

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 Enginee 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.

- 2 -

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).

- 3 -

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.

- 4 -

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

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

December 29, 2009

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
413 Vine St, Clearfield, Utah 84015
Tel 801-825-3123, Email paengineers@juno.com

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 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

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

 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
 Washington, DC 20555-0001

Construction Authorization Board (CAB) 04

Thomas S. Moore, Chair
 Administrative Judge
tsm2@nrc.gov

Paul S. Ryerson
 Administrative Judge
psr1@nrc.gov

Richard E. Wardwell
 Administrative Judge
rew@nrc.gov

Anthony C. Eitrem, Esq., Chief Counsel
ace1@nrc.gov
 Daniel J. Graser, LSN Administrator

djg2@nrc.gov
 Zachary Kahn, Law Clerk
zxk1@nrc.gov
 Erica LaPlante, Law Clerk
eal1@nrc.gov
 Matthew Rotman, Law Clerk
matthew.rotman@nrc.gov
 Katherine Tucker, Law Clerk
katie.tucker@nrc.gov
 Joseph Deucher
jhd@nrc.gov
 Andrew Welkie
axw5@nrc.gov
 Jack Whetstine
jgw@nrc.gov
 Patricia Harich
patricia.harich@nrc.gov
 Sara Culler
sara.culler@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of the General Counsel

Mail Stop O-15D21
 Washington, DC 20555-0001
 Margaret J. Bupp, Esq.
mjb5@nrc.gov
 Michael G. Dreher, Esq.
michael.dreher@nrc.gov
 Karin Francis, Paralegal
kxf4@nrc.gov
 Adam Gendelman, Esq.
adam.gendelman@nrc.gov
 Joseph S. Gilman, Paralegal
jsg1@nrc.gov
 Daniel W. Lenehan, Esq.
daniel.lenehan@nrc.gov
 Andrea L. Silvia, Esq.
alc1@nrc.gov
 Mitzi A. Young, Esq.
may@nrc.gov
 Marian L. Zobler, Esq.
mlz@nrc.gov
 OGC Mail Center

U.S. Department of Energy
 Office of General Counsel
 1000 Independence Avenue S.W.
 Washington, DC 20585
 Martha S. Crosland, Esq.
martha.crosland@hq.doe.gov
 Nicholas P. DiNunzio, Esq.
nick.dinunzio@rw.doe.gov
 James Bennett McRae
ben.mcrae@hq.doe.gov
 Cyrus Nezhad, Esq.
cyrus.nezhad@hq.doe.gov
 Christina C. Pak, Esq.
christina.pak@hq.doe.gov

For U.S. Department of Energy
 Office of Counsel, Naval Sea Systems Command
 Nuclear Propulsion Program
 1333 Isaac Hull Avenue, SE, Building 197
 Washington, DC 20376
 Frank A. Putzu, Esq.
frank.putzu@navy.mil

For U.S. Department of Energy
 USA-Repository Services LLC
 Yucca Mountain Project Licensing Group
 1160 N. Town Center Drive, Suite 240
 Las Vegas, NV 89144
 Stephen J. Cereghino, Licensing/Nucl Safety
stephen_cereghino@ymp.gov
 Jeffrey Kriner, Regulatory Programs
jeffrey_kriner@ymp.gov

OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of Commission Appellate Adjudication
 Mail Stop O-16C1
 Washington, DC 20555-0001
 OCAA Mail Center
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of the Secretary of the Commission
 Mail Stop O-16C1
 Washington, DC 20555-0001
 Hearing Docket
hearingdocket@nrc.gov

U.S. Department of Energy
 Office of General Counsel
 1551 Hillshire Drive
 Las Vegas, NV 89134-6321
 Jocelyn M. Gutierrez, Esq.
jocelyn.gutierrez@ymp.gov
 Josephine L. Sommer, Paralegal
josephine.sommer@ymp.gov

For U.S. Department of Energy
 Talisman International, LLC
 1000 Potomac St., NW, Suite 300
 Washington, DC 20007
 Patricia Larimore, Senior Paralegal
plarimore@talisman-intl.com

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

Counsel for U.S. Department of Energy
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Clifford W. Cooper, Paralegal
ccooper@morganlewis.com
Lewis M. Csedrik, Esq.
lcshedrik@morganlewis.com
Jay M. Gutierrez, Esq.
jgutierrez@morganlewis.com
Raphael P. Kuyler, Esq.
rkuyler@morganlewis.com
Charles B. Moldenhauer, Esq.
cmoldenhauer@morganlewis.com
Thomas D. Poindexter, Esq.
tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
tschmutz@morganlewis.com
Donald J. Silverman, Esq.
dsilverman@morganlewis.com
Shannon Staton, Legal Secretary
ssstaton@morganlewis.com
Annette M. White, Esq.
Annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
pzaffuts@morganlewis.com

Counsel for State of Nevada
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Laurie Borski, Paralegal
lborski@nuclearlawyer.com
Charles J. Fitzpatrick, Esq.
cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
jlawrence@nuclearlawyer.com

Nevada Agency for Nuclear Projects
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Steve Frishman, Tech. Policy Coordinator
steve.frishman@gmail.com
Susan Lynch, Administrator of Technical Prgms
szeeee@nuc.state.nv.us

Counsel for U.S. Department of Energy
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Kelly L. Faglioni, Esq.
kfaglioni@hunton.com
Donald P. Irwin, Esq.
dirwin@hunton.com
Stephanie Meharg, Paralegal
smeharg@hunton.com
Michael R. Shebelskie, Esq.
mshebelskie@hunton.com
Belinda A. Wright, Sr. Professional Assistant
bwright@hunton.com

Counsel for State of Nevada
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
1750 K Street, NW, Suite 350
Washington, DC 20006
Martin G. Malsch, Esq.
mmalsch@nuclearlawyer.com
Susan Montesi:
smontesi@nuclearlawyer.com

Bureau of Government Affairs
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
Marta Adams, Chief Deputy Attorney General
madams@ag.nv.gov

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

Counsel for Lincoln County, Nevada
1100 S. Tenth Street
Las Vegas, NV 89017
Annie Bailey, Legal Assistant
baileys@lcturbonet.com
Eric Hinckley, Law Clerk
erichinckley@yahoo.com
Bret Whipple, Esq.
bretwhipple@nomademail.com

Lincoln County District Attorney
P. O. Box 60
Pioche, NV 89403
Gregory Barlow, Esq.
lcda@lcturbonet.com

Lincoln County Nuclear Oversight Program
P.O. Box 1068
Caliente, NV 89008
Connie Simkins, Coordinator
jcciac@co.lincoln.nv.us

For Lincoln County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
mikebaughman@charter.net

Counsel for Nye County, Nevada
Ackerman Senterfitt
801 Pennsylvania Avenue, NW, #600
Washington, DC 20004
Robert Andersen, Esq.
robert.andersen@akerman.com

Counsel for Nye County, Nevada
530 Farrington Court
Las Vegas, NV 89123
Jeffrey VanNiel, Esq.
nbrjdv@gmail.com

Nye County Regulatory/Licensing Advisor
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
mrmurphy@chamberscable.com

Nye County Nuclear Waste Repository Project
Office (NWRPO)
2101 E. Calvada Boulevard, Suite 100
Pahrump, NV 89048
Zoie Choate, Secretary
zchoate@co.nye.nv.us
Sherry Dudley, Admin. Technical Coordinator
sdudley@co.nye.nv.us

Clark County, Nevada
500 S. Grand Central Parkway
Las Vegas, NV 98155
Phil Klevatorick, Sr. Mgmt Analyst
klevatorick@co.clark.nv.us
Elizabeth A. Vibert, Deputy District Attorney
Elizabeth.Vibert@ccdandv.com

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117
Bryce Loveland, Esq.
bloveland@jsslaw.com

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

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
1700 Pennsylvania Avenue, NW, Suite 500
Washington, DC 20006-4725
Elene Belte, Legal Secretary
ebelete@jsslaw.com
Alan I. Robbins, Esq.
arobbins@jsslaw.com
Debra D. Roby, Esq.
droby@jsslaw.com

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190
Theodore Beutel, District Attorney
tbeutel.ecda@eurekanv.org

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
dcurran@harmoncurran.com
Matthew Fraser, Law Clerk
mfraser@harmoncurran.com

Eureka County Public Works
PO Box 714
Eureka, NV 89316
Ronald Damele, Director
rdamele@eurekanv.org

Nuclear Waste Advisory for Eureka
County, Nevada
1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
eurekanrc@gmail.com

For Eureka County, Nevada
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, Consultant
lpitchford@comcast.net

Counsel for Churchill, Esmeralda, Lander,
and Mineral Counties, Nevada
Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Jennifer A. Gores, Esq.
jgores@armstrongteasdale.com
Robert F. List, Esq.
rlist@armstrongteasdale.com

Esmeralda County Repository Oversight
Program-
Yucca Mountain Project
PO Box 490
Goldfield, NV 89013
Edwin Mueller, Director
muellered@msn.com

Mineral County Nuclear Projects Office
P.O. Box 1600
Hawthorne, NV 89415
Linda Mathias, Director
yuccainfo@mineralcountynv.org

For City of Caliente, Lincoln County, and
White Pine County, Nevada
P.O. Box 126
Caliente, NV 89008
Jason Pitts, LSN Administrator
jayson@idtservices.com

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

White Pine County, Nevada
Office of the District Attorney
801 Clark Street, #3
Ely, NV 89301
Richard Sears, District Attorney
rwsears@wpcda.org

White Pine County Nuclear Waste Project Office
959 Campton Street
Ely, NV 89301
Mike Simon, Director
wpnucwst1@mwpower.net
Melanie Martinez, Sr. Management Assistant
wpnucwst2@mwpower.net

For White Pine County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
bigboff@aol.com

Counsel for Caliente Hot Springs Resort LLC
John H. Huston, Attorney at Law
6772 Running Colors Avenue
Las Vegas, NV 89131
John H. Huston, Esq.
johnhhuston@gmail.com

Counsel for Inyo County, California
Law Office of Michael Berger
479 El Sueno Road
Santa Barbara, CA 93110
Michael Berger, Esq.
michael@lawofficeofmichaelberger.com
Robert Hanna, Esq.
robert@lawofficeofmichaelberger.com

Counsel for Inyo County, California
Greg James, Attorney at Law
710 Autumn Leaves Circle
Bishop, CA 93514
E-Mail: gljames@earthlink.net

Inyo County Yucca Mountain Repository
Assessment Office
P. O. Box 367
Independence, CA 93526-0367
Alisa M. Lembke, Project Analyst
alembke@inyocounty.us

California Department of Justice
Office of the Attorney General
1300 I Street, P.O. Box 944255
Sacramento, CA 94244-2550
Susan Durbin, Deputy Attorney General
susan.durbin@doj.ca.gov
Michele Mercado, Analyst
michele.Mercado@doj.ca.gov
California Department of Justice

Office of the Attorney General
1515 Clay Street, 20th Floor, P.O. Box 70550
Oakland, CA 94612-0550
Timothy E. Sullivan, Deputy Attorney General
timothy.Sullivan@doj.ca.gov

California Department of Justice
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Brian Hembacher, Deputy Attorney General
brian.hembacher@doj.ca.gov

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Kevin, W. Bell, Senior Staff Counsel
kwbell@energy.state.ca.us

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

Nuclear Energy Institute
Office of the General Counsel
1776 I Street, NW Suite 400
Washington, DC 20006-3708
Michael A. Bauser, Esq.
mab@nei.org
Anne W. Cottingham, Esq.
awc@nei.org
Ellen C. Ginsberg, Esq.
ecg@nei.org

Counsel for Nuclear Energy Institute
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
William A. Horin, Esq.
whorin@winston.com
Rachel Miras-Wilson, Esq.
rwilson@winston.com
David A. Repka, Esq.
drepka@winston.com
Carlos L. Sisco, Senior Paralegal
csisco@winston.com

Native Community Action Council
P.O. Box 140
Baker, NV 89311
Ian Zabarte, Member of Board of Directors
mrizabarte@gmail.com

Counsel for Nuclear Energy Institute
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Jay E. Silberg, Esq.
jay.silberg@pillsburylaw.com
Timothy J.V. Walsh, Esq.
timothy.walsh@pillsburylaw.com
Maria D. Webb, Senior Energy Legal
Analyst
maria.webb@pillsburylaw.com

Counsel for Native Community Action
Council
Alexander, Berkey, Williams & Weathers
LLP
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey, Esq.

cberkey@abwwlaw.com
Rovianne A. Leigh, Esq.
rleigh@abwwlaw.com
Scott W. Williams, Esq.
swilliams@abwwlaw.com

U.S. DEPARTMENT OF ENERGY (High
Level Waste Repository) Docket No. 63-
001-HLW
LB Order (DENYING WILLIAM D.
PETERSON MOTION

For Joint Timbisha Shoshone Tribal Group
3560 Savoy Boulevard
Pahrump, NV 89601
Joe Kennedy, Executive Director
joekennedy08@live.com
Tameka Vazquez, Bookkeeper
purpose_driven12@yahoo.com

Counsel for Joint Timbisha Shoshone Tribal
Group
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P. O. Box 2719
Madison, WI 53701-2719
Julie Dobie, Legal Secretary
jdobie@gklaw.com
Steven A. Heinzen, Esq.
sheinzen@gklaw.com
Douglas M. Poland, Esq.
dpoland@gklaw.com
Hannah L. Renfro, Esq.
hrenfro@gklaw.com
Jacqueline Schwartz, Paralegal
jschwartz@gklaw.com

Counsel for Joint Timbisha Shoshone Tribal
Group
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA 95814
Felicia M. Brooks, Data Administrator
fbrooks@ndnlaw.com
Ross D. Colburn, Law Clerk
rcolburn@ndnlaw.com
Sally Eredia, Legal Secretary
seredia@ndnlaw.com
Darcie L. Houck, Esq.
dhouck@ndnlaw.com

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

Brian Niegemann, Office Manager

bniegemann@ndnlaw.com

John M. Peebles, Esq.

jpeebles@ndnlaw.com

Robert Rhoan, Esq.

rrhoan@ndnlaw.com

Shane Thin Elk, Esq.

sthinelk@ndnlaw.com

Counsel for Joint Timbisha Shoshone Tribal Group

Godfrey & Kahn, S.C.

780 N. Water Street

Milwaukee, WI 53202

Arthur J. Harrington, Esq.

aharrington@gklaw.com

Original Signed by William (Bill) D. Peterson

300-Year SNF disposal solution and

3-year fuel and economy recovery plan

Dated at Clearfield, Utah 84015

this 4th day of January, 2010.