William D. (Bill) Peterson
300-year SNF disposal solution
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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

William D (Bill) Peterson	!	ANSWER
Intervener, Petitioner, Third Party Plaintiff	!	and
v.	!	MOTION FOR JUDGMENT
State of Utah	!	3rd
Re Governor Jon Huntsman,	!	
Mike Lee, Governor's General Counsel	!	Petition to Intervene
Petitioner, Plaintiff	!	special new information
v	!	
United States Nuclear Regulatory Commission	!	Spent Nuclear Fuel
Re Commissioners Peter Lyons & Greg Jaczko	!	Disposal Solution
Respondent, Defendant	!	
v.	!	PETITION
UNITED STATES OF AMERICA	!	
President George W. Bush	!	
Supreme Leader and Controller for	!	U.S. Case Item 05-1419
Spent Nuclear Fuel processing and	!	consolidated from 05-1420
Nuclear Waste Deposit Fund	!	Judge: _____
v.	!	
OHNGO GAUDADEN DEVIA	1	
Petitioner	!	
v.	!	
PRIVATE FUEL STORAGE	!	
Movant – Intervenor – Respondent	!	
v.	!	
Skull Valley Band of Goshute Indians	!	
Movant – Intervenor	!	

The Congress and President have legislated for Nuclear-Hydrogen fuel

The U. S. is facing five big problems, the need for a new energy to replace oil and coal, electricity to make hydrogen to replace oil and coal, environment degradation due to

use of oil and coal, an economic disaster from imbalance of trade, much from purchasing foreign oil, and a large need for new electricity for power for new domestic growth, see the new White House report on Energy for 21st Century. I call these the "5-Es".

The only real source of energy to fixing these five tasks is nuclear power. Everything else is toys or fantasy. But development of nuclear power is stymied until a solution for disposal of spent nuclear fuel (SNF) is found. Now Peterson proposes a new 300-year permanent disposal solution for SNF, which includes 5-9s processing and 300 years storage.

"A 300-year SNF disposal solution enables NUC-H_2 to fix 5-Es!"

1st E energy from hydrogen fuel for powering cars, trucks, and trains

2nd E electricity from 500 nuclear power plants to do electrolysis of water

3rd E environment fix, H_2 fuel reduces CO_2, which slows global warming

4th E economy of the United States, slow the outflow of jobs and money

5th E electricity for U.S growth, 1300 to 1900 new power plants over next 15 years

In more detail, by a newly discovered procedure of 300 years of storage of spent nuclear fuel (SNF), coupled with 5-9s (99.999%) separation of the transuranics from the fission wastes, using the separated transuranics to make new nuclear (NUC) fuel, the fission wastes decay and become low-level Class-C. With SNF permanently disposed of this way, the energy (1st E) of 500 new nuclear power plants can make electricity (2nd E) to separate hydrogen (H_2) out of water (H_20) to enable a new nuclear-hydrogen (NUC-H_2) industry to manufacture H_2 fuel which will power the engines of cars, trucks, and trains having the only product of combustion being water (H_20). This gives America H_2 fuel to replace dwindling fossil fuel energy (1st E), it helps the environment (3rd E) by reducing CO_2 emissions, which will slow down global warming. America's new ability to make

electricity (2nd E) and make its own H_2 fuel will reduce the U.S. imbalance of trade, which is a mounting economic (4th E) disaster.

A White House report on Energy for the 21st Century says that over the next 15 years the U.S. will need 1300 to 1900 new electricity (5th E) producing power plants just for domestic growth. The same report has no solution for SNF and projects no growth in nuclear power, and projects we will be short up to 950 power plants.

5 Es ARE FEDERAL ISSUES

5 Es – energy to manufacture H_2 to power transportation industry, electricity from nuclear power, slowing environment degradation, economic stability, and new domestic electricity are all Federal issues under the control of the Congress, President, and Cabinets.

The fixing of all 5-Es by the Congress and President depend on the nation's ability to build a nuclear-hydrogen industry, which depends on the nation's ability to dispose of spent nuclear fuel for which the only solution is Peterson's 300-year permanent disposal solution.

The 5-Es are under the President and Congress and subject to the regulations of the Department of Energy (DOE), Nuclear Regulatory Commission (NRC), Environmental Protection Agency (EPA), Department of Commerce (DOC), Federal Banking Commission (FBC), Federal Trade Commission (FTC), Bureau of Land Management (BLM), and Federal Transportation Commission (FTC).

In this court matter, all parties petitioning to the NRC do so subject to only what is allowed by the Federal Tort Law. Mind, in the 50 years of making up to 20% of the nation's power, SNF has harmed no one or the environment. OHNGO GAUDADEN DEVIA and the State of UTAH have no reason to bring this court action against the sovereign United States of America. OHNGO and UTAH have no reason to petition by

the Federal Tort Law to bring this action against the U.S. On the other hand, Peterson and Chief Leon Bear with his Skull Valley Band of Goshute Indian tribe, and contracted with them Private Fuel Storage, are working to do storage and disposal of SNF by their agreement with the Nuclear Waste Negotiators, David Leroy under the first President George Bush and Richard Stallings under President Bill Clinton. This was done by an Act of Congress that created the office of the Nuclear Waste Negotiator. The work of both Chief Bear and Peterson resulted in NRC Docket numbers 72 and 73, both resulting in proposed storage sites, and both resulting in license applications to the NRC. It has been a long process. Neither Peterson or Chief Bear has wavered in their intention to do their work projects. Both have and are proceeding as best as they know how and to the best of their abilities. Both have had setbacks. But neither has given up. Peterson's work has now resulted in finding a 300-year permanent disposal solution which will be offered at the Pigeon Spur site and others. Chief Bear's work has resulted in NRC proposing licensing in association with Private Fuel Storage (PFS). They both have reason and so have rights to petition to the U.S. via the Federal Tort Law, where OHNGO and UTAH do not!

SOME BACKGROUND OF NUCLEAR REQUIREMENT

After ending the Japan war with the U.S. in 1945, with the dropping of two atomic bombs, American scientists harnessed atomic fuel made from uranium, and the U.S. Nuclear Regulatory Commission (NRC) issued operation licenses. U.S. utilities have since built and operated 103+ electricity making nuclear power plants, now having operated for 50 years, now making 20 % of our nation's electricity. Only about three percent of the uranium in fuel in the rods is used before the fuel becomes cluttered with isotopes and then the fuel is declared spent, i.e. spent nuclear fuel (SNF). In the atomic

reaction plutonium Pu_{239} is made. As a plant continues to operate part of the Pu_{239} becomes heavier isotopes Pu_{241} and Pu_{242}.

So plutonium is only man made, it does not occur naturally. In a utility reactor, in around two years, when the plutonium becomes over 10% to the heavier Pu_{241} and Pu_{242} isotopes, the plutonium becomes difficult to trigger as a bomb, so loses its practicality for use in a weapon. Just a thought, it would be better to provide or sell older "used" fuel to nations with questionable intentions.

In the early 1970s President Jimmy Carter feared that SNF would get into wrong hands and the plutonium would be separated out and used to make hostile weapons. So the President stopped reprocessing of SNF. This also stopped research of SNF processing.

Years ago, Peterson began speculation for some combination of some high degree of processing of SNF, using the transuranics in new fuel, and a combined time of storage of the fission wastes for its decay that would eventually yield the SNF permanently disposed of. 300 years turned out to be good speculation. 5-9s (99.999%) separation of the transuranics from the fission wastes was established to be the required separation.

For over three years Peterson has been telling of the invention of a 300-year, 5-9s separation process using the 97% part uranium plus transuranics to make new fuel and putting away the 3% fission waste part as low level Class-C. INL, Argonne, and DOE scientists have demonstrated that this will work U.S. Government scientists would have likely discovered this had not President Carter stopped processing. The invention of Peterson remains unchallenged.

THE STATE OF UTAH CONTENTION WITH NUCLEAR IS ALL POLITICAL

The State of Utah announced it is doing everything it can to stop spent nuclear fuel (SNF) from leaving its originating nuclear power plants. In other words, Utah's

Governor says he will stop nuclear power. Years ago, upon Peterson's questioning why, Utah Director of Environmental Control Dr. Dianne Nielson said that it was Governor Leavitt's (i.e. the State of Utah) policy. She never gave further explanation.

Utah does not want to see a solution for SNF disposal. Utah's Governors and members of the Washington delegation do not want to meet with Peterson or his advising scientists and see the 300-year SNF disposal solution. In response to such a recent request for a meeting, a representative's deputy wrote back saying: ***"Please remove me from your mailing list. The information you have presented herein and in the past has been reviewed by members of the Utah delegation (and we have all spoken with you, contrary to your stated claim) and we reject your proposal."*** Utah's Governor and Washington delegation have no one qualified to understand and make scientific judgment of Peterson's SNF disposal solution. Mind again, President Carter's order stopping SNF re-processing stopped government-funded work in this subject. It has taken Peterson's team some good amount of piecing together a lot of little known science to arrive at the 300-year solution. The 300-year storage solution for SNF works for all solutions for disposal of spent nuclear fuel being considered. We actually have hundreds of years to develop the 5-9s processing, but for this, INL and Argonne chemists have demonstrated doing this. We can do this!

CONCLUSION

Disposal of SNF is a highly scientific issue. Utah is fighting SNF disposal only for personal political gain. Nuclear power and SNF are strictly Federal issues and Utah has been so ordered. Utah has no basis in the Federal Tort requirement bring the matter before the U.S. Government. Utah has been so ordered. Actually SNF storage or an SNF spill in 50 years has never endangered anyone. Utah is inventing phony problems. As a scientist working on this, these are our problems, which we are handling. Any potential

problem with Hill AFB aircraft crashing into an SNF storage facility has been declared a minor problem. By Peterson's design it will never be a problem.

Utah is wrongly using OHNGO GAUDADEA DEVIA as a front to make this contention. Utah is flaunting their opposition to U.S. District Court Judge Tina Campbell's order to Utah to get out and stay out of nuclear and SNF matters, that they are Federal issues and none of Utah's business.

MOTIONS

Peterson motions that the Appellate Court reaffirm the Federal Primacy order of nuclear matter by U.S. District Court Judge Tina Campbell. Peterson motions for orders of sanctions against Utah. Utah has cost Peterson and his company and associates, and the U.S. Government, five years of misuse of the Nuclear Waste Deposit Funds. These funds by now should have licensed, built and be operating Pigeon Spur storage relief to the utilities. This would allow them to be building the nation's nuclear-hydrogen industry. This loss to Peterson is potentially the money of the NWDF, $3m per day, for five years or around $5 ½ billion, around the cost of building the first SNF storage facility that should have been built by now, except due to the phony political interference of Utah. The cost to the U.S. and its economy is probably a thousand times greater. Currently import oiled is costing us $1.4 billion per day.

So Peterson motions for sanctions against Utah of $5.5 billion, very little compared to what Utah is costing the nation. If the court does not accept this, Peterson proposes sanctions for what Utah already owes Peterson, $16.2 million plus 1% interest per month, going back to Utah's basic error in the Vitro move which Peterson fixed, but was never paid for, now with interest worth say $50 million.

Utah here gambles in the Appellate Court for a political victory to continue to hamper the development of nuclear power. Utah is gambling that there is no solution for disposal

of SNF. Peterson proposes that Utah can lose this gamble if there is a disposal solution for SNF. Peterson proposes the 300-year disposal solution and motions for his win and Utah's loss,

Information at four web sites supports this paper and motion: http://www.endofoil.us , http://www.spentnuclearfuel.com , http://www.nuclearhydrogen.com , and http://www.deficitrecovery.com (this 15 year old site is now under reconstruction).

Dated this 30th day of December, 2005.

William D. Peterson, Movant - Intervenor
Nuclear Materials Disposal Engineer
Operations Research Engineer

CERTIFICATE OF DELIVERY
On this day a copy of this pleading was had delivered to the receiving office of the Utah Attorney General. (Jennifer Welsh) 30th December, 2005

William D. Peterson

CERTIFICATE OF E-mail SERVICE where possible / otherwise U.S. mail 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. (22) OHNGO GAUDADEN DEVIA, (23) PRIVATE FUEL STORAGE, (24) Skull Valley Band of Goshute Indians

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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. CO_2 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 forbiden 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 CO_2 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.

CERTIFICATE OF E-mail SERVICE / DELIVERY

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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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Supreme Leader and Controller for	!	U.S. Case Item 05-1420
Spent Nuclear Fuel processing and	!	
Nuclear Waste Deposit Fund	!	Judge: _____

POINTS:

1. Utah is pressing for involvement in spent nuclear fuel (SNF) which is a Federal matter in which U.S. District Court Judge Tina Campbell has ordered Utah out.

2. Disposal of spent nuclear fuel is a Federal matter. It is not a State of Utah matter by order of U.S. District Judge Tina Campbell in U.S. District No.2:01CV00270C.

3. The Congress created the office of Nuclear Waste Negotiator who initiated the current posture in which solutions for SNF disposal are now offered.

4. By Utah's petition for review of the Federal posture of the SNF matter by the U.S. Appellate court, Utah opens confrontation with Private Fuel Storage, Goshute Indian Chief Leon Bear, and William Peterson who are lawfully working in the matter, where Utah is not!

5. Now Utah again risks being subject to Federal orders to cease and desist activities it is using to thwart the development of nuclear energy, which is needed to save the nation from the 3-Es: running out of energy, environmental damage, and economic disaster.

6. Utah is causing delays in the development of crucially needed new nuclear energy, costing losses to Peterson, PFS, and INL of at least the Nuclear Waste Deposit fund, now standing at $3 million per day. Actually this amount needs to be 25 times greater or $75 million per day (2500 plants in 15 years see White House Energy report). This does not take into account any of the damages due to the deficiencies caused in the 3-Es, which is much greater.

MOTION FOR JUDGMENT:

1. Utah admits the averments of Peterson petition, by its failure to answer.

2. Utah has no solution for spent nuclear fuel (SNF) disposal. Utah does not work to make any solution for SNF disposal. Utah has only a policy to keep nuclear energy matters out of Utah. Utah's interests in SNF disposal are solely political to gain personal public attention.

3. Utah lacks statutory standing, knowledge, scientific support, and even interest in the issues to attain an SNF solution, and so Utah does not work for a solution in the SNF issue.

4. Peterson and Indian Chief Leon Bear, have rightfully responded to the legislation of the Congress via the Presidents' via the Nuclear Waste Negociators and rightfully work for disposal solutions for SNF. They are solely and uniquely postured to do this work.

5. Peterson and Bear each offer potential SNF storage sites needed by the nuclear utility industry to continue operations and even grow. No other storage alternatives are offered.

6. Peterson offers a 300-year solution for permanent disposal of SNF. No other permanent disposal solution is offered, available, known, or possible.

7. Utah had its votes in this issue in the Congress, and the Congress and Presidents have made the current law and posture for SNF disposal.

8. Utah has wrongfully invented and made wrongful opposition to nuclear power. Utah has wrongfully deterred and delayed the development of nuclear power for two decades that has caused deficiencies and troubles in U.S. energy, environment, and economy.

9. Utah has brought the SNF disposal issue to this appellate court. There are issues that need to be resolved or else the intentions of the Congress for U.S. energy needs, environmental pollution and global warming problems, and U.S. economic balance of trade problems cannot be resolved.

10. Utah has created huge extraneous problems that have filtered into every state in our Nation that now hampers all the members of Congress ability to deal with the SNF issue.

11. The situation is so messed up by Utah's political misrepresentations that this matter needs orders from the court to get the issues rightfully back on track for the Congress and President.

12. Peterson moves the Appellate Court ratify the U.S. District Court order of Judge Tina Campbell in U.S. District No.2:01CV00270C.

13. The utilities are now expected to store SNF at their own expense despite the stipulation of the Federal Government contract requiring that SNF belongs to the Government and after 5 years the Government is required to take possession of SNF and remove it from utility sites. The nuclear utilities will not both pay for storage, reprocessing, and disposal of SNF and also pay one mil per kWh into the Nuclear Waste Disposal Fund. The Federal Government must get square with the nuclear utilities.

14. Peterson moves the Appellate Court move the payment of the Nuclear Waste Deposit fund back from the U.S. General fund to Peterson, Bear, Private Fuel Storage, and the Idaho National Laboratory (all work with NRC oversight) for development of intermediate storage and 5-9s reprocessing of SNF that will attain its permanent disposal according the 300-year disposal solution.

15. Peterson moves the court find Utah's activities in SNF disposal unlawful and contrary to Congress's legislation and order of the U.S. District Court order of Judge Tina Campbell in U.S. District No.2:01CV00270C. Peterson moves Utah be assessed for damage it has caused.

16. It has taken two decades to posture this. We do not have time to do this over again.

Dated this 17th day of December, 2005.

William D. (Bill) 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, Dec 17, 2005, mailed to Appellate Court in Washington D.C. (19) Monday Dec 19, 2005 Hand delivered to Utah Attorney General office. (20) Dec 17, 2005, Emailed to Nuclear Solutions Group.

William D. (Bill) Peterson
December 17, 2005

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ATTACHMENTS:
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Local News Paper Articles

Salt Lake Tribune Saturday, December 17, 2005
Utah scores in nuke-dump fight
Skull Valley: The bill would stop a rail line to a proposed nuclear storage site
Wilderness: The bill blocking a rail line to the PFS site clears key panel leaders.
By Robert Gehrke WDP file: c:\p\nuc\L\UTvNRC\T121705list.doc

Deseret Morning News Saturday, December 17, 2005
Utah nuclear waste foes 'wild' about defense bill
New wilderness would block Skull Valley rail line
By Suzanne Struglinski WDP file: c:\p\nuc\L\UTvNRC\D121705wild.doc

Deseret Morning News Saturday, December 17, 2005
Hatch says his Yucca opposition helps Utah
By Suzanne Struglinski WDP file: c:\p\nuc\L\UTvNRC\D121705Hatch.doc

Deseret Morning News editorial Saturday, December 10, 2005
Don't let up on nuke fight
WDP file: c:\p\nuc\L\Dfight12105.doc

Salt Lake Tribune, Saturday, Dec 17, 2005

Article Last Updated: 12/17/2005 01:56:31 AM

Utah scores in nuke-dump fight

Skull Valley: The bill would stop a rail line to a proposed nuclear storage site

Wilderness: The bill blocking a rail line to the PFS site clears key panel leaders

By Robert Gehrke
The Salt Lake Tribune

WASHINGTON - Utah's congressional delegation achieved a significant, hard-fought victory Friday in its effort to block a nuclear waste storage site in the state, winning approval of a wilderness area aimed at blocking a rail line that would deliver the waste.

The Cedar Mountain wilderness language was approved by leaders of the House and Senate armed services committees after a weeks-long push by Utah members of Congress who were aided by Gov. Jon Huntsman Jr., environmental groups and Nevada Democratic Sen. Harry Reid.

The creation of the 100,000-acre wilderness area would prevent the preferred route for a rail line to the Skull Valley Goshute Indian Reservation 45 miles southwest of Salt Lake City, where a group of electric utilities known as Private Fuel Storage has won a license to store 44,000 tons of high-level radioactive waste from nuclear power plants until a permanent home is built in Yucca Mountain, Nev.

"It does not take all their potential routes away . . . but it has slowed down the process and made that more difficult to accomplish," said Rep. Rob Bishop, R-Utah. "We have put a big nail in the coffin, but it's not dead yet and we must dedicate ourselves to working forward to make sure this is killed once and forever."

Backers of the wilderness also say it assures the Air Force will be able to continue to use the Utah Test and Training Range. There was concern that jets would not be able to fly over the waste site to the range, limiting its usefulness.

"This is a significant impediment for Private Fuel Storage's plan to store spent nuclear fuel in Skull Valley and Governor Huntsman is very happy about it," said Mike Lee, counsel to the governor.

PFS has said the wilderness area would not block construction of the site, but would only force the

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Recent Coverage

- BLM to seek more comment on transporting N-waste, (12-09-05)
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- Utah nuke case gets dumped by courts, (12-06-05)
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- Unlikely ally aids foes of N-dump, (11-09-05)
- Utah's delegation optimistic on plan to block nuke dump, (11-08-05)
- N-waste plan hits a new obstacle, (11-02-05)
- Homeland security reports on Skull Valley facility, (10-29-05)
- Hatch is sticking with White House on Yucca, (9-22-05)
- Gov calls feds out on waste, (9-13-05)
- Utah vows to keep fighting nuclear-waste

consortium to rely on the riskier option of trucking the waste on the two-lane Skull Valley highway.

"We do have another transportation option. It is not our preferred option, but nevertheless, we can carry spent fuel safely on Skull Valley Road if that's the way the Utah delegation insists it be done," said Sue Martin, PFS spokeswoman. "If we do it that way, it will be done safely."

But changing plans could create headaches for PFS. Bishop said the alternate routes are not "as efficient, effective or easy as the rail spur that was proposed."

"Those roads would be immensely expensive and difficult to do," said Sen. Orrin Hatch, R-Utah. "It would be very expensive and there would be lots of litigation if they want to use that road."

The wilderness language was adopted as part of a broader Defense Department policy bill after the leaders of the House and Senate armed services committees wrapped up differences in the final version of the bill.

Both the House and Senate must give final approval to the bill and it must be signed by the president, but those actions almost certain to happen.

The wilderness legislation appeared to be dead as recently as Thursday.

Nevada Sen. John Ensign, a member of the Senate group negotiating the bill, was steadfastly opposed to it, in part because of ill feelings from Hatch and Sen. Bob Bennett's votes in 2002 supporting construction of Yucca Mountain.

But Hatch, Bishop and Ensign met Thursday in Hatch's office in the Capitol and came to an agreement on the provision. Neither Hatch nor Bishop would say what made Ensign change his mind.

Ensign's spokesman, Jack Finn, said that Ensign "came away convinced that, in the Utah delegation, Nevada has an ally in exploring viable alternatives to the nuclear waste storage issue."

The final language included in the defense bill is actually a somewhat watered-down compromise Bishop's original bill that passed the House. It creates a wilderness area but, unlike the original version, would not impose other restrictions on the use of the federal land surrounding the reservation.

Also, it would leave in place a provision requiring the Air Force to report on how nuclear waste storage might impede the military's use of the Utah Test and Training Range, adjacent to the reservation, before the Bureau of Land Management can approve a rail line to the reservation.

With the wilderness in place, Bishop's original language would have lifted the Air Force's obligation. That would have given the BLM the ability to change its management plan for the area, something it can't currently do.

The inclusion of the Cedar Mountain language marks the culmination of a bid five years ago by Rep. Jim Hansen, who has since retired, to slip wilderness language into the bill.

The Hansen version was opposed by environmental groups, who said it was watered down and would not protect the land, and was blocked by Democrats.

Since then, the Utah members have tried several times to pass Cedar Mountain wilderness legislation as part of the PFS fight. This time, after months of negotiation, Bishop had the backing of environmental groups, who fought for the measure. If it wins final approval as expected, the Cedar Mountain area would be the first wilderness created in Utah since 1984.

"This legislation accomplishes something that's never been done before in Utah - unanimous agreement on a Utah wilderness proposal that truly protects Utah's deserving wilderness," Scott Groene, executive director of the Southern Utah Wilderness Alliance, said in a statement. "This kind of wilderness agreement was made possible by the years of work that Utah wilderness activists have poured into protecting Utah's redrock country and deserts."

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Deseret News.com Saturday, December 17, 2005

Utah nuclear waste foes 'wild' about defense bill

New wilderness would block Skull Valley rail line

By Suzanne Struglinski
Deseret Morning News

House and Senate negotiators have agreed to include Rep. Rob Bishop's Cedar Mountain Wilderness Area in a massive defense bill. The House and Senate must approve the final version, and the president must sign it before it becomes law.

The proposed protected area includes land where PFS would like to build a railroad to move waste to the proposed storage site on Goshute Indian reservation land in Tooele County's Skull Valley.

nuclear waste still could be moved via trucks to the proposed Private Fuel Storage site, according to PFS spokeswoman Sue Martin. She had not seen a copy of the final language of the proposed bill, so could not comment specifically.

The state, however, has also vowed to block transport of waste over its highways.

Martin said it is safer to move waste via rail in an area where no one lives, rather than on trucks. She said PFS chose rail as its preferred option if the nuclear waste proposal eventually comes to fruition, but the license application also includes the truck option.

Utah's congressional delegation realizes this does not kill the storage site proposal, but members were still ecstatic the wilderness area language stayed in the bill, saying it is another step toward blocking the PFS project entirely.

"This is a time when this delegation, which may be small in number, proves it can pack a pretty good punch," said Rep. Jim Matheson, D-Utah. "We may only be five, but I think this delegation can get a lot done in this country and in this Congress."

Bishop, a Utah Republican, originally introduced the bill in March and was able to attach it to the House version of the 2006 National Defense Authorization bill. Former Rep. Jim Hansen had originally introduced the idea of using wilderness designation to block PFS before he left Congress.

As Congress tries to wrap up its business for the year, weeks of discussion and intense lobbying, including a personal visit from Gov. Jon Huntsman Jr. last week, kept the provision in the defense bill. There was optimism but little certainty, particularly in the past few days, on what the final outcome would be. After a Thursday night meeting with Sen. John Ensign, R-Nev., the delegation was relieved to know it would stay.

"We have eliminated the preferable route for the Private Fuel Storage consortium to take a rail spur into Skull Valley," Bishop said. "We have put a big nail in the coffin, but it's not dead yet."

Bishop emphasized that his proposed legislation does not take all of PFS's

potential routes away, but that it would slow down the process and "make it more difficult to accomplish."

Sen. Bob Bennett, R-Utah, said there is still more to do to block PFS, but this is "a significant step forward militarily and environmentally, and we can all rejoice that we find ourselves in the position we are in."

The final language is not identical to what Bishop proposed in March but a good compromise, according to the delegation. It would protect the fly-zone around the southern portion of the Utah Test and Training Range and the land under it.

Sen. Orrin Hatch, R-Utah, said it was a "major achievement" just to protect Hill Air Force Base, which operates the range, but he said it was also a "serious blow" to PFS, especially when coupled with the the fact that a financial backer has pulled out and the Bush administration is working against it.

Rep. Chris Cannon, R-Utah, said this is a critical moment in the fight against the storage site. "Utah should celebrate, because we are not going to be a dumping ground for nuclear rods," Cannon said.

The Southern Utah Wilderness Alliance, which supported Bishop's effort, said that once approved, the new wilderness area would break the 20-year lag since the last time any Utah land received such a designation.

"With the passage of this legislation, not only will Utah get its first new wilderness area in two decades, but Congress will have taken the first significant step in protecting Utahns and other Americans from transportation and storage of this dangerous material," said Lawson LeGate, senior Southwest representative of the Sierra Club.

The delegation said it will continue to work on ways to fight PFS, including getting more companies to drop out of the project and potentially passing legislation that would block PFS's trucking option as well.

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Deseret news.com Saturday, December 17, 2005

Hatch says his Yucca opposition helps Utah

By Suzanne Struglinski
Deseret Morning News

WASHINGTON — It's four against one in Utah's congressional delegation when it comes to Yucca Mountain, but Sen. Orrin Hatch, R-Utah, believes his reluctance to go against the proposed nuclear waste repository in Nevada has kept the Bush White House on Utah's side in fighting Private Fuel Storage.

Yucca Mountain, in Nevada, was selected as a site for permanent storage of nuclear waste. PFS wants to temporarily store such waste in Utah's Goshute Indian reservation in Tooele County's Skull Valley. Both proposals have generated extreme controversy.

"I stick with the administration, which is ultimately the only way to kill this (PFS) project," Hatch said in an interview.

As the five congressional members stood shoulder to shoulder at a press conference Friday announcing the latest turn in the fight against the proposed nuclear waste site planned for Skull Valley, each acknowledged the others' efforts in getting the job done. Hatch praised his colleagues' work but also focused on help from the White House.

"We need to get continued support of this administration to put this issue to bed with regard to Skull Valley once and for all," Hatch said.

House and Senate negotiators approved Rep. Rob Bishop's Cedar Mountain Wilderness Area in the 2006 National Defense Authorization bill. Although the bill still awaits final passage, the Utah Republican is confident it will make it through. The wilderness designation would rob PFS of a preferred site for a rail line to carry waste to the Tooele site.

The House approved Cedar Mountain earlier this year, but it took intense lobbying and a day-by-day effort to convince lawmakers to keep it in. Hatch said the White House sent people to the Hill to discuss the eventual compromise, something that he thinks would not have happened if he opposed Yucca.

In September, Sen. Bob Bennett, R-Utah, made a Senate floor speech withdrawing his support for the proposed nuclear waste repository at Yucca Mountain, 90 miles northwest of Las Vegas. Hatch and Bennett had voted to move the project forward in 2002.

But Hatch did not withdraw his support, and he says that by sticking with Yucca, which the administration strongly supports, he has been able to get help that will make a difference in the fight against PFS.

"I have never felt good about having to vote for Yucca Mountain, except I understand we need Yucca Mountain," Hatch said in an interview this week.

Bennett's Yucca opposition aligned him with Senate Minority Leader Harry Reid, D-Nev., who strongly opposes Yucca. This also brought him Reid's power to convince Democrats to vote with Utah. Meanwhile, Hatch stuck with the White House, drawing a distinction between the delegation that Hatch says is not going to hurt.

"I decided that I had to work the other side, in spite of criticisms, because if we ever failed just because we were on one side, with one approach, all of us

would rue the day," Hatch said.

Hatch said Air Force Secretary Michael Wynn would not have written a letter last week acknowledging that the Cedar Mountain Wilderness Area would help protect the training range, which is operated by Hill Air Force base, had he not worked with the administration.

"That letter was the key letter that opened the door," Hatch said. "Without the administration, this would not have happened. It's very, very difficult to resolve these kinds of issues because there are all kinds of interests and interest groups."

Hatch said the Bureau of Land Management's decision last week to reopen the public comment period on the proposed right-of-way for the PFS rail would not have happened without the administration's support.

When Hatch also announced last week that Xcel Energy was putting a hold on its funding for PFS and Southern Company announced it was dropping its support completely, Hatch emphasized the administration helped bring those moves about, but he would not go into details how. He said his current seniority and his expected future role in the Senate are important in his arguments for the companies to drop out of the PFS plan.

"They know this is important to me, and I am important to them," Hatch said in an interview.

Hatch has taken the lead on working with the companies because he is slated to be Senate Finance Committee Chairman in 2008, if re-elected in 2006 and if the Republicans keep a majority in the Senate. The committee would handle any type of tax that might be imposed on power companies.

Rep. Chris Cannon, R-Utah, said taxes are a big deal to power companies because other costs are fixed and they are running at 110 percent of their capacity.

Hatch said "Reid's side" is covered by the rest of the delegation and his tenure in the Senate will only help him.

"The only way to kill this project is through the administration," Hatch said in an interview.

But Bennett said nothing has changed with the administration since his Yucca switch.

"I have not received a single comment from the administration since I gave my speech," Bennett said. "They have not made any indication whatsoever that they were in any way unhappy."

Bennett said his alliance with Reid helped the language geared to create Cedar Mountain Wilderness Area to remain in the defense bill. He said the language would always pass the House but would never make it in the Senate.

"We've now come to a different time in the Senate, it's a different atmosphere over here," Bennett said.

He emphasized there was a new willingness on behalf of other states to work on this issue. A growing sentiment among some that nuclear waste should be stored where it is created may fuel some rethinking.

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

THE SOVEREIGN CONGRESS AND PRESIDENT

1. Peterson herewith seeks a novel and unprecedented judgment for support for development of disposal of spent nuclear fuel (SNF), his permanent 300-year solution, Ref Rayonier, Inc. v. United States, 352 U.S. 31, 319, 77 S. Ct. 374, I L. Ed. 2d 354 (1957).

2. Peterson herewith pleads for consent to bring this action against the sovereign United States of America to enable money in Congress's created NUCLEAR WASTE FUND to be used for the disposal solution for SNF, even the permanent 300-year solution. Peterson proposes to do the intermediate storage and proposes that the Idaho National Laboratory (INL) develop and do the 5-9s separation of the transuranics from the fission wastes.

3. The Federal Tort Claims Act is such a statutory waiver for use in this matter.

4. The Congress has the SNF disposal problem, and supports the Yucca Mountain (YM)

solution, but YM does not work for new nuclear power plants.

5. The 300-year disposal solution is the only way known of permanent disposal of SNF.

6. The proposed intermediate storage of the 300-year SNF disposal solutions supports all dispositions of SNF being considered.

7. The President and Congress need this judgment for Peterson, to enable Peterson to make the 300-year solution for the President and Congress.

STANDING

11. Petitioning Intervener Peterson rightly works to do a solution for spent nuclear fuel (SNF) disposal beginning about 1992, in response to solicitations of Congress made from the office of the Nuclear Waste Negotiators, David Leroy under President Bush, and Richard Stallings under President Clinton.

12. To make Pigeon Spur, Peterson has a scientific support team who individually are some of the Nation's most prestigious nuclear scientists. In contrast, Utah has no credible scientific support and no statutory standing to see the matter. Utah politicians are in this matter solely to gain public attention for better personal political posture.

13. Utah is not a SNF disposal solution engineer entity, as is Peterson. This is a highly scientific issue. Utah opposes nuclear power as a matter of policy. Utah has no solution to disposal of SNF. By its policy, Utah opposes nuclear power. To oppose nuclear power and disposal of SNF, Utah has invented problems and has been misleading their constituents.

14. Disposal of spent nuclear fuel (SNF) is ordered to be a Federal issue, not a State issue. Peterson has sued the State of Utah (U.S. District No. 2:01CV00170C) and Private Fuel Storage (PFS) has sued Utah (U.S. District No. 2:01CV00270C). U.S. Courts have determined and ordered that SNF is not a Utah issue, it's a Federal issue, the U.S. Government has primacy.

15. Peterson's Pigeon Spur site (was NRC Docket No. 72-23) is an alternative to PFS Goshute site (NRC Docket No. 72-22).

16. Pigeon Spur does not have the Hill AFB fly over problem, close seismic activity, close proximity to Salt Lake City, but is on an existing railroad where Goshute's are 31 miles from RR.

17. Peterson's Pigeon Spur has a development history that could allow it to be immediately NRC licensed. Peterson will ask this of NRC.

18. Utah has wrongly taken Peterson's ability to finance Pigeon Spur NRC licensing, when Peterson engineered the moving of the Vitro uranium tailings, a State of Utah project, but then Utah altered court records in 900900523 and 950030, so Peterson lost his income and business.

19. Peterson has voted his support for Utah's Washington Congressional Delegation. However they do not support Peterson, but instead they support Utah's former Governor Mike Leavitt and new Governor Jon Huntsman in their stand to oppose nuclear power.

20. Utah is abusing the Democratic System of the U.S. Constitution of the United States. Utah had their vote but then instead of supporting the majority, Utah has made a phony platform and fights the other 49 states. Utah is dangling the Constitution of the United State on Utah's thread instead of rightly participating in the Democratic process.

21. Peterson has conceived and proposes the 300-year solution for permanent disposal of SNF to enable a nuclear-hydrogen energy alternative for end-of-oil, to reduce CO2 to slow the environmental global warming, and make the U.S. energy independent for economic independence (3Es).

22. While Peterson works for a solution for the 3Es (energy, environment, and economy), Utah's Governor and Congressional representatives have no solution for any of the 3Es. Utah's only objective is to fight against nuclear energy, and keep nuclear energy out of Utah. This is Utah's policy. This is a solely politically based policy. Otherwise, Utah would talk with us.

REQUIREMENT

31. Title 10 -- Energy, of Federal Regulations, has enabled the U.S. Department of Energy (DOE) to contract with Electric Utilities so that 103 nuclear power plants produce 20% of our nation's electric needs. Part 72 is the Licensing requirement for storage of spent nuclear fuel (SNF).

32. The DOE is contracted to take SNF from the plant sites after 5 years of water storage.

33. But the DOE has no facilities for SNF storage or disposal. So the DOE is in default for their failure of SNF possession. Water storage of SNF at plant sites now average over 20 years.

34. Without a disposal solution for SNF new nuclear power plants cannot be operated.

35. For domestic growth and to manufacture hydrogen for fuel to replace oil at the coming end-of-oil and to replace coal fueled plants, over the next 15 years the U.S. needs upwards of 2400 new nuclear power plants. On the Web see White House report on energy needs for the 21st century, at http://www.whitehouse.gov/energy/Chapter5.pdf .

36. A 300-year disposal solution for SNF consisting of 5-9s separation of the transuranics to be used as new fuel, then in 300-years the fission waste is disposed of as low level Class-C. Then SNF is permanently disposed. See http://www.spentnuclearfuel.com , http://www.endofoil.us and http://www.nuclearhydrogen.com .

37. But in 1970 President Jimmy Carter stopped SNF processing. This stopped DOE development of SNF processing disposal. President Bill Clinton has since put the Nuclear Waste Deposit Fund (NWDF) money into the U.S. General Fund.

38. The Bush administration and DOE are currently reviving development of advanced fuel reprocessing with technology development coordinated at the INL.

39. The NWDF needs to go for construction and operation of four near surface storage and disposal facilities and one new SNF processing plant, according to the 300-year disposal design.

40. For SNF disposal in the 21st century, sixteen 300-year storage / disposal plants and three processing plants will be required.

41. The court needs to order that part of the NWDF be put with Peterson for his construction and operation of SNF disposal according to his proprietary design.

SITUATION

41. Both the U.S. Department of Energy (DOE) and The State of Utah (Utah) are not rightly pursuing disposal of spent nuclear fuel (SNF), but are wrongly allowing non-authoritative and unknowledgeable environmental factions and political influence to misdirect them, and so both Utah and the DOE are not meeting the intentions, requirements, and law of the Congress.

42. The requirement for the disposal of SNF is set by the Congress to enable electric producing utilities to make power.

43. The process of making electricity safely with uranium fuel is an exact science and is very complex and only understood by trained scientific minds.

44. In the United States more than one hundred (world wide, five hundred) nuclear power plants have operated quite safely and in the half century of their operations. In the U.S. no one nor the environment has been harmed by SNF.

45. The scientific community in the nuclear industry and the leadership in the education institutions have met the original intentions, requirements, and laws of the Congress.

46. In the past century most of the World's one time gift of fossil oil has been consumed.

47. Now, disposal of spent nuclear fuel (SNF) is necessary to enable the manufacture of hydrogen as end-of-oil approaches.

48. SNF is 97% reusable potential fuel which practically and scientifically should not be buried away in deep geological storage.

49. Only a combined process of storage for 300 or more years to allow the pure fission wastes to decay and the consumption of the transuranics as nuclear fuel completely takes care of SNF. Anything else is only storage. Storage is a problem.

50. Five nines (99.999%) separation of the transuranics from the fission wastes, using the transuranics as new fuel, with 300 years of storage of the remaining fission wastes enable 1,000 fold decay reduction of the 30-year half life cesium and strontium in SNF which can then be disposed as Class-C nuclear waste. So in 300 years SNF is permanently disposed of.

51. In 1970 it was wrong for President Jimmy Carter to stop SNF processing and government research of the process.

52. In a nuclear reactor plutonium 239 is made from uranium-235 irradiation of uranium-238. If it can be separated and collected, three pounds of Pu239 can be made into an atomic weapon. Misuse is feared.

53. However, in used fuel, as a batch of nuclear fuel is used, the Pu239 absorbs more neutrons to make isotopes Pu240 and Pu241. In one to two years the plutonium in used fuel is more than 10% transmuted so that the SNF is not usable (nearly impossible) to use to make a weapon. In attempting to make an atomic device it will not explode, it fizzles (scientific term).

54. In fact, it would be good to market rods from used fuel to nations having questionable intentions. Old SNF is not a good source for weapon plutonium.

55. For the fact that old SNF is not a good source for weapons material it was a mistake for President Carter to fear it getting into bad hands and used for a weapon. This error has cost the U.S. over a third of a century in nuclear-hydrogen development time which is extremely costly to the energy need, the deterioration of the environment and the economic survival of our nation.

56. Now, the world approaches end-of-oil. Excess carbon dioxide is connected with global warming. The $1.4 billion per day the U.S. spends to import oil is an economic disaster that will cost the U.S. its most prized industries beginning with the likes of General Motors and Chrysler.

57. Plaintiff Peterson is a licensed Professional Engineer rightfully working for a SNF solution in response to the Congress-created solicitations under President Bush 1

and then President Clinton under the office of the Nuclear Waste Negotiators, first David Leroy then second Congressman Richard Stallings.

58. Utah is not represented by a lawful SNF disposal scientist.

59. DOE is responsible to provide storage relief to the 103 operating nuclear utility plants. This storage relief requires DOE to take possession and remove from the sites all SNF stored over five years of water pool storage at the utility sites.

60. DOE has no place or facility to store the SNF from the 103 operating utilities. DOE is delinquent in its requirement to provide an SNF relief solution to the electric utilities.

61. The SNF in storage at the utilities is threatening the operation of the utilities.

NRC LICENSING OF PFS AND PIGEON SITES

62. A PFS license application for SNF storage on the Skull Valley Goshute Indian Reservation (NRC Docket No 72-22) has been in process and reviewed by NRC for eight years. The PFS - Goshute above ground SNF storage site is 31 miles from a railroad line, less than a 60 mile drive from metropolitan Salt Lake. The PFS site is at or close to recorded seismic activity and in a flight path of training jet fighter aircraft for Hill Air force Base. Still NRC is finding the PFS proposed Goshute site acceptable for storage of SNF.

63. On October 19, 1998, Peterson submitted a license application (NRC Docket No. 72-23) for the Pigeon Spur site in Box Elder County Utah. The Pigeon site is on the same alluvion plane of the Great Salt Lake basin as the PFS/Goshute site. Pigeon Spur is more than a 200 mile drive from metropolitan Salt Lake, is on an existing RR line, twenty five miles from closest seismic activity and is two mountains away from Hill AFB flight operations. The Pigeon Spur site proposal was shown to Box Elder county residents for five years, is wanted and accepted by 98% of Box Elder County's west side population. The Oct. 19, 1998, application was deficient a Safeguards and Security plan and a Quality Assurance manual. The deficient plan and manual were subsequently prepared and submitted. The NRC is sufficiently informed to determine, like the PFS site, the Pigeon site is also acceptable for issuance of an NRC near surface SNF storage license.

MOTIONS

71. Peterson moves the court find President Jimmy Carter's stopping processing and President Bill Clinton usurping of the monies of the Nuclear Waste Deposit Fund are contrary to the development of the 300-year permanent solution of 5-9s processing and 300-year intermediate storage that dispose of the transuranics of SNF as secondary source fuel and dispose of the fission wastes in SNF as low level Class-C.

72. Peterson moves the court find disposal of SNF is highly scientific, not totally understood by political minds, that the Congress has and must follow the recommendations of the DOE, and that the DOE is not able to recommend the 300-year solution because of the stop processing order of President Jimmy Carter, and that DOE has not been able to use the funds of the Nuclear Waste Deposit Act to develop the likes of the 300-year SNF disposal solution, where President Bill Clinton has those funds going into the General Fund.

73. Peterson moves the court find the primacy of disposal of SNF is with the Federal Government, the Congress, the President, the DOE, the NRC, and EPA, and not with Utah, and that Utah had its only vote along with the other congressional political leadership and that Utah's subsequently taking a stand contrary to the majority vote of the Congress and President is un democratic, and is unconstitutional, unethical, unworkable, and wrong.

74. Peterson moves the Court find Utah's wrongful activity counter to the development of nuclear-hydrogen for new energy, better environment, and national independent economics, and find that Utah is thwarting Peterson's, the Congress's, the President's, the DOE, the NRC, and EPA's efforts to enable the operation of the Nation.

75. Peterson moves the court find that Chief Leon Bear, with his Indian Tribe and PFS and Peterson have standing to develop storage and disposal solutions for SNF from the authority of the Nuclear Negotiators, from the President, from the Congress.

76. Peterson moves the court order licensing of both the PFS and Pigeon Spur sites for storage and disposal of SNF.

77. Peterson moves the court order that the funds of the Nuclear Waste Deposit Act be made available to PFS to develop the Goshute Site and to Peterson to develop the Pigeon Spur site and three to eleven more sites, and one to four processing facilities to enable Peterson to make the 300-year SNF disposal solution so that the Nation's electric utilities and DOE will have working a disposal solution for SNF, so the nation can build and operate up to 2,300 new nuclear power plants and begin to meet the energy, environmental, and economic requirements for the nation for the 21st century.

78. Accompanying correspondence to Utah asking for, but not getting a communication dialogue support this petition.

79. Information at three Peterson web sites further explain this situation and support this petition. See web sites: http://www.spentnuclearfuel.com , http://www.endofoil.us, and http://www.nuclearhydrogen.com . They further explain and support these motions.

80. In a decade, Utah has never answered Peterson's or his group's letters, petitions, appearances, and pleas. The only feed back are Utah's statements to the media. A recent Associated Press article by AP reporter Paul Foy is attached and supports this pleading.

81. Dated this 3rd day of December, 2005

William D. (Bill) Peterson
Intervener, Petitioner, Third Party Plaintiff

WDP files:

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C:\p\nuc\Utah\L\APutRej1195 .doc	12
C:\p\nuc\Ut\gov\AA111705.doc	13 14
C:\p\nuc\L\UtvNRC\-LN11705.doc	15 16
C:\p\nuc\Ut\Gov\-JP11105.doc	17
C:\p\nuc\Ut\gov\-jp1144ask.doc	18 19
C:\p\nuc\DOE\DOE102405.rtf	21-23

CERTIFICATE OF E-mail SERVICE / DELIVERY

Copies of this PETITION 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. Peter Lyons and Dr. Greg Jaczko, (3) Secretary of Energy Sam Bodman (4) Senate and House

Energy Committees (4) Nuclear Regulatory Commission, (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. Hand delivered to Utah Attorney General office.

William D. Peterson

William D. (Bill) Peterson
December 3, 2005

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Prof. Gary Sandquist	801-278-3382	U of Utah*	gms@asp-llc.com
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Technical Advisory Board:

Philip Anderson	208- 234-7001	Exec. Dir., Idaho Academy of Science	
Wayne Edwards	435-794-2428	Senior Project Engineer	wledwards@netutah.net
Robert J. Hoffman	801-584-1266	Former Chair, Utah Radiation Control Board	
Henning Hoj	801-266-8881	Western States Master Crane Builder	
Bruce Shirley	208-533-7535	Nuclear Sites Construction Manager	
Richard Stallings	208-238-9859	Former Nuclear Negotiator, Idaho Congressman	rstallings@allidaho.com

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Larry Bond	801-532-1922	Patent Attorney	
Dennis Ickes	801-272-0691	Attorney	rdickes@xmission.com
Preston Regehr	801-532-1234	Patent Attorney	

*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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Washington Post Wed Nov 9, 2005

Utah Asks Court to Reject Nuclear Dump

By PAUL FOY
The Associated Press
Wednesday, November 9, 2005; 8:24 PM

SALT LAKE CITY -- Utah asked a federal appeals court on Wednesday to overturn the Nuclear Regulatory Commission's approval of a nuclear waste storage site in the state's western desert.

The petition, filed by lawyers in Washington, D.C., challenges a license authorized but not yet issued by the commission. It allows a group of nuclear-power utilities to stockpile 44,000 tons of spent fuel rods at the Skull Valley Goshute Indian Reservation, about 45 miles southwest of Salt Lake City.

Gov. Jon Huntsman directed lawyers to file the petition, which was filed at the District of Columbia U.S. Circuit Court of Appeals.

"We're just going to keep fighting as hard as we can until it's dead," the governor's general counsel, Mike Lee, said Wednesday.

The commission authorized the license in September for Private Fuel Storage, a consortium of utilities, rejecting Utah's arguments that the site was too dangerous.

Lee said the petition asserts the commission underestimated the risk of a fighter jet crashing into the site and releasing radiation. Hill Air Force Base uses Skull Valley as a flight path to a training range in Utah's western desert.

Utah's petition also argues that Private Fuel Storage plans to keep spent nuclear fuel rods in welded steel casks that won't be accepted for storage at Nevada's Yucca Mountain, where the Energy Department is working to open a federal repository for nuclear waste. Private Fuel Storage plans to use Skull Valley as a temporary way station for nuclear waste pending work at Yucca Mountain.

"All along we have encouraged the state of Utah to do what they need to do in protesting this project because we have always said, 'If it's not deemed to be safe, then it won't be built,'" said Bruce Whitehead, a spokesman for the utility consortium.

"But we have passed every criteria, every test, put up by the Nuclear Regulatory Commission. We have proven all of our points along the way. Our opposition really has yet to prove their points."

Huntsman has vowed to "stop at nothing" to keep the nuclear waste out of Utah.

"We are urging Congress, the Bush administration, and the courts not to let PFS force us to accept nuclear waste that we didn't produce, we don't want and shouldn't have to take," Huntsman said.

Lee said Utah wasn't asking for a court injunction because even if the NRC issues the license, Private Fuel Storage won't immediately be able to deliver any waste to Skull Valley.

The Bureau of Land Management is refusing to grant a right of way for a rail spur that would carry the waste across government land to the reservation.

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William D. (Bill) Peterson
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Anna Atwater November 17, 2005
OFFICE OF GOVERNOR Jon Huntsman
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Salt Lake City, Utah 84114-2220
Tel 801-538-1000, Email AATWATER@utah.gov

Ref: Energy, Environment, Economy; the nuclear-hydrogen solution

Dear Ms. Atwater,

At a visit of the Governor's office, Ms. Jami Palmer tells me that you will be responding to my request for the Governor's support of our 300-year permanent disposal solution for spent nuclear fuel (SNF). We very much need the Governor's help. The world's one time oil supply is seeing its limit. Since 1970 the U.S. has not been able to meet its own demand for oil. In fact, no nation can continue much longer to meet its demand on its oil. Remaining oil needs to be conserved for its chemical usage, or else the plastic industry and many other industries will soon be ended. Nuclear-hydrogen needs to be developed ASAP. But before this can happen our 300-year solution for SNF needs to be operating.

In the mid-1980s the congress created the office of the "Nuclear Waste Negotiators." David Leroy, current National Academy of Science Chairman was the first negotiator, under President Bush Sr., next was Idaho Congressman Richard Stallings, now one of our board advisors. He was the second Negotiator, under President Clinton. Two proposals resulted, one from Goshute Indian Chief Leon Bear, for the PFS site in Tooele County, and a second for my Pigeon Spur site in Box Elder County.

This is a federal issue. Utah politicians have made exaggerated fears of false situations which are in reality the responsibility of the scientists, like myself and my staff, who are rightly responsible to do this work, and can and are doing this. Utah's exaggerated and unnecessary fears have now cost the U.S. over a decade in development time that will be extremely costly. America has already lost much of its industry and will continue to lose its best, like General Motors. America cannot have the huge imbalance of trade that it has, including the growing $1.4 billion dollars per day for oil, except that money will come back and then own us.

Because of Utah work the solution for disposal of SNF has rightly started here. America does not have time to try to duplicate the work of the Congress, President, DOE, NRC, and EPA to develop something different than the nuclear-hydrogen alternative for end-of-oil and our needed 300-year solution for disposal of spent nuclear fuel. So please help us. The Senate and House Energy Committees are waiting. What is your schedule for Governor Huntsman's support of nuclear-hydrogen? When can the Governor meet with Dr. Steven Barrowes and others of my scientific advisors?

Sincerely yours,
William D. (Bill) Peterson

13

cc: Energy Solution Group
SEE: www.spentnuclearfuel.com www.endofoil.us www.nuclearhydrogen.com

Depending on when we can have a meeting, some of our Advisors who might be available to talk with Governor Huntsman are:

cc:	Dr. Steven Barrowes	801-467-0354	P&A Engineers
	Russ Brown	208-524-4409	INL Operations Research Engineer
	Prof. Max Carbon	608-831-0914	U of Wisconsin
	Dr. Jerry Christian	208-522-6793	INEEL Scientific Fellow (retired)
	Prof. Bernard Cohen	412-624-9245	U of Pittsburgh
	Blaine Howard	801-706-7348	Radiation Health Physicist
	Prof. John Maulder	414-456-4672	Medical College of Wisconsin, Oncology
	Dr. John Sackett	406-585-3372	Former Director Argonne West Nat'l Lab.,
	Richard Stallings	208-232-9468	Former Congressman, Nuclear Negotiator
	Prof. Gary Sandquist	801-278-3382	Director of Nuclear Engineering, U of Utah
	Prof. Richard Wilson	617-495-3387	Harvard U, Mallinckrodt Prof. of Physics

Other potential persons from whom we can seek advice are:

Philip Anderson	208-234-7001	Executive Dir. ID Academy of Science
Prof. K. Larry Devries	801-581-6441	former Dean of Engineering, U of U
Senator Jake Garn	801-581-7463	former Senator from Utah
Robert Hoffman	801-272-6059	former Chairman Utah Radiation Control Board
John Holmgren	435-279-8679	former State Senator from Box Elder County
David Leroy, Esq.	208-342-0000	Chairman, National Academy of Science
Bruce Shirley	208-533-7535	Construction Manager
Dr. Richard E. Turley	801-532-2809	former Chair of the Dept. of Nuclear Eng.
Wayne Edwards	435-794-2428	Senior Project Engineer
Henning Hoj	801-266-8881	Western States Master Crane Builder

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Mr. Knight, Dr. Nelson, we need to talk, Sincerely Bill Peterson

——— Forwarded message ———
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mark.menezes@mail.house.gov
Date: Fri, 4 Nov 2005 21:12:05 -0700
Subject: Utah is wrong about nuclear power and spent nuclear fuel and is stoping U.S. progress!
Message-ID: <20051104.211205.3172.3.paengineers@juno.com>

William D. (Bill) Peterson
Nuclear Materials Engineer
Operations Research Engineer
68 Malvern Ave, So SLC, Ut 84115
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Jon Huntsman
Governor of Utah
c/o Ms Jami Palmer

November 4, 2005

Ref. Utah is wrong. For two decades we and our National nuclear scientists have asked for an audience with Utah's Governor. We need to talk. Please give us time.

Dear Governor Huntsman / Ms Palmer,

This morning I had another good talk with Private Fuel Storage (PFS) President Mr. John Parkyn. He is very helpful in getting the national energy and spent nuclear fuel (SNF) situation in perspective. Congressional representatives from other states realize our nation is approaching trouble with end-of-oil coming. They want a solution and Utah is stopping it.

It's been thirty five years since the U.S. had its own sufficient resources to supply its demand for oil so we have since had to rely on imported oil, now costing us around $1.4 billion dollars per day. It's an impossible imbalance of trade and an impossible economy. A replacement fuel will have to be manufactured. The logical fuel is hydrogen. The logical energy to manufacture the fuel is nuclear power. Everything else is either a fantasy or a toy.

For twenty years the Congress has attempted to get alleviation of SNF for our nation's 103 operating nuclear utilities. Uranium is mined in the central hub of the west. Solutions for the fuel's remnant (SNF) have logically been sought near the fuel source. For twenty years Utah has fought all of Congress's proposed solutions. Unfortunately Utah's arguments have been all political by a few politicians seeking public attention to obtain office. It's actually all invention, there is no substance to ultimately support themes like "don't waste Utah", "not in my back yard", "pink clouds over my grandmother's house," or "over my dead body", even "down-winders" is a phony invention. It starts with the
false idea that since too much radiation is harmful, some or any radiation is harmful. This is simply not how it works. There is evidence that areas with higher background radiation have

better health, surprising as that seems. In any case, the amount of radiation exposure added by SNF shipments and storage is to small to make any difference, positive or negative.

Utah is predominantly a service state. A service economy cannot sustain itself. Utah produces far less than it consumes. So Utah requires monetary influx from Federal Government, Military, Education, BLM, GS, SCS even Church provided services. Utah has now slipped down to #50 in being able to fund some basic needs for itself. It makes no sense for Utah to shun its industry opportunities in the nuclear power solution. SNF is not even waste, its potential fuel and is most valuable.

For a decade, Utah has gambled with the operations of Hill Air Force Base to stop the Congress's temporary solution for SNF. This is a risky and stupid gamble. The Forty nine other states really don't care if Hill AFB operates in Utah or not. That Air Force service can easily go somewhere else. But the solution for SNF does focus in Utah and Utah's Governor and Washington delegation won't even discuss it with us.

Utah is now playing the Hill AFB card with NRC, DOE, EPA, the Congress and the President. Utah has nothing to gain and everything to lose. Mr. Parkyn will now be taking this situation to the other 49 states. Some may not listen, but some will. Nearly 40 states have SNF stored with their nuclear power utilities who need an SNF solution just to continue getting their power. They all need nuclear-hydrogen and the truth about SNF is that SNF has harmed no one. SNF is 97% potential fuel that will be used eventually to power our nation.

Governor Michael O. Leavitt was wrong for opposing nuclear power. EPA Director Mike Leavitt was wrong for not endorsing and helping nuclear energy. This is reflected in the new White House Report on Energy for the 21st Century. Fuel for end-of-oil, slowing global warming, economics of trade, sharing oil with the rest of the world, and even world peace are at stake if the U.S. does not quickly develop nuclear-hydrogen, which development waits for the SNF disposal solution held in Utah.

Congressman David Hobson and Senator Pete Domenici need to hear from Utah's delegation about the 300-year SNF disposal solution and see a Utah effort to make it happen. Utah's making a fight between the Air Force and NRC is only going to make members of Congress mad at Utah. Nearly twenty years ago the Congress set up the office of the Nuclear Waste Negotiator under the Presidents. Only two proposals resulted, those of Goshute Indian Chief Leon Bear and myself. Yucca Mountain had already been started because of Utah's phony fight against the Davis Canyon project in Southern Utah. Utah has forced the U.S. into a bad SNF predicament for twenty years. SNF is not a State of Utah issue, but SNF is an Indian Chief Leon Bear and engineer Bill Peterson issue dating back fifteen years, since the time of their proposals per the requests of the Nuclear Negotiators.

Utah needs the nuclear industry opportunity. Utah needs Hill AFB and the other military and government service works it has. The U.S. does not have time for another Nuclear Negotiator effort. Intermediate storage of SNF "aging storage" is required. The only potential solution the Congress now has is Yucca Mountain, and the Congress is not going to change the 1982 law and put both intermediate storage and permanent geological disposal in Nevada. The Congress must make its present options work, including the PFS project in Tooele County and aging storage and SNF reprocessing according to the 300-year SNF disposal solution.

In its financial matters Utah is already at the bottom of the lists of states. Utah should not be doing anything to impair any disposal solution for SNF, but should be working to make any and every possible solution happen. Our Nuclear Solutions Group and Pigeon Spur Nuclear Scientists should be meeting with Utah and together they should be making the best solution for SNF disposal.

Congressman Rob Bishop may have delivered the "Silver Bullet" but as Mr. Parkyn says, it won't be for the SNF-Goshute project, but it could be for Hill AFB and many other Federal projects for which Utah needs the help, i.e. the support of other 49 states.

Please meet and work with us.

Sincerely,

William D. (Bill) Peterson

cc: Nuclear Solution Group
Senate and House Energy Committees

www.spentnuclearfuel.com www.endofoil.us www.nuclearhydrogen.com

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Tel 801-915-9455

Jami Palmer
Assistant to Utah Governor Jon Huntsman

Tuesday, November 01, 2005

Dear Jami,

We need to talk. The U.S. Department of Energy (DOE) wants what I am proposing. So does the Congress. Governor Huntsman can work with them!

Behind doors, DOE wants "aging storage" and reprocessing of spent nuclear fuel (SNF). Read *The International Radioactive Exchange*, Vol. 24 No. 21, Oct. 24, 2005, copy attached. With our new 5-9s procedure, SNF can be permanently disposed of in 300-years, see http://www.spentnuclearfuel.com , http://www.nuclearhydrogen.com , and http://www.endofoil.us , Patent Pending.

Right now, the DOE can identify only one option for an "aging pad" storage site, the Nevada Test Site. Private Fuel Storage (PFS) will build SNF interim storage in Tooele County, Utah for SNF for existing plants. DOE wants two sites now for SNF storage from new plants. This puts it all SNF traveling along the Wasatch front, in and out.

Putting new "aging storage" at Pigeon Spur in Box Elder County, Utah, could make the SNF storage shipping route such that SNF shipping could be kept off Utah's Wasatch Front, for all four shipping disposition conditions: the shipping of SNF from utilities into the "aging storage", the eventual shipping from aging storage into reprocessing, then the shipping of fission wastes back into aging and eventually in 300-years into Class-C storage, and the shipping of the separated transuranics to manufacture of new fuel.

DOE is seeing NRC taking a long time to license a site and wants this time shortened. Inside DOE they are considering other routes. But DOE might better help nuclear material engineers, like Peterson, posture sites for licensing than seeking other agency licensing.

Congressman David Hobson has asked why is not Utah's delegation speaking out about the 300-year SNF disposal solution. For two decades Utah has tried politically to end nuclear power where Utah took sides with mislead environmentalists who have no alternative for end-of-oil for fuel. Realize, to settle the SNF primacy issue, both PFS and Peterson had to see Utah in Federal Courts. Now, what Utah can do is very limited. Utah has been ordered by the courts out of the oversight of the SNF solution. Still Utah continues to express concerns. Actually, if Utah would embrace Peterson's Pigeon Spur site they could keep SNF shipments off the Wasatch Front and keep transport and storage away from Hill AFB operations.

Are fuel rods are still being made west of Ogden at Western Zirconium?

DOE wants two new "aging sites" now. Note that Peterson has been seeking support for four 300-year storage sites, in four different states. Peterson is hoping his past ten years of working to do NRC licensing can now shorten NRC agency time down to only a few months. Peterson would like to try. We need to try. What's to lose?

Sincerely, William D. (Bill) Peterson

Attached: IRE Report 24-21
Cc: Nuclear Solutions Group

WDP file: C:\P\NUC\Ut\Gov\-JP11105.doc

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Jon Huntsman
Governor of Utah
c/o Ms Jami Palmer

November 4, 2005

Ref. Utah is wrong. For two decades we and our National nuclear scientists have asked for an audience with Utah's Governor. We need to talk. Please give us time.

Dear Governor Huntsman / Ms Palmer

This morning I had another good talk with Private Fuel Storage (PFS) President Mr. John Parkyn. He is very helpful in getting the national energy and spent nuclear fuel (SNF) situation in perspective. Congressional representatives from other states realize our nation is approaching trouble with end-of-oil coming. They want a solution and Utah is stopping it.

It's been thirty five years since the U.S. had its own sufficient resources to supply its demand for oil so we have since had to rely on imported oil, now costing us around $1.4 billion dollars per day. It's an impossible imbalance of trade and an impossible economy. A replacement fuel will have to be manufactured. The logical fuel is hydrogen. The logical energy to manufacture the fuel is nuclear power. Everything else is either a fantasy or a toy.

For twenty years the Congress has attempted to get alleviation of SNF for our nation's 103 operating nuclear utilities. Uranium is mined in the central hub of the west. Solutions for the fuel's remnant (SNF) have logically been sought near the fuel source. For twenty years Utah has fought all of Congress's proposed solutions. Unfortunately Utah's arguments have been all political by a few politicians seeking public attention to obtain office. It's actually all invention, there is no substance to ultimately support themes like "don't waste Utah", "not in my back yard", "pink clouds over my grandmother's house," or "over my dead body", even "down-winders" is a phony invention. It starts with the false idea that since too much radiation is harmful, some or any radiation is harmful. This is simply not how it works. There is evidence that areas with higher background radiation have better health, surprising as that seems. In any case, the amount of radiation exposure added by SNF shipments and storage is to small to make any difference, positive or negative.

Utah is predominantly a service state. A service economy cannot sustain itself. Utah produces far less than it consumes. So Utah requires monetary influx from Federal Government, Military, Education, BLM, GS, SCS even Church provided services. Utah has now slipped down to #50 in being able to fund some basic needs for itself. It makes no sense for Utah to shun its industry opportunities in the nuclear power solution. SNF is not even waste, its potential fuel and is most valuable.

For a decade, Utah has gambled with the operations of Hill Air Force Base to stop the Congress's temporary solution for SNF. This is a risky and stupid gamble. The Forty nine other states really don't care if Hill AFB operates in Utah or not. That Air Force service can easily go somewhere else. But the solution for SNF does focus in Utah and Utah's Governor and Washington delegation won't even discuss it with us.

Utah is now playing the Hill AFB card with NRC, DOE, EPA, the Congress and the President. Utah has nothing to gain and everything to lose. Mr. Parkyn will now be taking this situation to the other 49 states. Some may not listen, but some will. Nearly 40 states have SNF stored with their nuclear power utilities who need an SNF solution just to continue getting their power. They all need nuclear-hydrogen and the truth about SNF is that SNF has harmed no one. SNF is 97% potential fuel that will be used eventually to power our nation.

Governor Michael O. Leavitt was wrong for opposing nuclear power. EPA Director Mike Leavitt was wrong for not endorsing and helping nuclear energy. This is reflected in the new White House Report on Energy for the 21st Century. Fuel for end-of-oil, slowing global warming, economics of trade, sharing oil with the rest of the world, and even world peace are at stake if the U.S. does not quickly develop nuclear-hydrogen, which development waits for the SNF disposal solution held in Utah.

Congressman David Hobson and Senator Pete Domenici need to hear from Utah's delegation about the 300-year SNF disposal solution and see a Utah effort to make it happen. Utah's making a fight between the Air Force and NRC is only going to make members of Congress mad at Utah. Nearly twenty years ago the Congress set up the office of the Nuclear Waste Negotiator under the Presidents. Only two proposals resulted, those of Goshute Indian Chief Leon Bear and myself. Yucca Mountain had already been started because of Utah's phony fight against the Davis Canyon project in Southern Utah. Utah has forced the U.S. into a bad SNF predicament for twenty years. SNF is not a State of Utah issue, but SNF is an Indian Chief Leon Bear and engineer Bill Peterson issue dating back fifteen years, since the time of their proposals per the requests of the Nuclear Negotiators.

Utah needs the nuclear industry opportunity. Utah needs Hill AFB and the other military and government service works it has. The U.S. does not have time for another Nuclear Negotiator effort. Intermediate storage of SNF "aging storage" is required. The only potential solution the Congress now has is Yucca Mountain, and the Congress is not going to change the 1982 law and put both intermediate storage and permanent geological disposal in Nevada. The Congress must make its present options work, including the PFS project in Tooele County and aging storage and SNF reprocessing according to the 300-year SNF disposal solution.

In its financial matters Utah is already at the bottom of the lists of states. Utah should not be doing anything to impair any disposal solution for SNF, but should be working to make any and every possible solution happen. Our Nuclear Solutions Group and Pigeon Spur Nuclear Scientists should be meeting with Utah and together they should be making the best solution for SNF disposal.

Congressman Rob Bishop may have delivered the "Silver Bullet" but as Mr. Parkyn says, it won't be for the SNF-Goshute project, but it could be for Hill AFB and many other Federal projects for which Utah needs the help, i.e. the support of other 49 states.

Please meet and work with us.

Sincerely,

William D. (Bill) Peterson

cc: Nuclear Solution Group
Senate and House Energy Committees

www.spentnuclearfuel.com www.endofoil.us www.nuclearhydrogen.com

WDP file: C:\P\NUC\Ut\gov\-jp1144ask.doc

- A plan for a "disposal canister that can be engineered, licensed, procured and used to store, transport and dispose of SNF."
- An implementation plan to establish a 'Lead Laboratory' for the Office of Civilian Radioactive Waste Management;
- Accelerated development and demonstration of transportation infrastructure (with the exception of the Nevada rail line);
- A Critical Decision package (CD-1) for design and license to operate Yucca Mountain surface facilities as primarily non-contaminated operations;
- A potential application of Structurally Amorphous Metal (SAM) coating for waste packages to be put in the repository to solve the corrosion problem;
- The Land Withdrawal legislative package;
- Requirements to the U.S. Geological Survey for certification of scientific work products;
- A plan for review, validation, augmentation, and replacement of USGS work products that have come under scrutiny; and
- A plan for improvement of Total System Performance Assessment model.

A New Acquisition?

Notably, the 'sea change' in the direction of the program is likely to result in a new acquisition for a contract to carry out the initiative. The *Exchange* has learned that an 'all hands' OCRWM meeting is scheduled for Oct. 25 to discuss a transition from current contractor Bechtel SAIC, and Golan directs in his memo that a plan for a new contract package be developed.

In addition, Golan's memo directs the creation of an oversight process including the creation of a "university-based independent" entity that is to obtain "independent certification" of the:

- Licencing Support Network;
- License and Application; and
- Groundwater infiltration model and maps.

A Bit of Deja Vu

The approach put forward by the Administration and OCRWM harkens back to the provisions of the 1982 Nuclear Waste Policy Act allowing for the construction of a Federal Interim Storage Facility, which was earlier rejected as an option by the Department *(Exchange,* Vol. 5 No. 3). Notably, the plans to construct the spent fuel 'Aging Pads' under the AEA and not seek an NRC license—viewed by DOE as a time-saving measure that will allow the federal government to take title to commercial spent fuel and avoid further financial penalties—will require legislation since current statutes direct that commercial spent fuel can only be handled at NRC-licensed facilities.

Calendar

October

24-28

Conference: Eighth Annual Session on quality Assurance and Quality Control: A Forum for radiochemistry, Caesars Tahoe, Stateline, Nev.; Contact: Mary Wisdom *wisdom.mary@epa.gov* .

November

1-3

Conference: 6th Annual Business Opportunities Conference; Crowne Plaza Knoxville, Knoxville, Tenn.; Sponsor.. East Tennessee Environmental Business Association; Contact: Grace Miller, 865-947-

5505; Information: http://eteba.org.

13-15

Expo: American Nuclear Society Nuclear Technology Expo 2005; Omni Shoreham Hotel, Washington, D.C.; Sponsor: American Nuclear Society; Information: www.ans.org.

13-17

Meeting: 2005 ANS Winter Meeting: "Talk About Nuclear Differently: A Good Story Untold"; Omni Shoreham Hotel, Washington, D.C.; Information: www.ans.org.

14-18

Symposium: Int'l Symposium on Trends in Radiopharmaceuticals; Vienna, Austria; Sponsor: International Atomic Energy Agency (IAEA). Information: http://www.iaea.org/meetings

December

6-9

THE SIXTEENTH ANNUAL CLEANER, SAFER INDUSTRIAL
MATERIALS & PROCESSES (C.S.I.M.P.) WORKSHOP
(Formerly International Workshop on Solvent Substitution)

Understanding and Overcoming the Hurdles to Implementing New Materials and Processes on the Shop Floor
The Rancho Bernardo Inn
San Diego, California

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- Promote practical discussion on material and process changes put into practice by end users;
- Identify materials used in industrial processes that of evolving regulatory interest;
- Exchange experience on proven pathways to adopting new technology;
- Provide performance data on new materials and processes from ongoing demonstrations and initial commercial application; and
- Provide user-focused data on new materials and processes that are being introduced commercially.

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People in this article,
DOE Office of Civilian Radioactive Waste Management Principal Deputy Director Paul Golan

House Energy and Water Appropriations Subcommittee Chair David Hobson (R-Ohio), differs from a legislative proposal reportedly being contemplated by Senate Energy and Natural Resources Chairman Pete Domenici (R-N.M.)

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