this done without his knowledge without required UCJA 4.501 papers, with false and fraudulent filings.

F. **GOVERNOR'S UNLAWFUL ACTIVITIES IS DAMAGING TO PETERSON** - Peterson is world renown nuclear material handling engineer who has conceived a very good unique solution to the spent Nuclear Fuel storage need. The Governor's unlawful perpetuation of wrong knowledge, fraud, slander,

hysteria, and hiding information from the public is costing Peterson his work opportunity and his spent nuclear storage facility in the cost of \$500 million for the facility, and 40 years of operation revenues of \$20 million per year, making the total cost and loss to Peterson in the amount of \$1.3 billion dollars, which damages he seeks from Governor Leavitt. (in addition to E above). See Exhibit E.

- G. GOVERNOR IS EXERCISING ABUSE OF OFFICE - Governor is exercising his authority to stall and silence University of Utah staff and scientists in expressing and answering to spent nuclear fuel information and technologies. Undue influence has come upon the Federal court through Magistrate Ronald Boyce from Governor Leavitt. Magistrate Boyce is a Utah (University of Utah) employee. Magistrate Boyce has a conflict of interest in this and previous matters. In other matters of Peterson with Utah Magistrate Boyce has been prejudice and bias to Utah, even stopping/preventing Peterson's discovery. To the point - Peterson seeks his right to work, his business, family, marriage, not damages. Magistrate's Boyce's R&Rs have been an infringement of plaintiff's rights to trial per the VIIth Amendment of the U.S. Constitution.

#### PRÉCIS

101. Plaintiff William Peterson is one of the worlds most experienced and capable nuclear material handling engineers.

102. In five years Peterson has designed a most safe storage system for spent nuclear fuel "SNF" comprising a combination of long tried and used technologies.

103. Peterson's design has undergone months of U.S. Department of Energy reviews and other reviews of some of the nations most notable nuclear engineers and scientists.

104. Storing SNF in Utah as proposed at Peterson's monitored storage, maintenance and retrieval "MSMR" site at Pigeon Spur is more safe to Utah than the other alternative of similar storage at Area 25 in the Nevada Test Site, as is being legislated by the Congress in S104.

105. Where Governor Leavitt says otherwise, he is wrong!

106. In the law Governor Leavitt cannot unreasonably stop Peterson's Pigeon Spur SNF MSMR.

107. Governor Leavitt's reasons for not having Peterson's Pigeon Spur SNF MSMR are unreasonable.

108. The whims and wants of Governor Leavitt are not the Law of the United States and the State of Utah.

109. The Constitution of the United States is the Supreme Law of Utah, ref Constitution of Utah, Art I, Sec. 3.

110. Where the U.S. Congress has determined that SNF will be stored at some location in the U.S. Governor Leavitt cannot in the law say and require that SNF cannot be stored in Utah; but,

111. The Governor shall see that this legislation of the U.S. Congress is faithfully executed, ref Constitution of Utah Art VII, Sec. 5., "Governor sees that laws (supreme law = U.S. laws) are faithfully executed", ref 10 CFR Part 2.

112. Governor Leavitt has no more authority, rights and power to determine that SNF may or may not be stored in Utah than does Peterson have power to make this determination. Ref Constitution of Utah, Art I, Sec. 5 (Governor shall communicate ... to the Legislature ... recommend such measures as may be deemed expedient, ref Constitution of



Utah, Art I, Sec. 5). The legal voters (Peterson) ... may initiate any desired legislation and cause the same to be submitted to a vote of the people, ref Constitution of Utah, Art VI, Sec. I.

113. Where Governor Leavitt says Peterson's Pigeon Spur facility will be harmful to Utah he is wrong and is misrepresenting Peterson and his technologies, and he is slandering Peterson.

114. Governor Leavitt does not have a scientific education. He comes from the discipline of an Insurance Man; however, he does have science advisors and Utah has a host of nuclear scientists at the University of Utah Nuclear and Fuels Engineering Departments.

115. After appointment in meetings these Utah scientists have seen Peterson's technologies and in discussion have been supportive.

116. Governor Leavitt who is not scientifically educated is publicly stating opinions of Peterson's work and his technologies which are contrary to the Governor's advising science advisors and University scientists.

117. Governor Leavitt is irresponsibly playing unscrupulous politics at the expense of responsible science.

118. Many lives, for example even the lives of all of North Korea are at stake in this issue. North Korea is out of energy and in a general state of famine. See the news clip at the end of the enclosed TV video. But note now, according to a July 3, 1997 Associated Press news released, Wednesday July 2nd a Washington formed U.S.-led consortium and North Korea signed agreements where North Korea is being provided with two new nuclear reactors for power.

119. The hazards of uranium, plutonium and all nuclear materials in general have been blown far out of proportion particularly in view of today's knowledge and developments in nuclear science.

120. Nuclear fuel is the universe's most quintessential form of energy known to man, ref Dr. Charles Till, Argonne National Research Laboratories. 1 lb U235 = 1000 ton of coal.

121. Our world and our lives would simply not exist without this most noble fuel and its produced nuclear energy, ref the sun.

122. It is irresponsible, slander, fraudulent, and wrong for Governor Leavitt to be assaulting nuclear materials and energy.

123. Such belittling of such SNF temporary storage is slander of Peterson, and his technologies.

124. Nuclear energy science deserves at least the respect given to any other science including hydro electricity, and fuel combustion, coal, oil, and gas.

125. Governor Leavitt is wrongfully belittling nuclear materials and his castigating threats infringe upon Peterson's interests.

126. Governor Leavitt does not have the power and/or authority to determine what industries are or are not Utah industries.

127. Where Governor Leavitt proceeds to tell people what they can or can't do he is exercising dictatorship, not leadership.

128. Where certain Utahans, Box-Elder residents and scientists, have looked at and studied spent fuel storage opportunities and have taken steps to proceed, and then Governor Leavitt says "no" they can't do it, he is unlawfully interfering with the lives of Utahans.

129. This is especially true where the these Utahans do not have other alternatives for legitimate work and livelihood.

130. Peterson has gone to people of Western Box Elder County and has petitions of 122 persons in favor, 2 opposed to MSMR of SNF.

131. Neither the Governor or his qualified scientific representatives have had similar discussion with the residents of Western Box Elder County. (Note that Peterson has supplied much scientific information to Box Elder County residents and made arrangements for their meetings with Utah nuclear scientists. See attachments).

### **ABBREVIATIONS**

BEC - Box Elder County

CFR - Title 10 Code of Federal Regulations, ref Part 2

DOE - Department of Energy

INEL - Idaho National Engineer Laboratory

IRI - Intermountain Research Institute Inc., organization of 400+  
nuclear scientists headquartered in Idaho Falls, Idaho

MOSSS - Peterson's Modular On Site Storage System

MRS - Monitored Retrieval Storage of SNF (Fed program-expired)

MSMR - Peterson's private facility for Monitored Storage,  
Maintenance and Retrieval of SNF with cask configuring  
facilities for railroad shipping SNF in and out.

NRC - Nuclear Regulatory Commission

NWN - Nuclear Waste Negotiator, David Leroy then Richard Stallings

P&A - Peterson & Associates Engineers (Board for private MSMR)

PIGEON SPUR - The Pigeon railroad spur of the SP RR on the  
Continental RR line 5 miles east of Lucin Utah in BEC Utah

SNF - Spent Nuclear Fuel "Stored Fuel in Inventory"

SP RR - Southern Pacific Railroad

UDEQ - Utah Department of Environmental Quality

UP RR - Union Pacific Railroad, acquiring SP RR

VITRO - Vitro Uranium Tailings moved from Salt Lake to Clive

### **INTRODUCTION TO COMPLAINT SUBJECTS**

132. In 1996 Peterson brought this action to seek his costs and losses relative to his work of moving the Vitro uranium tailings.

133. Since 1985 VITRO, in federal legislation and laws Peterson has worked for Monitored Retrieval Storage "MRS" of Spent Nuclear Fuel "SNF". Peterson's work has advancements for better monitored storage, maintenance, and retrieval "MSMR" of SNF.

134. Utah and its Governor has publicly represented that Peterson's work and MSMR technologies would causes public danger outside the perimeter of the storage site.

135. Utah and its Governor has slandered Peterson and his MSMR work.

136. Peterson complains for his rights to do his work of storage of nuclear materials. Peterson complains for his United States rights of MSMR of SNF at his Pigeon Spur Site.

137. Peterson complains for CFR part 2, Interstate Commerce, and Freeport rights of MSMR of SNF at Pigeon Spur off the SP RR east of Lucin.

138. Peterson has inquired of Utah to proceed with the MSMR at Pigeon Spur but nether Governor Leavitt or Attorney General Graham respond; instead,

139. The governor has made public remarks that slander Peterson, his PIGEON project, and his technologies.

140. Governor Leavitt's accusations say Peterson and his work are threatening and will bring public harm instead of benefit.

141. Peterson's technologies are/will be very beneficial to the public and greatly reduce potentials for both environmental and nuclear material harm, to Utah, to the U.S., and to the world.

142. Peterson technologies are publicly displayed by his U.S. Patent Serial No. 5448604, and are shown with a scale models of facility and equipment drawings, maps, and other reports.

143. Peterson has presented his work to the residents of Box Elder County, Utah in public meetings of the County Commission and community meetings with area residents and display at the BEC Fair of 1996 and again in 1997, shown to UDEQ, Utah Legislature, and in the State Capital made available and ask to show Governor's office.

144. Approximately 70 families live in the 4,000 square mile of Western Box Elder County, see map exhibit D.

145. Peterson has obtained 124 signed opinions from the area people, 122 favor, 2 oppose.

146. These opinions were put into a petition to the Governor for proceeding with the MSMR which request to proceed was delivered to him.

147. The Governor has not responded to Peterson.

148. Judgment of Peterson's MSMR should be based on rigorous scientific studies not hysteria press releases.

149. Utah and its Governor's failure to see the project and respond objectively are causing unreasonable delay, costs, and damages. Ref damages in delays in HMOs California.

### **HISTORY OF THIS CASE MATTER**

150. Plaintiff Peterson is a professional engineer educated and experienced in nuclear engineering. He received his B.S. in 1959, and his M.S. in 1967, both from the University of Utah.

151. Peterson has done many project. provided much technology and equipment to the nuclear industry and Idaho National Engineering Laboratory (herein INEL). One project of distinction was providing the technology and equipment to move the Vitro uranium tailings from the center of the Salt Lake Valley to Clive Utah, 80 miles west of Salt Lake. This is the nations only nuclear material storage facility of its type.

152. Peterson has not yet been paid for this work.

153. Utah withheld pertinent material dryability information and Utah's payment bond for the Vitro project was

not properly in place until after Peterson's completion of work which was not lawful and law required that the State to pay Peterson his costs.

154. In the mayhem an LDS religion teacher and fiduciary advisor Robert G. Mouritsen came between Peterson and his wife and made a false business meeting fraudulent purporting directors of Peterson's business transferred all to him and his associates.

155. The intruders brought suit in third District Court Scott Daniels to prove their meeting minutes. Peterson prevailed. Judge Daniels found fraud, findings, and awarded summary judgment to Peterson in the amount of \$10 million dollars. (See Exhibits N & O)

156. Judge Daniels summary judgment was not appealed; however, 157. The intruders made and filed false and fake papers in the Utah District court then caused Judge Daniels' order to apparently be unlawfully reviewed by lower courts, who never had or could have jurisdiction in the matter, who purport to set aside Judge Daniels order. The courts have unlawfully put and kept Peterson out of his manufacturing and engineering business in Murray, Utah since 1986.

158. By their answers in federal and state courts this is all admitted by many Utah judges and the intruders.

159. But still, Peterson remains unpaid his \$10 million judgment of Mouritsen etal and \$16.2 million of Utah for withholding pertinent information and improper bonding of the Vitro project and then seeing Peterson paid; and then another matter, where Utah Department of Commerce removed Peterson's and his corporation's No. 118115 papers allowing Mouritsen etal to file in place of Peterson to take his business. (See Exhibits P & Q)

160. In a Utah Court matter before Judge Stirba, Utah admitted to these but said Peterson was not damaged and her court so ordered.

161. Peterson appealed Judge Stirba's order of this to the Utah Supreme Court claiming that he was damaged in the amount of \$16.2 million.

162. By their answers, Utah admitted these damages; however,

163. To turn judgment to Utah, the clerks and judges of the Utah Supreme Court altered Peterson's filed papers changing the service and filing date by 8 days, and over Peterson's objections gave judgement to Utah instead of Peterson. (See Exhibit R)

164. By their answers to Peterson's filed brief on September 17, 1996 in this matter, this court record tampering in the Utah Supreme Court is admitted by Utah.

#### **PETERSON'S WORK FOR STORAGE OF SPENT NUCLEAR FUEL "SNF"**

165. Since 1985 VITRO, Peterson has continued to pursue his work relative to storage of nuclear material.

166. Peterson has spent many years (since 1957) designing and providing systems for handling and storage of SNF.

167. Peterson's technologies are publicly beneficial and greatly reduce potentials for both environmental and nuclear harm.

168. Peterson technologies are publicly displayed in part by his U.S. Patent No. Serial No. 5448604, drawings, and other reports.

169. Peterson is a native Utahan, born in Logan, Utah, and a descendent of Stewart and Fitzgerald of the Vanguard company of 1847.

170. Peterson is a Southern Utah "down winder".

#### **SPENT NUCLEAR FUEL "SNF" (STORED FUEL IN INVENTORY)**

171. Utah's Governor has publicly insinuated that in the plaintiff's technologies for SNF (stored fuel in inventory) will have adverse effects beyond the MSMR storage facility.

172. SNF does not cause or have adverse effects beyond the MSMR facility where it is stored.

173. SNF does not cause or have adverse effects within the MSMR facility where it is stored.

174. MSMR storage of SNF does not leave any residue or hazard at the MSMR site or beyond where SNF is stored and then removed.

175. SNF in its containment is no more harmful to be around than other fuels in their containment, including fossil fuel energies of gasoline, diesel, gas and coal, and other energy forms including electricity.

176. SNF will not burn or explode.

177. Should SNF ever come out of its container and be scattered, it is easily found and recovered in that contained trace materials are radioactive and can be detected with instruments.

178. It is not good health practice to be "inside" the storage containers of any of the indicated fuels and SNF is no exception.

179. More effort has been made by scientists, the U.S. Congress and U.S. Government to keep the public safe from hazards of SNF than any other form of energy.

180. In the U.S. 20% of the nation's electricity is generated from nuclear fuel. Nuclear electric generation is second to only power generation from coal.

181. The Earth's principal energy - Sun heat is entirely from nuclear energy. This nuclear energy is uniquely available here on earth because U238 and plutonium have an extremely long half lives, otherwise they would have long since been gone. Their use for energy is possible in that less than one percent of the fuel contains an element which can initiate fission in the remainder.

182. Some persons raise alarm in this long half life, but if this long half life were not so, we simply would not have the energy, here, and on the sun, and hence we would not have life.

183. Contrary to the alarm some persons say, this long life of U238 and plutonium radiation are not harmful in that this radiation cannot penetrate skin, cannot penetrate 0.003 inch thick piece of paper.

184. When reprocessed and reused by INEL's technologies, current inventories of SNF can provide the U.S. with approximately 3,000 years of nuclear energy. Thus logically, SNF is determined and further named by the DOE to be "Stored Fuel in Inventory". See the included copy of "Linking Legacies" DOE/EM-0319, pg 33.

185. In the U.S. (and world) public safety standards and record relative to nuclear power are higher than any other form of energy.

186. U.S. CFR Part 2, Interstate Commerce, and Freeport laws allow interstate transport and temporary storage of all forms of fuels and energies to be lawful in Utah.

187. Interstate transport of nuclear fuel and temporary MSMR storage is lawful in all U.S. States by CFR part 2 and U.S. Interstate Commerce Laws.

188. Transport of SNF and temporary MSMR storage of SNF are lawful in Utah by U.S. Interstate Commerce Laws.

189. Transport of SNF and temporary MSMR storage of SNF are lawful in Utah by Freeport laws.

190. SNF is "extremely" valuable and becomes even more valuable and more useful in time.

191. Considerations of SNF security and removal in time can be contracted with the U.S. Department of Energy as has been done for the SNF (stored fuel in inventory) stored at INEL Idaho.

192. Hazards of storage of SNF are not the same or even comparable to the hazards Utah was subjected to from the some 1,000 nuclear bombs detonated in Nevada in the war arsenal issue.

193. SNF is well confined and does not get into the atmosphere.

194. SNF does not put matter in the atmosphere which contribute to environmental hazards.

195. There has been no injury, death, or environmental damage caused by SNF.

196. Plaintiff complains for his Interstate Commerce rights to temporarily store Spent Nuclear Fuel (herein SNF) in a facility of Plaintiff's patented design and per Department of Energy (herein DOE) and Nuclear Regulatory Commission (herein NRC) regulations.

#### **STATUS OF NUCLEAR STORAGE**

197. For 40 years the U.S. Government has been seeking a solution for storage of SNF.

198. In 1982 the U.S. Congress inaugurate a nuclear waste policy act which includes storage of SNF.

199. SNF is "very" costly and valuable; in that,

200. SNF can be re-processed and will produce much more energy than what it produced in its first service and then going into after use temporary storage.

201. The U.S. Government, DOE, and NRC have made a declaration that SNF is not a waste material but is "stored fuel in inventory". See DOE/EM-0319, "Linking Legacies" page 33.

202. For the proposed temporary fuel storage, SNF is well confined in fuel rods which are securely confined in sealed storage canisters. See the Crash Tests part of the included video.

203. SNF is not contaminating to the atmosphere or its surroundings.

204. For reasons, the U.S. Congress has mandated collective temporary storage of SNF at some site[s] subsequent to more permanent disposition, or other disposition.

205. The U.S. Government has sought a Monitored Retrievable and Storage facility (MSMR) for temporary storage of SNF.

206. In 1989 the congress established the office of the Nuclear Waste Negotiator (herein NWN), under the President, to offer the opportunity and to establish an MSMR site[s].

207. In the NWN program two offerers for sites were made by respondents. An offer was made by the Skull Valley Goshute Indians offering the use of their reservation in Tooele County for a site; and, an offer was made by Peterson and the Southern Pacific RR offering the Pigeon RR-Spur site five miles east of Lucin in Utah's Box Elder County for an MSMR site.

208. In this Peterson and the SP Railroad have agreed that Peterson's involvement would be strictly the MSMR site and the RR involvement would be only its standard lines transport of the SNF according to the DOE and NRC regulations and standards.

209. The present terms for the temporary storage is temporary storage for forty (40) years.

210. The DOE is studying and considering future permanent storage at Yucca Mountain in Nevada.

211. The Congress mandated that permanent storage of the SNF and temporary MRS storage of SNF would not be in the same State.

212. As an alternative to permanent storage, a system of reprocessing SNF for continued use of the nuclear fuel has been developed and done at INEL Idaho.

213. France, England, and Sweden are currently reprocessing Japan's and Europe's SNF according to the process developed at INEL, Idaho, above.

214. The INEL process includes using-up and disposing of plutonium, solving another world problem.

215. There is an ever increasing and threatening glut of plutonium in the world today.

216. The nations SNF and stored plutonium would provide approximately 3,000 years of energy fuel to the United States.

217. The same SNF and plutonium storage condition occurs in Russia, except Russia's commercial reactors are of the type which produce plutonium as a by-product in its electrical energy production; thus, Russia continues to produce approximately 15 tons of plutonium per year; which,

218. Russian plutonium production is threatening where this 15 tons of plutonium is potentially usable to make up to 10,000 nuclear weapons.

219. A world wide threats exist where it is reported that Russian plutonium in the amount of 15 ton per year is being stolen.

220. The four hundred+ (400+) scientists of the Intermountain Research Institute Inc. (an organization of nuclear scientists headquartered in Idaho Falls, herein IRI) support reprocessing and continued use of SNF and oppose permanent storage of the SNF.

221. Dr. Dennis Keiser and Scientist Frank Just have conveyed to Peterson that they and IRI support Peterson's SNF storage technologies and MSMR site.

222. Dr. Ted Carpenter has conveyed to Peterson that he supports Peterson's project.

223. Dr. Carpenter is the Communication Specialists for a 100 member environmental/nuclear scientific group called Coalition 21. Dr. Carpenter says that Peterson's project has the SNF storage features which Coalition 21 would support. Further meetings with Coalition 21 membership and IRI are scheduled and ongoing.

224. Peterson's Pigeon Spur temporary storage MRS is strategically located between Yucca Mountain Nevada and INEL Idaho.

225. U.S. scientists are pursuing two alternatives, storage at Yucca Mountain or SNF reprocessing at INEL or Hanford.

226. Either way, which ever alternative for SNF fuel is chosen. Peterson's MSMR will minimize SNF transport across Utah and minimize the potential of a transport accident six fold by population by Utah Counties. (see included

map).

227. The IRI scientists support Peterson's

### **PIGEON SPUR OF CONTENTIONAL RAILROAD**

228. The base and primary railroad of the United States is the contentional railroad from East Coast to West Coast. When this rail road was first built in the 1860s it was started simultaneously from the east and west and met at Promitory approximately 80 miles east of Pigeon Spur. At that time PIGEON SPUR was one of the most desolate places on the Continental RR line.

229. Still today Pigeon Spur, if not the most, is one of the most desolated places on the Continental RR line. See enclosed BLM pamphlet UTAH Transcontinental Railroad, National Back Country Byway describing this "least explored land area".

230. Pigeon Spur is the most logical and ideal location in the United States to put a remotely located RR storage facility.

231. Peterson MSMR design per U.S. Patent No. 5448604 is designed for remotely controlled operation and Pigeon Spur is a most ideal location for Peterson's MSMR.

232. Utah State University at Logan Utah is a most dominant world pioneer in the development of remotely operated equipment technologies and is the closest University in proximity to Pigeon Spur, being 100 miles east.

### **COMPLAINTS OF GOVERNOR LEAVITT, UTAH**

233. Peterson complains that Governor Michael Leavitt will not see the matter.

234. Peterson complains that Governor Leavitt has/is ordering that his staff ignore Peterson and the issue. (see inclosed memo exhibit F.)

235. Peterson is denied public debate and freedom of information in the matter.

236. Peterson attended the University of Utah graduating with B.S. and M.S. degrees in Mechanical Engineering.

237. Peterson has 40 years experience in handling nuclear material and is a world leader in technologies for storage of SNF.

238. Peterson has designed a system for storing SNF which has been issued U.S. Patent Serial No. 5448604.

239. Peterson has followed the track/process set by the U.S. Congress, the President, and the Office of the Nuclear Waste Negotiator and proposed the Pigeon Spur MSMR site in its offer according to U.S. law.

240. Governor Leavitt has stymied free speech and the application of federal law in Pigeon MSMR matter; and,

241. Governor Leavitt has contented that he alone has power to allow what and what is not industry in Utah.

242. Where Peterson complies with federal requirements, laws, and legislation, Peterson has the lawful right to pursue the MSMR industry in Utah to the satisfaction U.S. Government requirements.

243. Governor Leavitt does not have the power and authority to stop Peterson and his MSMR in the law.

244. Governor Leavitt has argued that SNF put into storage in Utah will not eventually be removed.

245. The removal of SNF in storage in Utah is an issue that can be negotiated by the host community, the U.S.



Government, the MSMR, and the nuclear power utilities.

246. Such a remove requirement contract was made between Idaho and the U.S. Government.

247. Peterson's monitored storage maintenance and retrieval (herein "MSMR") of spent nuclear fuel (herein "SNF") has brought an unwarranted, unjustified attack on the scientific community by persons who do not have knowledge of the noble energy nuclear fuel.

248. The defendant has expressed "publicly" an unwarranted, unjustified attack on the plaintiff and his work.

249. Administrative, teaching, professionally educated people serving under Governor Leavitt have been instructed from the Governors office down to not answer Peterson requests and questions and not work with Peterson in any way relative to nuclear material in Utah.

250. The Governor has made a simple stand that SNF is not to be in Utah and has instructed his staff that this is to be the state's policy.

251. The Governor has expressed unwarranted, unjustified concerns of the extended time the fuel may be stored at the MSMR.

252. Governor Leavitt's accusations say Peterson and his work are threatening and bring public harm instead of benefit.

253. Peterson complains of Governor Leavitt of slander of Peterson and his technologies.

254. To approach the State of Utah, Peterson has made inquiry for the MSMR to the Governor's Chief of Staff - Charlie Johnson, Department of Environmental Control - Dr. Dianne Neilson, Governor's Science Advisor Dr. Susan Winters, the States Attorney General - Fred Nelson.

255. Fred Nelson has not and will not respond.

256. After seeing Peterson's design, Dr. Winters said she sees no problem technically, that its a political issue.

257. Dr. Neilson says the Governor says the MSMR does not belong in Utah, that the Utah does not have assurances the SNF will be eventually removed from the MSMR and says the SNF should be stored at the sites of its use origin - at the power plants.

258. Mr. Johnson says the Governor will not see the issue and needs a reason "a break through" for him to change his opinion.

259. In other matters, Governor Leavitt stresses that he leaves decisions of issues to the local people.

260. Peterson complains for rights in the federal law (10 CFR) interstate commerce, freeport, and freedom of work opportunity losses in the amount of the cost to be paid to Peterson for constricting the MSMR \$0.5 billion, and the monies to be paid to Peterson for 40 years of operation in the amount \$20 million per year which in all totals \$1.3 billion.

261. Note, in addition, separate to this, Utah stands to loose \$4.5 billion in pass through benefits from the project as Peterson has proposed to the House Budget Director John Kasich and Senate Committee Chairman Senator Larry Craig. (See Exhibits H & I).

262. Peterson's BEC MSMR for SNF reduces potential transportation hazards of SNF 6 fold where the PIGEON site reduces transportation exposure 6 fold by county population where the PIGEON alternative keeps the SNF transport off the Wasatch Front.

263. Governor Leavitt has no legal basis to disallow Peterson from proceeding with the Pigeon Spur MSMR.

264. The Governor's contention that SNF is a polluting waste material is not true as the material is very confined.

265. Even if a cask were broken and then internal fuel rods were broken, and the SNF pellets were allowed to come out, the pellets are a solid form and cannot become air born and migrate.

266. If this were to happen, SNF would not be hazardous to site operating personnel where the site is designed to operate remotely and soil berms separate the site storage field from surrounding lands.

267. Thus Peterson's design provides that the site operation he proposes is in excess of one million times safer than the safe operation shown by DOE and NRC.

268. Governor Leavitt is fraudulent in his representation where he implies that Utah involvement in nuclear power would be increasingly hazardous to Utah.

269. Governor Leavitt opposition to the Pigeon Spur MSMR is deceiving where the Governor is suppressing scientific information published by the U.S. Navy which says that Utah's exposure to radiation is 5 million times greater from nuclear material spread in products of combustion in the burning of fossil fuel to produce electricity. I.e. radiation to Utah is 5 million times greater than if Utah's power were being made by nuclear plants operating in Utah.

270. Utah's Wasatch Front mountains cause pollutants from fossil burning to be captured and held in the Provo, Salt Lake and Ogden valleys concentrating, holding, and exposing Utah to radiation in the products of combustion.

271. Eventually Utah will have to switch to nuclear power for both fuel availability and environment cleaning requirements.

272. Department of Navy studies show nuclear hazards to Utah from nuclear material in fossils fuel burning emissions is 5 million time as hazardous to Utahans as would be an MSMR.

273. Note that Peterson's remotely operated design of an MSMR is 5 million times again more safe than DOE's on site managed facility where open radiation diminishes with the square of the distance from the source, and then diminishes in excess of cube of the distance away where material is interposed between.

274. Governor Leavitt's attack on Peterson's MSMR work is misleading, slander, fraudulent, and unlawful.

275. The Governor's un-relentless attack upon and persecution of Peterson and his work must stop.

276. For many years, and for reason, the word "nuclear" has been an attention getter in Utah for many reasons. At times the word has been used to rightly excite Utahns to see problems, make corrections, and eventual benefits. However "nuclear" has long been a major Utah industry and Utah's south east population and now potentially in Utah's north west population know of its employment benefits and it is not fair for them to use the word "nuclear" to excite Utah's general population, cause hysteria, to gain its vote at the expense of employment to Utah's industry workers.

277. Peterson is/was most prepared for developing the MSMR project and produced a design and program of undisputable countenance.

278. Peterson has inquired of Governor Leavitt's Office and the Office of Utah's Attorney General for the requirements to proceed to with an MSMR in Box Elder County. No response from either office has been made to Peterson.

279. Governor Leavitt's public response of "over my dead body" is an immature political gesture which shows (to show) arrogance in power.\*

"Over my dead body" - a phrase (utterance, saying) the neighborhood bully uses to express threat to occupants to force (threat, secure, express) his presence to maintain sought dominance over an intruded territory. The term is used where the player is so ignorant in the matter he has nothing better to say.

By the Governor's use of the fad scare word "nuclear" with dominance phrase "over my dead body" the Governor is projecting himself as the State's bully in power.

280. Governor Leavitt is inventing hazards and threats of SNF relative to Peterson's MSMR.
281. Governor Leavitt's inventions of hazards relative to Peterson technologies is slander and fraud.
282. Governor Leavitt is not qualified (educated) to determine the science of SNF relative to requirements, options, benefits, and liabilities of Peterson's MSMR design in operation in BEC.
283. Neither Governor Leavitt's or his supporting staff have discussed the governor's reservations of Peterson's MSMR with Peterson.
284. Instead, the Governor has gone around Peterson to the public to make complaint of Peterson's work which is public slander of Peterson.
285. Sunday evening 7/6/97 on TV Ch2, 60 minutes, a national problem was shown on increases of wastes from pig farms being developed, particularly in the tobacco farming area of the south. It was further said that a new 2 million pig farm was to built in Utah.
286. The feces and urine produced by a pigs at a new 2 million pig farm in Beaver County would produce such wastes four times greater than the amount now produced by all human population of Utah.
287. The Governor's making an issue of nuclear storage is a political diversion to avoid the massive stinking problem of a new 2 million pig farm in Beaver County, Utah.
288. Most, if not all, of Utah's existing pollution and hazardous material problems are far worse than any problem that could possible come from storage of SNF at Peterson's proposed MSMR Pigeon Spur facility.
289. For example, where the Johnson Mathey Chemical company may have a fire it may produce a poison gas in the center of the most populated county as occurred in the first week of July 1997. Then, a natural gas leak also required residents to leave their homes.
290. Governor Leavitt's invention of hazards in the nuclear industry is fraud and a diversion of the real hazards in Utah.

#### **BOX ELDER COUNTY**

291. Peterson has met with the Box Elder County Commission, they said they wanted opinions of the local

community residents.

292. Jointly it was agreed that Peterson would show and meet with the BEC people at the County Fair at Tremonton.

293. At the 1996 BEC Fair Peterson showed a scale model of the proposed design and discussed the issues. At the 1997 Peterson showed two continuous video displays of parts of the four hours included with this complaint.

294. From this a petition was made and signed and sent to the County Commission, 122 persons in favor, 2 opposed.

295. In 4,000 square miles of western Box Elder county live approximately seventy families. These residences center mostly around the two unincorporated communities of Grouse Creek, 26 miles north of the proposed MSMR site and Park Valley 50 miles north east of the proposed Pigeon Spur MSMR site.

296. In January of 1997 Peterson held town meeting at each of these locations.

297. Peterson found the people of western BEC are earnestly seeking some means of bringing some monies and employment into their area.

298. The only income in western BEC is from ranching and cattle prices and ranching in this dry country is declining.

299. The residents do not want a substantial population expansion but want to maintain their existing life patterns and have the same opportunity for their children.

300. Both BEC areas (Grouse Creek and Park Valley) were receptive to hear Peterson. They want to pursue the matter subject to expressed reservations, concerns, and assurances.

301. The BEC communities of Grouse Creek and Park valley have needs including culinary water, roads, some simple basic convinces were ask for including a store to buy pizzas. They also requested the western BEC would have a resident police officer.

302. Various ways to give benefit were discussed.

303. In time their committee came back asking for one million dollars per year for benefits and needs (for each) of the two communities and this coupled with some employment opportunity was all that they wanted.

304. Note that more benefit was discussed but opinions were expressed that more would cause more problems than benefit to the small and remote BEC communities.

305. Peterson has taken this information to Utah Senate and Congressional delegation to Washington.

## UTAH

306. Peterson proposes that Utah may further benefit and sees that U.S. Government is willing to pay more for solving the nations SNF needs.

307. Peterson has obtained costs and has prepared estimated 40 year costs for the MSMR program including obtaining costs of shipping from the SP/UP railroad. A 40 year cost is estimated to be \$8.5 billion dollars. Most of this, \$4.5 billion are pass through benefits direct to Utah.

308. Utah's population is expanding and anticipating the 2002 Winter Olympics, Utah needs \$2+ billion for road improvement which monies Utah does not have.

309. Peterson has paved the way and proposes that Utah ask the Federal government for this money as part of a negation to host the MSMR at Pigeon Spur and the Goshute Reservation and in conjunction with hosting the 2002 Winter Olympics.

310. Letters asking for this were sent to Congressman John Kasich, Senator Larry Craig, and President Clinton. Replies have come back to Peterson saying this would be considered, and telling Peterson to proceed to have Senate bill S104 changed from Nevada to Utah. (See Exhibits H & I)

311. Peterson has taken this move to Utah's Washington delegation and to the Utah State Legislature.

312. One on one, Peterson finds 100% strong support for the Pigeon Spur MSMR, but publicly, the consensus looks to follow the Governor.

## SUMMARY OF COMPLAINT -3

313. Plaintiff Peterson complains that the court find that what the Governor is saying about nuclear material hazards is not true.

314. Plaintiff Peterson complains that the court find that Governor Leavitt is wrongfully using Peterson's work and technologies for the Governor's personal political gain at the expense of Peterson and his work.

315. Peterson complains that the court find that Peterson has complied with Federal law and legislation relative U.S. nuclear material and temporary storage of SNF in an MSMR, and that federal law including Interstate Commerce law and Freeport law allow Peterson to build and operate said proposed MSMR according to Federal Law including requirements of DOE and NRC.

316. Peterson complains that the court find that Peterson has certain license to build and operate the PIGEON MSMR for SNF by the Federal Governments issuance of U.S. Patent No. 5448604.

317. Peterson complains that the court find PIGEON is a lawful option for an MSMR for SNF to Area 25 in Senate Bill S-104.

318. In the alternative, Peterson complains that the court find Governor Leavitt has slandered Peterson and his MSMR and SNF technologies, including his U.S. Patent, and the Governor is liable to Peterson in the amount of \$1.3 billion dollars.

319. Peterson complains that the court find Governor Leavitt suppression of SNF and MSMR technologies in the scientific community, including the State's Universities, is a denial of "every" Utahans of his First Amendment U.S. Constitutional rights, including a denial of the same to Peterson.

320. Peterson complains that Governor Leavitt has made statements about SNF before he has had a committee look at this issue, where such a committee should include at least the Dean of Engineering at the University and in addition include whom ever the Dean should recommend including the Departments of Nuclear Engineering and Fuels Engineering.

321. This few fenced off acres at Pigeon Spur for highly technical storage is not an issue for Utah Wild Life Resources.

#### North Korea, a Threat Diminishes

322. How the world has considered the starvation in North Korea is a most important consideration at this time. North Korea's attempt to make a nuclear weapon has been a most prominent threat on nuclear power. Where North Korea has run out of energy for industry and living, it is important that world has recognized that their only long time alternative is nuclear electric generation. Now behind this it is important that U.S. will assist to build two nuclear power plants for them. And Now behind this it is important that Japan is involved in this. And now behind this it is important that Japan reprocesses spent fuel (does not bury it). And now behind this it is important to recognize that Japan intends to dominate the nuclear industry. And now behind this it is important to recognize that the U.S. cannot consider taking a back seat to Japan in one more U.S. technology, that the U.S. must not burying the SNF but must reprocess it and at least keep dominance in the nuclear Industry in the U.S.


322. Some time around 1984, plaintiff Peterson met with Congressman Wayne Owens at a luncheon meeting at Hotel Utah on the Nuclear issue of the Davis Canyon Spent Fuel repository. At the end of the meeting an entourage of a half a dozen Japanese came in and announced their intention to buy up U.S. hydro-electric plants. Simply said, for the

U.S. to have monetary balance it must produce as much as it consumes, and we are short three (\$3) billion per day. The U.S. must retain its spent fuel storage and reprocessing technology.

STATEMENT per Rule 11

321. The plaintiff asserts that to the best of the plaintiff's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact this matter is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, ref Rule 11.

Dated this 2nd of September, 1997.

 June 28, 2000

William D. Peterson, plaintiff

On the 2nd day of September, A.D. 199 7, personally appeared before me William D. Peterson II, who being duly sworn, duly acknowledged to me, the execution of the forgoing.

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

## ENCLOSURES

### Exhibits:

- A. U.S. Laws for Nuclear Material - 10 CFR 2
- B. Science or hysteria, but now technology is published and understood, further attacks are slander
- C. Patent No. 5448604
- D. Map of Northern Utah showing RR shipping
- E. Project 40 year Cost Estimate
- F. Gov. Leavitt memo, Interference of freedom of information at the University of Utah
- G. July 24, 1997 Salt Lake Tribune article where State seeks answers to fundamental questions
- H. Letter from Congressman John Kasich
- I. Letter from Senator Larry Craig
- J. August 19, 1997 S L Tribune article on North Korea
- K. U.S. Transcontinental Railroad map
- L. BLM UTAH Transcontinental pamphlet

Books: Jan 1997, DOE/EM-0319, "Linking Legacies" pg 33 says SNF is "materials in inventory" pg 106 says materials in inventory is SNF map major sites pg 16-17, ref 20,000 facilities, See stored uranium pgs 03 and 154. See half life of contaminants being seven years, pg 65.

November 1996, DOE/EIS-0251, "Department of the Navy Final Environmental Impact Statement for a Container System for

the Management of Naval

Spent Nuclear Fuel", particularly

pg 3-18 which says risk of death from radiation in fossil fuel emissions is 5,000,000 times the risk of death from radiation from a spent nuclear fuel storage operation

January 1995, DOE/EM-0266, "Closing the Circle on the Splitting of the Atom", page 40 shows hand held plutonium and room at Rocky Flats Plants with stored plutonium

February 1996, SR/CNEAF/96-01, "Spent Nuclear Fuel Discharges from U.S. Reactors", 1994 and 1992

\*\* The four above books were previously delivered to the Governor.

- N. False June 2nd 1986 meeting minutes
- O. Judge Scott Daniels April 14, 1992 Summary Judgment
- P. Administrative office of Courts letter
- Q. Unlawfully Seized corporate 118115 paper
- R. Utah Supreme Court Altered Peterson papers

### Video:

Introduction to MSMR showing MM site	2 min
Ch 4 News telling of Pigeon Spur	2 min
History/Report of Goshute Tooele	26 min
Sandia Crash Test report	6 min
"Nuclear Reactions" national feature	1 hr
Fed Gov Compilation 6 reports	2 hrs
Starvation of North Korea, new	20 min
Transfer table from Brimley show	3 min



cc: President Bill Clinton  
Senator Larry Craig, Energy Committee  
Congressman John Kasich, Budget Committee  
Congressman Dan Schaefer, R-Colo, Chair energy and power  
Congressman Mike Crapo, R-Idaho  
Congressman Thomas Bliley, R-Va, Head Commerce Committee  
Senator Orrin Hatch, Judicial Committee  
DOE - Dan Kane - Professional Engineer  
NRC - Sue Gagner - Public Affairs Officer

Skull Valley Band of Goshutes - Danny Quintana  
Northern States Power - Scott Northard  
Intermountain Research Institute - Frank H Just, V.P.  
Coalition 21 - Dr. Ted Carpenter  
Frontline, ABC TV, Richard Rhoads  
Inside Editions - Peter Jennings  
Salt Lake Tribune - Jim Woolf  
Standard Examiner - Stacy Kratz  
Deseret News - Karl Cates  
Associated Press - Josef Hebert  
UofU, Dr. Lawrence DeVries, Dean of Engineering  
Utah - Governor's Science Advisor - Dr. Susan Winters

Copies of this complaint are sent by E-mail to all 20 members of the U.S. Senate Energy Committee on Energy and Natural Resources, and to all 29 members of the U.S. House Subcommittee on Energy and Power. Also, the first part, items 1-52, enclosures, maps, and BLM Pamphlet are sent to these committee members by U.S. Mail.

#### CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 1997, a true and correct copy of the foregoing:

Complaint with memorandum, affidavit, and exhibits

was delivered to the following Attorney for Defendants, and Officer of Governor:

Office of GOVERNOR MICHAEL LEAVITT  
State Capital, Salt Lake City, Utah  
JAN GRAHAM, (1231)  
Attorney General

Ref: Telephone 801/366-0100,  
E-Mail atlit01.rwaldron@state.ut.us

  
L:\fedU&C\comp-gov.J&C June 28, 2000

Exhibit A:

U.S. laws governing facilities for temporary storage of  
SPENT NUCLEAR FUEL

10 CFR 2  
Code of Federal Regulations  
for  
Nuclear Regulatory Commission

10 CFR Part 2- RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS  
AND ISSUANCE OF ORDERS

- Subpart A - Procedure for Issuance, Amendment, transfer, or  
Renewal of a License
- Subpart F - Additional Procedures Applicable to Early  
Partial Decisions on Site Suitability Issues in Connection With an Application for  
a Permit to Construct Certain Utilization Facilities
- Subpart G - Rules of General Applicability

10 CFR -  
Nuclear materials

- 10 CFR 11 - Access to or control over special nuclear materials,  
criteria and procedures for determining eligibility
- 10 CFR 830 - Nuclear safety management
- 10 CFR 74 - Material control and accounting of special nuclear  
material
- 10 CFR 19 - Notices, instructions, and reports to workers of NRC  
licensees, inspection and investigations
- 10 CFR 73 - Physical protection of nuclear plants and materials
- 10 CFR 961 - Spent nuclear fuel and/or high-level radioactive  
waste, standard contract for disposal

Nuclear power plants and reactors

- 40 CFR 191 - Environmental radiation protection standards for  
management and disposal of spent nuclear fuel, high level and transuranic radioactive wastes
- 44 CFR 352 - Commercial nuclear power plants, emergency planning  
and preparedness
- 44 CFR 351 - Federal agency roles, emergency planning and  
preparedness
- 10 CFR 75 - Safeguards on nuclear material, implementation of  
US/IAEA agreement
- 10 CFR 21 - Safety defects and noncompliance by NRC licensees,  
reporting

Nuclear Regulatory Commission

- 10 CFR 51 - Environmental protection regulations for domestic licensing and related regulatory functions
- 10 CFR 12 - Equal Access to Justice Act, implementation in agency proceedings
- 10 CFR 8 - Interpretations
- 10 CFR 19 - Notices, instructions, and reports to workers of NRC licensees, inspections and investigations
- 10 CFR 55 - Nuclear facilities operators' licenses
- 10 CFR 81 - Patent license, standard specifications for granting
- 10 CFR 13 - Program fraud civil remedies
- 10 CFR 9 - Public records
- 10 CFR 20 - Radiation, protection against by NRC licensees, standards
- 10 CFR 71 - Radioactive material packaging and transportation
- 10 CFR 10 - Restricted data or National security information or an employment clearance access, criteria and procedures for determining eligibility
- 10 CFR 75 - Safeguards on nuclear material, implementation of US/IAEA agreement
- 10 CFR 95 - Security facility approval and safeguarding of national security information and restricted data
- 10 CFR 72 - Spent nuclear fuel and high-level radioactive waste, licensing requirements for independent storage

48 CFR -

- 48 CFR 2027 - Patents, data, and copyrights

Exhibit B: Science or hysteria, but now published and understood, further attacks are slander

The media, business, and others use hysteria in situations to drive the public to action. A following list is provided to illustrate this point. There is no end to the ways people cause excitement in others to achieve personal gain or a cause. For justifiable reasons "nuclear" subjects have for a long time been items of hysteria. However, for years, Peterson with others have been working to overcome all reasons for problems for fear of spent nuclear fuel. This has been achieved and is partly shown in U.S. Patent Serial No. 5448604. Now, at this juncture, further promotion of hysteria over Peterson's storage of spent nuclear fuel is unjustified and is slander of him and his work.

- AIDS, premature death
- air bags, safety, air bag caused deaths
- air pollution, lung disease
- acid rain, life killing
- attacks on women, home/car security
- balanced budget v deficit
- cancers, live/health/monetary risks
- Cel-Phone, personal invasions

don't miss the sale, spend to save  
drive by shootings, gun control  
drug consumption, addiction  
earthquake prediction  
extinction of species  
fire, insurance  
flooding, insurance  
heart disease, high blood pressure, high cholesterol  
holes in ozone, global warming  
home security, personal harm, property losses  
hurricanes, home design  
Kopoweritz Coal  
mammogram, probability of accuracy  
mountain lion attacks  
nerve gas, community risk  
nuclear fuel, personal risk  
oil drilling in Grand Staircase  
political gifts of money, political influences  
radon gas, health  
rape attack  
second hand smoke, lung disease  
serial killer phenomena, personal security  
sex offense of parents upon their children  
social security/medicare funding  
tax cuts v economy  
tornados  
UFOs, extraterrestrial life

For example:

Hysteria is fueled by the likes of the McLoughlin Group.

#### CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 1997,  
a true and correct copy of the foregoing - Complaint - was delivered  
(served) to the Governor office and the Utah Office for the Attorney General.

GOVERNOR MICHAEL LEAVITT c/o  
JAN GRAHAM, (1231)  
Attorney General  
State Capital Bldg  
Salt Lake City, Utah

William D. Peterson June 28, 2000  
Lfed\J&C\govcomp2

#### CERTIFICATE OF SERVICE / DELIVERY

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

Dated this 28<sup>th</sup> day of June, 2000.

William D. Peterson

June 28, 2000

Office of the Secretary  
Attention: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001 e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

Office of the Commission Appellant  
Adjudication

\* Adjudicatory File  
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