

William D. (Bill) Peterson
 300-year SNF disposal solution
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U.S. COURT OF APPEALS FOR
 DISTRICT OF COLUMBIA CIRCUIT
 DEC 23 2005

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In The
 United States Court of Appeals
 District of Columbia Circuit
 333 Constitution Avenue NW, Room 5423
 Washington D.C. 20001
 Tel 202-216-7280

*A-2D
 (9/01-28)*

William D (Bill) Peterson	!	2nd
Intervener, Petitioner, Third Party Plaintiff	!	MOTION FOR JUDGMENT
v.	!	
State of Utah	!	
Re Governor Jon Huntsman,	!	Petition to Intervene
Mike Lee, Governor's General Counsel	!	special new information
Petitioner, Plaintiff	!	
v	!	
United States Nuclear Regulatory Commission	!	Spent Nuclear Fuel
Re Commissioners Peter Lyons & Greg Jaczko	!	Disposal Solution
Respondent, Defendant	!	
v.	!	PETITION
President George W. Bush	!	
Supreme Leader and Controller for	!	U.S. Case Item 05-1420
Spent Nuclear Fuel processing and	!	consolidated to 05-1419
Nuclear Waste Deposit Fund	!	Judge: _____

WILLIAM D. PETERSON'S SECOND MOTION FOR JUDGMENT

This is a matter of the need to dispose of spent nuclear fuel (SNF). Peterson's 300-year solution for disposal of SNF is the only known and offered way of disposing of SNF. The world is running out of oil for energy. A fuel will have to be manufactured. Hydrogen is the logical fuel to replace oil and coal. Nuclear power is the logical source of energy to manufacture hydrogen. CO₂ pollution from the burning of fossil fuel is causing air environment deterioration that is causing global warming. The U.S. imbalance of trade to purchase oil is creating economic trade imbalance impossible to the

survival of the economy of the United States. The only solution to solving the problems of the 3-Es (energy, environment, and economics) is to replace oil with hydrogen as the nation's operating fuel. This requires a solution for the disposal of SNF. Again, Peterson's 300-year SNF disposal solution is the only way known to dispose of SNF. Peterson's 300-year SNF disposal solution is the only way the U.S. can solve the 3-Es problems and survive.

Peterson moves that the court find that William D. Peterson and Indian Chief Leon Bear working with Private Fuel Storage (PFS) are the only entities working for a solution for disposal of SNF by the request and legislation of the Congress and the President through the Nuclear Waste Negotiators. Peterson is unique in this matter in that only he by his work has the Federal authority to work on the SNF matter and offer the 300-year disposal solution. So Peterson is the only entity having a solution for disposal of SNF and has the authority to be working on the federal issue. The Congress has created the Nuclear Waste Deposit fund to pay for an SNF disposal solution and this money should be going to Peterson to fund his making of the 300-year SNF disposal solution. Peterson in turn can fund INL for developing 300-year 5-9s reprocessing of SNF and fund PFS for a portion of the SNF intermediate storage.

In the mid-1970s President Jimmy Carter ordered the discontinuation of SNF processing that has forbidden U.S. government workers to do work that could have led them to the 300-year SNF permanent disposal solution. This government order needs to be lifted.

Disposal of SNF is a Federal issue in which Utah has never had authority to see or work in. Utah has no standing to bring issues of this matter against the U.S. Only Peterson and Chief Bear have standing to bring this matter against the U.S. Government. Peterson has rightfully petitioned to the U.S. for Federal Tort Act intervention. Also, for

Utah to have standing against the NRC, Utah would have to likewise petition for standing per the Federal Tort Act as has Peterson, but Utah has apparently failed to seek rightful permission.

Any problem Hill Air Force Base aircraft may have with flying around or over SNF storage or processing facility is a Federal problem and not a Utah problem. Hill AFB can either live with the fly over problem or close base operations. Developing the SNF disposal to enable nuclear-hydrogen to meet the needs of the 3-Es is far more important than the operations of Hill AFB. If Utah is going to gamble the future of Hill AFB against the development of nuclear-hydrogen, Hill AFB must lose.

From the onset, Utah has been in error about nuclear. Without credible scientific support Utah has fought against nuclear politically with slogans like "over my dead body", "don't waste Utah", and "pink clouds over my grandmother's house", used to scare Utah constituents to get their attention and their vote. It worked for Mike Leavitt; he was governor and then appointed Director of the EPA. But there he was crippled still carrying his phony fight against nuclear. There was simply no way he could contend with CO₂ pollution and the associated global warming. Nuclear-hydrogen is a very sophisticated scientific challenge. It will not be solved politically. Politicians must stand back and let the likes of Peterson's scientific team go forward!

Utah has no interest or intention in solving the SNF problem. If Utah did, Utah would be talking to Peterson's Board of Scientists and his Nuclear Solutions Group, even including prominent Utah scientists. Opposing nuclear is simply Utah's political policy. It's all a show. Utah's own scientific staff including Dr. Dianne Nielson and Dr. Laura Nelson cannot justify Utah's anti-nuke political stance. The solution for rightful disposal of SNF is right here in Utah, nowhere else, but Utah will not look at it, otherwise, Utah would be talking with Peterson!

All of this Utah admits. In answering the averments of Peterson's pleadings Utah has denied nothing. U.S. District Court Judge Tina Campbell in U.S. Utah case No. 2:01CV00270C ordered Utah to get out of the SNF issue, she ordered it's a federal issue. Peterson moves the appellant reaffirm the U.S. Utah court order and order Utah out. Peterson moves the court consider Peterson's subsurface storage design of the 300-year disposal solution and find the SNF would be substantially protected against aircraft impact. Peterson moves the court find this is an issue outside of the jurisdiction of Utah that can be seen and solved between PFS, Hill AFB, NRC, and DOE.

Peterson moves the court find President George W. Bush has lifted the order against allowing reprocessing of SNF and that it now can be done.

Peterson moves the court look at intended use of the Nuclear Waste Deposit Fund and get it back out of the U.S. Treasury General fund and into the hands of Peterson for implementation of the 300-year SNF disposal solution, which is the only known way to permanently dispose of SNF.

One 300-year storage disposal facility will cost around \$5 billion. One SNF reprocessing facility would cost about the same. In the next 15 years the U.S. will need to get operating around 2500 nuclear power plants, which will require four storage sites and two processing facilities, totaling around \$30 billion. Note that this is half the cost projected just to build Yucca Mountain. The antics of Utah has cost Peterson access to the Nuclear Waste Deposit fund, around \$3 million per day for five years, which is around \$5.5 billion, less than 1/5th of what his needed over the next 15 years. Peterson motions for an award of \$5.5 billion from Utah for the delay the unlawful acts of Utah delaying the \$30 billion dollar 300-year SNF disposal systems.

Dated this Wednesday, December 21, 2005.

William D. Peterson

CERTIFICATE OF E-mail SERVICE / DELIVERY

Copies of this MOTION were sent this date by Internet e-mail transmission to (1) Atomic Safety Licensing Board Judge G. Paul Bollwerk, III, Esq., Judge - Dr. Jerry R. Kline, and Judge - Dr. Peter S. Lam, (2) Nuclear Regulatory Commissioners Dr. Peters Lyons and Greg Jaczko, (3) Secretary of Energy Sam Bodman (4) Senate House Energy Committees, (5) OCRWM Director Jeff Williams, (6) EPA Director Betsy Forinash, (7) Governor of Utah Jon Huntsman, via Utah Governor Correspondent Jami Palmer, (8) Utah Governor Correspondent Anna Atwater (9) Utah Energy Adviser Dr. Laura Nelson, (10) Box Elder County Commission, (11) Park Valley Committee for Pigeon Spur SNF Work Employment, and (12) Grouse Creek Committee for Pigeon Spur SNF Work Employment. (13) PFS President John Parkyn, (14) Skull Valley Goshute Indian Chief Leon Bear, (15) Associated Press Writer Paul Foy. (16) Attorney Fred Nelson in Utah Attorney General Office. (17) Denise Chancellor in Utah Attorney General Office, (18) Saturday, mailed to Appellate Court in Washington D.C. (19) Hand delivered to Utah Attorney General office. (20) Emailed to Nuclear Advisory Board, (21) Emailed to Nuclear Solutions Group.

William D. (Bill) Peterson

December 21, 2005

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Also Scientific Advisers for Private Fuel Storage (PFS)

Relevant U.S. Patent Nos.: 5448604, 1995, on a railroad transfer system and No. 5862195, 1999, on dry-fluid storage. 300-yr solution Pat Pend. P&A Engineers proprietary and patented designs.

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