

William (Bill) D. Peterson, with
 300-Year SNF Disposal &
 3-Year Recovery Plan,
 413 Vine Street,
 Clearfield, Utah 84015,
 Tel 801-825-3123, Email paengineers@iuno.com

UNITED STATES DISTRICT COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
 333 Constitution Avenue, NW, Room 5523
 Washington, DC 20001-2866
 Phone: 202-216-7290 Facsimile: 202-219-8530

William (Bill) D. Peterson, Engineer for
 300-Year SNF Disposal Solution &
 3-year Fuel and Economy Recovery Plan,
 Plaintiff

vs.

Case No. _____

United States of America
 Nuclear Regulatory Commission
 Atomic Safety and Licensing Board
 Defendant

NOTICE OF APPEAL

Notice is hereby given this 4th day of January 2010 that Engineer William (Bill) D. Peterson with his 300-Year Spent Nuclear Fuel Permanent Disposal Solution and his 3-Year Plan for U.S. Fuel independence and U.S. Economy Recovery hereby appeals a December 30th, 2009, Order in NRC Hearing Docket No. 63-001-HLW to the United States District Court of Appeals for the District Of Columbia Circuit, for establishing his standing based upon his unique technology for SNF disposal, and for further clarification, amplification, and resurgence of the **DC Court's July 9, 2004 Order in Case No. 01-1258**, which order was apparently never implemented by EPA and NAS and is still being ignored by EPA, DOE, NRC, and NEI, which ignoring is preventing resolution of SNF disposal and preventing the U.S. from developing nuclear-hydrogen, and so prevents the U.S. from becoming fuel independent, which is also stopping the nation from becoming economically independent.

300-Year SNF Disposal Solution

After 5 years of water storage, SNF is put into canisters, moved to an intermediate site, lowered into concrete silos surrounded by gravel fill and capped with massive lids. The base of each silo is connected to a tunnel which supplies fresh air, used for passive convection of heat from each canister.

At some convenient time the SNF is removed again and reprocessed into three streams. The fission waste would have 99.999% (5-9s) of the transuranics removed, leaving isotopes of half lives 30 years or less with less than 100 nCi TRU/g contamination. This "purified fission waste" would be stored in silos for 300 years, becoming low level waste Class-C, and continued in storage in place for another required 500 years to become low level Class-A (harmless). The removed transuranics are to be completely burned for energy in a fast neutron reactor. The remaining uranium is warehoused for future use as fuel. Thus by 300 years the high level fission waste would be decayed, while the transuranics would largely be used up, and the remaining U-238 uranium would be harmless in storage. (Patent Pending)

3-Year Fuel Independence and Economic Recovery

By using a 300-year solution for spent nuclear fuel (SNF) permanent disposal, I am proposing in three years, having 50 new nuclear power plants operating, starting a path to U.S. energy independence. With the 50 of them making electricity and nuclear-hydrogen, we could get 10% of U.S. transportation on hydrogen. In that three years the U.S. needs to get 40% of U.S. vehicular transportation on natural gas (CNG) and for the 50% balance America would need to attempt to get them operating on U.S. oil (gasoline and diesel).

This Engineer asserts that the U.S. federal deficit is a consequence of America's imbalance of trade. The Engineer's objective is to make balance of trade positive. The U.S. has about lost it's ability to borrow so borrowing money for three years as we build up U.S. production will be political magic.

This Engineer estimates next year the U.S. will spend a trillion dollars for imported oil, 2/3 trillion the following year, and 1/3 trillion the third year out. That would be a two trillion dollar total expenditure. Fifty new nuclear power plants would cost 300 billion

dollars, 1/10 of the increasing deficit for that period. The further out in time this is not fixed will extend America's huge trade deficit a trillion dollars plus per year. So it is absolutely imperative that the U.S. get a nuclear hydrogen transition done as soon as possible.

DOE vs NRC hearing is flawed and cannot continue

In a December 14, 2009, pleading in the current LSN portal website, the LSN Administrator advised the NRC Board that the DOE license application in Docket No. 63-001-HLW may be withdrawn by the DOE, and that it would likely require five years and multiple million of dollars to resurrect the LSN portal site.

In the matter Peterson has motioned for a SNF disposal plan with a plan and schedule for nuclear-hydrogen, which has not been done.

It is Professional Engineer burial of SNF without its being processed will not work for an ongoing nuclear power industry, whereas the 300-year solution works work.

Dated this 4th day of January, 2010

William (Bill) D. Peterson, P.E.
300-year SNF disposal solution
3-year Recovery Plan
413 Vine Street,
Clearfield, Utah 84015,
Tel 801-825-3123
Email paengineers@juno.com

Attachments:

1. December 30, 2009, ORDER (Denying William D. Peterson Motion)
2. December 29, 2009, Email to Judge Thomas S. Moore, Chair – Administrative judge
Ref: Request to consider appeal of DOE v NRC Docket No. 63-001-HLW
To U.S. Court of Appeals for the District of Columbia Circuit, **D.C. Case No. 01-1258**
3. PETERSON'S NOTICE OF INTENT TO APPEAL Docket No. 63-001-HLW
license application speculation to the U.S. Court of Appeals for the District of Columbia Circuit, ref: Further Review and Clarification of the Court's July 9, 2004 Order in **D.C. Case No. 01-1258**.
4. 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.
5. Certificate of service by Electronic Information Exchange

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION
 ATOMIC SAFETY AND LICENSING BOARD
 Before Administrative Judges:
 Thomas S. Moore, Chairman
 Paul S. Ryerson
 Richard E. Wardwell

In the Matter of

Docket No. 63-001-HLW

U.S. DEPARTMENT OF ENERGY

ASLBP No. 09-892-HLW-CAB04

(High Level Waste Repository)

December 30, 2009

ORDER
 (Denying William D. Peterson Motion)

Before us is yet another filing by William D. Peterson dated December 23, 2009 titled "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" (Peterson Motion). Although the purported subject of the filing, as the title suggests, covers a number of topics, the gist of the sought relief is illustrated by the last paragraph stating that:

Peterson moves the Hearing Judges find that as EPA has the responsibility of specifying how SNF is to be disposed of, DOC [Department of Commerce] would have the responsibility of specifying that U.S. commerce with other nations must balance. Peterson moves EPA [Environmental Protection Agency] must work with DOE [Department of Energy] and NRC to achieve U.S. energy independence. Peterson likewise moves that the DOE 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.¹

Mr. Peterson's December 23, 2009 motion is denied. The movant is not now and never has been a party to the High Level Waste Repository proceeding. Because Mr. Peterson is not

¹ Peterson Motion at 5.

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a party to the proceeding, he has no right or entitlement to file any pleadings, regardless of how captioned, in Docket No. 63-001-HLW.

Mr. Peterson filed an intervention petition on October 5, 2009.² In an order dated October 28, 2009,³ Construction Authorization Board 04 (CAB-04 or Board) denied that petition for being filed, without adequate excuse, over nine months past the 60-day deadline for intervention petitions set by the Commission's October 22, 2008 hearing notice.⁴ In denying his intervention petition, the Board also found that Mr. Peterson had failed to establish his standing to intervene and that he had failed to proffer any admissible contentions – two additional essential prerequisites for the grant of an intervention petition.⁵ On November 6, 2009, Mr. Peterson filed a purported supplement to his already denied intervention petition that the Board generously treated as a motion for reconsideration of its earlier order.⁶ By order dated November 10, 2009, the Board denied the motion for reconsideration.⁷ Thereafter, in pleadings ostensibly dated November 12 and 13, 2009, Mr. Peterson sought to appeal to the Commission

² Petition for Admission (Oct. 5, 2009).

³ CAB Order (Denying Intervention Petition) (Oct. 28, 2009) (unpublished).

⁴ See U.S. Department of Energy (High Level Waste Repository); Notice of Hearing and Opportunity to Petition for Leave to Intervene on an Application for Authority to Construct a Geologic Repository at a Geologic Repository Operations Area at Yucca Mountain, 73 Fed. Reg. 63,029, 63,030 (Oct. 22, 2008).

⁵ CAB Order (Denying Intervention Petition) (Oct. 28, 2009) at 1 (unpublished).

⁶ Supplement to Petition to Enter (Nov. 6, 2009).

⁷ CAB Order (Denying Motion for Reconsideration) (Nov. 10, 2009) (unpublished).

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the denial of his intervention petition.⁸ That appeal is pending before the Commission along with a December 2, 2009 motion titled "MOTION FOR A PLAN AND SCHEDULE."⁹

As is evident from Mr. Peterson's latest filing, he apparently fails to understand, or refuses to accept the fact, that his failure to be admitted as a party to the High Level Waste Repository Proceeding precludes him from participating in any manner in the formal ongoing proceeding. Further, in light of his earlier denied petition and subsequent pleadings, the Board is frank to state that it is exceedingly unlikely that Mr. Peterson could meet the Commission's regulatory requirements for being admitted as a party to the proceeding. Because he nevertheless continues to file pleadings, we hereby bar Mr. Peterson from filing any further pleadings in the High Level Waste Repository Proceeding, Docket No. 63-001-HLW, or sending any emails to the Judges such as the one addressed to Judge Thomas S. Moore dated December 29, 2009,¹⁰ unless and until the Commission reverses the Board's October 28, 2009

⁸ In a filing dated November 12, 2009, but apparently electronically submitted on November 13, 2009, Mr. Peterson sought to appeal the denial of his intervention petition and the subsequent denial of his motion for reconsideration. Motion for Waiver Per 10 C.F.R. § 2.335 (Nov. 13, 2009). This filing, although identified in two separate places as before the "Atomic and Safety Licensing Board," notes in the caption that it is a "NOTICE OF APPEAL to the NRC Commissioners." In support of this appeal, Mr. Peterson filed another pleading, dated November 13, 2009, whose Certificate of Service carries various dates from November 5 through November 16, 2009, and which apparently was not electronically submitted until November 17, 2009. Memorandum [in Support of Notice of Appeal] (Nov. 17, 2009). Again, while this pleading identifies itself as before the "Atomic and Safety Licensing Board," it is also captioned "MEMORANDUM in support of NOTICE OF APPEAL EPA is responsible for SNF" before the NRC Commissioners.

⁹ Motion for a Plan and Schedule (Dec. 2, 2009).

¹⁰ Mr. Peterson's December 29, 2009 e-mail is attached to this order.

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Order denying his intervention petition. Further, by this order, we instruct the Secretary of the Commission to strike any pleadings filed by Mr. Peterson in derogation of this order.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

RA/

Paul S. Ryerson
ADMINISTRATIVE JUDGE

RA/

Richard E. Wardwell
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 30, 2009

ATTACHMENT:

From: William D Peterson [paengineers@juno.com]
Sent: Tuesday, December 29, 2009 8:53 AM
To: Moore, Thomas
Subject: May I appeal DOE v NRC Docket No. 63-001-HLW instead of it being Withdrawn

Judge Thomas S. Moore
 Chair – Administrative judge

December 29, 2009

Ref: Request to consider appeal of DOE v NRC Docket No. 63-001-HLW
 To U.S. Court of Appeals for the District of Columbia Circuit, Case No. 01-1258

Honorable Judge Moore,

As Governor of the State of Utah from 1993 to 2003, Michael Leavitt did everything he could to foil storage of spent nuclear fuel. With the attitude he had against nuclear power, I don't see how he could possibly function as Administrator of EPA from 2003 to 2005. I don't believe his attitude of stopping nuclear power has ever changed. He should have implemented the July 9, 2004 court order in Case No. 01-1258. I believe that Leavitt sabotaged nuclear power by ignoring that order.

Pleadings that I have submitted show that DOE is attempting to seek a NRC license to pursue a disposal solution for spent nuclear fuel (SNF) without there being a solution recommendation from the Environmental Protection Agency (EPA) it being based upon a recommendation from the National Academies of Sciences (NAS) as required per a July 9, 2004 order of this Court in Case No. 01-1258.

2003-2005 EPA Administrator Michael Leavitt wrongly failed to implement the 2004 Court order, which failure to do has stalemated progress of SNF disposal and America's nuclear power development. Also, this appellant's 300-year SNF permanent disposal solution should at that time been considered over the one million year or 10,000-year storage requirement, which was previously the only options available.

Peterson's third party standing in DOE v NRC Docket No. 63-001-HLW is currently on appeal before the NRC Commissioners Gregory Jaczko, Kristine Svinicki, and Dale Klein. Peterson concurs with the NRC's attorney Adam Gendelman in his December 14, 2009 pleading, that certain matters, which would include a lack of a directive from EPA consistent with a recommendation from NAS cannot be pursued by NRC. These matters have been a subject of this Court in Case No. 01-1258 which now requires further clarification and amplification of the Court's 2004 order.

Possibly only I could make such an appeal since I have the real time solution of 300-year SNF permanent disposal. May I discuss with you my idea of appealing DOE v NRC Docket No. 63-001-HLW to the United States Court of Appeals for the District of Columbia Circuit, who wrote the order in Court in Case No. 01-1258.

Sincerely yours,
 William (Bill) D Peterson
 300-year SNF permanent disposal solution
 413 Vine St, Clearfield, Utah 84015
 Tel 801-825-3123, Email paengineers@juno.com

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

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

PETERSON'S NOTICE OF INTENT TO APPEAL
Docket No. 63-001-HLW license application speculation to the
U.S. Court of Appeals for the District of Columbia Circuit,
ref

Further Review and Clarification of the Court's
July 9, 2004 Order in Case No. 01-1258

Judge Thomas S. Moore
Chair – Administrative judge

December 29, 2009

Ref: Notice of my intent to appeal DOE v NRC Docket No. 63-001-HLW to the U.S. Court of Appeals for the District of Columbia Circuit, Ref its Case No. 01-1258

Honorable Judge Moore,

As Governor of the State of Utah from 1993 to 2003, Michael Leavitt did everything he could to foil storage of spent nuclear fuel. With the attitude he had against nuclear power, I don't see how he could have possibly functioned as Administrator of EPA from 2003 to 2005. I don't believe his attitude of stopping nuclear power has ever changed. He should have implemented the

July 9, 2004 court order in Case No. 01-1258. I believe that Leavitt sabotaged nuclear power by ignoring that order.

Pleadings that I have submitted show that DOE is attempting to seek an NRC license to pursue a disposal solution for spent nuclear fuel (SNF) without there being a solution recommendation from the Environmental Protection Agency (EPA), one that is based upon a recommendation from the National Academies of Sciences (NAS) as required per a July 9, 2004 order of this Court in Case No. 01-1258.

2003-2005 EPA Administrator Michael Leavitt wrongly failed to implement the 2004 Court order, which failure to do has stalemated progress of SNF disposal and America's nuclear power development. Also, this appellant's 300-year SNF permanent disposal solution should at that time have been considered over the one million year or 10,000-year storage requirement which then were the only options available to consider.

Peterson's third party standing in DOE v NRC Docket No. 63-001-HLW is currently on appeal before the NRC Commissioners Gregory Jaczko, Kristine Svinicki, and Dale Klein. Peterson concurs with the NRC's attorney Adam Gendelman in his December 14, 2009 pleading, that certain matters, which would include a lack of a directive from EPA consistent with a recommendation from NAS cannot be pursued by NRC. Matters from Court Case No. 01-1258 should have been a subject of this Hearing. Case No. 01-1258 now requires further clarification and amplification of the Court's 2004 order to overcome Leavitt's administration failure, which I will get done..

Possibly only I could make such an appeal since I have the real time solution of 300-year SNF permanent disposal, which I am prepared to proceed with including doing the licensing. So this new SNF storage could be done in conjunction with my proposed 3-year economy transition 50 plant start, which I hope can be done. May we discuss concerns you may have with my appealing DOE v NRC Docket No. 63-001-HLW to the United States Court of Appeals for the District of Columbia Circuit, who wrote the order in **Court Case No. 01-1258**.

Sincerely yours,

William (Bill) D Peterson, M.S., M.E., O.R.A.
300-year SNF Permanent Disposal Solution
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Tel 801-825-3123, Email paengineers@juno.com

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

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

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, SCHUDULE, and MAGEMENT

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 recommended 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

C:/Old*/P/NUC/NRC/Lic-Brd/Doc63-001/-recovery 3yr plan 122309.doc

William (Bill) D. Peterson, with
 300-Year SNF Disposal &
 3-Year Recovery Plan,
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 Clearfield, Utah 84015,
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UNITED STATES DISTRICT COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
 333 Constitution Avenue, NW, Room 5523
 Washington, DC 20001-2866
 Phone: 202-216-7290 Facsimile: 202-219-8530

William (Bill) D. Peterson, Engineer for
 300-Year SNF Disposal Solution &
 3-year Fuel and Economy Recovery Plan,
 Plaintiff

vs.

Case No. _____

United States of America
 Nuclear Regulatory Commission
 Atomic Safety and Licensing Board
 Defendant

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NOTICE OF APPEAL dated January 4, 2010, have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
 Atomic Safety and Licensing Board (ASLBP)
 Mail Stop T-3F23
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Construction Authorization Board (CAB) 04

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 Office of the General Counsel

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 Patricia Larimore, Senior Paralegal
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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
NOTICE OF APPEAL

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300-Year SNF disposal solution and

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Dated at Clearfield, Utah 84015

this 4th day of January, 2010.