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Sent: Monday, November 09, 2009 10:29 AM
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Subject: RE: NRC Proceeding "HLW License App 63-001 All CABs"

Mr. Peterson,

On November 3, 2009, You sent the following inquiry to Ms. Linda Lewis, the case manager for the DOE application proceeding:

Linda Lewis

Ms Lewis

To help my cause for entering this matter I want to include one or two Business Plans. These are confidential. Can I include these so they are only seen by the court. Attached is what I have so far.

"The Court has ordered that EPA alone is responsible for how SNF is to be disposed of. So why is not EPA in this matter? If not, maybe this whole matter needs to be appealed to the United States Court of Appeals for the District of Columbia Circuit."

In this matter, is this the right appeals court if we are not successful in entering?

William

D (Bill) Peterson, P.E.

Ms. Lewis consulted me and I intended to response to your inquiries, but could not before your filing by the NRC e-filing system on November 6, 2009. As part of your "Supplement to Petition to Enter" you have included what I believe is the Business Plan referred to in your e-mail of November 3rd. On page 26 of the "Supplement Petition" you include the words "Proprietary Information". Because we cannot discern whether you are referring to the specific last paragraph on that page or to the entire document attached as pages 16 through 26, we are withholding your entire submission from public disclosure. Please provide a redacted copy that can be made available to the public and in the redacted copy remove information that you consider sensitive. Because you used the public pathway for your submission on November 6th, all on the service list including Atomic Safety and Licensing Board members for this proceeding have received a copy of your complete filing. Thus, I believe that the first part of your inquiry to Ms. Lewis has been overtaken by the event of filing.

The second part of your inquiry calls for a response that the Office of the Secretary as a neutral adjudicatory employee under the NRC rules of procedure cannot answer. Additionally, your inquiry appears to call for a response that addresses activity before a United States Court of Appeal. Matters before such courts are beyond the jurisdiction of the NRC docket clerk's office which is the role of the Office of the Secretary in NRC adjudications.

Emile L. Julian
Assistant for Rulemakings
and Adjudications
Office of the Secretary, NRC
301-415-1966

-----Original Message-----

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Subject: Re: NRC Proceeding "HLW License App 63-001 All CABs"

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY
COMMISSION

Re: NRC Proceeding "HLW License App 63-001 All CABs"

The Office of the Secretary has received a document entitled

"PETITION SUPPLEMENT TO ENTER"

submitted by William Peterson who is affiliated with 300 year SNF
disposal.

It is intended for inclusion in the referenced proceeding. It was
submitted through the NRC
Electronic Information Exchange (EIE) system and arrived on 11/06/09 at
01:30 EST.

As a hearing participant, you are entitled to view and/or retrieve this
document by visiting the
following web link:

<https://eieprod.nrc.gov/EIE25L1/downloadSubmission.do?submissionID=16652>
(10 KB)

NOTE!!!!!! UPON OPENING THIS LINK YOU WILL SEE THE EIE SUBMISSION FORM.
TO
VIEW THE SUBMISSION SELECT THE TAB NAMED "Step 2 Attachments". THIS
SECTION

WILL RETRIEVE THE ATTACHMENTS PAGE FROM WHICH YOU MAY EITHER "View" OR "Save" THE ATTACHED FILE(S) .

The document will remain available through this link for 30 day(s) after which it will be removed from the EIE system. Not later than 3 days from the date of this message the document will also be available through NRC Electronic Hearing Docket (EHD) web sites, under the above referenced proceeding. The web links for these sites are:

For publicly available documents related to the High Level Waste Hearing:

http://hlwehd.nrc.gov/public_hlw-ehd

For publicly available documents related to Reactors, Materials and other hearings:

http://ehd.nrc.gov/ehd_proceeding

To view any document subject to limited distribution pursuant to an adjudicatory order, please use the web address provided by the Office of the Secretary to those authorized to access such materials.

Receipt of this message constitutes completion of service of this filing.

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Document Submitted.

Email Notification Sent Successfully.

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