

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

OHNGO GAUDADEH DEVIA	!	
Petitioner	!	
	!	MOTION
	!	FOR CONSOLIDATION
State of Utah	!	
Re Governor Jon Huntsman,	!	for Case No. 05-1419
Mike Lee, Governor's General Counsel	!	
Petitioner	!	with
	!	CASE NO. 06-1037
v	!	
United States Nuclear Regulatory Commission	!	
Re Commissioners Peter Lyons & Greg Jaczko	!	
Respondent	!	special new information
	!	for
UNITED STATES OF AMERICA	!	300-Year Spent Nuclear Fuel
President George W. Bush	!	Permanent Disposal Solution
Supreme Leader and Controller for	!	
Spent Nuclear Fuel processing and	!	Ref
Nuclear Waste Deposit Fund	!	Petition to Intervene

PRIVATE FUEL STORAGE, L.L.C.	!	U.S. Case Item 05-1419
Movant – Intervenor – Respondent	!	consolidated from 05-1420
	!	
Skull Valley Band of Goshute Indians	!	
Movant – Intervenor	!	
	!	
William D (Bill) Peterson	!	
Movant – Intervenor - Respondent	!	

MOTION

1. The United States Department of Energy (DOE) has responsibility that it cannot fulfill to take spent nuclear fuel off the utility sites and dispose of the SNF.

2. DOE does not have a facility for storage or method of disposal.
3. The proposed Yucca Mountain, being built, is only for storage of SNF from the existing 103 nuclear power plants and will not accommodate 2400 new nuclear power plants the U.S. needs over the next 15 years.
4. Peterson has a way to dispose of SNF in only 300-years.
5. Peterson has designed, and made a license application for a SNF storage facility.
6. Peterson court moves the Court for consolidation of all parties involved, including others being the Environmental Protection Agency (EPA), key members of The Congress, The President, to join with present parties, Peterson, Department of Energy (DOE), Private Fuel Storage (PFS), and opponents Ohngo Gaudadeh Devia and Utah, to put all the parties, facts, and laws together to solve the party contentions, party separations, re-institute the lawful funding, primacy, jurisdiction, legal standing, and levee sanctions for unlawful conduct, to get SNF disposal happening and provide incentive to get 2400 needed new nuclear power plants being built and operating.
7. Accompanying memoranda supports this motion.

Dated this 7th day of February

William D. Peterson, Petitioner

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MEMORANDUM

1. Nuclear-hydrogen is the solution the U.S. has for the approaching, end-of-oil.

The U.S. needs to be switching to nuclear to improve the environment and slow

global warming, replace use of coal, expand electric power production for housing, power for industry, employment, and balance trade. Peterson calls these needs the Six-Es: Energy, electricity, environment, enterprise, employment, and economy.

2. Before a resurgence of nuclear power can happen the U.S. must have available a permanent disposal solution for spent nuclear fuel (SNF).
3. For about four years Peterson has been explaining his 300-year disposal solution to permanently dispose of SNF.
4. Basically, the 300-year disposal solution for SNF is done by separating 5-9s (99.999%) of the transuranics from the fission wastes, the 6,000 plus year half life transuranics materials are eventually used in the making of new fuel, the 30-year and less half live fission waste in 300 years heat unload and decay one thousand fold and more to low level Class-C, or B waste.
5. Idaho scientists and Argonne National Laboratory have demonstrated separation of transuranics from actual high-level liquid waste sufficiently that the residual cesium and strontium have less than 100 nCi TRU/g contamination (the five-nines separation) and, therefore, will decay to LLW in 300 years.
6. Disposal of SNF by the 300-year solution needs to happen ASAP. The future and very existence of the U.S. depends upon a quick transition from oil and coal to nuclear energy.
7. Otherwise, the current and continuing imbalance of trade will be devastating.
8. This Court and all its parties seeing the 6-Es need to know that the 300-year SNF disposal solution can be done and done for permanent disposal of SNF.

9. This Court and all its parties seeing the 6-Es need to understand that there is now no other known permanent disposal solution for SNF other than the 300-year disposal solution. So we must do this.
10. Nuclear power can be done safely. In the some 50 years of commercial nuclear plant operations SNF has harmed no one, and not harmed the environment
11. The Court, the nuclear utilities, the U.S. Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Congress, and the President, basically everyone controlling nuclear power needs to have a common understanding of the requirement of having nuclear energy working, the dependant requirement for disposal of SNF, and how that SNF can be disposed of by the 300-year disposal solution.
12. Dr. John Sackett, Dr. Barnard Cohen, Dr. Jerry Christian, Dr. Richard Wilson, Dr. Steven Barrowes, Dr. Gary Sandquist, Dr. Max Carbon, Dr. Larry Devries, and many others say the 300-year disposal solution must become widely known, understood, and be developed and used.
14. Dr. John Sackett writes the following: "Bill, it is a mystery to me why the message isn't picked up. I noticed that the Utah and Nevada congressmen recently introduced legislation in the house that would require spent fuel to be stored at the reactor sites. There comment was that there is no solution to the spent fuel problem and they want to keep it out of their states. How does one communicate when the ideas are so firmly entrenched?" John
13. This court needs to unify all the facts and players.
14. The future of the U.S., all people, the world, and its environment depend on this.
15. Dr. Sam Bodman, Buzz Savage, Paul Golan, Jeff Williams, John Austin, Mark Roth, Shane Johnson, and Linda Desell in the DOE, Dr. Pete Lyons, Dr. Greg

Jaczko, Dr. Charles Miller, Dr. Peter Lam, Dr. Jerry Kline, Paul Bollwerk II Esq., James Hall, Mark Delligatti in the NRC, Betsy Forinash in the EPA, David Hobson and Pete Domenici in the Congress, Dr. Laura Nelson, Dr. Dianne Nielson, and Jami Palmer in the State of Utah, and John Parkyn in Private Fuel Storage (PFS) all have been given information and all know of the 300-year permanent disposal solution for SNF.

16. For nearly three years, the situation and the 300-year disposal solution have been on the Internet at <http://www.spentnuclearfuel.com>, <http://www.endofoil.us>, and <http://www.nuclearhydrogen.com>.
17. Last year Peterson made a request to Betsy Forinash in EPA for generation of standards to fit the 300-year disposal solution. After its study, EPA responded that EPA has standards in place, which will accommodate the 300-year solution.
18. The Congress has funding that might be sufficient to pay for SNF disposal.
19. For money to do the 300-year disposal solution, the federal government owes the Nuclear Waste Deposit Fund (NWDF) to the 103 nuclear utilities who have put up the fund, and those like Peterson who are working on a disposal solution. For the work, this NWDF money needs to get to Peterson, PFS, Idaho National Laboratory (INL), DOE, NRC, and EPA who are to do and are doing SNF disposal work.
20. In addition, DOE owes Peterson \$8 million for the damage to him caused by DOE's wrongful doing of the DOE – PECO, Peach Bottom Contract incident. This needs to be ordered paid out of Court Case No. 06-1037.

21. Utah needs to be charged for sanctions for misleading everyone by inventing fake hazards of moving and storing SNF and causing the congress to create the Tooele County 100,000 acre wilderness area to perpetuate Utah's phony "political hysteria" about SNF. The land made wilderness is to obstruct a PFS RR spur.
22. So the basic laws needed to do nuclear-hydrogen are in place by the Congress and President. They are allowing reprocessing of SNF. This makes the 300-year disposal solution possible.
23. For gathering and unifying the facts, these matters and all working parties need to be consolidated into one court action.
24. Peterson is proposing the method and is leading out to do the SNF disposal work.
25. Our nation's DOE is the administrator of the work, by the regulations of the NRC and standards of EPA, all directed by laws of the Congress and President.
26. It's a federal matter. It's a matter that the states do not regulate or control.
27. The critical and essential issue of all of this is to achieve a way for DOE disposal of SNF. The only way for disposal of SNF is with Peterson's 300-year disposal solution. Since Peterson is now seeing SNF disposal with DOE in Case No. 06-1037, all parties and matters should be consolidated into 06-1037, or otherwise.
28. Hence, Peterson moves the matter of Utah et al v NRC 05-1419 be consolidated into the matter of Peterson v DOE 06-1037, otherwise, at the court's discretion,
29. Peterson moves Peterson v DOE 06-1037 be consolidated into Utah v NRC 05-1419.
30. License applications from both PFS and Peterson have been filed with NRC.
31. PFS's license for SNF storage can now be issued by the NRC.

32. The PFS and Peterson's application are very similar. They are so similar NRC's review and work for PFS will work for Peterson's application, with the eight years of supplemental work Peterson has done, like PFS has done.
33. Like the PFS application, NRC needs to now approve Peterson's application, or provide a punch list for Peterson to comply, and then issue an NRC operation license to Peterson.
34. Peterson moves EPA, INL, and Argonne also be brought as intervening parties into the consolidated matter to get the facts straightened out and unified.
35. U.S. District Court Judge Tena Campbell has ordered Utah that this nuclear subject is a federal matter for which Utah cannot control, license, or regulate.
36. Peterson moves the Court find Utah for Contempt for its entry into this matter after Judge Campbell's order putting Utah out.
37. Peterson moves that the Court find Utah is using Ohngo Gaudadeh Devia to front for Utah, that Utah is wrongly using another as it front as Utah works to control spent nuclear fuel disposal in direct disobedience of Judge Campbell's order.
38. Utah has been keeping the U.S. from having a SNF solution for a decade. Utah has caused misappropriation of the NWDF making losses to the program ten billion dollars, and stopped construction of both PFS and Pigeon Spur Fuel Storage facilities.
39. Peterson moves for court orders of sanctions against Utah for costs of at least one SNF intermediate storage plant that would be \$5 billion.
40. Peterson would use this money to pay for SNF storage and processing facilities.

41. Where Utah might turn about and support Peterson's work, new NWDF could be put with Peterson and with this Peterson could in turn repay Utah, if Utah would be rightly be supportive of the nuclear work.

Dated this 7th day of February


William D. Peterson, Petitioner

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).

CERTIFICATE OF DELIVERY

On this 7th day of February, 2006, a copy of this pleading was hand delivered to the receiving office of the Utah Attorney General. (Jennifer Welsh). By U.S. Mail a copy was sent to Isiah Smith Jr., Deputy Assistant General Counsel for Administrative Litigation, U.S. DOE, 1000 Independence Ave. S.W., Washington, D.C. 20585; and sent by U.S. Mail to Grace H. Kim, Senior Attorney, Office of General Counsel, U.S. NRC, 015-D21 SK, Washington D.C. 20555-0001,

William D. Peterson,


L/UTvNRC/NRC/intervene/DoIt2706.doc

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) Senator Pete Domenici, Congressman David Hobson, Senate Energy and 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) Paul Chilton EchoHawk, OHNGO GAUDADEN DEVIA, (23) Jay Eliot Silberg, PRIVATE FUEL STORAGE, (24) Tim Vollmann, Skull Valley Band of Goshute Indians, Chief Leon Bear, (25) NRC Attorney Mrs. Grace Hellen Kim, Solicitor John F. Cordes, and Deputy Solicitor E. Leo Slaggie.


William D. Peterson

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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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