

RAS 2057

William D. (Bill) Peterson  
Pigeon Spur Fuel Storage Facility  
NRC Docket No. 72-23  
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OFFICE OF SECRETARY  
RULES, PRACTICE  
ADJUDICATIONS

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	!	MOTION for ENLARGEMENT of TIME Amendment, 40 days requested Ref: Third Party COMPLAINT
v	!	
State of Utah & Governor, Intervener	!	for Intervener's use of State Law to deprive Peterson 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 & Plaintiff	!	Adjudications Staff And
v	!	Judge G. Paul Bollwerk, III, Chairman
State of Utah & Governor, Third Party Intervener & Defendant	!	Judge Dr. Jerry R. Kline Judge Dr. Peter S. Lam

Third Party Plaintiff & Intervener, Engineer Peterson has a "real stake" in these proceedings and in its issues. The State of Utah is an intervener in this matter. To some extent, Governor Leavitt is driving the intervention of the State of Utah. In the Salt Lake Tribune, Saturday, July 22, 2000, the formation of a group calling themselves the "Citizens Against Nuclear Waste in Utah" is announced. The Announcement refers to a fight of Governor Michael Leavitt against spent nuclear fuel (SNF) storage in Utah. In the end of the article reads of the State needing help where Dr. Dianne Nielsen says that DEQ and Leavitt's office have lost several key battles this year in their quest to stop the PFS-Goshute proposal. Names of persons

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SECY-02

in the new group "Citizens Against Nuclear Waste in Utah" include:

Norm Bangerter, former Governor  
Ted Wilson, former Salt Lake City Mayor  
Jim McConkie, SLC Attorney  
Scott Howell, state Senate  
Wayne Owens, former U.S. Representative  
Brent Ward, former U.S. Attorney  
Jake Garn, former U.S. Senator  
Frank Moss, former U.S. Senator  
Tom Dolan, Sandy Mayor  
JoAnn Seghine Midvale Mayor  
Dan Snarr, Murray Mayor  
Dave Jones, former state Senator  
Paula Julander, Utah State Representative  
Ralph Becker, Utah State Representative  
Rabbi Frederick Wenger  
Kalthleen McConkie-Collinwood, Democratic candidate for Utah's 1<sup>st</sup> Cong. Dist  
Bradley Parker, SLC Attorney  
Robert Bradley, SLC Attorney  
Rocky Navarro, retired Unisis executive  
Anne Sward Hansen, actress  
Henry Clayton, American Indian  
Alberta Mason, American Indian

Peterson questions and asserts, the above persons are not qualified to see and make judgment in the SNF storage issue. All of the above 22 persons, or no one of the 22 above person have knowledge to consider the issues of SNF storage, the U.S. energy policy, global warming, the nations U238 reserves, and weapons plutonium destruction. This is a professional-Engineering decision controlled by federal law. SNF is not waste. U238 is not waste. SNF is 92% U238. Waste is stored at Envircare. PSF and Pigeon Spur are not facilities that store waste. PFS and Pigeon should not be called facilities that store waste.

Peterson requests for an extension of time to consider the new activities of intervener Utah and the effect of the new activities of intervener The State of Utah in this matter. Peterson moves for approval to serve, obtain answers, and make a report of educated unbiased views (without Utah and Gov Leavitt's influence) and with his report then provide his final reply for

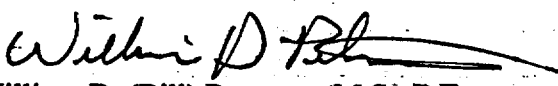
decision of this petition to intervene and make petitioner's third party complaint. A copy of the Petitioner's proposed subpoena is included with this motion for enlargement of time.

The facts are not complete. Peterson moves for an extension of time to obtain the facts for and against SNF storage. Peterson's reply is not complete, Peterson does not have the facts. Many facts in UDEQ's report of June 14, 2000 are wrong. UDEQ's report is incomplete.

Peterson moves for an enlargement of time to see the options of finds for resolving his petition for a third party complaint and petition to intervene. Ten days will be needed for service, 20 days to answer, 10 days to formulate a proceeding, i.e. the Petitioner asks for 40 days after approval of the enlargement of time. The previous underlined is added, the amendment.

The Petitioner's group has again been turned down for a meeting with Gov Leavitt to see his "policy" and his complaints that SNF storage is "morally wrong". A copy of Gov Leavitt denying a meeting to see these issues is included with this motion to extend time.

Dated this 24th day of July, 2000.

  
William D. (Bill) Peterson, M.S., P.E.  
Third Party Plaintiff, Petitioning Intervener

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Enclosures with original document: July 22, 2000 Salt Lake Tribune News article  
June 14, 2000 UDEQ report  
July 21, 2000 letter from Governor Office  
proposed subpoena  
certificate of mailing (same for amendment)

Certificate of Service (E-mail)

Copies of this document were sent this date by Internet e-mail transmission to the NRC Judges and to counsel for (1) applicant PFS; (2) interveners Skull Valley Band of Goshute Indians, the State; and (3) the NRC staff.

Aug 1, 2000, a copy of this document was mailed to the above.

## METRO

Salt Lake / Davis / Utah counties

SATURDAY, DEC. 27, 1997

RICHARD D. HALL, CITY EDITOR, 237-2100

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On Friday, Griffith reiterated that Leavitt's intrusion into the project resembles President Clinton's actions when he designated land in Southern Utah as the Grand Staircase-Escalante National Monument. "What he did was the same thing," Griffith said. "Bill Clinton said he was doing it for the good of the country, and (Leavitt) says he's doing it for the good of the state."

"It's the same thing."

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# Leavitt digs in against N-waste project

Tooele officials call governor's approach flawed

By Lucinda Dillon  
Deseret News staff writer

He won't compromise. He won't budge.

Gov. Mike Leavitt is digging his heels deep into Utah's sandy soil against a group's effort to build

in Utah the nation's first repository for waste from nuclear power plants.

As the state's chief executive, the governor has claimed jurisdiction over one road so he'll be prepared, if necessary, to use it as a pawn. He has lobbied against the project in town meetings, state gatherings and with federal officials.

Now he says he will push state legislation that will "give the state a clear role" in whether or not the storage facility — co-sponsored by an out-of-state com-

pany called Private Fuel Storage and the Skull Valley Band of the Goshute Indians — will be built.

"We don't want it here,"

Leavitt said recently in his monthly televised news conference on KUED. "It is morally wrong."

Tooele County Commissioner Gary Griffith said Friday the commission hasn't cast its ballot either way but that the governor's approach leaves much to be desired.

First, commissioners are still meeting with Private Fuel Stor-

age officials to see how much money the project could bring to the county. "If it's no advantage to our county, we don't care whether it's safe or not — we don't want it."

Furthermore, commissioners "do not agree with the idea of opposing something" without a thorough look at the facts, he said, "... and (Leavitt) hasn't looked at this."

But in his press conference, the governor indicated the decision was not the Tooele County commissioners' to make. "I don't

think they ought to be jeopardizing the lives of 2 million Utahns," he said, for a project that could "financially benefit one county."

Leavitt told reporters he will do everything in his power to block the two entities from building the plant, which could handle 10.4 million spent nuclear fuel rods — approximately the number generated over a 15-year period. The proposed storage site is in Tooele County west of the Wasatch Front.

"This is the same area where a

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cruise missile flew around for two and a half hours" before it crashed, he noted. On Dec. 10, an errant cruise missile crashed into a cosmic-ray observatory at Dugway Proving Ground during a test flight.

The rods have a lethal shelf life of 10,000 years, Leavitt told reporters.

Although he is not yet prepared to talk about the legislation he hopes to get passed, Leavitt took the strongest stand yet during the recent press conference.

"I don't think the people of Tooele want this," Leavitt said, adding that the area 40 miles west of the Wasatch Front already contains 44 percent of the Earth's germ warfare arsenal. "How much of a target for mischief do we want to be?"

In a controversial move, Leavitt recently asked the Utah Transportation Commission to take control of 26 miles of two-lane highway that stretches from Dugway to I-80 through the Skull Valley Indian Reservation. Tooele County had previously controlled the road.

Transportation officials who approved Leavitt's request to take over the road said it wasn't clear at the time of the Dec. 5 decision what control, if any, the move gives the state in future negotiations over the nuclear waste proposal.

At that time, Tooele County Commissioner Teryl Hunsaker told the state's Transportation Commission he and his colleagues were still studying the concept of bringing in the plant. "We have no intention of doing anything that is detrimental to the citizens of Tooele or the state of Utah," he said.

But Leavitt said recently officials and citizens should get used to his behavior.

"I'm looking for tools here," Leavitt said. "Clearly, control of that road is one."

Legislation is another, although it is not clear what the focus will be. "We are not far enough along that we can lay out the legislative proposals," said Vicki Varela, Leavitt's deputy chief of staff.

Executives with Private Fuel Storage have launched a publicity war of their own, charging Leavitt and his staff with a campaign of misinformed terror. "Skepticism and doubt" fanned by Leavitt's administration will be put to rest in a series of public hearings, said project manager Scott Northard.

Last month, company officials met with newspaper editorial boards to make their views known.