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December 23, 2009

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION
 BEFORE THE ATOMIC AND SAFETY LICENSING BOARD

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	motion for
Appellant)	THREE YEAR PLAN
v.)	
)	Docket No. 63-001-HLW
U.S. NUCLEAR REGULATORY)	
COMMISSION, Appellee)	(High-Level Waste Repository) license application speculation
)	
& v.)	Before the A&SL Board
)	
William D Peterson, 300-year spent nuclear fuel permanent disposal solution)	
Third Party Appellant)	ASLBP Nos. 09-892-HLW-CAB04

PETERSON'S motion for a
 THREE (3) YEAR ECONOMY RECOVERY PLAN,
 PLAN FOR SNF DISPOSAL AND FUEL INDEPENDENCE,
 and plan for CO₂ reduction for slowing Global Climate Change

In this hearing Docket No. 63-001-HLW and before, the subject of disposal of spent nuclear fuel (SNF) has been overly burdened with politics and ill seen by scientists. In 1976 President Jimmy Carter ordered that the U.S. was not to process SNF and that attitude still prevails today. The National Academies of Scientists (NAS) has expressed concern and has responsibly advised EPA that SNF should be separated and its long-lived radioactive elements disposed of separately. EPA has ignored this NAS requirement, and that now stalemates the U.S. Department of Energy (DOE) efforts to dispose of SNF. If EPA does not go along with processing of SNF as NAS recommends the matter of SNF disposal will have to go back to the Congress.

In a July 9, 2004, order of the Appellate Court for the District of Columbia Circuit, part of the Court's Order reads:

Pg 5/4 We conclude: (1) The 10,000-year compliance period selected by EPA **violates** section 801 of the Energy Policy Act (EnPA) because it is **not**, as EnPA requires, "**based upon and consistent with**" the findings and recommendations of the National Academy of Sciences.

Pg 22/14 (emphasis omitted). That said, NAS explained that "although the selection of a time period of applicability has scientific elements, it also has **policy aspects that we have not addressed,**" **such as the goal of establishing consistent policies for managing various kinds of long-lived, hazardous materials.** *Id.* at 56.

Following issuance of the NAS Report, EPA promulgated its draft part 197 standards in which it proposed a 10,000-year compliance period. In so doing, EPA "request[ed] comments upon the reasonableness of adopting the NAS -recommended compliance period or some other approach in lieu of the 10,000-year compliance period which we favor . . ." 64 Fed. Reg. at 46,995. DOE, responding to EPA's request, sup

Pg 31/18 On remand, EPA must either issue a revised standard that is "based upon and consistent with" NAS's findings and recommendations or return to Congress and seek legislative authority to deviate from the NAS Report.

So for now, the Government does not have a plan and schedule for SNF disposal. Third Party appellant Professional Engineer Peterson is also an Operations Research Annalist. He has determined that our nation's federal deficit is a consequence of and is attributed to our nation's imbalance of trade; of that, the U.S. purchase of foreign oil is currently adding nearly one trillion dollars per year to the deficit, so it is imperative that as soon as possible the U.S. manufacture its own fuel, i.e. nuclear- hydrogen.

The U.S. will require 500 nuclear power plants for energy to manufacture hydrogen fuel to replace oil. Peterson has a 3-year plan to start balanced trade commerce by building and operating 50 nuclear power plants in three (3) years. With this the U.S. could get 1/10 of its vehicular transportation operating on hydrogen. In that three years 40% of vehicles would need to be converted to compressed natural gas (CNG). Then maybe, the U.S. could itself produce enough oil to operate the other 50% of vehicular operations. For other U.S. needs the U.S. should gear up and produce its' needs for itself.

To gear up, our nation's lost manufacturing would have to be replaced. A first priority would be to have the nation get set up for and make the required nuclear plant equipment components, then construct and operate the plants. General Electric (G.E.) has some manufacturing facilities for building plants, but that infrastructure would have to be substantially expanded. G. E. has developed the needed new reactor technology and has recently built and operated one such plant as would be needed, that will use separated transuranics for fuel, and so eliminate SNF transuranics. Argonne and INL chemists have designed and demonstrated 5-9s separation of transuranics from the fission wastes. Peterson has the technology needed to do 300-year SNF storage and has the system design to replace oil and coal with hydrogen, to balance the economy, and has the design for a U.S. commerce system to put all qualified Americans to work, for comfort and security.

MOTION for PLAN, SCHEDULE, and MANAGEMENT

Traditionally and by law, in every State of the Union, specifications and plans for structures, and application for license to build and operate them are done by Registered Professional Engineers. It would be reasonable that a P.E. would be used to seek a license to construct and operate Yucca Mountain (YM) and the same for Peterson's 300-year SNF disposal system. Determining a method for SNF disposal and the schedule by which site[s] are built and used would likewise be the responsibility of a registered Professional Engineer (PE). Is there a P.E. responsible for DOE's application?

Registered P.E. Peterson's view of this hearing in NRC Docket No. 63-001-HLW is that it is an opportunity for public issues and concerns to be aired and addressed. But there apparently is not a P.E. on the project to prepare reports, plans, schedule, and oversee construction and start up. This P.E. points out there are many items of certain issues that cannot be compromised, including:

1. The world's use of oil must be replaced with nuclear manufactured hydrogen.
2. Nuclear power and associated spent nuclear fuel (SNF) disposal is required.
3. Nuclear fuel cannot be wasted; transuranics and U238 in SNF must be recovered and eventually used for fuel.
4. Transuranics must be consumed in the near term, not left for future generations.
5. The hot cesium and strontium in SNF cannot be geological buried. In 300 years they are to be disposed as low level Class-C wastes.

The specification must require SNF disposal by the way of the 300-year SNF permanent disposal solution. Geological burial is not a good solution; it is not an option for SNF disposal. After consideration of Peterson's 300-year SNF permanent disposal solution, the National Academies of the Sciences (NAS) would not recommend Yucca Mountain permanent burial of SNF, it's scientifically wrong.

KEY PARTIES

NAS has suggested processing SNF but EPA and DOE have not considered it. EPA, DOE, and NAS have not considered Peterson's 300-year SNF permanent disposal solution which includes 5-9s separation of the transuranics from the SNF. GE's newly designed reactor can consume transuranics for fuel. The U.S. Court of Appeals for the District of Columbia Circuit in its July 9, 2004, in Case No. 01-1258 ordered that the U.S. Congress has required that how SNF is disposed of would have to be recommended by the NAS and its recommendation must be considered by EPA, who could not deviate much from the NAS recommendation.

The U. S. Department of Commerce (DOC) should be responsible for U. S. Constitution requirements of regulating coin and international commerce:

Sec. 8. [Powers of congress.]

[3.] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

[5.] To coin Money regulate the Value thereof, and foreign Coin, and fix the Standard of Weights and Measures.

Peterson moves the Hearing Judges find that as EPA has the responsibility of specifying how SNF is to be disposed of, DOC would have the responsibility of specifying that U.S. commerce with other nations must balance. Peterson moves EPA must work with DOE and NRC to achieve U.S. energy independence. Peterson likewise moves that the DOC must work with Treasury and Department of the Interior and regulate coin and commerce to fix the deficit. Peterson moves for U.S. fuel independence in three years, then consideration of his plan (not herein provided) for fiscal independence.

Dated this 23 day of December, 2009.

William (Bill) D. Peterson, M.S. P.E.
300-year SNF disposal solution

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 NUCLEAR REGULATORY COMMISSION
 BEFORE THE ATOMIC AND SAFETY LICENSING BOARD

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William D Peterson, 300-year spent nuclear)	ASLBP Nos. 09-892-HLW-CAB04
fuel permanent disposal solution)	
Third Party Appellant)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing motion for a THREE (3) YEAR ECONOMY RECOVERY PLAN, including a PLAN FOR SNF DISPOSAL and FUEL INDEPENDENCE, and plan for CO₂ reduction for slowing Global Climate Change have been served upon the following persons by Electronic Information Exchange.

Dated this 23rd day of December, 2009.

William D Peterson, 300-year spent nuclear
 fuel permanent disposal solution
 Third Party License Applicant Appellant

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Dated this 23rd day of December **2009**