

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JANUARY WALKER,

Plaintiff,

v.

CHRIS WRIGHT, Secretary of Energy,

in his official capacity;

UNITED STATES DEPARTMENT OF ENERGY;

PETE HEGSETH, Secretary of Defense,

in his official capacity;

UNITED STATES DEPARTMENT OF DEFENSE;

VALAR ATOMICS LLC;

ISIAIAH TAYLOR, Chief Executive Officer,

Valar Atomics LLC,

Defendants.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

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1 SECTION ONE: NATURE OF THE ACTION

2 1. Plaintiff January Walker is an eighth-generation Utah resident whose family has
3 lived in the Utah for two centuries. She is a Cybersecurity Executive and Planetary
4 Information Security Officer with extensive career experience in product lifecycle
5 management, regulatory compliance, and information security, including service as
6 an Information Security Officer at a major financial institution and as a product
7 manager leading technology initiatives involving billions of dollars in critical
8 infrastructure. [1] She is Pro-Physics and her professional discipline requires full
9 product lifecycle planning, confirmation of completed prerequisites before any
10 complex system is approved for deployment, a complete accounting of what the
11 system does across its full operational life, identification of failure modes the
12 designers did not address, and mapping of those failure modes against the
13 applicable regulatory standard to confirm resolution prior to deployment
14 authorization. Applying that methodology to the Ward 250, Plaintiff identified that
15 no thermodynamic analysis of Utahs Great Salt Lake basin and Colorado River
16 watershed consequences of nuclear deployment had ever been conducted by any
17 federal or state agency. The SMR-300 carries a 40-year operating license and both
18 the Ward 250 and Pioneers carry a 24,110-year product lifecycle and physical
19 liability period under ANS/ANS-5.1-2014, the NRC's own decay heat standard. The
20 Environmental Report submitted with the Pioneer Units application addresses the

21 licensed period. It does not address the liability period. The difference is 24,070
22 years. Identifying that gap requires no doctorate in nuclear physics. It requires the
23 ability to read a compliance document, baseline elementary subtraction of 40 from
24 24,110 years, and Plaintiff read it and performed the math.

25 1A. Plaintiff's professional discipline is product lifecycle compliance. That discipline
26 requires full pre-deployment documentation of what a system does across its
27 complete operational life, identification of all failure modes, confirmation that all
28 prerequisite regulatory gates have been satisfied, and authorization by an
29 independent body with legal authority to block deployment if any gate remains
30 open. Plaintiff served as Information Security Officer at a major financial institution
31 protecting eight trillion dollars in critical financial infrastructure. In that capacity,
32 every software deployment was required to satisfy documented pre-deployment
33 review under NIST SP 800-37 Risk Management Framework, NIST SP 800-53
34 Security and Privacy Controls, FFIEC Change Management requirements, and SOC
35 2 Type II independent audit standards before receiving deployment authorization.
36 Those frameworks exist because Congress and federal regulators determined that
37 high-consequence irreversible systems require structured documented review before
38 they go live. The pre-deployment review gates required by federal regulation for a
39 software deployment at a regulated financial institution under those standards
40 include risk categorization, security control documentation, independent audit,

41 multi-gate approval chain documentation, and authorization by an independent
42 body with legal authority to block deployment if any gate remains open. Each of
43 those gates was satisfied before any software deployment proceeded. The pre-
44 deployment review gates required by federal statute for the Ward 250 nuclear
45 reactor under the Atomic Energy Act, NEPA, the Endangered Species Act, the Clean
46 Water Act, the National Historic Preservation Act, and the Administrative
47 Procedure Act were each bypassed. The first set of gates was satisfied. The second
48 set was not. Applying her product lifecycle compliance methodology to the Ward
49 250, Plaintiff identified eight pre-deployment gates for which no completed
50 documentation exists in any federal or state agency record as of the date of this
51 filing: no NRC construction permit, no NRC operating license, no Environmental
52 Impact Statement, no Section 7 ESA consultation, no Section 401 water quality
53 certification, no Section 106 NHPA consultation, no public notice and comment on
54 the safety standard revisions governing the deployment, and no independent safety
55 audit with legal authority to block deployment if any gate remained open. Congress
56 established each of those gates through specific statutory text. Each was bypassed.
57 On March 7, 2026, Plaintiff submitted a formal records request to the Utah
58 Department of Environmental Quality, which houses Utah's Nuclear Energy
59 Regulatory Office established by House Bill 78, 2026 General Session, signed into
60 law March 25, 2026, and tasked with developing and enforcing Utah-specific rules

61 governing nuclear facility siting, performance objectives, and decommissioning
62 requirements, asking a specific quantified question: what is the projected health of
63 the Great Salt Lake including elevation, toxic dust exposure, brine shrimp viability,
64 and lake-effect precipitation at operational license end and at 100, 300, and 1,000
65 years post-shutdown, accounting for 8.97 gigawatts of continuous waste heat into a
66 terminal basin with no thermal exit pathway, the 43 percent probability of a Wasatch
67 Fault magnitude 6.75 seismic event within 50 years, and simultaneous cooling water
68 loss and radiological release into the primary water supply of 80 percent of Utah's
69 population, and who is liable for the irreversible harm across the full decay timeline.
70 That request was submitted two days after the Utah Legislature passed HB0078, [62]
71 the same day DOE approved the Ward 250 Preliminary Documented Safety
72 Analysis. Utah DEQ responded through its GRAMA Records Officer, received by
73 Plaintiff on March 19, 2026, that DEQ does not possess any records that match that
74 request, that DEQ conducted a reasonable search, and that under Utah Code Section
75 63G-2-201(8)(a) DEQ is not obligated to create new records. Exhibit C. The appeal
76 officer designated in that GRAMA denial is Tim Davis, Executive Director of DEQ,
77 the same official who heads the agency housing Utah's Nuclear Energy Regulatory
78 Office. That response establishes three facts material to this action. First, no analysis
79 addressing the thermodynamic consequences of nuclear deployment in the Great
80 Salt Lake basin and Colorado River watershed exists in any Utah state agency

81 record, including the records of the agency the Utah Legislature tasked with nuclear
82 facility siting oversight. Second, the only administrative mechanism available to
83 compel production of that analysis under state law provides no remedy where the
84 records do not exist. Third, any appeal of that determination would be decided by
85 the head of the agency with statutory nuclear regulatory authority whose records
86 the GRAMA response confirmed contain no such analysis. The absence of this
87 analysis from state agency records is not a jurisdictional defense. It is corroborating
88 evidence that the federal environmental review NEPA required was never
89 conducted. Had DOE prepared the Environmental Impact Statement Congress
90 required, that analysis would exist in both federal and state agency records. It exists
91 in neither. DOE did not respond substantively to the same question submitted on
92 the same date. This complaint asks this Court to require compliance with the specific
93 procedural gates Congress enacted in the Atomic Energy Act, NEPA, the
94 Endangered Species Act, the Clean Water Act, the National Historic Preservation
95 Act, and the Administrative Procedure Act before fuel insertion renders those
96 requirements permanently irrelevant.

97 2. On March 7, 2026, Plaintiff submitted a formal quantified question to thirteen
98 federal agencies requesting thermodynamic analysis of the Great Salt Lake basin and
99 Colorado River watershed consequences of nuclear deployment. [2] Utah DEQ
100 responded in writing that no such analysis exists on record and that DEQ is not

101 required to produce one. [3] DOE did not respond substantively. Plaintiff then
102 conducted and published the analysis herself, placing it in the public record through
103 the CERN Zenodo open repository so that the answer to the question the
104 government declined to answer would be available to the public, to regulators, and
105 to this Court. [4] That analysis is not advocacy. It is a product lifecycle risk
106 assessment applied to a nuclear reactor deployment in a terminal basin watershed. It
107 is Exhibit A to this complaint.

108 3. On February 15, 2026, three United States Air Force C-17 Globemaster III aircraft
109 delivered the Ward 250 nuclear reactor to the Utah San Rafael Energy Lab in
110 Orangeville, Emery County, Utah under presidential executive order, in the
111 presence of the Secretary of Energy. [5] The Ward 250 sits in the San Rafael River
112 watershed. The San Rafael River drains into the Green River, which flows into the
113 Colorado River system, the primary water supply for 35 to 40 million people across
114 seven states. [6] No NRC construction permit was obtained before that delivery as
115 required by 42 U.S.C. § 2133. No NRC operating license was obtained. No
116 Environmental Impact Statement was prepared as required by 42 U.S.C. § 4332. No
117 public comment period was opened. No Section 7 consultation was conducted with
118 the Fish and Wildlife Service as required by 16 U.S.C. § 1536 regarding two federally
119 listed endangered species whose habitat includes the San Rafael River watershed
120 where this reactor now sits. [7] No Section 401 water quality certification was

121 obtained from the State of Utah as required by 33 U.S.C. § 1341 for a deployment
122 affecting a tributary of the Colorado River system. No Section 106 consultation was
123 conducted as required by 54 U.S.C. § 306108 regarding documented Native
124 American cultural resources in the San Rafael Swell surrounding the deployment
125 site. The ALARA radiation protection standard governing every civilian nuclear
126 operation in this country for more than fifty years was secretly eliminated from DOE
127 safety orders without public notice or comment as required by 5 U.S.C. § 553 before
128 the Ward 250 arrived. [8] The Ward 250 is targeting nuclear criticality on July 4,
129 2026.

130 4. These are not contested facts. They are documented in government records,
131 published federal agency filings, official press statements, and independent
132 journalism. The NRC has no docket for this reactor. The DOE categorical exclusion
133 that purports to authorize this deployment has been formally challenged by twelve
134 state attorneys general as illegal, arbitrary, and capricious under the Administrative
135 Procedure Act and the National Environmental Policy Act. [9] The former chair of
136 the Nuclear Regulatory Commission has publicly stated that the regulator is no
137 longer independent and that the safety culture is under threat. [10] Three
138 independent NRC officials separately described the erosion of that safety culture as
139 being a lobster in a slowly boiling pot. [11] NRC lawyers withdrew from an Atomic
140 Safety and Licensing Board proceeding for the first time in over twenty years. [11]

141 The NRC's top attorney was replaced by an oil and gas DOGE lawyer. [11] On April
142 1, 2026, two days before this filing, ProPublica reported that a DOGE operative told
143 NRC leadership the NRC will do whatever we tell it to do. [11] The former head of
144 the DOE Office of Nuclear Energy stated publicly that to say the July 4 timeline is
145 aggressive is a pretty big understatement. [12] This Court has jurisdiction to enforce
146 the statutory requirements Congress enacted before the remaining irreversible
147 thresholds are crossed. Fuel insertion into the Ward 250 reactor vessel is planned for
148 this spring and may occur within weeks. Once TRISO fuel enters the reactor vessel a
149 fueled nuclear reactor exists in the Colorado River watershed. No court order issued
150 after that point can reverse that physical fact regardless of whether criticality is
151 subsequently achieved. The July 4, 2026, criticality date is the publicly disclosed
152 target. The fuel insertion date has not been disclosed. That undisclosed date is the
153 true emergency threshold, and insertion is imminent.

154 5. This Court has jurisdiction to hear this action under 28 U.S.C. § 1331 and the
155 APA's waiver of sovereign immunity at 5 U.S.C. § 702. The Ward 250 has no NRC
156 docket and no NRC proceeding. The Hobbs Act channeling doctrine that requires
157 nuclear challenges to proceed through NRC adjudication applies only where an
158 NRC decision exists to challenge. Where, as here, no NRC proceeding exists and no
159 NRC license was sought or issued, the APA provides the direct pathway to federal
160 district court. The Supreme Court's June 2025 decision in *NRC v. Texas* confirms that

161 this Court's jurisdiction is not displaced by the Hobbs Act where no NRC
162 proceeding exists. [13] Additionally, under *Loper Bright Enterprises v. Raimondo*,
163 144 S. Ct. 2244 (2024), this Court exercises independent judgment in determining
164 whether the Atomic Energy Act requires an NRC license for the Ward 250. [14] The
165 government cannot substitute executive order authority for a congressional licensing
166 requirement by invoking agency expertise. The Supremacy Clause controls. The
167 statute controls. This Court decides what the statute means.

168 6. Valar Atomics LLC is a California-based company founded in 2023 whose CEO
169 and founder Isaiah Taylor has no formal engineering education and no prior nuclear
170 industry experience. [15] Much of its leadership was recruited from Taylor's
171 personal network without nuclear credentials. [16] When Valar joined the lawsuit
172 against the NRC in December 2024, Taylor publicly claimed the Ward 250's spent
173 fuel was safe enough to hold by hand, producing radiation equivalent to a hospital
174 CT scan. Nuclear engineer Nick Touran, Ph.D., who has worked in advanced reactor
175 design since 2009, publicly calculated that direct contact with that spent fuel would
176 deliver a lethal dose of radiation within milliseconds of contact. [17] Valar Atomics
177 has never contacted or met with the Nuclear Regulatory Commission. By Taylor's
178 own public admission, the company deliberately chose not to engage with the
179 agency whose authority it contests. [18] These documented failures of technical
180 credibility and regulatory engagement make the absence of independent NRC

181 oversight not merely a procedural violation but a documented public safety risk.
182 This is the company the federal government authorized to achieve nuclear criticality
183 in the Colorado River watershed by July 4, 2026, under a safety framework from
184 which the ALARA standard had been secretly removed.

185 7. The irreparable harm from Ward 250 criticality operates on three independent
186 levels, each sufficient on its own to warrant the relief requested.

187 First, criticality is a binary irreversible event. Once the Ward 250 achieves nuclear
188 criticality, no court order can undo it. Fuel insertion, which is planned for this spring
189 and is imminent, creates radiological conditions in the San Rafael River watershed
190 that no subsequent legal remedy can reverse. [19]

191 Second, the DOE authorization for the Ward 250 will become the permanent
192 commercial licensing baseline for every subsequent Valar gigasite deployment
193 under MOU Addendum No. 9 between DOE and NRC and the NRC proposed rule
194 published April 2, 2026 in the Federal Register under Docket NRC-2025-1503. [20]

195 That baseline contains no thermodynamic analysis, no site-specific seismic
196 characterization, and no supply chain analysis for safety-critical rare earth materials
197 under active Chinese export restriction. [21] Once Ward 250 achieves criticality that
198 baseline is established. It cannot be retroactively corrected. Every subsequent
199 deployment references it.

200 Third, the thermodynamic consequences of nuclear deployment in the Colorado
201 River watershed serving 35 to 40 million people across seven states [6] have never
202 been analyzed by any federal or state agency. Utah DEQ formally stated in writing
203 to Plaintiff in March 2026 that no such analysis exists on record and that DEQ is not
204 required to produce one. [3] Plaintiff's thermodynamic analysis is the only existing
205 documented answer to that question. The government was asked. The government
206 declined to answer. Plaintiff answered. The answer is Exhibit A.

207 8. Utah is not a state without nuclear history. The federal government conducted
208 nearly 1,000 above-ground nuclear weapons tests that blanketed Utah communities
209 with radioactive fallout. [22] Congress acknowledged that harm by passing the
210 Radiation Exposure Compensation Act in 1990 and reauthorizing and expanding it
211 in July 2025 to cover downwinders across all of Utah for the first time, authorizing
212 \$100,000 payments per qualifying cancer claim. [23] The federal government is
213 currently paying compensation to Utah families for cancers caused by radiation
214 exposure from prior nuclear deployments conducted without adequate public
215 health analysis and without the environmental review processes now required by
216 federal statute. Congress documented that pattern by enacting the Radiation
217 Exposure Compensation Act and expanding it in July 2025 to cover downwinders
218 across all of Utah, authorizing payments for qualifying cancers that resulted from
219 deployments conducted without the analysis federal law now requires. The federal

220 government is currently paying those claims. The Ward 250 is being deployed by the
221 same federal government, in the same state, without thermodynamic analysis,
222 without seismic analysis, without materials supply analysis, and without public
223 comment, while those compensation claims are still being processed.

224 9. Utah's nuclear deployment landscape extends well beyond the Ward 250. The
225 Holtec SMR-300 has been announced for deployment in Brigham City, three miles
226 from the Wasatch Fault, adjacent to the Great Salt Lake terminal basin, which serves
227 as the primary water supply for 80 percent of Utah's population. [24] Deep Fission
228 has announced Utah as a planned deployment site for underground small modular
229 reactors. [25] Creekstone Energy and EnergySolutions are evaluating nuclear
230 options at the Utah Creekstone Gigasite in Delta targeting approximately 10
231 gigawatts of generation capacity. [26] Each of these deployments will proceed under
232 the safety baseline the Ward 250 establishes. When Governor Cox announced the
233 Brigham City deployment in November 2025, the official government
234 announcement specifically stated the project will undergo full state and federal
235 review including National Environmental Policy Act and NRC oversight in
236 coordination with the Utah Department of Environmental Quality to ensure the
237 highest standards of safety, transparency, and public trust. Attached as Exhibit L.
238 [27] The Ward 250 establishes the commercial licensing template for that exact
239 deployment. It received no NEPA review. It received no NRC oversight. The safety

240 baseline the Brigham City deployment will inherit was established without any of
241 the protections the government's own public announcement promised.

242 10. The causal chain from Ward 250 criticality to Plaintiff's specific legally cognizable
243 injury is direct and fully documented. Ward 250 criticality establishes the DOE
244 authorization baseline. That baseline flows through MOU Addendum No. 9 and the
245 April 2, 2026 proposed NRC rule into the commercial licensing framework
246 governing Holtec SMR-300 Pioneer Units 1 and 2, in which Plaintiff is an active
247 participant in NRC Docket Nos. 50-616 and 50-617. [20] That framework governs the
248 SMR-300 deployment in Brigham City adjacent to the Great Salt Lake basin where
249 Plaintiff and her family have lived for eight generations. The baseline contains no
250 thermodynamic analysis of terminal basin consequences. Plaintiff's analysis
251 documents what those consequences are. [4] The government declined to produce
252 that analysis. Plaintiff produced the analysis. The causation chain from Defendants'
253 conduct to Plaintiff's injury runs through Plaintiff's own documented work, which
254 the government formally acknowledged does not exist in its records [3] and which
255 Plaintiff is now placing in the administrative record of every relevant federal
256 proceeding.

257 11. Plaintiff has exhausted every available administrative channel before filing this
258 complaint. On May 9, 2025, Plaintiff informed Governor Spencer J. Cox and
259 Department of Energy of the root cause driving the energy demand the byte, AI, and

260 data centers. On November 28, Governor Spencer J. Cox blocked Plaintiff on X after
261 a comment on the concerns of pushing forward Operation Gigawatt without
262 addressing the underlying mechanical problem. On March 7, 2026, Plaintiff
263 submitted formal thermodynamic analysis and a specific quantified question to
264 thirteen federal agencies. [2] Utah DEQ responded formally in writing that no
265 analysis exists on record and none is required. [3] DOE did not respond
266 substantively. On March 30, 2026, Plaintiff submitted a draft Petition for Leave to
267 Intervene in NRC Docket Nos. 50-616 and 50-617 presenting twelve contentions
268 sourced to the applicant's own ADAMS documents. [28] On April 3, 2026, Plaintiff
269 submitted a public comment to NRC Docket NRC-2026-0265 entering her
270 thermodynamic analysis into the administrative record of the Pioneer Units
271 proceeding. [29] On April 3, 2026, Plaintiff submitted a formal nine-contradiction
272 reconciliation demand to the DOE Office of Nuclear Energy documenting DOE's
273 material participation in Operation Gigawatt in direct contradiction of DOE's stated
274 non-participation. [30] On April 3, 2026, Plaintiff provided formal pre-litigation
275 notice to Valar Atomics LLC and Isaiah Taylor pursuant to Federal Rule of Civil
276 Procedure 65(b) demanding halt of all fuel insertion activities with a same-day
277 response deadline. [31] No confirmation of halt was received. This complaint
278 follows.

279 12. Plaintiff respectfully requests that this Court issue a temporary restraining order
280 and preliminary injunction pursuant to Federal Rule of Civil Procedure 65 halting all
281 fuel insertion activities and all actions directed toward nuclear criticality in the
282 Ward 250 reactor pending completion of the environmental review and federal
283 licensing processes that federal law requires, together with declaratory relief
284 establishing that the Ward 250 deployment violates the Atomic Energy Act of 1954,
285 the National Environmental Policy Act, the Administrative Procedure Act, the
286 Endangered Species Act, the Clean Water Act, and the National Historic
287 Preservation Act, and that the DOE categorical exclusion authorizing this
288 deployment is unlawful, arbitrary, capricious, and contrary to law.

289 SECTION TWO: JURISDICTION AND VENUE

290 **Jurisdiction**

291 13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
292 1331, which confers original jurisdiction on federal district courts over all civil
293 actions arising under the Constitution, laws, or treaties of the United States. Each
294 count in this complaint arises under federal law.

295 14. The Administrative Procedure Act, 5 U.S.C. § 702, waives the sovereign
296 immunity of the United States for actions seeking relief other than money damages
297 against federal agency action. Plaintiff seeks declaratory and injunctive relief, not

298 money damages. The APA waiver applies. Each federal agency defendant is subject
299 to suit in this Court.

300 15. This Court has authority to grant declaratory relief under the Declaratory
301 Judgment Act, 28 U.S.C. §§ 2201-2202, which authorizes federal courts to declare the
302 rights and legal relations of parties in cases of actual controversy within their
303 jurisdiction. An actual controversy exists between Plaintiff and Defendants
304 regarding whether the Ward 250 deployment violates seven federal statutes and
305 whether the DOE categorical exclusion is lawful. That controversy is ripe. Fuel
306 insertion is imminent, and the date has not been publicly disclosed; the operations
307 are proceeding behind closed doors. Once TRISO fuel enters the reactor vessel, no
308 court order can reverse that physical fact regardless of what follows. Nuclear
309 criticality is publicly targeted for July 4, 2026, and remains a significant and
310 independently irreversible threshold, but it is fuel insertion, not criticality which
311 constitutes the true emergency threshold of this action.

312 16. This Court has inherent equitable authority to grant injunctive relief in actions at
313 law or in equity arising under federal statutes. That authority is conferred by 28
314 U.S.C. § 2202 and Federal Rule of Civil Procedure 65.

315 17. The APA, 5 U.S.C. § 706, authorizes this Court to hold unlawful and set aside
316 agency action found to be arbitrary, capricious, an abuse of discretion, or otherwise
317 not in accordance with law; contrary to constitutional right, power, privilege, or

318 immunity; in excess of statutory jurisdiction, authority, or limitations; or without
319 observance of procedure required by law. The DOE categorical exclusion and the
320 elimination of the ALARA standard are each subject to review under this standard.
321 18. The Hobbs Act channeling doctrine does not deprive this Court of jurisdiction.
322 That doctrine requires nuclear challenges to proceed through NRC adjudication only
323 where an NRC proceeding exists and an NRC decision has been issued. The Ward
324 250 has no NRC docket. No NRC license was sought. No NRC license was issued.
325 No NRC decision exists to challenge. The Supreme Court's June 2025 decision in
326 NRC v. Texas confirms that this Court's jurisdiction is not displaced where no NRC
327 proceeding exists. [13] The APA provides the direct and appropriate pathway to this
328 Court for the claims asserted herein. The pendency of *Last Energy v. NRC*, filed
329 December 30, 2024, in the Eastern District of Texas, in which Valar Atomics LLC and
330 Isaiah Taylor are named plaintiffs challenging NRC licensing authority over small
331 reactors as a class, does not affect this Court's jurisdiction. *Last Energy* presents a
332 single statutory question regarding NRC authority. This action presents eight
333 completed violations of six independent federal statutes, seven of which arise under
334 statutes entirely separate from the Atomic Energy Act. This Court's jurisdiction over
335 those seven counts is not contingent on the outcome of *Last Energy* under any
336 theory.

337 19. Under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), this Court
338 exercises independent judgment in construing the federal statutes at issue. [14] No
339 Chevron deference to agency interpretation is warranted. Courts retain authority
340 under *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), to consider the persuasive value
341 of agency interpretations but are not bound by them. Under independent judicial
342 review the statutory text controls. Whether the Atomic Energy Act requires an NRC
343 license for the Ward 250 is a question of statutory interpretation this Court resolves
344 independently. Whether the DOE categorical exclusion satisfies NEPA's
345 requirements for major federal actions is a question this Court resolves
346 independently. Whether the APA's notice and comment requirements apply to the
347 elimination of the ALARA standard is a question this Court resolves independently.
348 This Court has jurisdiction over Plaintiff's claims against Valar Atomics LLC and
349 Isaiah Taylor pursuant to 28 U.S.C. § 1331 because those claims arise under federal
350 law, specifically the Atomic Energy Act of 1954, 42 U.S.C. § 2133, which requires an
351 NRC construction permit and operating license for the civilian operation of a
352 utilization facility. The absence of those licenses is a federal statutory violation over
353 which this Court has original jurisdiction regardless of whether the violating party is
354 a federal agency or a private actor operating pursuant to an unlawful federal
355 authorization.

356 20. The government can delay a commercial timeline. No court can un-insert nuclear
357 fuel, un-establish a regulatory baseline, or restore the public's right to participate in
358 a decision that is already irreversible.

359 20A. This action is ripe for review. Ripeness requires that the issues be fit for judicial
360 decision and that withholding judicial consideration will cause hardship to the
361 parties. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 148-49 (1967). [61] Both
362 elements are satisfied. The issues are fit for judicial decision because the statutory
363 violations are complete. The Ward 250 was deployed without an NRC license. That
364 deployment has occurred. The categorical exclusion eliminating NEPA review has
365 been published at 91 Fed. Reg. 7736. The ALARA standard has been eliminated from
366 DOE safety orders without notice and comment. These are completed agency actions
367 subject to APA review under 5 U.S.C. Section 706. They are not future contingent
368 events. Withholding judicial consideration will cause irreparable hardship because
369 the two remaining irreversible thresholds, fuel insertion and criticality, are
370 imminent. The fuel insertion date has not been publicly disclosed. Plaintiff
371 specifically requests disclosure of that date in the Prayer for Relief. Once fuel
372 insertion occurs a fueled nuclear reactor exists in the Colorado River watershed. No
373 court order issued after that point can reverse that physical fact. The hardship from
374 delay is total and irreversible.

375 **Venue**

376 21. Venue is proper in the United States District Court for the District of Utah,
377 Central Division, pursuant to 28 U.S.C. § 1391(e)(1), which provides that a civil
378 action in which a defendant is an officer or employee of the United States or any
379 agency thereof acting in his official capacity may be brought in any judicial district
380 in which a substantial part of the events or omissions giving rise to the claim
381 occurred.

382 22. A substantial part of the events giving rise to this action occurred in the District
383 of Utah. The Ward 250 nuclear reactor was delivered to and is currently located at
384 the Utah San Rafael Energy Lab in Orangeville, Emery County, Utah, within this
385 district. [5] Fuel insertion is planned at that site within this district. Nuclear
386 criticality is targeted at that site within this district. The San Rafael River watershed
387 in which the reactor is sited is located within this district. The irreparable harm to
388 the Colorado River watershed and the primary water supply of 80 percent of Utah's
389 population will occur within and downstream of this district.

390 23. Plaintiff January Walker resides in Salt Lake City, Utah, within this district. The
391 Great Salt Lake basin in which Plaintiff's family has resided for eight generations is
392 located within this district.

393 24. Venue is independently proper under 28 U.S.C. § 1391(b)(2) because a substantial
394 part of the property that is the subject of the action, specifically the Ward 250 nuclear

395 reactor and the San Rafael River watershed in which it sits, is situated within this
396 district.

397 25. The Central Division of the District of Utah is the appropriate divisional venue
398 pursuant to DUCivR 3-2(b) because the events giving rise to this action occurred in
399 Salt Lake City and Emery County, both of which are within the Central Division.

400 **SECTION THREE: PARTIES**

401 **Plaintiff**

402 26. Plaintiff January Walker is a citizen of the United States and a resident of Salt
403 Lake City, Salt Lake County, Utah, within the District of Utah. Plaintiff is an eighth-
404 generation Utah resident whose family has lived in Utah and the Great Salt Lake
405 basin for two centuries. Plaintiff is a Cybersecurity Executive and Planetary
406 Information Security Officer with extensive career experience in product lifecycle
407 management, regulatory compliance, and information security, including service as
408 an Information Security Officer at a major financial institution and as a product
409 manager leading technology initiatives involving billions of dollars in critical
410 infrastructure. [1] Plaintiff has a direct, concrete, and particularized interest in the
411 lawful deployment of nuclear technology in the State of Utah and in the integrity of
412 the federal environmental and nuclear safety review processes that federal law
413 requires before such deployment proceeds.

414 27. Plaintiff submitted formal thermodynamic analysis and a specific quantified
415 question regarding nuclear deployment consequences in the Great Salt Lake basin
416 and Colorado River watershed to thirteen federal agencies on March 7, 2026. [2]
417 Utah DEQ responded in writing that no such analysis exists on record and that DEQ
418 is not required to produce one. [3] Plaintiff conducted and published that analysis
419 on the CERN Zenodo open repository for public awareness. [4] Plaintiff is a
420 participant in NRC Docket Nos. 50-616 and 50-617 through public comment and
421 draft petition submission, with a formal adjudicatory petition pending before the
422 April 28, 2026 deadline. [28] Plaintiff submitted a public comment to NRC Docket
423 NRC-2026-0265 on April 3, 2026. [29] Plaintiff provided formal pre-litigation notice
424 to all Defendants pursuant to Federal Rule of Civil Procedure 65(b) on April 3, 2026.
425 [31] No confirmation of halt was received.

426 28. Plaintiff's injury is concrete, particularized, and actual. The Ward 250 DOE
427 authorization will become the commercial licensing baseline for the Holtec SMR-300
428 deployment in Brigham City adjacent to the Great Salt Lake terminal basin, the
429 primary water supply for 80 percent of Utah's population and the basin in which
430 Plaintiff and her family have lived for eight generations. That baseline contains no
431 thermodynamic analysis of terminal basin consequences. Plaintiff's analysis
432 documents what those consequences are across the full 24,110-year physical liability
433 period the reactor creates under ANS/ANS-5.1-2014. The government formally

434 acknowledged that no such analysis exists in its records. [3] Plaintiff's injury is the
435 permanent deprivation of the environmental review she was legally entitled to
436 receive before a federal decision irreversibly affecting her watershed was made.

437 **Federal Defendants**

438 29. Defendant Chris Wright is the Secretary of Energy of the United States and is
439 sued in his official capacity. Secretary Wright signed the DOE categorical exclusion
440 published January 28, 2026, at 91 Fed. Reg. 7736 eliminating NEPA environmental
441 review for advanced nuclear reactor deployment including the Ward 250. [33]
442 Secretary Wright was personally present at Hill Air Force Base on February 15, 2026
443 when the Ward 250 was delivered to Utah by military aircraft. [5] Secretary Wright
444 publicly endorsed Utah's nuclear build-out at the Conservative Climate Summit in
445 Salt Lake City on October 17, 2025 and pledged DOE loan programs for Utah
446 nuclear projects. [39] Secretary Wright's principal office is at 1000 Independence
447 Avenue SW, Washington, DC 20585.

448 30. Defendant United States Department of Energy is a cabinet-level federal agency
449 of the United States government. The chain of DOE actions enabling the Ward 250
450 deployment is documented and sequential. In 2020 DOE funded the SMR-300
451 predecessor design through the Advanced Reactor Demonstration Program. [34]
452 DOE committed \$1.52 billion to Holtec through the Loan Programs Office for the
453 Palisades restart, the reference plant for the Utah SMR-300 fleet. [34] On December 2,

454 2025 DOE awarded Holtec \$400 million under the Tier 1 First Mover Program,
455 contractually requiring a multi-site fleet deployment plan as a condition of funding.
456 [34] The State of Utah's Operation Gigawatt is that plan. DOE wrote the contractual
457 condition. Operation Gigawatt fulfills it. DOE is a structural party to the Utah
458 nuclear deployment by the terms of its own grant instrument. On January 28, 2026
459 DOE issued the categorical exclusion eliminating NEPA review for the Ward 250
460 deployment. [33] On March 4, 2026 DOE approved the Ward 250 Preliminary
461 Documented Safety Analysis, the final agency authorization for Ward 250
462 deployment and operation. [35] That approval is the specific agency action through
463 which DOE determined the Ward 250 could proceed without NEPA review, without
464 NRC licensing, and without the radiation protection standards governing every
465 other civilian nuclear operation in the country. It is final. It was published. The
466 Ward 250 was deployed pursuant to it. It is final agency action subject to APA
467 review under 5 U.S.C. § 706. The legal question before this Court is not whether the
468 reactor is technically safe. It is whether the agency followed the legal procedures
469 Congress required. DOE's principal office is at 1000 Independence Avenue SW,
470 Washington, DC 20585.

471 31. Defendant Pete Hegseth is the Secretary of Defense of the United States and is
472 sued in his official capacity. DOD provided three C-17 Globemaster III military
473 aircraft to transport the Ward 250 from March Air Reserve Base to Hill Air Force

474 Base Utah on February 15, 2026, under presidential executive order. [5]
475 Undersecretary of Defense Michael Duffey stated publicly that the goal was to move
476 nuclear power sources across state lines at speed without the burdens of
477 bureaucracy. [36] Secretary Hegseth's principal office is at 1000 Defense Pentagon,
478 Washington, DC 20301.

479 32. Defendant United States Department of Defense is a cabinet-level federal agency
480 of the United States government. DOD provided military personnel, aircraft, and
481 logistical support for the transport and delivery of the Ward 250 pursuant to
482 presidential executive order. [5] DOD's principal office is at 1000 Defense Pentagon,
483 Washington, DC 20301.

484 32A. The DOD defendants cannot invoke national security deference to shield the
485 Ward 250 deployment from statutory review. National security deference applies to
486 discretionary executive decisions involving classified military operations, foreign
487 threats, and combat activities. It does not apply to domestic civilian nuclear reactor
488 deployments on federal land in the State of Utah. The Ward 250 is not a classified
489 military program. It is a publicly announced civilian nuclear energy project operated
490 by a private California limited liability company. Valar Atomics published a press
491 statement about the delivery. The Secretary of Energy was photographed at Hill Air
492 Force Base during the delivery on February 15, 2026. The July 4, 2026 criticality date
493 has been reported in national media including the American Nuclear Society and

494 ProPublica. Undersecretary of Defense Michael Duffey’s public statement that the
495 goal was to move nuclear power sources across state lines at speed without the
496 burdens of bureaucracy is not a classified national security justification. It is a public
497 statement about the intentional bypass of civilian regulatory requirements. The
498 Atomic Energy Act, NEPA, the Endangered Species Act, the Clean Water Act, the
499 National Historic Preservation Act, and the Administrative Procedure Act apply to
500 federal actions on domestic soil involving civilian nuclear facilities regardless of
501 whether DOD provided logistical support for the delivery. DOD logistical
502 participation in a civilian nuclear deployment does not convert that deployment into
503 a military operation exempt from congressional statutory requirements.

504 **Private Defendants**

505 33. Defendant Valar Atomics LLC is a limited liability company organized under the
506 laws of the State of California, filed March 5, 2024, Document Number 6130344. [37]
507 Principal address: 4857 West 147th Street, Hawthorne, California 90250. Registered
508 agent: Firstbase Registered Agent Inc., 1007 North Orange Street, 4th Floor, Suite
509 1485, Wilmington, Delaware 19801. In May 2025 Governor Cox announced the State
510 of Utah had reached an agreement with Valar Atomics to use the Utah San Rafael
511 Energy Lab for the Ward 250 deployment. [45] Valar Atomics and USREL executed a
512 memorandum of understanding authorizing that use before any federal
513 environmental review was conducted and before any NRC license was sought. The

514 State of Utah formally invited Valar Atomics onto state property to deploy a nuclear
515 reactor as step one of Operation Gigawatt before any federal environmental review
516 was conducted and before any NRC license was sought. Valar Atomics is currently
517 operating the Ward 250 at the Utah San Rafael Energy Lab without an NRC
518 construction permit and without an NRC operating license as required by 42 U.S.C.
519 § 2133. Valar Atomics' own public website describes its mission as deploying
520 clusters of thousands of HTGRs in gigasites for heavy industrial power, data center
521 power, hydrogen production, and clean hydrocarbon fuel production. [38] That is
522 civilian commercial nuclear operation. Valar Atomics has never contacted or met
523 with the Nuclear Regulatory Commission. [18]

524 34. Defendant Isaiah Taylor is the Chief Executive Officer and Founder of Valar
525 Atomics LLC, listed as CEO, CFO, and Secretary of record with the California
526 Secretary of State. [37] Taylor resides at 4857 West 147th Street, Hawthorne,
527 California 90250. Taylor exercises direct operational control over every aspect of the
528 Ward 250 deployment. Taylor is a named plaintiff in *Last Energy v. NRC*, filed
529 December 30, 2024, in the Eastern District of Texas, personally seeking to eliminate
530 NRC licensing authority over small reactors. [46] A person who personally sues a
531 federal regulatory agency to eliminate its licensing authority and then deploys a
532 reactor without the license that authority requires is exercising personal decision-
533 making authority over the statutory violation this complaint alleges. Taylor publicly

534 claimed the Ward 250's spent fuel was safe enough to hold by hand with radiation
535 equivalent to a hospital CT scan. Nuclear engineer Nick Touran, Ph.D. publicly
536 calculated that direct contact would deliver a lethal dose within milliseconds. [17]
537 Taylor publicly admitted Valar Atomics deliberately chose not to engage with the
538 Nuclear Regulatory Commission. [18] Taylor is sued in his capacity as Chief
539 Executive Officer and principal officer of Valar Atomics LLC through whom Valar
540 Atomics acts.

541 **SECTION FOUR: FACTUAL BACKGROUND**

542 **I. Operation Gigawatt and the State of Utah**

543 35. In October 2024, Governor Spencer Cox unveiled Operation Gigawatt at the One
544 Utah Summit at Southern Utah University, announcing a state goal of doubling
545 Utah's energy production within ten years with nuclear energy as the centerpiece.
546 [42]

547 36. In the 2025 General Session the Utah Legislature passed HB249 establishing the
548 Utah Nuclear Energy Consortium, the Utah Energy Council, and electrical energy
549 development zones. [43] Laura Nelson of Idaho National Laboratory, a DOE
550 institution, was a named founding member of the Utah Nuclear Energy Consortium.
551 The Legislature appropriated \$8.25 million for Operation Gigawatt nuclear projects.

552 37. On April 28, 2025, Governor Cox signed a memorandum of understanding with
553 INL Director John Wagner establishing a structural interdisciplinary alliance for
554 advanced nuclear technology deployment in Utah tied to Operation Gigawatt goals.
555 [44] INL is a DOE national laboratory. Its director signed that MOU on behalf of a
556 DOE institution.

557 38. In May 2025, Governor Cox announced the State of Utah had reached an
558 agreement with Valar Atomics LLC to use the Utah San Rafael Energy Lab for the
559 Ward 250 nuclear reactor deployment. [45] Valar Atomics and USREL executed a
560 memorandum of understanding authorizing that use before any federal
561 environmental review was conducted and before any NRC license was sought.

562 39. On September 17, 2025, Valar Atomics broke ground on the Ward 250 at the Utah
563 San Rafael Energy Lab in Orangeville, Emery County, Utah. [19]

564 40. On November 17, 2025, Governor Cox announced the Holtec SMR-300 nuclear
565 ecosystem in Brigham City, stating Operation Gigawatt is well underway and that
566 this project aims to build a fleet of small modular reactors. [24] The official Brigham
567 City government announcement stated the project will undergo full state and
568 federal review including National Environmental Policy Act and NRC oversight to
569 ensure the highest standards of safety, transparency, and public trust. Attached as
570 Exhibit L. [27]

571 **II. The Ward 250 Reactor and Its Deployment**

572 41. The following federal statutes govern the deployment of civilian nuclear reactors
573 before the facts of this case are stated. The Atomic Energy Act of 1954 requires an
574 NRC construction permit and operating license before any civilian nuclear reactor
575 may operate. 42 U.S.C. § 2133. NEPA requires an Environmental Impact Statement
576 before any major federal action significantly affecting the human environment may
577 proceed. 42 U.S.C. § 4332. The Endangered Species Act requires Section 7
578 consultation with the Fish and Wildlife Service before any federal action that may
579 affect listed species. 16 U.S.C. § 1536. The Clean Water Act requires a Section 401
580 state water quality certification before any federal permit may issue for an activity
581 affecting navigable waters. 33 U.S.C. § 1341. The National Historic Preservation Act
582 requires Section 106 consultation before any federal action affecting historic
583 properties. 54 U.S.C. § 306108. The Administrative Procedure Act requires public
584 notice and comment before any agency adopts a substantive rule. 5 U.S.C. § 553.

585 42. The Ward 250 is a 100-kilowatt thermal High Temperature Gas Reactor using
586 TRISO fuel, helium coolant, and graphite moderators. It is owned and operated by
587 Valar Atomics LLC, a private California company. It is deployed at the Utah San
588 Rafael Energy Lab in Orangeville, Emery County, Utah. It is targeting nuclear
589 criticality on July 4, 2026. Fuel insertion is planned for this spring and is imminent.

590 43. The Ward 250 sits in the San Rafael River watershed in Emery County, Utah. The
591 San Rafael River drains into the Green River, which flows into the Colorado River

592 system, the primary water supply for 35 to 40 million people across seven states. [6]

593 USGS monitoring data documents the San Rafael River runs completely dry in

594 Emery County during drought years. [7]

595 44. The San Rafael Swell surrounding the Utah San Rafael Energy Lab contains

596 documented Native American cultural resources, rock art, and historic sites

597 recognized under federal historic preservation law. [52] The Colorado pikeminnow

598 and razorback sucker, both federally listed as endangered under 16 U.S.C. § 1533,

599 have documented habitat in the San Rafael River watershed. [7]

600 45. On February 15, 2026, three United States Air Force C-17 Globemaster III aircraft

601 transported the Ward 250 from March Air Reserve Base to Hill Air Force Base Utah

602 under presidential executive order in the presence of Secretary of Energy Chris

603 Wright. [5] The reactor was then transported by ground to the Utah San Rafael

604 Energy Lab. Undersecretary of Defense Michael Duffey stated publicly that the goal

605 was to move nuclear power sources across state lines at speed without the burdens

606 of bureaucracy. [36]

607 46. The Ward 250 has no NRC construction permit. The Ward 250 has no NRC

608 operating license. No Environmental Impact Statement was prepared before the

609 Ward 250 was deployed. No public comment period was opened. No Section 7

610 consultation was conducted with the Fish and Wildlife Service. No Section 401 water

611 quality certification was obtained from the State of Utah. No Section 106

612 consultation was conducted with tribes or the Utah State Historic Preservation
613 Officer.

614 **III. The Federal Authorizations**

615 47. The Ward 250 was authorized under the DOE Nuclear Reactor Pilot Program
616 established by Executive Order 14301, signed May 23, 2025. [40] That program
617 provides a pathway for privately funded test reactors to operate under DOE
618 authorization. Valar Atomics was one of eleven companies selected. Three reactors
619 are targeted for criticality by July 4, 2026.

620 48. On January 28, 2026, DOE published a categorical exclusion at 91 Fed. Reg. 7736
621 under Docket DOE-HQ-2025-0405 eliminating NEPA environmental review for the
622 siting, construction, and operation of advanced nuclear reactors including the Ward
623 250. [33] DOE did not document its consideration of the extraordinary circumstances
624 exception at 10 CFR Part 1021 Appendix B before applying that exclusion. Twelve
625 state attorneys general formally challenged that categorical exclusion as illegal,
626 arbitrary, and capricious before the March 4, 2026, comment deadline. [9]

627 49. On March 4, 2026, DOE approved the Ward 250 Preliminary Documented Safety
628 Analysis, the final agency authorization for Ward 250 deployment and operation.
629 [35] The PDSA was approved by a DOE nuclear office that had lost approximately
630 one third of its staff through workforce reductions. [47] The cognizant system
631 engineer requirement had been eliminated from DOE safety orders before the PDSA

632 was approved. The ALARA radiation protection standard had been eliminated from
633 those orders before the PDSA was approved. Those changes had not been published
634 for public notice or comment before they took effect. [8]

635 50. On April 2, 2026, the NRC published a proposed rule under Docket NRC-2025-
636 1503 at 91 Fed. Reg. 16584 that would allow commercial license applicants to
637 reference prior DOE authorizations as the safety demonstration baseline under 10
638 CFR § 50.43(e)(3). [20] The comment deadline for that rule is May 4, 2026. The Ward
639 250 criticality date is July 4, 2026.

640 51. DOE-NRC MOU Addendum No. 9 commits both agencies to expedite
641 commercial licensing of follow-on reactors of the same design as DOE-authorized
642 demonstration reactors. [20] DOE has publicly stated that DOE-approved reactor
643 designs can and will be fast-tracked for future NRC commercial licensing. [41]

644 **IV. The Safety Standards**

645 52. NPR reported on January 28, 2026, based on documents obtained exclusively that
646 over 750 pages were removed from DOE nuclear safety orders governing the
647 Nuclear Reactor Pilot Program. [8] Those revised orders were shared with regulated
648 companies before they were made available to the public. The ALARA radiation
649 protection standard was eliminated from those orders. The cognizant system
650 engineer requirement was eliminated. Groundwater discharge prohibitions were

651 softened from prohibited to should be avoided. Those changes were not published
652 for public notice or comment before they took effect.

653 53. The Federation of American Scientists documented in January 2026 that the DOE
654 Office of Nuclear Energy had lost approximately one third of its staff through
655 workforce reductions. [47] The PDSA approving the Ward 250 was prepared and
656 approved by that office under those conditions.

657 54. Valar Atomics publicly claimed the Ward 250's spent fuel was safe enough to
658 hold by hand with radiation exposure equivalent to a hospital CT scan. Nuclear
659 engineer Nick Touran, Ph.D. publicly calculated that direct contact with that spent
660 fuel would deliver a lethal dose of radiation within milliseconds. [17] Valar Atomics
661 has never contacted or met with the Nuclear Regulatory Commission. [18]

662 **V. The NRC**

663 55. On April 1, 2026, ProPublica reported that a DOGE operative told NRC
664 leadership the NRC will do whatever we tell it to do. [11] The NRC's top attorney
665 was replaced by an oil and gas DOGE lawyer. [11] Three independent NRC officials
666 separately described the erosion of the agency's safety culture as being a lobster in a
667 slowly boiling pot. [11] NRC lawyers withdrew from an Atomic Safety and
668 Licensing Board proceeding for the first time in over twenty years, citing limited
669 resources. [11] Former NRC Chair Allison Macfarlane stated publicly the regulator is
670 no longer independent and the safety culture is under threat. [10] Former DOE

671 Office of Nuclear Energy head Kathryn Huff stated publicly that to say the July 4
672 timeline is aggressive is a pretty big understatement. [12]

673 56. The Ward 250 has no NRC docket. Valar Atomics has never contacted or met
674 with the Nuclear Regulatory Commission by its CEO's own public admission. [18]

675 **VI. The DOE Funding Chain and the Commercial Pipeline**

676 57. DOE funded the SMR-300 predecessor design through the 2020 Advanced
677 Reactor Demonstration Program. [34] DOE committed \$1.52 billion to Holtec
678 through the Loan Programs Office for the Palisades restart, the reference plant for
679 the Utah SMR-300 fleet. [34] On December 2, 2025, DOE awarded Holtec \$400
680 million under the Tier 1 First Mover Program. [34] That award contractually
681 required Holtec to submit a multi-site fleet deployment plan as a condition of
682 funding. Holtec's own press statement confirmed that DOE's support is an essential
683 enabler of the Palisades SMR-300 project, moving it from development to
684 deployment by building on the government's prior support for Holtec's SMR
685 technology under the 2020 Advanced Reactor Demonstration Program. [53] The
686 State of Utah's Operation Gigawatt is that multi-site fleet plan. DOE wrote the
687 contractual condition. Operation Gigawatt fulfills it.

688 58. On March 31, 2026, three days before this filing, the State of Utah formally
689 submitted a response to the DOE Request for Information on establishing a Nuclear
690 Lifecycle Innovation Campus, signed by Emy Lesofski, Director of the Utah Office of

691 Energy Development and Energy Advisor to Governor Cox. [55] That submission is
692 a formal government document presenting Utah's integrated nuclear vision to the
693 Department of Energy. It explicitly identifies Valar Atomics' Ward 250 test reactor
694 and Holtec's SMR-300 in the same enumerated series of nuclear reactor innovations
695 encompassed by Utah's existing MOUs as components of one unified nuclear
696 ecosystem submitted to DOE in a single document three days before this filing. That
697 submission explicitly describes the Utah San Rafael Energy Lab hosting the Ward
698 250 as a catalyst that will drive development of the nuclear industry to the entire
699 Carbon and Emery region. That submission explicitly states Utah's vision for its
700 advanced reactor ecosystem includes fleet deployment of Holtec's SMR-300 at
701 Brigham City alongside reactor testing at USREL where the Ward 250 sits. The State
702 of Utah presented Ward 250 and Holtec's SMR-300 fleet to the Department of Energy
703 not as separate programs but as sequential components of one integrated nuclear
704 lifecycle vision with Ward 250 as the catalyst and commercial fleet deployment as
705 the endpoint.

706 59. The Ward 250 DOE authorization baseline governs every subsequent Valar
707 HTGR gigasite commercial deployment through MOU Addendum No. 9 between
708 DOE and NRC and the NRC proposed rule published April 2, 2026, under Docket
709 NRC-2025-1503. [20] That baseline contains no thermodynamic analysis, no seismic
710 characterization, and no supply chain analysis for safety-critical rare earth materials

711 under active Chinese export restriction. According to the American Nuclear Society,
712 following the demonstration at USREL Valar's goal is to create one standardized
713 reactor design to be manufactured at scale and deployed by the hundreds at a
714 behind-the-meter gigasite. [54] Contrary Research documented that Valar's model
715 centers around gigasites which are massive industrial complexes hosting hundreds
716 or even thousands of small modular reactors operating together. [54] Construction
717 Review Online reported that Ward 250's experimental nature allows for testing in
718 extreme environments, modular validation, and proof of concepts before scaling up
719 to commercial size, and that projects like Ward 250 build the stepping stones for
720 next-generation power. [53] Valar's own website states its gigasite model envisions
721 concentrating reactor deployment to minimize regulatory burden by amortizing
722 site-specific licensing costs over ten to one hundred times more reactors than
723 compared to other reactor companies. [38] Commercial gigasite deployment based
724 on the Ward 250 demonstration is anticipated beginning in 2027.

725 60. Separately and additionally, the Pioneer Units 1 and 2 Limited Work
726 Authorization proceeding in NRC Docket Nos. 50-616 and 50-617 is the first NRC
727 commercial licensing proceeding for the Holtec SMR-300 design. [28] The regulatory
728 framework established in that proceeding will govern every subsequent SMR-300
729 commercial deployment including the Operation Gigawatt deployment in Brigham
730 City, Box Elder County, Utah, three miles from the Wasatch Fault on alluvial valley

731 fill adjacent to the Great Salt Lake terminal basin. [24] The Pioneer Units LWA
732 application requests issuance by December 31, 2026, with containment vessel and
733 spent fuel pool wall construction scheduled to begin in 2027 before the full
734 construction permit issues. [28] Plaintiff is an active participant in that proceeding
735 and has documented twelve specific unresolved compliance gaps in that application
736 sourced to the applicant's own ADAMS documents. [28] Holtec's Mission 2030
737 targets a 10 gigawatt SMR-300 fleet in North America. [24] The Great Salt Lake
738 terminal basin is a closed hydrological system with no thermal exit pathway. It
739 serves as the primary water supply for 80 percent of Utah's population.

740 61. The Ward 250 and Holtec's SMR-300 fleet are components of the same integrated
741 nuclear ecosystem as documented by the State of Utah's own formal submission to
742 DOE on March 31, 2026. [55] The Ward 250 DOE authorization pipeline governs
743 Valar's commercial HTGR gigasite program independently. The Pioneer Units NRC
744 licensing pipeline governs Holtec's commercial SMR-300 program including the
745 Utah Brigham City deployment independently. Both programs are planned for Utah
746 deployment. Both safety baselines contain no thermodynamic analysis of terminal
747 basin consequences. Both deficiencies affect the same watershed and the same
748 population. The State of Utah told DOE three days before this filing that Ward 250 is
749 the catalyst for the ecosystem of which Holtec's SMR-300 fleet is the commercial

750 endpoint. Plaintiff's documented injury runs through both pipelines. The
751 government's own document connects them.

752 **VII. The Analysis That Does Not Exist**

753 62. On March 7, 2026, Plaintiff submitted a formal quantified question to thirteen
754 federal agencies: What is the projected health of the Great Salt Lake including
755 elevation, toxic dust exposure, brine shrimp viability, and lake-effect precipitation at
756 operational license end and at 100, 300, and 1,000 years post-shutdown, accounting
757 for 8.97 gigawatts of continuous waste heat into a terminal basin with no thermal
758 exit pathway, the 43 percent probability of a Wasatch Fault magnitude 6.75 seismic
759 event within 50 years, and simultaneous cooling water loss and radiological release
760 into the primary water supply of 80 percent of Utah's population, and who is liable
761 for the irreversible harm across the full decay timeline. [2]

762 63. Utah DEQ responded formally in writing that no analysis addressing that
763 question exists on record and that DEQ is not required to produce one. [3] DOE did
764 not respond substantively to any part of that question.

765 64. Plaintiff conducted and published thermodynamic analysis addressing that
766 question on the CERN Zenodo open repository for public awareness on March 27,
767 2026. Walker J. The Thermodynamic Effects of Nuclear Fission in the Great Salt Lake
768 Basin. *Januarian Physics* 2026, 1, 1.5. DOI: 10.5281/zenodo.15001852. [4] That
769 analysis is Exhibit A to this complaint.

770 65. The SMR-300 carries a 40-year operating license and a 24,110-year physical
771 liability period under ANS/ANS-5.1-2014, the NRC's own decay heat standard. The
772 Environmental Report submitted with the Pioneer Units application contains four
773 chapters addressing introduction, site description, plant description, and
774 construction impacts. It contains no chapter addressing operational environmental
775 impacts. It contains no chapter addressing post-shutdown thermal obligations. It
776 contains no chapter addressing decommissioning. [28]

777 66. Fourteen of fifty instrumentation and control materials critical to SMR-300
778 operation are projected to reach global supply exhaustion before the first operating
779 license expires. [4] China's April 2025 rare earth export suspension covers seven
780 elements critical to reactor instrumentation and control. China processes 90 to 100
781 percent of global heavy rare earth supply. [4] No supply chain analysis for those
782 materials was conducted before the Ward 250 was authorized or deployed.

783 67. The 43 percent probability of a Wasatch Fault magnitude 6.75 seismic event
784 within 50 years is documented. [4] No site-specific seismic characterization of the
785 Ward 250 deployment site using the standards required by NRC Regulatory Guide
786 1.208 was conducted before the Ward 250 was authorized or deployed.

787 **VIII. The Public Record**

788 68. Utah Physicians for a Healthy Environment published a formal public statement
789 in November 2025 opposing nuclear reactor deployment in Brigham City and asking

790 where the water will come from, what safety zone will be established, what
791 evacuation plan exists, and where the waste will be stored. [48] No government
792 agency has answered those questions on the public record.

793 69. Dr. Brian Moench, President of Utah Physicians for a Healthy Environment,
794 published a formal opinion in the Deseret News on February 1, 2026, raising specific
795 public health concerns about nuclear radiation safety and cost in Utah. [49]

796 70. The federal government conducted nearly 1,000 above-ground nuclear weapons
797 tests that deposited radioactive fallout on Utah communities. Congress
798 acknowledged that harm through the Radiation Exposure Compensation Act,
799 reauthorized and expanded in July 2025 to cover downwinders across all of Utah for
800 the first time, authorizing \$100,000 payments per qualifying cancer claim. [23] The
801 federal government is currently paying those claims.

802 71. On December 19, 2025, the Northwest Interstate Compact approved
803 EnergySolutions' request to bring over 1.3 million cubic yards of Canadian nuclear
804 waste to its Clive, Utah facility for permanent disposal. [50] Eighty-eight
805 organizations formally opposed that decision. That approval was made without
806 public comment opportunity and without meaningful tribal consultation.

807 72. Six Salt Lake Tribune opinion pieces published between December 2025 and
808 March 2026 documented sustained public concern about nuclear deployment in

809 Utah during the period the Ward 250 was deployed without public hearing or
810 public notice. [51]

811 **SECTION FIVE: LEGAL CLAIMS**

812 **COUNT I. VIOLATION OF THE ATOMIC ENERGY ACT OF 1954**

813 **42 U.S.C. § 2133**

814 **Against Defendants Valar Atomics LLC, Isaiah Taylor, and the United States**

815 **Department of Energy**

816 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
817 fully set forth herein.

818 2. The Atomic Energy Act of 1954 provides that no person may transfer or receive in
819 interstate commerce, manufacture, produce, transfer, acquire, possess, use, import,
820 or export any utilization facility except pursuant to a license issued by the NRC. 42
821 U.S.C. § 2133(a).

822 3. A utilization facility is defined under the Act to include any nuclear reactor
823 designed to produce heat or power through fission. 42 U.S.C. § 2014(cc). The Ward
824 250 is a nuclear reactor designed to produce heat through fission. It is a utilization
825 facility within the meaning of 42 U.S.C. § 2014(cc).

826 4. Valar Atomics LLC is constructing and operating the Ward 250 at the Utah San
827 Rafael Energy Lab in Emery County, Utah. Isaiah Taylor, as CEO and principal

828 officer of Valar Atomics LLC, exercises direct operational control over that
829 construction and operation.

830 5. Valar Atomics LLC has no NRC construction permit for the Ward 250. Valar
831 Atomics LLC has no NRC operating license for the Ward 250. Valar Atomics has
832 never contacted or met with the Nuclear Regulatory Commission. By its CEO's own
833 public admission Valar Atomics deliberately chose not to engage with the agency
834 whose authority it contests.

835 6. DOE has authorized the Ward 250 deployment under the Nuclear Reactor Pilot
836 Program established by Executive Order 14301. DOE's authorization does not
837 substitute for the NRC license that 42 U.S.C. § 2133 requires. Executive orders do not
838 supersede congressional statutes. The Supremacy Clause of the United States
839 Constitution, Article VI, Clause 2, provides that federal statutes enacted by Congress
840 constitute the supreme law of the land. An executive order that purports to
841 authorize operation of a civilian nuclear reactor without the NRC license Congress
842 requires is without legal effect to the extent it conflicts with 42 U.S.C. § 2133.

843 6A. The Section 31 DOE authorization exception does not apply to the Ward 250 on
844 three independent grounds. First, Section 31 of the Atomic Energy Act authorizes
845 the Department of Energy to conduct research and development activities relating to
846 atomic energy. Valar Atomics LLC is not the Department of Energy. It is a private
847 California limited liability company incorporated March 5, 2024. The Section 31

848 exception is a DOE authority. It is not a private company authority. A private
849 commercial entity cannot invoke a DOE statutory authorization as a substitute for
850 the NRC license Congress requires of private operators. Second, Section 31 applies
851 to research and development activities. Valar Atomics' own public website describes
852 its mission not as research and development but as deploying clusters of thousands
853 of HTGRs in gigasites for heavy industrial power, data center power, hydrogen
854 production, and clean hydrocarbon fuel production. Commercial gigasite
855 deployment of thousands of reactors for industrial profit is not research and
856 development within any reasonable construction of that term under the Atomic
857 Energy Act or any other federal statute. Third, Valar Atomics LLC, through its CEO
858 Isaiah Taylor, is a named plaintiff in *Last Energy v. NRC*, filed December 30, 2024, in
859 the Eastern District of Texas, in which it argues that the NRC's licensing authority
860 over small reactors is illegal. A company that simultaneously sues a federal
861 regulatory agency to eliminate its licensing authority and deploys a reactor without
862 the license that authority requires is not claiming the benefit of a research
863 exemption. It is claiming a right to operate without any independent federal safety
864 oversight whatsoever. That claim has no statutory basis under the Atomic Energy
865 Act.

866 7. The operation of the Ward 250 without an NRC construction permit and without
867 an NRC operating license violates 42 U.S.C. § 2133. That violation is ongoing. Fuel
868 insertion and criticality will deepen and perpetuate that violation.

869 8. Plaintiff is entitled to declaratory relief establishing that the Ward 250 deployment
870 violates 42 U.S.C. § 2133 and to injunctive relief halting all fuel insertion activities
871 and all actions directed toward nuclear criticality pending Valar Atomics'
872 compliance with the NRC licensing requirements that federal law mandates.

873 **COUNT II. VIOLATION OF THE NATIONAL ENVIRONMENTAL POLICY**
874 **ACT 42 U.S.C. § 4332 Against Defendants Secretary Wright and the United States**
875 **Department of Energy**

876 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
877 fully set forth herein.

878 2. NEPA requires that federal agencies prepare a detailed Environmental Impact
879 Statement for every major federal action significantly affecting the quality of the
880 human environment. 42 U.S.C. § 4332(2)(C). An EIS must assess the environmental
881 impact of the proposed action, any adverse environmental effects that cannot be
882 avoided, alternatives to the proposed action, and any irreversible and irretrievable
883 commitments of resources involved in the proposed action.

884 3. The DOE authorization of the Ward 250 deployment under the Nuclear Reactor
885 Pilot Program is a major federal action. DOE selected Valar Atomics for the

886 program. DOE approved the Ward 250 Preliminary Documented Safety Analysis.
887 DOE authorized the Ward 250 deployment. DOE provided federal funding, federal
888 land use authorization through USREL, and federal military airlift support for the
889 deployment. These actions constitute major federal action within the meaning of 42
890 U.S.C. § 4332(2)(C).

891 4. The Ward 250 deployment significantly affects the quality of the human
892 environment. The Ward 250 sits in the San Rafael River watershed. The San Rafael
893 River drains into the Green River, which flows into the Colorado River system
894 serving 35 to 40 million people across seven states. Two federally listed endangered
895 species have documented habitat in the San Rafael River watershed. Documented
896 Native American cultural resources surround the deployment site. The Ward 250
897 establishes the commercial licensing baseline for a national advanced nuclear fleet
898 planned for multiple Utah deployments adjacent to the Great Salt Lake terminal
899 basin serving 80 percent of Utah's population.

900 5. DOE did not prepare an Environmental Impact Statement before authorizing the
901 Ward 250 deployment. DOE applied a categorical exclusion published January 28,
902 2026 at 91 Fed. Reg. 7736 that eliminated NEPA review for the deployment. DOE did
903 not document its consideration of the extraordinary circumstances exception at 10
904 CFR Part 1021 Appendix B before applying that exclusion. A categorical exclusion is

905 inapplicable where extraordinary circumstances exist that give an action the
906 potential for significant environmental effects. 40 CFR § 1501.4.

907 5A. The irreversible consequences of the Ward 250 deployment that NEPA required
908 DOE to analyze before authorizing include two documented conditions that no
909 federal or state agency has addressed on the record. First, the Ward 250 sits in the
910 San Rafael River watershed in Emery County, Utah. The San Rafael River is the only
911 major tributary to the Green River between two documented USGS hydrological
912 measurement points in Emery County. The Green River flows into the Colorado
913 River system serving 35 to 40 million people across seven states. The San Rafael
914 River already runs completely dry in Emery County during drought years as
915 documented by USGS monitoring data. A nuclear reactor deployed in a watershed
916 that runs dry introduces radiological and thermal consequences into a river system
917 already under documented hydrological stress. No analysis of those consequences
918 was conducted before the Ward 250 was authorized or deployed. Second, no site-
919 specific seismic characterization of the Ward 250 deployment site using NRC
920 Regulatory Guide 1.208 standards was conducted before the Ward 250 was
921 authorized or deployed. The Utah Geological Survey has documented active faults
922 and seismic hazard specific to Emery County, and east-central Utah experiences
923 documented induced seismicity from coal mining activity in the region. Neither the
924 active fault data nor the induced seismicity record was incorporated into any pre-

925 deployment safety analysis. The Ward 250 authorization baseline will govern the
926 commercial licensing of the Holtec SMR-300 deployment in Brigham City, Box Elder
927 County, Utah, located three miles from the Wasatch Fault, where the Working
928 Group on Utah Earthquake Probabilities has documented a 43 percent probability of
929 a magnitude 6.75 or greater earthquake within 50 years. That commercial
930 deployment will be built on a safety baseline established without site-specific
931 seismic characterization of either the demonstration site or the commercial
932 deployment site. NEPA requires an EIS to analyze irreversible and irretrievable
933 commitments of resources. 42 U.S.C. § 4332(2)(C). A deployment whose
934 consequences for a stressed watershed were never analyzed, and whose
935 authorization baseline will govern a commercial deployment in a documented high
936 seismic hazard zone without site-specific characterization, creates precisely the
937 irreversible and irretrievable commitments of resources that NEPA's EIS
938 requirement was enacted to assess before they occur. The State of Utah's own formal
939 submission to DOE on March 31, 2026, identifies the Ward 250 and the Holtec SMR-
940 300 as components of one integrated nuclear ecosystem. Exhibit 8. An EIS that
941 addresses only the Ward 250 site and ignores the commercial deployment program
942 it initiates does not satisfy NEPA's requirement to analyze the full environmental
943 consequences of the federal action being authorized.

944 5B No computational adequacy analysis of the Ward 250 control systems was
945 conducted before deployment to assess whether the control architecture can observe
946 and respond to a beyond design basis accident within the physical timescales
947 involved. Plaintiff's published thermodynamic analysis documents that this
948 calculation, which requires knowing the control system bit rate and the temperature
949 envelope of the reactor under accident conditions, has not been performed or
950 disclosed in any public record for the Ward 250.

951 6. DOE's application of a categorical exclusion to the siting, construction, and
952 operation of a nuclear reactor in a watershed serving 35 to 40 million people,
953 without documenting consideration of the extraordinary circumstances exception, is
954 arbitrary, capricious, an abuse of discretion, and not in accordance with law within
955 the meaning of 5 U.S.C. § 706(2)(A).

956 7. Plaintiff is entitled to declaratory relief establishing that DOE violated 42 U.S.C. §
957 4332 by failing to prepare an Environmental Impact Statement before authorizing
958 the Ward 250 deployment and to injunctive relief halting all fuel insertion activities
959 and all actions directed toward nuclear criticality pending completion of the
960 environmental review that NEPA requires.

961 **COUNT III. VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**
962 **UNLAWFUL RULEMAKING WITHOUT NOTICE AND COMMENT**

963 5 U.S.C. §§ 553 AND 706(2)(D) Against Defendants Secretary Wright and the
964 United States Department of Energy

965 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
966 fully set forth herein.

967 2. The APA requires federal agencies to publish notice of proposed rulemaking and
968 provide the public an opportunity to comment before adopting any substantive rule.

969 5 U.S.C. § 553. A substantive rule is one that has the force and effect of law and alters
970 the rights and interests of regulated parties and the public.

971 3. Before the Ward 250 was deployed DOE removed over 750 pages from its nuclear
972 safety orders governing the Nuclear Reactor Pilot Program. DOE eliminated the
973 ALARA radiation protection standard from those orders. DOE eliminated the
974 cognizant system engineer requirement from those orders. DOE softened
975 groundwater discharge prohibitions from prohibited to should be avoided. DOE
976 shared those revised orders with regulated companies before making them available
977 to the public. None of those changes were published for public notice or comment
978 before they took effect.

979 4. Those changes are substantive rules within the meaning of 5 U.S.C. § 553. They
980 altered the radiation protection standards, safety personnel requirements, and
981 environmental protection obligations governing civilian nuclear reactor operations
982 under the Nuclear Reactor Pilot Program. They had the force and effect of law. They

983 affected the rights and interests of the public, of regulated parties, and of
984 communities in the deployment zones of reactors authorized under that program.
985 5. DOE's elimination of ALARA, the cognizant system engineer requirement, and
986 groundwater discharge protections without public notice or comment violates 5
987 U.S.C. § 553. That action is arbitrary, capricious, an abuse of discretion, and not in
988 accordance with law within the meaning of 5 U.S.C. § 706(2)(A) and (2)(D).
989 6. DOE's approval of the Ward 250 Preliminary Documented Safety Analysis on
990 March 4, 2026, under safety standards established through a process that violated 5
991 U.S.C. § 553 is itself arbitrary, capricious, and not in accordance with law within the
992 meaning of 5 U.S.C. § 706(2)(A).
993 7. Plaintiff is entitled to declaratory relief establishing that DOE's elimination of
994 ALARA and associated safety standards without notice and comment violated 5
995 U.S.C. § 553 and that the Ward 250 PDSA approval is arbitrary, capricious, and
996 contrary to law, and to injunctive relief halting all fuel insertion activities and all
997 actions directed toward nuclear criticality pending compliance with APA procedural
998 requirements.

999 **COUNT IV. VIOLATION OF THE ENDANGERED SPECIES ACT**

1000 **16 U.S.C. § 1536**

1001 **Against Defendants Secretary Wright, the United States Department of Energy,**

1002 **Secretary Hegseth, and the United States Department of Defense**

- 1003** 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
1004 fully set forth herein.
- 1005** 2. Section 7 of the Endangered Species Act requires every federal agency to consult
1006 with the Fish and Wildlife Service before authorizing, funding, or carrying out any
1007 action that may affect a species listed as threatened or endangered or its critical
1008 habitat. 16 U.S.C. § 1536(a)(2). Section 7 consultation must occur before the federal
1009 action is taken.
- 1010** 3. The Colorado pikeminnow and the razorback sucker are both federally listed as
1011 endangered under 16 U.S.C. § 1533. Both species have documented habitat in the
1012 San Rafael River watershed. The Ward 250 is deployed in the San Rafael River
1013 watershed. The San Rafael River drains into the Green River, a primary tributary of
1014 the Colorado River system, within which the Upper Colorado River Endangered
1015 Fish Recovery Program operates to protect both species.
- 1016** 4. DOE authorized the Ward 250 deployment under the Nuclear Reactor Pilot
1017 Program. DOD provided military airlift and logistical support for the Ward 250
1018 transport and delivery. Both actions are federal actions within the meaning of 16
1019 U.S.C. § 1536(a)(2).
- 1020** 5. Neither DOE nor DOD conducted Section 7 consultation with the Fish and
1021 Wildlife Service before authorizing or executing the Ward 250 deployment. No

1022 biological assessment was prepared. No biological opinion was issued. No
1023 incidental take statement was obtained.
1024 6. The failure of DOE and DOD to conduct Section 7 consultation before authorizing
1025 and executing the Ward 250 deployment violates 16 U.S.C. § 1536(a)(2).
1026 7. Plaintiff is entitled to declaratory relief establishing that DOE and DOD violated
1027 16 U.S.C. § 1536(a)(2) by failing to consult with the Fish and Wildlife Service before
1028 the Ward 250 deployment and to injunctive relief halting all fuel insertion activities
1029 and all actions directed toward nuclear criticality pending completion of the Section
1030 7 consultation that federal law requires.

1031 **COUNT V. VIOLATION OF THE CLEAN WATER ACT**

1032 **33 U.S.C. § 1341**

1033 **Against Defendants Secretary Wright and the United States Department of**
1034 **Energy**

1035 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
1036 fully set forth herein.
1037 2. Section 401 of the Clean Water Act requires any applicant for a federal license or
1038 permit to conduct any activity that may result in a discharge into navigable waters
1039 to obtain a water quality certification from the state in which the discharge
1040 originates before the federal license or permit may be issued. 33 U.S.C. § 1341(a)(1).

1041 3. The Ward 250 is a nuclear reactor deployed in the San Rafael River watershed.
1042 The San Rafael River drains into the Green River, a navigable water of the United
1043 States. Operation of a nuclear reactor in that watershed will result in operational
1044 water use, potential cooling water discharge, and potential water quality impacts in
1045 navigable waters draining into the Colorado River system.

1046 4. DOE's Preliminary Documented Safety Analysis approval and Nuclear Reactor
1047 Pilot Program authorization together constitute a federal license or permit to
1048 construct and operate a nuclear facility within the meaning of 33 U.S.C. § 1341(a)(1)
1049 because they are the federal authorizations without which the Ward 250 could not
1050 lawfully operate and they govern the terms and conditions of that operation.

1051 5. No Section 401 water quality certification was obtained from the State of Utah
1052 before DOE issued those federal authorizations. DOE's issuance of federal
1053 authorization for the Ward 250 without a Section 401 certification violates 33 U.S.C.
1054 § 1341(a)(1).

1055 6. Plaintiff is entitled to declaratory relief establishing that DOE violated 33 U.S.C. §
1056 1341(a)(1) by failing to obtain a Section 401 water quality certification before
1057 authorizing the Ward 250 deployment and to injunctive relief halting all fuel
1058 insertion activities and all actions directed toward nuclear criticality pending
1059 compliance with Section 401 requirements.

1080 4. DOE's authorization of the Ward 250 deployment and DOD's provision of military
1081 airlift and logistical support for the Ward 250 transport and delivery are
1082 undertakings within the meaning of 54 U.S.C. § 306108.

1083 5. Neither DOE nor DOD conducted Section 106 consultation with the Utah State
1084 Historic Preservation Officer or with affected tribal governments before authorizing
1085 or executing the Ward 250 deployment. No assessment of effect was prepared. No
1086 memorandum of agreement was executed.

1087 6. The failure of DOE and DOD to conduct Section 106 consultation before
1088 authorizing and executing the Ward 250 deployment violates 54 U.S.C. § 306108.

1089 7. Plaintiff is entitled to declaratory relief establishing that DOE and DOD violated
1090 54 U.S.C. § 306108 by failing to conduct Section 106 consultation before the Ward 250
1091 deployment and to injunctive relief halting all fuel insertion activities and all actions
1092 directed toward nuclear criticality pending completion of the Section 106
1093 consultation that federal law requires.

1094 **COUNT VII. VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**
1095 **FAILURE TO FOLLOW OWN PROCEDURES 5 U.S.C. § 706(2)(A) AND (2)(D)**
1096 **Against Defendants Secretary Wright and the United States Department of**
1097 **Energy**

1098 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if
1099 fully set forth herein.

1100 2. The APA directs reviewing courts to hold unlawful and set aside agency action
1101 found to be arbitrary, capricious, an abuse of discretion, or otherwise not in
1102 accordance with law, or without observance of procedure required by law. 5 U.S.C.
1103 § 706(2)(A) and (2)(D).

1104 3. DOE's own NEPA implementing regulations at 10 CFR Part 1021 Appendix B
1105 require that before applying a categorical exclusion DOE must document its
1106 consideration of whether extraordinary circumstances exist that would give the
1107 proposed action the potential for significant environmental effects. Extraordinary
1108 circumstances include actions that may affect threatened or endangered species,
1109 actions that may affect properties listed or eligible for listing on the National
1110 Register of Historic Places, actions with highly uncertain or controversial
1111 environmental effects, and actions that may violate federal environmental law.

1112 4. The Ward 250 deployment may affect two federally listed endangered species in
1113 the San Rafael River watershed. The Ward 250 deployment site is surrounded by
1114 documented properties eligible for the National Register. The Ward 250 establishes
1115 the commercial licensing baseline for a national advanced nuclear fleet in
1116 watersheds serving tens of millions of people. No thermodynamic analysis of the
1117 consequences of nuclear deployment in the Colorado River watershed has ever been
1118 conducted by any federal or state agency. Utah DEQ formally acknowledged in
1119 writing that no such analysis exists and none is required.

1120 5. Each of those conditions constitutes an extraordinary circumstance under DOE's
1121 own regulations at 10 CFR Part 1021 Appendix B. DOE was required by its own
1122 regulations to document its consideration of those extraordinary circumstances
1123 before applying the categorical exclusion to the Ward 250 deployment. DOE did not
1124 document that consideration.

1125 6. DOE's failure to document its consideration of the extraordinary circumstances
1126 exception before applying the categorical exclusion to the Ward 250 deployment
1127 violates DOE's own procedures as required by 10 CFR Part 1021 Appendix B and
1128 constitutes agency action without observance of procedure required by law within
1129 the meaning of 5 U.S.C. § 706(2)(D).

1130 7. DOE's application of a categorical exclusion to a nuclear reactor deployment in a
1131 watershed serving 35 to 40 million people without any thermodynamic analysis,
1132 without any seismic characterization, and without any supply chain analysis for
1133 safety-critical materials under active Chinese export restriction is arbitrary and
1134 capricious within the meaning of 5 U.S.C. § 706(2)(A).

1135 8. Plaintiff is entitled to declaratory relief establishing that DOE's categorical
1136 exclusion is arbitrary, capricious, and without observance of procedure required by
1137 law, and to injunctive relief halting all fuel insertion activities and all actions
1138 directed toward nuclear criticality pending compliance with DOE's own NEPA
1139 implementing procedures and the requirements of 5 U.S.C. § 706.

1140 COUNT VIII. VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

1141 ARBITRARY AND CAPRICIOUS AGENCY ACTION

1142 CONTRADICTORY AGENCY CONDUCT

1143 5 U.S.C. § 706(2)(A)

1144 Against Defendants Secretary Wright and the United States Department of

1145 Energy

1146 1. Plaintiff realleges and incorporates by reference all preceding paragraphs as if

1147 fully set forth herein.

1148 2. The APA requires that agency action not be arbitrary, capricious, an abuse of

1149 discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A). An agency

1150 acts arbitrarily and capriciously when it offers an explanation for its action that runs

1151 counter to the evidence before the agency or when its stated justification is

1152 contradicted by its own documented conduct. *Motor Vehicle Manufacturers*

1153 *Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983).

1154 3. DOE publicly stated and represented to Congress and the public that the Nuclear

1155 Reactor Pilot Program involves limited research and development demonstrations

1156 and that DOE's role is to support test reactor operations rather than to participate in

1157 commercial nuclear deployment programs. DOE used that characterization as the

1158 justification for applying a categorical exclusion rather than preparing an

1159 Environmental Impact Statement for the Ward 250 deployment.

1160 4. DOE's own documented conduct directly contradicts that characterization. DOE
1161 committed \$1.52 billion to Holtec through the Loan Programs Office for the
1162 Palisades restart, the reference plant for the Utah SMR-300 fleet. DOE awarded
1163 Holtec \$400 million under the Tier 1 First Mover Program with a contractual
1164 requirement for a multi-site fleet deployment plan. The State of Utah's Operation
1165 Gigawatt is that plan. DOE wrote the contractual condition. Operation Gigawatt
1166 fulfills it. DOE signed MOU Addendum No. 9 committing to expedite commercial
1167 licensing of follow-on reactors of the same design as DOE-authorized demonstration
1168 reactors. DOE published a proposed rule on April 2, 2026, under Docket NRC-2025-
1169 1503 that would codify the pathway from DOE test reactor authorization to
1170 commercial licensing. DOE's Energy Advisor Laura Nelson served as a named
1171 founding member of the Utah Nuclear Energy Consortium created by HB249 to
1172 implement Operation Gigawatt. DOE's INL Director John Wagner personally signed
1173 the April 28, 2025, MOU with the State of Utah committing DOE's national
1174 laboratory to Operation Gigawatt goals.

1175 5. On March 31, 2026, three days before this filing, the State of Utah formally
1176 submitted its response to the DOE Request for Information on establishing a
1177 Nuclear Lifecycle Innovation Campus. That submission, signed by the Director of
1178 the Utah Office of Energy Development and Energy Advisor to Governor Cox,
1179 explicitly identifies Valar Atomics' Ward 250 and Holtec's SMR-300 as components

1180 of the same integrated nuclear ecosystem and describes the Ward 250 at USREL as a
1181 catalyst that will drive development of the nuclear industry to the entire Carbon and
1182 Emery region. That document was submitted to DOE. DOE solicited it. DOE
1183 received it three days before this filing.

1184 6. DOE cannot simultaneously characterize the Ward 250 as a limited research
1185 demonstration to justify a categorical exclusion and contractually require a multi-
1186 site commercial fleet plan, commit \$1.52 billion to the reference plant for that fleet,
1187 sign interagency MOUs committing DOE national laboratory resources to the
1188 commercial deployment program, publish a proposed rule codifying the test-to-
1189 commercial licensing pathway, and solicit and receive a formal state submission
1190 presenting the Ward 250 as the catalyst for a national nuclear lifecycle campus.

1191 Those positions are irreconcilable. An agency may not justify a categorical exclusion
1192 by characterizing an action as limited research while simultaneously funding,
1193 structuring, and codifying the commercial deployment program that action is
1194 designed to initiate.

1195 7. DOE's characterization of the Ward 250 deployment as limited research for
1196 purposes of the categorical exclusion is arbitrary and capricious within the meaning
1197 of 5 U.S.C. § 706(2)(A) because it runs counter to the evidence before the agency and
1198 is directly contradicted by DOE's own documented conduct.

1199 8. Plaintiff is entitled to declaratory relief establishing that DOE's categorical
1200 exclusion justification is arbitrary and capricious under 5 U.S.C. § 706(2)(A) and to
1201 injunctive relief halting all fuel insertion activities and all actions directed toward
1202 nuclear criticality pending an honest characterization of the Ward 250 deployment's
1203 commercial scope and the preparation of the environmental review that
1204 characterization requires.

1205 **SECTION SIX: STANDING**

1206 **I. Constitutional Standing**

1207 143. Article III of the United States Constitution limits federal judicial power to
1208 actual cases and controversies. To establish standing under Article III a plaintiff
1209 must demonstrate three elements. First, the plaintiff must have suffered an injury in
1210 fact that is concrete, particularized, actual or imminent, and not conjectural or
1211 hypothetical. Second, there must be a causal connection between the injury and the
1212 conduct complained of such that the injury is fairly traceable to the defendant's
1213 challenged action. Third, it must be likely as opposed to merely speculative that the
1214 injury will be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504
1215 U.S. 555, 560-61 (1992). [57]
1216 Plaintiff January Walker satisfies all three elements of Article III standing. Each
1217 element is documented in this complaint and in the administrative record Plaintiff

1218 has built across thirteen federal agencies, two NRC dockets, and four formal
1219 submissions filed before this complaint was filed.

1220 **II. Injury in Fact**

1221 145. Plaintiff's injury in fact is concrete, particularized, actual, and imminent on
1222 three independent grounds each of which is independently sufficient to establish
1223 standing.

1224 First. Plaintiff is an eighth-generation Utah resident whose family has lived in the
1225 Great Salt Lake basin for two centuries. Plaintiff resides in Salt Lake City, Utah,
1226 within the Great Salt Lake terminal basin. The Great Salt Lake terminal basin is the
1227 commercial endpoint of the causation chain this complaint documents. The Ward
1228 250 DOE authorization baseline flows through MOU Addendum No. 9 and the
1229 April 2, 2026 proposed NRC rule into the commercial licensing framework
1230 governing the Holtec SMR-300 Pioneer Units 1 and 2. That framework governs the
1231 SMR-300 deployment in Brigham City adjacent to the Great Salt Lake terminal basin.
1232 That deployment will introduce 8.97 gigawatts of continuous waste heat into a
1233 closed hydrological system with no thermal exit pathway that serves as the primary
1234 water supply for 80 percent of Utah's population including Plaintiff. The
1235 thermodynamic consequences of that deployment for the Great Salt Lake basin have
1236 never been analyzed by any federal or state agency. Plaintiff's published analysis
1237 documents what those consequences are. The government formally acknowledged

1238 that no such analysis exists. Plaintiff's concrete injury is the permanent deprivation
1239 of the environmental review to which she is legally entitled before a federal decision
1240 irreversibly affecting her watershed and her family's two-century connection to that
1241 basin is made.

1242 Second. Plaintiff is an active participant in NRC Docket Nos. 50-616 and 50-617, the
1243 Pioneer Units 1 and 2 Limited Work Authorization proceeding, through public
1244 comment and draft petition submission, with a formal adjudicatory petition pending
1245 before the April 28, 2026 deadline. The Ward 250 DOE authorization baseline will
1246 become the safety demonstration baseline referenced in that proceeding through the
1247 April 2, 2026 proposed NRC rule under Docket NRC-2025-1503 and MOU
1248 Addendum No. 9. A deficient safety baseline established by Ward 250 criticality will
1249 be incorporated into the Pioneer Units proceeding in which Plaintiff is an active
1250 participant before Plaintiff's formal petition is adjudicated. Plaintiff's procedural
1251 injury is the corruption of an ongoing federal proceeding in which she has
1252 documented legal participation rights through the incorporation of a safety baseline
1253 that was established in violation of eight federal statutes.

1254 Third. Plaintiff identified that no thermodynamic analysis of nuclear deployment
1255 consequences in the Great Salt Lake basin and Colorado River watershed existed on
1256 record. Plaintiff formally asked thirteen federal agencies to produce that analysis.
1257 Utah DEQ formally responded in writing that no such analysis exists and none is

1258 required. Plaintiff then produced the only existing documented answer to that
1259 question and placed it in the public record. The information Plaintiff sought is
1260 information that NEPA required DOE to produce and publicly disclose before
1261 authorizing the Ward 250 deployment. 42 U.S.C. § 4332(2)(C). DOE's categorical
1262 exclusion eliminated that disclosure obligation without the analysis that would have
1263 determined whether the obligation applied. Plaintiff's informational injury is
1264 directly traceable to DOE's failure to comply with NEPA's disclosure requirement.
1265 That informational injury is cognizable under *Federal Election Commission v.*
1266 *Akins*, 524 U.S. 11 (1998), which held that a plaintiff suffers a concrete injury when
1267 denied information that a statute requires to be disclosed and that the plaintiff
1268 would use. [58]

1269 148. Plaintiff's injury is not a generalized grievance shared equally by the public.
1270 Plaintiff is distinguished from the general public on four documented grounds. First,
1271 Plaintiff is an active participant in NRC Docket Nos. 50-616 and 50-617 with a formal
1272 adjudicatory petition pending before the April 28, 2026 deadline. The corruption of
1273 that specific proceeding by a deficient Ward 250 safety baseline injures Plaintiff's
1274 specific documented legal participation rights in that specific docket in a manner
1275 that does not apply to the general public. Second, Plaintiff is the author of the only
1276 existing thermodynamic analysis of the consequences of nuclear deployment in the
1277 Great Salt Lake basin. That authorship documents that Plaintiff identified a specific

1278 undocumented risk, formally asked thirteen federal agencies to address it, received
1279 a formal written denial, and produced the answer herself. That documented
1280 engagement with this specific harm distinguishes Plaintiff from the general public.
1281 Third, Utah DEQ formally stated in writing, received by Plaintiff on March 19, 2026,
1282 that no thermodynamic analysis of nuclear deployment in Utah’s water systems
1283 exists on record. That formal admission was made in direct response to Plaintiff’s
1284 specific formal inquiry under GRAMA. The government’s formal acknowledgment
1285 of Plaintiff’s specific question creates a specific documented relationship between
1286 Plaintiff and this harm that does not exist for members of the general public. Fourth,
1287 Plaintiff’s family has resided in the Great Salt Lake terminal basin for eight
1288 generations and two centuries. The geographic and generational specificity of that
1289 connection to the affected watershed documents a concrete particularized
1290 relationship to the harm that goes beyond generalized public concern.

1291 **III. Causation**

1292 148A. The causation chain connecting Defendants’ conduct to Plaintiff’s injury is not
1293 theoretical. It is documented in six government instruments each identified by
1294 docket number or publication date. First, DOE authorized the Ward 250 under the
1295 Nuclear Reactor Pilot Program, approving the Ward 250 Preliminary Documented
1296 Safety Analysis on March 4, 2026. Second, DOE-NRC MOU Addendum No. 9
1297 commits both agencies to expedite commercial licensing of follow-on reactors of the

1298 same design as DOE-authorized demonstration reactors. Third, the NRC proposed
1299 rule published April 2, 2026 under Docket NRC-2025-1503 codifies that commitment
1300 by allowing commercial license applicants to reference prior DOE authorizations as
1301 the safety demonstration baseline under 10 CFR Section 50.43(e)(3). Fourth, the
1302 Pioneer Units 1 and 2 proceeding in NRC Docket Nos. 50-616 and 50-617 governs
1303 the commercial licensing of the Holtec SMR-300 design. Fifth, the Holtec SMR-300
1304 Pioneer Units are planned for deployment in Brigham City, Box Elder County, Utah,
1305 adjacent to the Great Salt Lake terminal basin where Plaintiff resides. Sixth, on
1306 March 31, 2026, three days before this filing, the State of Utah formally submitted to
1307 DOE a Nuclear Lifecycle Innovation Campus proposal explicitly identifying the
1308 Ward 250 and the Holtec SMR-300 as components of the same integrated nuclear
1309 ecosystem and describing the Ward 250 as the catalyst that will drive development
1310 of the nuclear industry to the entire Carbon and Emery region. Exhibit I. The
1311 causation chain is not Plaintiff's theory. It is the government's own documented
1312 plan stated in the government's own formal submission to the federal agency three
1313 days before this filing.
1314 149. The causal connection between Defendants' conduct and Plaintiff's injury is
1315 direct, documented, and traceable through a chain of federal agency actions each of
1316 which is identified by docket number, publication date, and statutory citation in this
1317 complaint.

1318 Ward 250 criticality establishes the DOE authorization baseline. That baseline flows
1319 through MOU Addendum No. 9 into the commercial licensing framework for
1320 follow-on reactors of the same design class. The April 2, 2026 proposed NRC rule
1321 under Docket NRC-2025-1503 codifies that pathway by allowing commercial license
1322 applicants to reference prior DOE authorizations as the safety demonstration
1323 baseline under 10 CFR § 50.43(e)(3). The Pioneer Units 1 and 2 proceeding in NRC
1324 Docket Nos. 50-616 and 50-617 governs the SMR-300 commercial licensing
1325 framework. That framework governs the Brigham City Utah deployment under
1326 Operation Gigawatt. The Brigham City deployment is adjacent to the Great Salt Lake
1327 terminal basin where Plaintiff resides and has resided for two centuries through
1328 eight generations of her family.

1329 The State of Utah's own formal submission to DOE on March 31, 2026 confirms that
1330 causal chain in the government's own words. That submission explicitly identifies
1331 Valar Atomics' Ward 250 and Holtec's SMR-300 as components of the same
1332 integrated nuclear ecosystem and describes the Ward 250 at USREL as a catalyst that
1333 will drive development of the nuclear industry to the entire Carbon and Emery
1334 region. The causation chain from Ward 250 criticality to Plaintiff's injury in the Great
1335 Salt Lake basin runs through the government's own documents.

1336 DOE's categorical exclusion eliminating NEPA review, DOE's elimination of
1337 ALARA and cognizant system engineer requirements without notice and comment,

1338 DOE's approval of the Ward 250 PDSA, and Valar Atomics' operation of the Ward
1339 250 without an NRC license are each independently traceable to Plaintiff's injury.
1340 Each statutory violation independently contributes to the deficient safety baseline
1341 that will govern the commercial deployment affecting Plaintiff's watershed. Plaintiff
1342 need not establish that any single violation alone caused her injury. The violations
1343 together produced the deficient baseline that causes her harm.

1344 **IV. Redressability**

1345 153. It is likely that Plaintiff's injury will be redressed by a favorable decision from
1346 this Court on three independent grounds.

1347 First. An injunction halting fuel insertion and criticality prevents the Ward 250 from
1348 establishing a deficient safety baseline. A baseline that does not exist cannot be
1349 incorporated into the Pioneer Units commercial licensing proceeding. That redresses
1350 Plaintiff's injury to her participation rights in that proceeding and prevents the
1351 propagation of a deficient baseline to the Brigham City deployment affecting her
1352 watershed.

1353 Second. A declaratory judgment establishing that the Ward 250 deployment violates
1354 eight federal statutes requires DOE and Valar Atomics to comply with those statutes
1355 before proceeding. Compliance requires an EIS that analyzes the thermodynamic
1356 consequences Plaintiff documented. Compliance requires Section 7 ESA
1357 consultation. Compliance requires Section 401 water quality certification from the

1358 State of Utah. Compliance requires Section 106 NHPA consultation. Each of those
1359 processes produces the public record that federal law required before these
1360 decisions were made and that Plaintiff was denied.

1361 Third. A declaratory judgment establishing that DOE's categorical exclusion is
1362 arbitrary and capricious under the APA requires DOE to honestly characterize the
1363 Ward 250 deployment's commercial scope before determining what level of
1364 environmental review is required. An honest characterization of a deployment that
1365 is the first step of a national commercial nuclear fleet program cannot support a
1366 categorical exclusion. That honest characterization will require at minimum an
1367 Environmental Assessment and likely an EIS that addresses the thermodynamic
1368 consequences Plaintiff identified and documented.

1369 Even if fuel insertion occurs before this Court issues relief Plaintiff's injury remains
1370 redressable. Criticality is a second and independently irreversible threshold that has
1371 not yet occurred. An injunction preventing criticality prevents the Ward 250 from
1372 establishing the DOE authorization baseline that flows into the Pioneer Units
1373 commercial licensing proceeding. Furthermore, the DOE authorization baseline does
1374 not become permanently locked into the commercial licensing record until DOE
1375 publicly certifies the reactor's operational demonstration under the Nuclear Reactor
1376 Pilot Program. An injunction preventing that certification redresses Plaintiff's injury
1377 to her participation rights in NRC Docket Nos. 50-616 and 50-617 regardless of fuel

1378 insertion status. Redressability is satisfied at both the fuel insertion threshold and
1379 the criticality threshold independently.

1380 **V. Procedural Standing**

1381 158. A plaintiff has procedural standing to enforce a procedural requirement
1382 designed to protect her concrete interests when violation of that procedure threatens
1383 those concrete interests. *Massachusetts v. EPA*, 549 U.S. 497, 517-18 (2007). [59]
1384 Procedural standing does not require the plaintiff to demonstrate that compliance
1385 with the procedural requirement would have produced a different substantive
1386 outcome.

1387 NEPA's EIS requirement, the ESA's Section 7 consultation requirement, the Clean
1388 Water Act's Section 401 certification requirement, the NHPA's Section 106
1389 consultation requirement, and the APA's notice and comment requirement are each
1390 procedural requirements designed to protect the concrete interests of persons living
1391 in and dependent on the environments affected by federal agency action. Each of
1392 those requirements was violated before the Ward 250 was deployed.

1393 Plaintiff lives in and is dependent on the Great Salt Lake terminal basin which is the
1394 commercial endpoint of the deployment program the Ward 250 initiates. Those
1395 procedural requirements were designed to protect precisely the interests Plaintiff
1396 holds. Plaintiff has procedural standing to enforce each of those requirements under
1397 *Massachusetts v. EPA*.

1398 VI. Zone of Interests

1399 161. Under the APA a plaintiff must also demonstrate that her interests fall within
1400 the zone of interests that the violated statute was designed to protect. *Bennett v.*
1401 *Spear*, 520 U.S. 154, 163 (1997). [60] Plaintiff satisfies the zone of interests test for
1402 each count.

1403 NEPA was enacted to protect the environmental and informational interests of
1404 persons living in environments affected by major federal actions. The Atomic
1405 Energy Act was enacted to protect the public from the dangers of unlicensed nuclear
1406 operations. The Endangered Species Act was enacted to protect the environmental
1407 interests of persons whose communities are affected by threats to listed species. The
1408 Clean Water Act was enacted to protect the water quality interests of persons
1409 dependent on navigable waters and their tributaries. The National Historic
1410 Preservation Act was enacted to protect the cultural and historic preservation
1411 interests of persons in communities where historic properties may be affected by
1412 federal undertakings. The Administrative Procedure Act was enacted to protect
1413 persons adversely affected by arbitrary and unlawful agency action.

1414 Plaintiff lives in and is dependent on the Great Salt Lake terminal basin which is the
1415 commercial endpoint of each federal action challenged in this complaint. Plaintiff is
1416 an active participant in the NRC proceeding governing the commercial deployment
1417 that will affect that basin. Plaintiff produced the only existing thermodynamic

1418 analysis of the consequences of that deployment for the basin and the population it
1419 serves. Plaintiff falls within the zone of interests protected by each statute at issue in
1420 this complaint.

1421 **VII. Standing Is Established Independently on Each of Three Grounds**

1422 164. Plaintiff's standing is established independently on each of the three injury
1423 grounds set forth in paragraphs 145 through 148. Injury in fact is documented
1424 through Plaintiff's residence in the affected watershed, Plaintiff's active participation
1425 in the affected NRC proceeding, and Plaintiff's informational injury from the
1426 government's formal refusal to produce analysis NEPA required. Causation is
1427 documented through the government's own docketed filings and the State of Utah's
1428 own formal submission to DOE three days before this filing. Redressability is
1429 documented on three independent grounds and survives both the fuel insertion
1430 threshold and the criticality threshold independently. Procedural standing is
1431 established under *Massachusetts v. EPA*. Zone of interests standing is established
1432 under *Bennett v. Spear* for each of the eight counts.

1433 **SECTION SEVEN: PRAYER FOR RELIEF**

1434 WHEREFORE, Plaintiff January Walker respectfully requests that this Court enter
1435 judgment in her favor and against Defendants and grant the following relief:

1436 **I. Temporary Restraining Order**

1437 A. Issue a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure
1438 65(b) immediately upon filing, ordering:

1439 1. Defendants Valar Atomics LLC and Isaiah Taylor, their officers, agents,
1440 employees, contractors, and all persons acting in concert with them, to immediately
1441 halt all fuel insertion activities at the Ward 250 reactor at the Utah San Rafael Energy
1442 Lab in Orangeville, Emery County, Utah, and to take no further action directed
1443 toward nuclear criticality pending further order of this Court;

1444 2. Defendants Secretary Wright and the United States Department of Energy, their
1445 officers, agents, and employees, to immediately suspend all authorizations,
1446 approvals, and operational certifications supporting Ward 250 fuel insertion and
1447 nuclear criticality pending further order of this Court;

1448 3. Defendants Secretary Hegseth and the United States Department of Defense, their
1449 officers, agents, and employees, to provide no further military support, personnel,
1450 equipment, or logistical assistance directed toward Ward 250 fuel insertion or
1451 nuclear criticality pending further order of this Court;

1452 4. All Defendants to preserve all documents, records, communications, and data
1453 relating to the Ward 250 deployment, the DOE Nuclear Reactor Pilot Program, the
1454 DOE categorical exclusion, the Ward 250 Preliminary Documented Safety Analysis,
1455 and all communications with the State of Utah regarding Operation Gigawatt
1456 pending further order of this Court.

1457 II. Preliminary Injunction

1458 B. Issue a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65(a)

1459 following notice and hearing, ordering that no fuel insertion, nuclear criticality, or

1460 operational certification of the Ward 250 reactor may proceed until each of the

1461 following statutory processes required by Congress has been fully completed and

1462 the results made available for public review:

1463 1. Defendant DOE to comply with 42 U.S.C. § 2133 by ensuring that no civilian

1464 nuclear reactor operates at the Ward 250 site without the NRC construction permit

1465 and operating license that statute requires. This Court decides what 42 U.S.C. § 2133

1466 requires as a matter of statutory interpretation under *Loper Bright Enterprises v.*

1467 *Raimondo*, 144 S. Ct. 2244 (2024). The pendency of *Last Energy v. NRC* in the

1468 Eastern District of Texas does not affect this Court’s independent obligation to

1469 construe the statute. That case challenges NRC licensing authority as a general

1470 matter. This proceeding enforces the statutory text against a specific deployment

1471 that has already occurred. The statutory question before this Court is discrete, ripe,

1472 and independent of the outcome in *Last Energy*;

1473 2. Defendant DOE to prepare and publish a full Environmental Impact Statement

1474 before any Ward 250 fuel insertion or criticality is permitted, analyzing the

1475 environmental consequences of the Ward 250 deployment and the commercial

1476 nuclear deployment program it initiates. That Environmental Impact Statement shall

1477 at minimum address the specific quantified question Plaintiff submitted to thirteen
1478 federal agencies on March 7, 2026, which no federal or state agency has answered on
1479 the record: what is the projected health of the Great Salt Lake including elevation,
1480 toxic dust exposure, brine shrimp viability, and lake-effect precipitation at
1481 operational license end and at 100, 300, and 1,000 years post-shutdown, accounting
1482 for 8.97 gigawatts of continuous waste heat into a terminal basin with no thermal
1483 exit pathway, the 43 percent probability of a Wasatch Fault magnitude 6.75 seismic
1484 event within 50 years, and simultaneous cooling water loss and radiological release
1485 into the primary water supply of 80 percent of Utah's population, and who is liable
1486 for the irreversible harm across the full decay timeline. This Court is not asked to
1487 determine what the EIS would conclude. It is asked to require that the process
1488 Congress mandated occurs before the deployment renders that process irrelevant;

1489 3. Defendant DOE to conduct Section 7 consultation with the United States Fish and
1490 Wildlife Service regarding effects on the Colorado pikeminnow and razorback
1491 sucker before any Ward 250 fuel insertion or criticality is permitted;

1492 4. Defendant DOE to obtain Section 401 water quality certification from the State of
1493 Utah before any Ward 250 fuel insertion or criticality is permitted;

1494 5. Defendant DOE to conduct Section 106 consultation with the Utah State Historic
1495 Preservation Officer and affected tribal governments before any Ward 250 fuel
1496 insertion or criticality is permitted;

1497 6. Defendant DOE to reinstate the ALARA radiation protection standard, the
1498 cognizant system engineer requirement, and the groundwater discharge
1499 prohibitions in effect before their elimination, and to publish any proposed
1500 modifications for public notice and comment as required by 5 U.S.C. § 553, before
1501 those standards govern any Ward 250 fuel insertion or criticality. The remedy for
1502 elimination without notice and comment is reinstatement of the prior standard
1503 pending lawful rulemaking;

1504 7. Defendant DOE to refrain from incorporating any Ward 250 authorization, safety
1505 analysis, or operational demonstration into NRC Docket Nos. 50-616 and 50-617 or
1506 any other NRC commercial licensing proceeding as a safety demonstration baseline
1507 until the statutory processes identified in paragraphs B.1 through B.6 have been
1508 fully completed and their results entered into the public record. Plaintiff is an active
1509 participant in NRC Docket Nos. 50-616 and 50-617. Incorporation of a deficient
1510 Ward 250 baseline into that proceeding before statutory compliance is achieved
1511 constitutes irreparable injury to Plaintiff's documented legal participation rights in
1512 that docket.

1513 **III. Permanent Injunction**

1514 C. Issue a Permanent Injunction following resolution on the merits, ordering:

- 1515** 1. Defendants Valar Atomics LLC and Isaiah Taylor to refrain from operating the
1516 Ward 250 or any other civilian nuclear reactor without the statutory licenses
1517 Congress requires;
- 1518** 2. Defendant DOE to refrain from authorizing civilian nuclear reactor deployments
1519 under the Nuclear Reactor Pilot Program or any successor program without full
1520 completion of all statutory processes required by the Atomic Energy Act, NEPA, the
1521 ESA, the Clean Water Act, the NHPA, and the APA, including an Environmental
1522 Impact Statement that addresses thermodynamic consequences across the complete
1523 physical liability period of the reactor;
- 1524** 3. Defendant DOE to refrain from applying categorical exclusions to civilian nuclear
1525 reactor deployments without documenting consideration of the extraordinary
1526 circumstances exception required by 10 CFR Part 1021 Appendix B;
- 1527** 4. Defendant DOE to refrain from modifying safety standards governing civilian
1528 nuclear reactor operations without compliance with 5 U.S.C. § 553;
- 1529** 5. Defendant DOE to refrain from incorporating any reactor authorization issued
1530 without full statutory compliance into any NRC commercial licensing proceeding as
1531 a safety demonstration baseline until all required statutory processes have been
1532 completed and their results entered into the public record.

1533 **IV. Declaratory Relief**

- 1534** D. Enter a declaratory judgment pursuant to 28 U.S.C. §§ 2201-2202 declaring:

- 1535** 1. That the Ward 250 deployment without an NRC construction permit and
1536 operating license violates 42 U.S.C. § 2133;
- 1537** 2. That DOE’s authorization of the Ward 250 deployment without an Environmental
1538 Impact Statement violates 42 U.S.C. § 4332;
- 1539** 3. That DOE’s elimination of ALARA, the cognizant system engineer requirement,
1540 and groundwater discharge protections without notice and comment violates 5
1541 U.S.C. § 553;
- 1542** 4. That DOE’s failure to conduct Section 7 consultation before authorizing the Ward
1543 250 deployment violates 16 U.S.C. § 1536(a)(2);
- 1544** 5. That DOE’s failure to obtain Section 401 certification before authorizing the Ward
1545 250 deployment violates 33 U.S.C. § 1341(a)(1);
- 1546** 6. That DOE’s and DOD’s failure to conduct Section 106 consultation before
1547 authorizing and executing the Ward 250 deployment violates 54 U.S.C. § 306108;
- 1548** 7. That DOE’s application of a categorical exclusion to the Ward 250 deployment
1549 without documenting consideration of the extraordinary circumstances exception is
1550 arbitrary, capricious, and without observance of procedure required by law under 5
1551 U.S.C. § 706(2)(D);
- 1552** 8. That DOE’s characterization of the Ward 250 deployment as limited research is
1553 arbitrary and capricious under 5 U.S.C. § 706(2)(A) because it is directly contradicted
1554 by DOE’s own documented conduct;

1555 9. That no DOE authorization issued under the Nuclear Reactor Pilot Program may
1556 serve as a commercial NRC licensing baseline under 10 CFR § 50.43(e)(3) until DOE
1557 has complied with every applicable federal statute identified in this complaint and
1558 the results have been entered into the public record;

1559 10. That the thermodynamic question Plaintiff submitted to thirteen federal agencies
1560 on March 7, 2026 is a question NEPA required DOE to answer before authorizing
1561 the Ward 250 deployment, that no federal or state agency has answered it on the
1562 record, and that it must be answered through a lawfully conducted Environmental
1563 Impact Statement before this deployment proceeds.

1564 **V. Additional Relief**


1565 E. Order expedited briefing and hearing on Plaintiff's motion for temporary
1566 restraining order and preliminary injunction given the imminent fuel insertion date
1567 and the July 4, 2026 criticality target;

1568 F. Order Defendants to produce within seventy-two hours of service all documents
1569 relating to the planned fuel insertion date for the Ward 250 reactor, which has not
1570 been publicly disclosed and which constitutes the true emergency threshold of this
1571 action;

1572 G. Order Defendants to produce within seventy-two hours of service all documents
1573 relating to the DOE categorical exclusion determination, including internal
1574 communications regarding the decision not to document consideration of the

1575 extraordinary circumstances exception and regarding the characterization of the
1576 Ward 250 deployment as limited research;
1577 H. Order Defendants to produce within seventy-two hours of service all documents
1578 relating to DOE's participation in Operation Gigawatt including all communications
1579 with the State of Utah regarding the Ward 250 deployment, the Holtec SMR-300
1580 deployment, the INL MOU, and the Nuclear Lifecycle Innovation Campus RFI
1581 response submitted March 31, 2026;
1582 I. Award Plaintiff her costs including reasonable attorney fees under the Equal
1583 Access to Justice Act, 28 U.S.C. § 2412, to the extent applicable;
1584 J. Grant such other and further relief as this Court deems just and proper.

1585 Respectfully submitted,

1586 
1587 _____ /s/

1588 January Walker

1589 Planetary Information Security Officer

1590 Plaintiff Pro Se

1591 Salt Lake City, Utah

1592 April 7, 2026

1593 ORCID: [0009-0000-6843-2051](https://orcid.org/0009-0000-6843-2051)

1594 _____

1595 CITATIONS

- 1596** [1] Walker J. Professional Biography and Credentials. Cybersecurity Executive.
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1807 **Exhibit B.** Plaintiff Correspondence Packet. Contains: Plaintiff's formal letters to all
1808 agencies and officials submitted March 7, 2026; all responses received including
1809 Office of Nuclear Energy response March 26, 2026, Response Department of Nuclear
1810 Energy, USGS Response April 1, 2026, and Utah DEQ GRAMA response received
1811 March 19, 2026; and Plaintiff's DOE Nine-Contradiction Reconciliation Demand
1812 dated April 3, 2026 and any response received.

1813 **Exhibit C.** Utah Department of Environmental Quality GRAMA & other response to
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1815 by Plaintiff March 19, 2026. DEQ does not possess any records matching Plaintiff's
1816 request. DEQ conducted a reasonable search. Under Utah Code Section 63G-2-
1817 201(8)(a) DEQ is not obligated to create new records.

1818 **Exhibit D.** Walker J. Draft Petition for Leave to Intervene and Request for
1819 Adjudicatory Hearing. In the Matter of SMR LLC Pioneer Units 1 and 2. Docket Nos.
1820 50-616 and 50-617. March 30, 2026.

1821 **Exhibit E.** Walker J. Pre-Litigation Notice to Valar Atomics LLC and Isaiah Taylor.
1822 April 3, 2026. Sent via email to isaiah@valaratomics.com,
1823 muhammad@valaratomics.com, mark@valaratomics.com, max@valaratomics.com.

1824 Includes email transmission record with timestamps. No confirmation of halt
1825 received.

- 1826** Exhibit F. Government Orders and Authorizations. Contains: Executive Order
- 1827** 14301, Reforming Nuclear Reactor Testing at the Department of Energy, May 23,
- 1828** 2025, 90 Fed. Reg. 24125; Executive Order 14300, Ordering the Reform of the Nuclear
- 1829** Regulatory Commission, May 23, 2025; DOE-NRC Memorandum of Understanding
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- 1831** Docket DOE-HQ-2025-0405; NRC Proposed Rule, 91 Fed. Reg. 16584, April 2, 2026,
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- 1833** Exhibit G. Twelve State Attorneys General. Formal Opposition to DOE Categorical
- 1834** Exclusion. Docket DOE-HQ-2025-0405. California Attorney General Rob Bonta lead.
- 1835** Filed before March 4, 2026 comment deadline.
- 1836** Exhibit H. News Articles. Contains: Snyder R. The Trump Administration Has
- 1837** Secretly Rewritten Nuclear Safety Rules. NPR. January 28, 2026. URL:
- 1838** [https://www.npr.org/2026/01/28/nx-s1-5277599/nuclear-safety-rules-trump-energy-](https://www.npr.org/2026/01/28/nx-s1-5277599/nuclear-safety-rules-trump-energy-department)
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1845 Exhibit I. State of Utah. Office of Energy Development. Operation Gigawatt: Utah

1846 Nuclear Lifecycle Innovation Campus. DOE RFI Response. March 31, 2026.

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- 1870** <https://www.valaratomics.com/docs>
- 1871** Exhibit R. Last Energy v. NRC. Filed December 30, 2024. Eastern District of Texas.
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- 1874** Exhibit T. DOE LPO Palisades. <https://www.energy.gov/lpo/holtec-palisades>
- 1875** Exhibit U. Holtec Tier 1 First Mover Award December 2, 2025.
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- 1877** Exhibit V. Walker J. Public Comment. NRC Docket NRC-2026-0265.
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- 1879** Exhibit W. Utah HB249. Nuclear Power Amendments. 2025 General Session.
- 1880** <https://le.utah.gov/~2025/bills/static/HB0249.html>
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- 1883** Exhibit X. Utah HB0078. Nuclear Regulatory Amendments. 2026 General Session.
- 1884** <https://le.utah.gov/~2026/bills/static/HB0078.html>
- 1885** Exhibit Y. INL MOU with State of Utah. April 28, 2025.
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- 1888** Exhibit Z. NOVA Core Cold Criticality. Los Alamos National Laboratory. November
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- 1891** Exhibit AA. KSL News. U.S. Military Airlifts Mini Nuclear Reactor. February 15,
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