

From: william bill d peterson <paengineers@juno.com>
To: <jrh@nrc.gov>
Date: 6/6/05 10:42AM
Subject: NRC Docket No. 72-23? for 300-year permanent disposal solution

William D. (Bill) Peterson
P&A Engineers
68 W Malvern Ave,
Salt Lake City, UT 84115

June 6, 2005

James R. Hall, Senior Project Manager
Spent Fuel Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
Docket No.: 72-23

**SUBJECT: NEW PIGEON SPUR SPENT FUEL STORAGE
APPLICATION**

for 300-year Spent Nuclear Fuel intermediate storage
followed by 100-year storage of Class-C fission waste
after 5-9s transuranics separation, for
Spent Nuclear Fuel PERMANENT DISPOSAL SOLUTION

Dear Mr. Hall,

I see that when you wrote to me in 2002, saying our project required a re-submission of its license application you still referred to Docket No. 72-23 (see your letter attached). Our forth coming application will be quite different in that we will be asking to license a site for 300- years of SNF intermediate storage followed by 100-years of Class-C fission waste storage after 5-9s transuranics separation for a PERMANENT DISPOSAL SOLUTION for SNF. Are we to assume the same docket Number 72-23 is still applicable? This docket number was assigned independent of and before any license application was ever made.

For more about our proposed 300-year permanent disposal solution for SNF see web sites <http://www.spentnuclearfuel.com> , <http://www.endofoil.us> , and <http://nuclearhydrogen.com> .

About a year before October 19, 1998, when we submitted our first license application for spent nuclear fuel (SNF) storage at Pigeon Spur I wrote to Mr. Mark Delligatti, NRC Project Manager for the Private Fuel Storage (PFS) project and ask for a letter indicating NRC's recognition of my intentions to build and operate an SNF storage site at Pigeon Spur. Mr. Bill Sinclair of Utah's Division of Radiation Control Board said that before the Utah board would schedule to see me I would have to show interest and an acknowledgment by NRC. Mr. Delligatti immediately wrote back saying our project is known to the NRC as the BOX ELDER SPENT NUCLEAR FUEL STORAGE INITIATIVE AND ITS DOCKET NUMBER IS 72-23.

What is the timing to get a complete application in, if you find we are short? My October 19, 1998, application was short a QA manual and an S&S report. We were apparently late in getting these in so beginning to end submission time apparently disqualified our application. We don't want to fault that way again!

Also, financial requirements are a question. Before, PECO Energy was to give us \$4 million of which an estimated \$1.5 m was to go to NRC for its part in getting the licensing done. This was foiled by the DOE-PECO Peach Bottom Contract Incident, a wrongful attempt to have a utility do what DOE is required independent of the utilities, a bad tactical error. By NRC's suggestion a year and a half ago we submitted a Form-95 request for reimbursement of our \$4 m loss, now plus \$4 m more for five years interest. DOE is way over time for answering.

We have made other requests for money. The Congress has the utilities paying \$1.5 million per day for an SNF solution. We have the only permanent disposal solution known. Yucca Mountain (YM) and Private Fuel Storage (PFS) do not work for the hundreds of new nuclear plants our nation is needing for energy replacement at the end-of-oil.

Unfortunately DOE's ability to have a solution similar or our 300-year intermediate storage with 5-9s processing was totally foiled by President Jimmy Carter's 1970 order stopping SNF processing. His order also stopped government research of SNF reprocessing which is an essential key to SNF permanent disposal. So as we have been repeatedly told, what we are proposing to do will require an act of the Congress to get happening, which in time will happen. But for now, Rep David Hobson has demanded SNF storage in a year. Our 300-year way of storage is the only right way of storage for the 300-year permanent SNF solution. INL will eventually get the associated 5-9s processing happening, but for now the right way of intermediate storage must be done, which right way we are proposing.

DOE must act on our request for \$8 million losses. DOE does not have to wait for an act of the Congress to get this payment made to us. Included with this correspondence is a unofficial sample part of the license application we will be submitting. This is sent as a sample so that

you do not start the time clock on us for our complete submission. We want to do this right. We have repeatedly asked for financial help to do this but it has not come so we are again doing this out of my pocket which has little.

Please tell us if we are to refer to and use Docket No. 72-23 to do this. I understand NRC will be assigning a new licensing board of judges for seeing this. Because of Rep Hobson's demand for SNF storage in one year I am going to ask for license approval in 30 days. See the tentative construction schedule in the attached sample Environmental Report narrative. In Utah the current NRC Licensing Board (Bollwerk, Kline, and Lam) seeing PFS have likewise been seeing our issues for eight years. I personally have had many years of meetings with the people in western Box Elder County. All the information you will need to do this is available now. Lets do this quickly.

Sincerely yours,

William D. Peterson, M.S., P.E.

P&A Engineers, Pigeon Spur Fuel Bank

cc. Rep David Hobson
House and Senate Energy Committees
NRC Commissioners Pete Lyons and Greg Jaczko
Secretary Sam Bodman
Mark Roth
Linda Desell

Attachments: This E-mail
Randy Hall's 2002 letter
Sample Environmental Report

CC: <kenny.kraft@mail.house.gov>, <pbl@nrc.gov>, <jcb3@nrc.gov>, <the.secretary@hq.doe.gov>, <mark.roth@nuclear.energy.gov>, <Linda.Desell@rw.doe.gov>, <clint_williamson@energy.senate.gov>, <mark.menezes@mail.house.gov>, <elizabeth.stack@mail.house.gov>, <paengineers@juno.com>

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Subject: NRC Docket No. 72-23? for 300-year permanent disposal solution
Creation Date: 6/6/05 10:39AM
From: william bill d peterson <paengineers@juno.com>

Created By: paengineers@juno.com

Recipients

nrc.gov
owf1_po.OWFN_DO
JRH (James Randall Hall)

mail.house.gov
elizabeth.stack CC
mark.menezes CC
kenny.kraft CC

energy.senate.gov
clint_williamson CC

rw.doe.gov
Linda.Desell CC

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mark.roth CC

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the.secretary CC

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JCB3 CC (Josh Batkin)

nrc.gov
TWGWPO01.HQGWDO01
PBL CC (Peter Lyons)

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+RH51002.doc	4273	
ER-Chap1.doc	39936	
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Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

May 10, 2002

Mr. William D. Peterson
P&A Engineers
4010 Cumberland Road
Holladay, UT 84124

SUBJECT: TERMINATION OF PIGEON SPUR SPENT FUEL STORAGE APPLICATION

Dear Mr. Peterson:

This letter is in response to your email message to Dr. Charles L. Miller, dated April 9, 2002. In your message, you referred to the October 19, 1998, application you filed for a license to store spent nuclear fuel at the proposed Pigeon Spur Storage Facility in Box Elder County, Utah. Your message stated that, "We were deficient documents which have been prepared and submitted. We understand that the processing of our application has been stalled for our lack of funds to pay for NRC's processing of our application."

In our letter to you dated January 8, 1999, we stated that, "The [NRC] staff finds this application insufficient for review in accordance with Chapter 10 of the Code of Federal Regulations (10 CFR Part 72)." In that letter, we pointed out serious omissions in your application, including the lack of a valid Quality Assurance program, the lack of financial assurance information, and reliance on outdated references regarding the cask storage systems to be used at the proposed facility. In a subsequent letter to you, dated September 2, 1999, we further clarified that your application had been rejected and that the NRC had terminated its review. We also stated that the staff would not undertake any further review activities on your project until you submitted a new application in accordance with the applicable requirements in 10 CFR 72.16 through 72.34.

Therefore, the processing of your application has not been "stalled" for lack of funding. We rejected your previous application in January 1999, and the NRC will not take any further action on your project until you submit a new application, in its entirety, that meets our regulations. In your future communications with other parties, please refrain from statements that imply that you have submitted an application that is currently under review by the NRC; that is not the case. If you require any further information, please contact me at (301) 415-1336.

Sincerely,

/RA/ original signed by /s/

James R. Hall, Senior Project Manager
Spent Fuel Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
Docket No.: 72-23

SAMPLE

**BEFORE THE
UNITED STATES NUCLEAR REGULATORY COMMISSION**

Pigeon Spur Fuel Bank

Environmental Report

**300-year Spent Nuclear Fuel intermediate storage
&
100-year Class-C decayed fission waste placement
after 5-9s transuranics separation
for
Spent Nuclear Fuel permanent disposal solution**

Docket No. 72-23

at

Pigeon Railroad Spur

Box Elder County, Utah

**PIGEON SPUR FUEL BANK
ENVIRONMENTAL REPORT**

SAMPLE

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CHAPTER 1

**PROPOSED ACTIVITIES
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**PIGEON SPUR FUEL BANK
ENVIRONMENTAL REPORT**

SAMPLE

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CHAPTER 1

PROPOSED ACTIVITIES

1.1 BACKGROUND

A 300-year permanent disposal solution for spent nuclear fuel (SNF) is proposed. After five years minimum of utility pool storage, SNF is put into a dry convection air-cooled (300-year capable) intermediate storage until a time when the SNF is processed. In a SNF processing facility 5-9s (99.999%) of the transuranics is separated from the fission wastes. After 300 years of storage of the fission wastes the cesium and strontium components are decayed 1000 fold and qualify as low level Class-C. The Class-C disposal facility can be the 300-year intermediate storage facility. The 5-9s separated transuranics are used in new fuel. So in 300-years the SNF is permanently disposed of. This can be done!

Now approaching end-of-oil the world requires the nuclear-hydrogen alternative. For this to happen first there needs to be a disposal solution for SNF. Yucca Mountain (YM) and Private Fuel Storage (PFS) are designed only for storage of SNF for America's current operating 103 nuclear power plants. YM and PFS do not make a solution for the hundreds of new nuclear power plants needed for replacement of fossil fuels. Our 300-year solution does. Slightly below ground convention air cooled protected hardened storage will be provided for 4,000 canisters of SNF. In addition, for staging, surface pads for 4,000 more canisters in casks like now used at the utilities are offered to be provided. For more information see web sites <http://www.spentnuclearfuel.com> , <http://www.endofoil.us> , and <http://www.nuclearhydrogen.com> .

GOVERNMENT REQUIREMENT

Since the start of the commercial nuclear power program, the Federal Government has had responsibility for the permanent disposal of spent nuclear fuel (SNF) from the nation's commercial nuclear power plants. This responsibility was stipulated by the Congress in the Nuclear Waste Policy Act of 1982 (NWPA). The Department of Energy (DOE) is mandated by the Congress according to the NWPA to enact storage of SNF. The NWPA establishes the development of one or more geologic repositories for permanent storage and associated interim monitored retrievable storage facilities for intermediate temporary storage of SNF. The nuclear power utilities pay specified fees into a Nuclear Waste Fund for this storage. The DOE will use the monies of the Nuclear Waste Fund to pay for SNF storage. The DOE was obligated by the NWPA to receive and take title of SNF beginning not later than January 31, 1998, to dispose of the spent fuel.

Without a storage site the DOE was unable to comply. S104 in the U.S. Senate with HR1020 in the House proposed temporary storage at Area 25 of the Nevada Test site but those bills have now been defeated. The PSFSF is an alternative to Nevada Area 25 storage.

In 1987, as a result of the lagging repository schedule and escalating cost estimates, Congress amended the NWPA to streamline and focus the waste management program. The 1987 amendments required the DOE to characterize the Yucca Mountain repository site and authorized DOE to construct a monitored retrievable storage facility (MRS). The siting and construction of the MRS was made subject to linkages to the repository schedule. These linkages effectively ruled out an MRS until well beyond the 1998 deadline. The 1987 amendments also created the Office of the Nuclear Waste Negotiator, for the purpose of finding a volunteer site for a repository or MRS. However, that Office's authority terminated without success. The 1987 amendments did not, however, make any change in the 1998 deadline established by the NWPA.

Although DOE's repository schedule continued to lag after the 1987 amendments, DOE acknowledged that it could meet the 1998 deadline if the linkages were modified. DOE, however, failed to take steps to modify the linkages. In 1993, DOE announced its "preliminary view" that it had no obligation to dispose of the utilities' spent fuel beginning in 1998 in the absence of a facility constructed under the NWPA, although it admitted that it "may have created an expectation that it would begin accepting such spent fuel in 1998". In 1994, DOE announced its "final interpretation" that it had no unconditional obligation to begin to dispose of utilities' spent fuel by 1998.

In July 1996, the U.S. Court of Appeals for the District of Columbia Circuit ruled that DOE's "final interpretation" was in error and that the agency had an unconditional obligation to begin to dispose the utilities' spent fuel beginning no later than January 31, 1998. Notwithstanding this ruling, which DOE did not appeal, DOE has continued its position that it would not comply with its 1998 obligation. In a December 17, 1996 letter to all utilities, DOE stated again that it would not meet the 1998 deadline and invited the utilities to suggest ways in which the delay might be accommodated. Although the utilities and others have expressed the view that DOE has the authority to take the utilities' spent fuel prior to the availability of either a repository or an MRS, DOE has so far refused to accept that position.

1.2 NEED FOR THE FACILITY

As a result of the status of DOE's program and DOE's interpretation of its authority, utilities have had to plan on continuing to provide interim storage for their spent fuel beyond 1998. Even those utilities who would have been entitled to make spent fuel deliveries to DOE in the first years following the

1998 deadline now have to assume that it will be a decade or more before any deliveries will occur.

In the past, utilities have generally been able to provide adequate at-reactor storage for their spent fuel. Some reactors, particularly those that were constructed after reprocessing of spent fuel was no longer an option, may have significantly greater pool storage capacity than reactors that were built prior to the mid-1970's. Most reactors have been able to add additional capacity to their spent fuel pools by re-racking. Other utilities have constructed dry spent fuel storage capacity at their reactor sites. But some utilities are running out of options or are running the risk that those options will not be available to them. Some reactors have reached their maximum spent fuel pool capacity because of structural or other physical limitations. Some utilities are subject to state or local restrictions or regulatory processes that could restrict or prohibit storage expansions. In some cases, state legislation or state regulatory decisions have imposed very costly and burdensome restrictions or limitations on storage expansions, raising the risk that future expansions may be restricted, delayed, limited, or prohibited. The unavailability of added storage has become a significant risk that utilities must consider. The inability of an operating reactor to have sufficient spent fuel storage capacity will eventually require the shutdown of that reactor.

In addition to the need for spent fuel storage capacity for operating reactors, reactors that have reached the end of their operating life must also provide spent fuel storage until the spent fuel can be shipped off-site. Until such off-site shipment takes place, the reactor site cannot be completely decommissioned. Particularly in those situations where all reactors at a site have been permanently shut down, the absence of an off-site option for spent fuel storage will result in the added costs of maintaining a licensed site. It will also result in increased decommissioning costs. Delayed decommissioning would leave the utility with a large ongoing operations and maintenance cost at a non-revenue producing facility. Uncertainties in the cost and availability of low-level radioactive waste disposal facilities caused by delayed decommissioning will also cause greater decommissioning costs.

With all of these considerations in mind, engineer William D. (Bill) Peterson with P&A Engineers and many prominent advising scientists have studied the matter and are proposing a best option for an MRS type monitored, retrievable storage facility - the Pigeon Spur Fuel Bank (PSFB), to construct a privately-owned independent spent fuel storage installation (ISFSI) that will store spent fuel from the nuclear plants at a central site. This ISFSI, called the Pigeon Spur Fuel Bank (PSFB), will be located at the Pigeon railroad spur of the main line of Southern Pacific trans-continental rail road-line in northwestern Utah. The PSFB was originally offered to the Congress to meet its storage requirements in Senate bill S104 and House bill HR1020 as sought by the Nuclear Waste Negotiators David Leroy and Richard Stallings. The PSFB is now offered as a potential way to meet the

demand of Ohio Representative David Hobson and his committee who are calling for intermediate storage and relief for the nuclear utilities within a year.

The PSFB would allow reactors that are permanently shutdown to remove all the spent fuel from the site, thus permitting the complete decommissioning of the site. The availability of the PSFB would provide insurance for those reactors, which may be unable to increase at-reactor spent fuel storage due to physical or other limitations or restrictions. It would also provide insurance for situations where increased on-site storage might be physically possible but economically disadvantageous. In these latter situations, the availability of the PSFB may be the only alternative to the premature shutdown of a nuclear power reactor with its attendant costs and loss of generating capacity.

The construction and operation of the PSFB may therefore substitute for building dozens of individual on-site ISFSIs throughout the country. The canister-based transportable storage cask system to be used at the PSFB also will make subsequent transportation to a permanent repository or other location more efficient by use of a consistent packaging design and the use of the PSFB as a staging facility allowing for more efficient transportation campaigns.

The PSFB would utilize the dry cask storage technology which is currently in use at several operating nuclear power plants in the United States and abroad plus more secure slightly subsurface hardened 300-year convection air cooled dry storage of canisters. Dry cask storage safely stores spent nuclear fuel inside of sealed canisters rather than in a spent fuel pool. The canister-based system confines the radioactive waste and therefore minimizes the potential for contamination of the environment. The casks are licensed by the Nuclear Regulatory Commission (NRC) in accordance with 10 CFR 72, which establishes requirements for the independent storage of spent nuclear fuel. The storage system technology is compatible with the long-term plans of the DOE interim storage facility and permanent repository (DOE/RW 1994). The PSFB is designed to store spent fuel for up to 300 years, by which time it is anticipated that all of the spent fuel will be transferred offsite and put to 5-9s processing. The facility will be ready for 100 years of Class-C permanent disposal of the fissions wastes. The 97% transuranics part of SNF will be used to make new fuel that will likewise be reprocessed.

The PSFB is designed to store up to 40,000 Metric Tons of Uranium ¹(MTU) of spent fuel from U.S. commercial power reactors in sealed metal canisters (approximately 4,000 storage casks), in 300-year hardened storage, plus storage of that much more on pads in above ground storage casks for staging. The canister-based spent fuel storage system selected for use at the PSFB utilizes sealed metal canisters to store multiple spent fuel assemblies. Each canister inside a concrete cask. The storage system is passive and

relies on natural air convection for cooling. The system is an integral part of the facility "Start Clean/ Stay Clean" philosophy, which precludes handling individual fuel assemblies at the site. The system assures there is negligible contamination or radioactive waste generated at the site and facilitates the ease of moving the SNF to a 5-9s reprocessing facility and the return and continued storage of the 3% part of the fission wastes according to low level Class-C requirements.

¹ Metric Tons of Uranium (initial uranium). This includes the small amount of mixed oxide fuels that are anticipated to require storage.

1.3 PROPOSED PROJECT SCHEDULE

It is anticipated that the PSFB will be issued a specific license to receive, transfer and possess spent fuel in accordance with the requirements of 10 CFR 72 prior to January 1, 2000. Construction of the PSFB is scheduled to start on January 1, 2000, with completion by December 31, 2001. The areas of construction consist of the following components:

<u>AREA OF CONSTRUCTION</u>	<u>SCHEDULED READY DATE</u>
Issue of License	August 1, 2005
Access Road	August 15, 2005
Storage Facility	
Site Preparation	August 31, 2005
Canister Transfer Building	April 15, 2006
Security and Health Physics Building	June 1, 2006
Railroad trackage	June 1, 2006
Transfer table	June 1, 2006
Bridge Cranes	June 1, 2006
Storage Pads	March 1, 2006

Installation of pads of the site are expected to continue beyond the initial operation date while initial pads are being loaded. Chapter 3 provides a detailed discussion on the installation sequence of the pads.

Balance of Facility	
Operations and Maintenance Building	Early 2007
Administration Building	
Site infrastructure - (water wells, septic system, fire protection system, etc.)	

Testing and startup is scheduled to start on June 1, 2006, and commercial operation is scheduled for September 1, 2006.

1.4 REFERENCES

This application in NRC Docket NO. 72-23 for the Box Elder Fuel Storage Alternative contains material from hundreds of sources. A supplemental alphabetized list of subject abbreviations is provided with the application to help readers to see the material. Also, a library of various publications is furnished with the application to NRC for information background. For ease of review, this ER part of the NRC Docket No. 72-23 application is specifically patterned after the Private Fuel Storage Facility (PFS's) ER in Docket No. 72-22. PSFB gives gratitude to all of the sources and specifically thanks NRC and Private Fuel Storage Facility for the information and format of the NRC Docket No. 72-22 application. The following references are cited:

10 CFR 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High Level Radioactive Waste.

DOE/RW 1994, Multi-Purpose Canister System Evaluation, U.S. Department of Energy Civilian Radioactive Waste Management, DOE/RW-0445, September.

U.S. Patent Serial No. 5,448,604 Cask Transport, Storage, Monitoring, and Retrieval System, U.S. Patent Serial No. 5,862,195 Canister, Transport, Storage, Monitoring, and Retrieval System, and U.S. Patent Pending for 300-Year Permanent Disposal Solution for Spent Nuclear Fuel

Internet Web Sites: <http://www.spentnuclearfuel.com> ,
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William D. (Bill) Peterson
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June 6, 2005

James R. Hall, Senior Project Manager
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Spent Fuel Project Office
Office of Nuclear Material Safety
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Docket No.: 72-23

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Sincerely yours,

William D. Peterson, M.S., P.E.
P&A Engineers, Pigeon Spur Fuel Bank

cc. Rep David Hobson
House and Senate Energy Committees
NRC Commissioners Pete Lyons and Greg Jaczko
Secretary Sam Bodman
Mark Roth
Linda Desell