

VIA EMAIL: URGENT — Response Required: 8:00 AM Mountain Time, April 8, 2026

Chris Wright, Secretary of Energy

United States Department of Energy

1000 Independence Avenue SW

Washington, D.C. 20585

Re: Follow-Up Notice of Filed Action: Walker v. Wright et al. Ward 250 Nuclear Reactor
United States Department of Energy Federal Statutory Violations TRO Motion Pending

Mr. Secretary:

This letter provides follow-up notice to the pre-litigation correspondence transmitted on April 3, 2026. Plaintiff January Walker filed a Complaint for Declaratory and Injunctive Relief and a Motion for Temporary Restraining Order and Preliminary Injunction in the United States District Court for the District of Utah on April 7, 2026, naming you in your official capacity as a defendant. The case is Walker v. Wright et al. The filing is public record. The motion seeks immediate injunctive relief halting all fuel insertion activities and all actions directed toward nuclear criticality in the Ward 250 nuclear reactor at the Utah San Rafael Energy Lab in Orangeville, Emery County, Utah pending completion of the statutory processes that federal law requires.

Demand. The Department of Energy must immediately halt all activities directed toward nuclear criticality in the Ward 250 reactor and provide written confirmation to january@infoton.ai by 8:00 AM Mountain Time today, April 8, 2026. The complaint and motion for temporary restraining order have been filed. The Court may act on the motion without prior notice to Defendants pursuant to Federal Rule of Civil Procedure 65(b)(1). Voluntary halt before judicial action remains available.

I. Your Personal Role in the Statutory Violations

The statutory violations alleged in *Walker v. Wright et al.* are traceable to specific official actions you authorized or that were taken under your authority. On January 28, 2026, the DOE categorical exclusion at 91 Fed. Reg. 7736 was published under your authority as Secretary of Energy, eliminating all NEPA environmental review for the Ward 250 deployment without documenting consideration of the extraordinary circumstances exception that DOE's own regulations at 10 CFR Part 1021 Appendix B require. [6][11] On March 4, 2026, DOE approved the Ward 250 Preliminary Documented Safety Analysis under your authority, providing the final federal authorization for Ward 250 deployment and operation. [19] The PDSA was approved under safety standards that were modified without the public notice and comment the APA requires. [10]

On April 3, 2026, Plaintiff submitted a formal nine-contradiction reconciliation demand to the DOE Office of Nuclear Energy documenting nine specific instances in which DOE's characterization of the Ward 250 as limited non-commercial research is directly contradicted by DOE's own documented conduct. [27] DOE did not respond substantively. DOE's subsequent addition of categorical exclusion B5.26 for advanced nuclear reactors in February 2026 cannot cure the deficiency in the January 28, 2026, authorization, which was not supported by any applicable categorical exclusion at the time it was issued. [28]

You cannot shield these actions from judicial review by characterizing them as implementation of Executive Order 14301. An executive order cannot authorize what a congressional statute prohibits. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). Under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), the Court exercises independent judgment in determining what the applicable statutes require. No deference is owed to DOE's characterization of the Ward 250 as research.

II. Statutory Violations

Count I. Atomic Energy Act, 42 U.S.C. § 2133. [1]

The Atomic Energy Act requires an NRC construction permit and operating license for the civilian operation of a utilization facility. The Ward 250 has neither. [2] Secretary Wright signed the DOE categorical exclusion published January 28, 2026, at 91 Fed. Reg. 7736 that purported to eliminate NEPA review for a deployment of a civilian nuclear reactor with no NRC license. [6] The categorical exclusion does not create an NRC license. The Ward 250 remains an unlicensed utilization facility operating in violation of 42 U.S.C. § 2133 regardless of any DOE authorization. Valar Atomics' own website states its mission is deploying clusters of thousands of HTGRs in gigasites for heavy industrial power, data center power, and hydrogen production. [3] That is civilian commercial nuclear operation. The Section 31 DOE research exemption does not reach privately owned commercially funded reactors whose principals publicly describe an industrial-scale commercial deployment mission. Executive Order 14301 is a presidential directive. [4] It cannot authorize what a congressional statute prohibits. The Supremacy Clause controls. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

Count II. National Environmental Policy Act, 42 U.S.C. § 4332. [5]

NEPA requires an Environmental Impact Statement for every major federal action significantly affecting the quality of the human environment. Secretary Wright authorized the DOE categorical exclusion at 91 Fed. Reg. 7736 eliminating all NEPA review for the Ward 250 deployment without documenting consideration of the extraordinary circumstances exception required by DOE's own regulations at 10 CFR Part 1021 Appendix B. [6][11] The Ward 250 deployment satisfies every element of major federal action. The Ward 250 is sited in the San Rafael River watershed in Emery County, Utah, which drains into the Green River and the Colorado River system serving 35 to 40 million people across seven states. [7] No Environmental Impact Statement was conducted. No public comment period was opened. The categorical exclusion has been formally challenged by twelve state attorneys general as illegal, arbitrary, and capricious. [8] DOE's addition of categorical exclusion B5.26 for advanced nuclear reactors in February 2026 — after the January 28, 2026, Ward 250 authorization — cannot cure the deficiency in the original authorization, which was not supported by any applicable categorical exclusion at the time it was issued. [28]

Count III. Administrative Procedure Act, 5 U.S.C. §§ 553 and 706. [9]

The APA requires public notice and comment before agencies adopt substantive rules. The ALARA radiation protection standard, the cognizant system engineer requirement, and groundwater discharge protections were eliminated from DOE nuclear safety orders without public notice or comment. [10] NPR reported on January 28, 2026, that over 750 pages were removed from DOE nuclear safety orders and shared with regulated companies before the public. [10] These are substantive rule changes requiring notice and comment under 5 U.S.C. § 553. Secretary Wright's DOE approved the Ward 250 PDSA on March 4, 2026, under standards established in violation of the APA. [19] The Ward 250 will achieve criticality under a safety framework with no lawful basis. The categorical exclusion is independently arbitrary and capricious under 5 U.S.C. § 706 because DOE failed to document consideration of the extraordinary circumstances exception required by 10 CFR Part 1021 Appendix B. [11]

Count IV. Endangered Species Act, 16 U.S.C. § 1536. [12]

Section 7 requires federal agencies to consult with the U.S. Fish and Wildlife Service before taking actions that may affect listed species or critical habitat. The San Rafael River watershed hosts the Colorado pikeminnow and razorback sucker, both federally listed as endangered. [13] USGS monitoring data documents the San Rafael River runs completely dry in Emery County during drought years, including six consecutive weeks in 2020. [14] A nuclear reactor requiring continuous cooling water deployed in a periodically dry watershed creates documented potential effects on listed species. No Section 7 consultation was conducted before deployment.

Count V. Clean Water Act, 33 U.S.C. § 1341. [15]

Section 401 requires a state water quality certification before any federal permit or license issues for an activity that may result in discharge into navigable waters. The San Rafael River is a navigable water of the United States as a tributary of the Green River and Colorado River. [7] No Section 401 water quality certification from the State of Utah was obtained before deployment. Utah DEQ has formally stated in writing that no analysis of nuclear deployment in Utah's water systems exists on record. [16]

Count VI. National Historic Preservation Act, 54 U.S.C. § 306108. [17]

Section 106 requires federal agencies to consider effects on historic properties before undertaking federal actions. The San Rafael Swell surrounding the USREL site contains documented Native American cultural resources and historic sites under federal protection. [18] No Section 106 consultation was conducted with tribes or the Utah State Historic Preservation Officer before deployment.

Count VII. Administrative Procedure Act, 5 U.S.C. § 706. [9]

DOE's own regulations at 10 CFR Part 1021 Appendix B require that categorical exclusions not apply when extraordinary circumstances exist giving an action the potential for significant environmental effects. [11] A nuclear reactor deployed in a periodically dry watershed serving federally listed endangered species and draining into the water supply of 35 to 40 million people presents extraordinary circumstances on the face of the undisputed factual record. DOE failed to document consideration of the extraordinary circumstances exception. That failure is independent arbitrary and capricious agency action under the APA.

Irreparable Harm

Criticality is binary and irreversible. Fuel insertion planned for this spring creates radiological conditions in the San Rafael River watershed that cannot be reversed after the fact. The Ward 250 DOE authorization will become the safety demonstration baseline for every subsequent commercial deployment of this design under MOU Addendum No. 9 between DOE and NRC [20] and the NRC proposed rule published April 2, 2026, under Docket NRC-2025-1503. [21] That baseline contains no thermodynamic analysis, no seismic characterization, no supply chain analysis for safety-critical rare earth materials under active Chinese export restriction, no Section 7 ESA consultation, no Section 401 CWA certification, and no Section 106 NHPA consultation. Once established by Ward 250 criticality this precedent cannot be corrected retroactively. The harm extends nationally to every community where subsequent gigasite deployments proceed under this deficient baseline.

The Record

Utah DEQ formally stated in writing that no thermodynamic analysis of nuclear deployment in Utah's water systems exists on record and DEQ is not required to produce one. [16] On April 1, 2026, ProPublica reported a DOGE operative told NRC leadership the NRC will do whatever we tell it to do. [22] The NRC's top attorney was replaced by an oil and gas DOGE lawyer. [22] NRC lawyers withdrew from an Atomic Safety and Licensing Board proceeding for the first time in over twenty years. [22] The former NRC chair has publicly stated the regulator is no longer independent. [23] The federal court is the only remaining forum where these violations can be remedied before irreversible harm occurs.

Standing

Plaintiff is an eighth-generation Utah resident with documented injury from nuclear deployment in the Colorado River watershed. Plaintiff has published thermodynamic analysis of nuclear deployment consequences in Utah's terminal basin watershed on the CERN Zenodo open repository for public awareness, DOI: 10.5281/zenodo.15001852, with a formal question formally filed with 13 federal agencies. [24] Plaintiff has submitted a Petition for Leave to Intervene in NRC Docket Nos. 50-616 and 50-617, has filed this action in the United States District Court for the District of Utah, and has exhausted every available administrative channel before providing this notice. [25]

Written confirmation of the halt is demanded by 8:00 AM Mountain Time, April 8, 2026.

Respectfully submitted,

January Walker

Planetary Information Security Officer

<https://infoton.ai/>

<https://cybersecuritymindfulness.com/>

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Attachments:

1. Walker J. The Thermodynamic Effects of Nuclear Fission in the Great Salt Lake Basin. DOI: 10.5281/zenodo.15001852
2. Petition for Leave to Intervene. Docket Nos. 50-616 and 50-617 and NRC Public Comment. Docket NRC-2026-0265. Filed April 7, 2026.
3. DOE Reconciliation Demand. Nine Documented Contradictions. April 3, 2026.
4. Walker v. Wright et al. Complaint for Declaratory and Injunctive Relief. U.S. District Court for the District of Utah. Filed April 7, 2026.

Citations

- [1] Atomic Energy Act of 1954, 42 U.S.C. § 2133, Licenses for utilization and production facilities.
- [2] NRC Agreement State Information — Utah. U.S. Nuclear Regulatory Commission. [nrc.gov/agreement-states/utah](https://www.nrc.gov/agreement-states/utah). Confirming no operating nuclear reactors licensed in Utah.
- [3] Valar Atomics Mission Statement. valaratomics.com/mission. Accessed April 3, 2026. Deploying clusters of thousands of HTGRs in gigasites for heavy industrial power, data center power, and hydrogen production.
- [4] Executive Order 14301. Reforming Nuclear Reactor Testing at the Department of Energy. May 23, 2025. 90 Fed. Reg. 24125.
- [5] National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C).
- [6] DOE Categorical Exclusion. 91 Fed. Reg. 7736. January 28, 2026. Docket DOE-HQ-2025-0405.
- [7] Bureau of Reclamation. Colorado River Basin. usbr.gov/ColoradoRiverBasin. Serving 35 to 40 million people across seven states.

[8] Twelve State Attorneys General. Formal Opposition to DOE Categorical Exclusion. Filed before March 4, 2026 comment deadline. Docket DOE-HQ-2025-0405. Led by California Attorney General Rob Bonta.

[9] Administrative Procedure Act, 5 U.S.C. §§ 553 and 706.

[10] Snyder R. The Trump Administration Has Secretly Rewritten Nuclear Safety Rules. NPR. January 28, 2026. Over 750 pages removed from DOE nuclear safety orders. ALARA eliminated. Cognizant system engineer requirement eliminated. Groundwater discharge protections eliminated. New orders shared with regulated industry before public release.

[11] DOE NEPA Implementing Procedures. 10 CFR Part 1021 Appendix B. Extraordinary circumstances exception to categorical exclusions.

[12] Endangered Species Act of 1973, 16 U.S.C. § 1536. Section 7 interagency consultation requirement.

[13] U.S. Fish and Wildlife Service. Colorado Pikeminnow *Ptychocheilus lucius* and Razorback Sucker *Xyrauchen texanus*. Listed as endangered under 16 U.S.C. § 1533. Upper Colorado River Endangered Fish Recovery Program.

[14] Arnold T. As Utah's San Rafael River Dries, Scientists Try to Give Native Fish a Fighting Chance. KUER. April 14, 2025. USGS monitoring data documenting San Rafael River running completely dry in Emery County during drought years including six consecutive weeks in 2020.

[15] Clean Water Act, 33 U.S.C. § 1341. Section 401 state water quality certification requirement.

[16] Utah Department of Environmental Quality. Formal Written Response to January Walker. March 2026. Stating no thermodynamic analysis of nuclear deployment in Utah's water systems exists on record and DEQ is not required to produce one.

[17] National Historic Preservation Act of 1966, 54 U.S.C. § 306108. Section 106 consultation requirement.

[18] Bureau of Land Management. San Rafael Swell Area of Critical Environmental Concern. Emery County Utah. Documented Native American rock art panels and historic sites under federal protection.

[19] DOE Preliminary Documented Safety Analysis Approval. Ward 250. March 4, 2026.

[20] DOE-NRC Memorandum of Understanding Addendum No. 9. Committing DOE and NRC to expedite commercial licensing of follow-on reactors of the same design as DOE-authorized demonstration reactors.

[21] Nuclear Regulatory Commission. Proposed Rule. NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War. 91 Fed. Reg. 16584. April 2, 2026. Docket NRC-2025-1503. Comment deadline May 4, 2026.

[22] Collier K and Ivory D. DOGE Goes Nuclear: How Trump Invited Silicon Valley Into America's Nuclear Power Regulator. ProPublica. April 1, 2026. Documenting DOGE operative statement that NRC will do whatever we tell it to do. NRC top attorney replaced by oil and gas DOGE lawyer. NRC lawyers withdrew from ASLB proceeding for first time in over twenty years.

[23] Macfarlane A. Quoted in Trump Has Undermined the One Agency Tasked With Making Sure America Never Has Another Nuclear Meltdown. CNN. March 10, 2026. The regulator is no longer an independent regulator. We do not know whose interests it is serving. The safety culture is under threat.

[24] Walker J. The Thermodynamic Effects of Nuclear Fission in the Great Salt Lake Basin. *Januarian Physics* 2026, 1, 1.5. Published March 27, 2026. CERN Zenodo open repository for public awareness. DOI: 10.5281/zenodo.15001852.

[25] Walker J. Draft Petition for Leave to Intervene and Request for Adjudicatory Hearing. In the Matter of SMR LLC Pioneer Units 1 and 2. Docket Nos. 50-616 and 50-617. NRC-2026-0265. March 30, 2026.

[26] Valar Atomics. Operation Windlord Press Statement. February 15, 2026. valaratomics.com. Three C-17 Globemaster III aircraft transported Ward 250 from March ARB to Hill AFB Utah.

[27] Walker J. Nine-Contradiction Reconciliation Demand. Submitted to DOE Office of Nuclear Energy. April 3, 2026. Documenting nine specific instances where DOE's characterization of the Ward 250 as limited non-commercial research is directly contradicted by DOE's own documented conduct.

[28] DOE NEPA Implementing Procedures. February 2026. Added categorical exclusion B5.26 for advanced nuclear reactors. Published after the Ward 250 categorical exclusion at 91 Fed. Reg. 7736 was issued on January 28, 2026. The post-hoc addition of B5.26 cannot cure the deficiency in the original January 28, 2026 authorization, which was not supported by any applicable categorical exclusion at the time it was issued.