

RAS 7331

DOCKETED  
USNRC

February 10, 2004 (10:38AM)

**From:** HearingDocket  
**To:** william bill d peterson  
**Date:** Mon, Feb 2, 2004 5:02 PM  
**Subject:** Re: Question, who is NRC General Counsel,  
and who is Mr. Turk Counsel for NRC Staff, relationship?

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**SERVED February 10, 2004**

72-22-ISFSI

Mr. Peterson,

You requested a response to a number of questions in three e-mails including this one. In answer to your question on who should be served with your filings, please be advised that I am serving your e-mails to me and this response on the service list for the Private Fuel Storage proceeding. The official service list attached to my service of your e-mails can serve as a guide as to whom you should serve for future filings.

I am not responding to your questions about Mr. Turk's pleadings or his authority as a member of the NRC Office of General Counsel. You should address such questions to the Atomic Safety and Licensing Board for the Private Fuel proceeding or to Mr. Turk. Nor can I discuss the merits of your position with you. There are prohibitions in 10 CFR Part 2, Subpart G against an adjudicatory employee, such as myself, discussing the merits of the proceeding, the substance of filings in the proceeding or the disposition of the proceedings with a party, potential party or interested person.

Emile Julian

>>> william bill d peterson <paengineers@juno.com> 01/30/04 03:11PM >>>

William D. (Bill) Peterson  
P&A ENGINEERS  
Pigeon Spur Fuel Bank  
Ref: NRC Docket No. 72-23  
2800 Adams St No.16  
Salt Lake City, Utah, 84115  
Tel 801-915-9455  
E-Mail [paengineers@juno.com](mailto:paengineers@juno.com)  
January 29, 2004

ATOMIC SAFETY LICENSING BOARD  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
Washington D.C. 20555-0001

Attn: Emile L. Julian  
NRC Office of Secretary

RESPONSE Response to NRC's RESPONSE to PETITION to license Pigeon Spur

Dear Mr. Julian,

I have met today with my attorneys R. Dennis Ickes and Karen Allen. In

Mr. Sherwin E. Turk's E-mail response of January 27, 2004 we believe that his objection centers around the Licensing Board's putting the subject of our petition with the PFS license application for consideration, ref NRC Docket No. 72-22. We view this as a choice of the Licensing Board and not something of our prerogative. However we see that this might be logical to put this with the PFS application since this is where a licensing effort and action is before the board. As a footer, at the bottom of page 5 of Mr. Turks pleading he wrote: (see below) (Note that this note does not appear on the screen in the file. This only appeared when the document was printed)

4 It is not altogether clear whether Mr. Peterson intended to file his Petition in the PFS proceeding or before the Atomic Safety and Licensing Board Panel independently from the PFS proceeding. In any event, however, the Licensing Board would lack the authority to take the action requested by Mr. Peterson, prior to the filing of that application and issuance of a notice of opportunity for hearing thereon. See 10 C.F.R. §§ 2.105(a)(7).

§2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission has not found that a hearing is in the public interest, it will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

(7) A license under part 72 of this chapter to acquire, receive or possess spent fuel for the purpose of storage in an independent spent fuel storage installation (ISFSI) or to acquire, receive or possess spent fuel, high-level radioactive waste or radioactive material associated with high-level radioactive waste for the purpose of storage in a monitored retrievable storage installation (MRS);

First I need to say that I did not intend to tell or ask the Board to put our instant matter with any other matter, or to treat it separately. I felt this to be entirely the discretion of the Board. I did however, relate a history of our NRC Docket No. 72-23 and some of our history of our effort to be an intervenor in NRC Docket No. 72-22, PFS. I view that we are proposing methods and technologies different and now not a PART of the current 10CFR. Actually, I perceive that new rulemaking needs to be done for processing of SNF and for our proposed 300-year disposal procedure which recovers actinides for future fuel, removed five nines (99.999%) of the transuranics, then in 300 years the fission wastes become low level Class-C.

In our view, Mr. Turk did not respond to any of the averments of our Petition. His only concerns are on the Board's procedures to see our Petition, namely, the Board's action putting our matter with PFS matter for its review. From what we see in 10CFR, what the Board has done seems right and logical. Since Mr. Turk has put this question with us with his response, we now question Mr. Turk's authority to question the issue of assignment action of the Board. See 10CFR §72.44 (a) License conditions,

The Commission may also include additional license conditions as it finds appropriate. In 10CFR we read:

§72.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission, other than a written interpretation by the General Counsel, will be recognized to be binding upon the Commission.

Our question now is how and why is Mr. Turk - Counsel for NRC Staff questioning the decision of the Licensing Board's putting the matter of our petition with the current PFS NRC Docket No. 72-22 matter.

Our staff, that is me with Dr. Barrowes, Dr. Christian, and Attorneys Ickes and Allen now need to know the relationship of the NRC General Counsel and Sherwin E. Turk Counsel for the NRC Staff. If they are different, and if the General Counsel has not issued a written interpretation saying the Peterson Pigeon Spur and 300-year disposal issues cannot be included as "additional license conditions as it finds appropriate," then Mr. Turk's interpretation of the Licensing Board's seeing Peterson's petition in Docket No. 72-22 seems not to be appropriate.

To rebut Mr. Turk's response to the Peterson petition, our staff needs to know the relationship of General Counsel and Mr. Turk - Counsel for NRC Staff. We need to know if the General Counsel is allowing Mr. Turk to interpret and judge the Licensing Board's judgment of putting the Peterson Petition matter with the PFS license hearing matter.

§72.5 Interpretations.

Except as specifically authorized by the Commission in writing,  
no interpretation of the meaning of the regulations in this part by an  
officer or employee of the Commission, other than a written interpretation  
by the General Counsel, will be recognized to be binding upon the Commission.

Sincerely

William D. (Bill) Peterson

January 30, 2004 (1:00pm)

service PRELIMINARY considerations

CERTIFICATE OF E-mail SERVICE / DELIVERY

Copies of this PETITION were sent this date by Internet e-mail transmission to (1) Atomic Safety Licensing Board Judge G. Paul Bollwerk, III, Esq., Judge - Dr. Jerry R. Kline, and Judge - Dr. Peter S. Lam, (2) Vice President Dick Cheney, (3) Secretary of Energy Spencer Abraham (4) Senate and House Energy Committees (4) Nuclear Regulatory Commission, (5) OCRWM Director Dr. Margaret Chu, (6) EPA Director Michael O. Leavitt, (7) Governor of Utah Olene Walker, (8) Box Elder County Commission, (9) Park

Valley Committee for Pigeon Spur SNF Work Employment, and (10) Grouse Creek Committee for Pigeon Spur SNF Work Employment.  
and (11) Sherwin E. Turk, Counsel for NRC Staff, (12) P&A Engineers and Pigeon Spur Scientific Advisory Board:

**From:** william bill d peterson <paengineers@juno.com>  
**To:** <HEARINGDOCKET@nrc.gov>  
**Date:** Fri, Jan 30, 2004 3:18 PM  
**Subject:** Question, who is NRC General Counsel, and who is Mr. Turk Counsel for NRC Staff, relationship?

William D. (Bill) Peterson  
P&A ENGINEERS  
Pigeon Spur Fuel Bank  
Ref: NRC Docket No. 72-23  
2800 Adams St No.16  
Salt Lake City, Utah, 84115  
Tel 801-915-9455  
E-Mail paengineers@juno.com  
January 29, 2004

ATOMIC SAFETY LICENSING BOARD  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
Washington D.C. 20555-0001

Attn: Emile L. Julian  
NRC Office of Secretary

RESPONSE Response to NRC's RESPONSE to PETITION to license Pigeon Spur

Dear Mr. Julian,

I have met today with my attorneys R. Dennis Ickes and Karen Allen. In Mr. Sherwin E. Turk's E-mail response of January 27, 2004 we believe that his objection centers around the Licensing Board's putting the subject of our petition with the PFS license application for consideration, ref NRC Docket No. 72-22. We view this as a choice of the Licensing Board and not something of our prerogative. However we see that this might be logical to put this with the PFS application since this is where a licensing effort and action is before the board. As a footer, at the bottom of page 5 of Mr. Turks pleading he wrote: (see below) (Note that this note does not appear on the screen in the file. This only appeared when the document was printed)

4 It is not altogether clear whether Mr. Peterson intended to file his Petition in the PFS proceeding or before the Atomic Safety and Licensing Board Panel independently from the PFS proceeding. In any event, however, the Licensing Board would lack the authority to take the action requested by Mr. Peterson, prior to the filing of that application and issuance of a notice of opportunity for hearing thereon. See 10 C.F.R. §§ 2.105(a)(7).

§2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if

the Commission has not found that a hearing is in the public interest, it will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

(7) A license under part 72 of this chapter to acquire, receive or possess spent fuel for the purpose of storage in an independent spent fuel storage installation (ISFSI) or to acquire, receive or possess spent fuel, high-level radioactive waste or radioactive material associated with high-level radioactive waste for the purpose of storage in a monitored retrievable storage installation (MRS);

First I need to say that I did not intend to tell or ask the Board to put our instant matter with any other matter, or to treat it separately. I felt this to be entirely the discretion of the Board. I did however, relate a history of our NRC Docket No. 72-23 and some of our history of our effort to be an intervenor in NRC Docket No. 72-22, PFS. I view that we are proposing methods and technologies different and now not a PART of the current 10CFR. Actually, I perceive that new rulemaking needs to be done for processing of SNF and for our proposed 300-year disposal procedure which recovers actinides for future fuel, removed five nines (99.999%) of the transuranics, then in 300 years the fission wastes become low level Class-C.

In our view, Mr. Turk did not respond to any of the averments of our Petition. His only concerns are on the Board's procedures to see our Petition, namely, the Board's action putting our matter with PFS matter for its review. From what we see in 10CFR, what the Board has done seems right and logical. Since Mr. Turk has put this question with us with his response, we now question Mr. Turk's authority to question the issue of assignment action of the Board. See 10CFR §72.44 (a) License conditions, The Commission may also include additional license conditions as it finds appropriate. In 10CFR we read:  
§72.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission, other than a written interpretation by the General Counsel, will be recognized to be binding upon the Commission.

Our question now is how and why is Mr. Turk - Counsel for NRC Staff questioning the decision of the Licensing Board's putting the matter of our petition with the current PFS NRC Docket No. 72-22 matter.

Our staff, that is me with Dr. Barrowes, Dr. Christian, and Attorneys Ickes and Allen now need to know the relationship of the NRC General Counsel and Sherwin E. Turk Counsel for the NRC Staff. If they are different, and if the General Counsel has not issued a written interpretation saying the Peterson Pigeon Spur and 300-year disposal issues cannot be included as "additional license conditions as it finds appropriate," then Mr. Turk's interpretation of the Licensing Board's seeing Peterson's petition in Docket No. 72-22 seems not to be appropriate.

To rebut Mr. Turk's response to the Peterson petition, our staff

needs to know the relationship of General Counsel and Mr. Turk - Counsel for NRC Staff. We need to know if the General Counsel is allowing Mr. Turk to interpret and judge the Licensing Board's judgment of putting the Peterson Petition matter with the PFS license hearing matter.

§72.5 Interpretations.

Except as specifically authorized by the Commission in writing,  
no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission, other than a written interpretation by the General Counsel, will be recognized to be binding upon the Commission.

Sincerely

William D. (Bill) Peterson

January 30, 2004 (1:00pm)

service PRELIMINARY considerations

CERTIFICATE OF E-mail SERVICE / DELIVERY

Copies of this PETITION were sent this date by Internet e-mail transmission to (1) Atomic Safety Licensing Board Judge G. Paul Bollwerk, III, Esq., Judge - Dr. Jerry R. Kline, and Judge - Dr. Peter S. Lam, (2) Vice President Dick Cheney, (3) Secretary of Energy Spencer Abraham (4) Senate and House Energy Committees (4) Nuclear Regulatory Commission, (5) OCRWM Director Dr. Margaret Chu, (6) EPA Director Michael O. Leavitt, (7) Governor of Utah Olene Walker, (8) Box Elder County Commission, (9) Park Valley Committee for Pigeon Spur SNF Work Employment, and (10) Grouse Creek Committee for Pigeon Spur SNF Work Employment. and (11) Sherwin E. Turk, Counsel for NRC Staff, (12) P&A Engineers and Pigeon Spur Scientific Advisory Board:

**CC:** <barrowesscb@juno.com>, <jerryc@srv.net>, <rdickes@xmission.com>, <allen@sbt.net.com>

**From:** william bill d peterson <paengineers@juno.com>  
**To:** <barrowesscb@juno.com>  
**Date:** Thu, Jan 29, 2004 3:12 PM  
**Subject:** Our Petition is not disputed, only question is how NRC should deal with it, 3 attachments, Word & WP

Dr. Steven Barrowes

Dear Steve,

We have got to answer the NRC's objection right. Their only objection is how the Licensing Board is seeing our petition. Our nation's economy is in trouble because we are not producing what we are consuming. Our nation has got to go to work and we will be needing power. We need new nuclear power plants now, but before we can start building we need to solve the SNF dilemma. I believe that we have the only SNF solution that can be done decade. After we are licensed, we can get built our first phase storage and transfer built and be operating in two years.

I am greatfull that we are seeing you get better from your bout with too much colloidal silver. Please see and review the PRELIMINARY copy of my attached response to the NRC Staff counsel's response to our petition.

Note that Mr. Sherwin E. Turk, Counsel for NRC Staff, responded to none of the averments of our January 20, 2004 petition. So no one is questioning our approach of solving the SNF dilemma, our ability to take SNF from the utilities and store it for 50 to 300 years, and the eventual processing of SNF by five nines separation ending up with potential new fuel material and with only low level Class-C, so we will have effectively disposed of the SNF.

Dr. Jerry Christian in Idaho Falls is very busy with chemical (nuclear) modeling work and does not have time right now to also review this attached response document. His review is not so critical because no one questioned and we will not need further explain of our 300-year disposal procedure. Like I said, I believe that Mr. Turk's objection our petition is only his objection as to how the NRC Licensing Board is seeing it. The NRC Licensing board could probably see the matter separately from the PFS matter, but its also logical that the Board see it with the PFS matter because that is where the action is.

Before this weekend is out, I want to make formal E-mail service to the ATOMIC SAFETY LICENSING BOARD and the others on my service record, plus Mr. Turk. With all of our internal scientific and legal reviews, it took us nearly two months to put out our Petition. I want to put out his response in the next four days; so, please excuse me, but I have got to lean on you, and attorneys Dennis Ickes and Karen Allen.

I will contact Emile L. Julian at NRC Office of Secretary to see if we should be serving the list of service by Mr. Turk. We also need to know if anyone else responded that we need to rebut. I do not believe that we need to serve any of them that did not respond to the Licensing Board's order. Now you see, for all these years, they have all ignored me, and still do. All they want to do is make a political statement by beating up on the big guy - their perceived bully, our federal government, using the big attention getter word "nuclear", its just for



votes. I guess its good that it is not fashionable to beat up on the little guy. So the little guy can get the job done.

In my service, my E-mail to the Vice President did not go through. Years ago, it was the White House that referred me to Betsy Connell, under Bill Magwood. Since my service of the Petition wrote to Ms. Connell and I asked her to get a copy of the Petition over to Vice President Cheney. That needs to be followed up.

Thanks for all that you do. Bill

William D. (Bill) Peterson

January 29, 2004 (1:00pm)

cc: Dennis Ickes, Karen Allen, Jerry Christian  
Emile Julian, Sherwin Turk, Betsy Connell  
Michael Zeitler, Peter Lyons, Dwight Cates

**CC:** <HEARINGDOCKET@nrc.gov>, <set@nrc.gov>,  
<elizabeth.connell@hq.doe.gov>, <michael\_zeitler@murkowski.senate.gov>,  
<pete\_lyons@energy.senate.gov>, <dwight.cates@mail.house.gov>,  
<rdickes@xmission.com>, <allen@sbt.net>, <jerryc@srv.net>

**From:** william bill d peterson <paengineers@juno.com>  
**To:** <bruce.shirley@anlw.anl.gov>, <rdickes@xmission.com>, <jerry@srv.net>, <millielouise@earthlink.net>, <barrowesscb@juno.com>, <henning@hoj-eng.com>, <rstallings@allidaho.com>, <allen@sbt.net>, <layneb8@aol.com>, <IdAcadSci@aol.com>, <pregehr@pblutah.com>, <jmoulder@mcw.edu>, <bic+@pitt.edu>, <gary\_m\_sandquist@urscorp.com>, <carbon@engr.wisc.edu>, <wilson@physics.harvard.edu>, <robert.hoffman2@med.va.gov>, <wledwards@netutah.net>  
**Date:** Tue, Jan 27, 2004 3:52 PM  
**Subject:** Fw: NRC Staff response to Petition of William Peterson

Pigeon Spur Advisory Board:

Request for Advisory Board review of proposed response below:  
Request to Emile Julian for Congress given authority to Licensing Board

Dear Advisory Board and Mr. Julian,

For your review and comment, in Sherwin E. Turk, response for the NRC, Mr. Turk seems only to question the authority of the Licensing Board. Usually judges have very broad range of jurisdiction. I do not believe Mr. Turk's objection can justifiably stand.

Perhaps, Mr. Emile Julian, Secretary for the Licensing board can supply us with what the exact appointment authority of the Licensing Board from the Congress says, who surely made and approved the judge appointments.  
Bill

PRELIMINARY, for advisory review

Proposed response to NRC Licensing Board response

Sherwin E. Turk, allegation (a):

Mr. Peterson is not a party to this proceeding and lacks standing to request that any action be taken by the Licensing Board herein;

Response: There has been five years of public hearings in this matter. Mr. Turk's allegation that Mr. Peterson lacks standing to make a request infers that public response is pointless. Question and suggestions were timely taken from the public and in that period Mr. Peterson respectfully proposed the merits and advantages of Pigeon Spur by submitting a copy of the NRC Docket No. 72-23 license application.

Sherwin E. Turk, allegation (b):

The Licensing Board lacks jurisdiction to consider Mr. Peterson's request for action concerning any facility other than the PFS Facility which is the subject of this proceeding;

Response: The Congress made it law that after spent nuclear fuel (SNF) is utility pool stored for a period of around five years (what ever is required for around 99% fission waste decay heat generation) the SNF can

then be removed from in water utility pool storage then the U.S. Government will take possession and control of the SNF and the SNF will be removed by the Government from the utility property and go to a Government storage facility. But the Government has not had such a facility. So, in the 1980s the Congress created the office of the Nuclear Waste Negotiator to operate under the President to find a party[s] to host SNF storage. Two offers to host SNF were made - Chief Leon Bear, and William D. Peterson. Each proposed a location, but no limit to locations was ever specified by the Congress, the Negotiators, or Bear or Peterson. Actually Peterson considered and suggested several locations. Likewise, the Licensing Board was given jurisdiction to consider sites proposed. And likewise, no limit to location, method, or host is imposed upon the Licensing Board. The licensing board has been considering the merits of the Private Fuel Storage proposal. In the future the licensing board will be considering the merits of a Yucca Mountain proposal. Within its authority, Peterson has petitioned for the Licensing Boards consideration of yet a third alternative, not for 20 + 20 years as is PFS, and not to 10,000 years as is Yucca Mountain, but for a period of 50 years extending to 300 years then becoming a Class-C storage facility. The proposed hardened storage configuration of Pigeon Spur is not above ground as is PFS, and is not deep repository forced air cooled as is Yucca Mountain, but only slightly subsurface so still has the PFS advantages of being convection air cooled but not forced air 10,000 horsepower cool as is Yucca Mountain. Also, Pigeon Spur is proposed to support our proposed 300-year disposal solution of a combination of storage and "five nine" separation processing. Clearly, Pigeon Spur is different from either PFS or Yucca Mountain, but Pigeon Spur does the same as PFS and Yucca Mountain, actually does more, because Pigeon Spur with the 300-year disposal process is a final solution for SNF where PFS and Yucca Mountain are not, PFS being short range intermediate storage, and YM being long term intermediate storage where after 10,000 years the SNF still is not disposed of like our 300-year low level Class-C. It is clear that Licensing Board has jurisdiction to consider the PFS site application and has jurisdiction and latitude to consider licensing Yucca Mountain. If the Licensing Board has latitude and jurisdiction to consider and license PFS and Yucca Mountain, then surely the Licensing Board has jurisdiction to consider Mr. Peterson's request to license Pigeon Spur. In considering the licensing PFS the Licensing Board would also have latitude to consider alternatives including location, method, and owner/operator. Typically, judges are given broad latitude. Surely, the Congress gave the NRC Licensing Board every much of latitude as given any other court, probably more.

Sherwin E. Turk, allegation (c):

The Licensing Board lacks authority to provide the relief requested in the Petition (i.e., to award a license to Mr. Peterson). Accordingly, Mr. Peterson's Petition should be denied.

Response: It is clear that Licensing Board has jurisdiction to consider the PFS site application and has jurisdiction and latitude to

consider licensing Yucca Mountain. If the Licensing Board has latitude and jurisdiction to consider and license PFS and Yucca Mountain, then surely the Licensing Board has jurisdiction to consider Mr. Peterson's request to license Pigeon Spur. In considering the licensing PFS the Licensing Board would also have latitude to consider alternatives including location, method, and owner/operator. Typically, judges are given broad latitude. Surely, the Congress gave the NRC Licensing Board every much of latitude as given any other court, probably more.

----- Forwarded message -----

From: "Sherwin Turk" <SET@nrc.gov>

To: <dtufts@djplaw.com>, "Larry Echohawk" <larry@echohawk.com>,  
"Mark Echohawk" <mark@echohawk.com>,  
"Paul Echohawk" <paul@echohawk.com>,  
<dcurran@harmoncurran.com>, <tvollmann@hotmail.com>,  
"G Paul Bollwerk" <GPB@nrc.gov>,  
"HearingDocket" <HearingDocket@nrc.gov>,  
"James Cutchin" <JMC3@nrc.gov>, "Jerry Kline" <JRK2@nrc.gov>,  
"Peter Lam" <PSL@nrc.gov>, <jay\_silberg@shawpittman.com>,  
<paul\_gaukler@shawpittman.com>,  
<sean\_barnett@shawpittman.com>, <cnakahara@utah.gov>,  
<dchancellor@utah.gov>, <fnelson@utah.gov>,  
"Jeane Braxton" <jbraxton@utah.gov>, <jsoper@utah.gov>,  
<llockhart@utah.gov>, <mstewart@utah.gov>,  
<kjerry@verizon.net>, <jwalker@westernresources.org>,  
<attygen@xmission.com>

Cc: <paengineers@juno.com>, "Anne Nicosia" <AEN@nrc.gov>,  
"Catherine Marco" <CLM@nrc.gov>,  
"Dennis Dambly" <DCD@nrc.gov>, "Laura Zaccari" <LCZ@nrc.gov>,  
"Mark Delligatti" <MSD@nrc.gov>,  
"Robert Weisman" <RMW@nrc.gov>,  
"Steve O'Connor" <SCO@nrc.gov>, "Sherwin Turk" <SET@nrc.gov>

Date: Tue, 27 Jan 2004 12:06:38 -0500

Subject: NRC Staff response to Petition of William Peterson

Message-ID: <s016545d.083@nrcgwia.nrc.gov>

Attached is the NRC Staff's response to the petition filed by William Peterson in the PFS proceeding.

Two attachments to this pleading are being served by mail today along with the pleading, but are not attached to this message. Those documents may be found in the Commission's ADAMS system, at accession nos. 9901190191 990108 and 9909100030 990902.

**CC:** <[HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)>

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent Fuel Storage	)	
Installation)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing E-MAIL FROM JULIAN TO PETERSON WITH ATTACHMENTS have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution with copies by electronic mail or facsimile as indicated.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
G. Paul Bollwerk, III, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [gpb@nrc.gov](mailto:gpb@nrc.gov)

Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [jrk2@nrc.gov](mailto:jrk2@nrc.gov)

Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [psl@nrc.gov](mailto:psl@nrc.gov)

Sherwin E. Turk, Esquire  
Catherine L. Marco, Esquire  
Laura C. Zaccari, Esquire  
Office of the General Counsel  
Mail Stop - 0-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

Diane Curran, Esquire  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036  
E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Docket No. 72-22-ISFSI  
E-MAIL FROM JULIAN TO PETERSON WITH ATTACHMENTS

Joro Walker, Esquire  
Director, Utah Office  
Western Resource Advocates  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
E-mail: [jwalker@westernresources.org](mailto:jwalker@westernresources.org)

Martin S. Kaufman, Esquire  
Atlantic Legal Foundation  
205 E. 42<sup>nd</sup> St.  
New York, NY 10017  
E-mail: [mkaufman@yahoo.com](mailto:mkaufman@yahoo.com)

Denise Chancellor, Esquire  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114  
E-mail: [dchancellor@utah.gov](mailto:dchancellor@utah.gov);  
[jbraxton@utah.gov](mailto:jbraxton@utah.gov); [attygen@xmission.com](mailto:attygen@xmission.com)

Jay E. Silberg, Esquire  
D. Sean Barnett, Esquire  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037-1128  
E-mail: [jay.silberg@shawpittman.com](mailto:jay.silberg@shawpittman.com);  
[sean.barnett@shawpittman.com](mailto:sean.barnett@shawpittman.com)

John Paul Kennedy, Sr., Esquire  
David W. Tufts, Esquire  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, UT 84105  
E-mail: [dtufts@djplaw.com](mailto:dtufts@djplaw.com)

Richard Wilson  
Department of Physics  
Harvard University  
17 Oxford St.  
Cambridge, MA 02138  
E-mail: [wilson@huhepl.harvard.edu](mailto:wilson@huhepl.harvard.edu)

Tim Vollmann, Esquire  
3301-R Coors Road N.W. #302  
Albuquerque, NM 87120  
E-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

Paul C. EchoHawk, Esquire  
ECHOHAWK LAW OFFICES  
151 North 4th Avenue, Suite A  
P.O. Box 6119  
Pocatello, ID 83205-6119  
E-mail: [larry@echohawk.com](mailto:larry@echohawk.com);  
[paul@echohawk.com](mailto:paul@echohawk.com); [mark@echohawk.com](mailto:mark@echohawk.com)

Docket No. 72-22-ISFSI  
E-MAIL FROM JULIAN TO PETERSON WITH ATTACHMENTS

Joseph R. Egan, Esquire  
Martin G. Malsch, Esquire  
Egan Fitzpatrick & Malsch, PLLC  
7918 Jones Branch Dr., Suite 600  
McLean, VA 22102  
E-mail: [eganpc@aol.com](mailto:eganpc@aol.com);  
[mmalsch@nuclearlawyer.com](mailto:mmalsch@nuclearlawyer.com)

Stephen L. Simpson, Esquire  
Office of the Solicitor  
Department of the Interior  
Division of Indian Affairs  
1849 C Street, NW, Mailstop 6456-MIB  
Washington, DC 20240  
Fax: 202-208-3490

William D. Peterson  
P&A Engineers  
Pigeon Spur Fuel Bank  
2800 Adams St., No. 16  
Salt Lake City, UT 84115  
E-mail: [paengineers@juno.com](mailto:paengineers@juno.com)

[Original signed by Evangeline S. Ngbea]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of February 2004