

William D. (Bill) Peterson
300-year SNF disposal solution
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSIONERS
Gregory Jaczko, Kristine Svinicki, & Dale Kline

In the Matter of)	
William D Peterson, 300-year spent nuclear)	MOTION FOR JUDGEMENT
fuel permanent disposal solution)	
3-year fuel independence plan)	ON APPEAL
Third Party Appellant Applicant)	
v.)	(High-Level Waste Repository)
)	license application speculation
U.S. NUCLEAR REGULATORY - NRC)	
COMMISSION, Licensor Appellee)	Before the NRC Commissioners
v.)	
)	Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY - DOE)	
License Applicant Appellant)	SLBP Nos. 09-892-HLW-CAB04
)	
)	February 22, 2010

MOTION FOR JUDGEMENT

Third Party Appellant Applicant, Engineer William (Bill) D. Peterson has for two decades been working on alternative methods for disposal of spent nuclear fuel (SNF), while EPA, DOE, and NRC have restricted their work approach to only Yucca Mountain (YM) deep geological burial. Peterson has better technologies with 300-year disposal of SNF and a plan for 3-year fuel independence for the U.S., which can work.

In September of 2009 Peterson petitioned to enter the Docket No. 63-001-HLW license application speculation for YM. Peterson's 300-year SNF disposal solution has in practicality been demonstrated to work. Peterson has a 3-year plan for U.S. fuel independence which Peterson believes is a path to both fuel independence and macro economy independence.

In a **July 9, 2004 Court Order in Case No. 01-1258 before the United States Court of Appeals for the District of Columbia Circuit** it was ordered that the U.S. Congress views U.S. Environmental Protection Agency (EPA) standards as a basic prerequisite for developing spent nuclear fuel storage and disposal. The National Academies of Sciences (NAS) is to provide recommendations. EPA's standards are to be "based upon and consistent with" NAS's findings and recommendations, or EPA is to return to Congress and seek legislative authority to deviate from NAS's reports.

Peterson has singled out some important directives from Court Order No. 01-1258, which are important as steorage to EPA, DOE, NRC, and NEI. The first reference page number is the page in the report where the information is found. The second page number is the page in Peterson's study document copy in WORD. For help in studying this, for a copy of Case No. 01-1258 order in WORD, just Email a request to Peterson.

Peterson herewith appeals to the NRC Commission for a finding that Peterson proffers the way that the Congress has designated for development of an SNF solution which **EPA, DOE, NRC, and NEI have been ignoring and not abiding by the Court's July 9th Order in the Court's Case Docket No. 01-1258.**

Peterson has provided NRC's attorney Stephanie Liaw with a copy of the Court's order, a summary of pertinent rulings in the pleading, and Peterson's list of differenced, controverted issues, a 21 item list of contentions, all features being improvements over YM. She has not disputed this so admits NRC et al. have not heeded the Appellate Court's order so the hearing procedure is unlawful. Peterson believes the most significant issue is the Court's order that YM is only a guide, the National Academies of Sciences (NAS) is to study the situation and make recommendations to EPA, and then with that EPA is to pronounce how SNF is to be disposed of. This is a Court Order that

Peterson contends that EPA, NRC, and DOE have not complied with so is grounds for his intervention.

According to the U.S. Constitution Section § 2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions, Peterson has rightly raised or controverted raised a specific statement of the issue of law and facts that EPA, NRC, and DOE have not complied with, so it is right that Peterson enter the Docket No. 63-001-HLW license application speculation for YM, as a Third Party Plaintiff.

Peterson moves the Court to order plaintiff intervention is lawful per Section § 2.309. Wherein the YM project is being closed down, legal issues such as this might not be seen by the NRC Commissioners. If this may be the situation, Peterson pleads with the Court to see this in the next 14 days, or else allow Peterson to remove his appeal and put it with case No. 10-1007 now being seen in the United States Court of Appeals for the District of Columbia Circuit.

Pleadings to the Appellate Court accompany and support this motion.

This pleading is dated this 22nd Day of February 2010.

William (Bill) D. Peterson, P.E., Engineer for
300-year SNF permanent disposal solution and
3-year plan for fuel independence and economic recovery

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing MOTION FOR JUDGEMENT was sent by U.S. Mail to NRC counsel Stephanie Liaw Tel 301-415-1354 and to Emile Jordan Tel 301-415-1677 at the Clerk's office of the Court by U.S. Mail, and electronically sent by Email to Stephanie.Liaw@nrc.gov , and Emile Julian Email at Emile.Julian@nrc.gov on
February 22, 2010

:The same documents were also mailed to the United States Court of Appeals for the District of Columbia Circuit for memorandum for pleadings filed into Docket No. 20-1007. Those pleadings will also be sent to you and Mr. Julian.

Ms. Liaw,

I talked to Emile Julian this morning, he tells me that this matter is one of six on the docket to be acted upon by the Commission. Mr. Julian does not have a schedule but I believe the he believes it will be soon. So it would not be right to try to appeal it into the appellate Court Docket No. 20-1007 now.

Bill Peterson