

From: James Randall Hall
To: william bill d peterson
Date: 6/6/05 2:56PM
Subject: Re: NRC Docket No. 72-23? for 300-year permanent disposal solution

Dear Mr. Peterson,

In your email to me, dated today, June 6, 2005, you once again asked if you could continue to use the docket number previously assigned for your earlier application for a dry storage facility. In my May 10, 2002, letter to you, I clearly stated that we had terminated NRC review of that previous application, as it was inadequate on several grounds, which I reiterated. In my email to you on this same subject, dated May 5, 2004 (attached), I stated the following, "Based on our rejection of your previous application, and the fact that your current letter only describes a concept and does not approach a valid application, the NRC has no reason to assign a docket number at this time. If you submit an acceptable application in the future, then the NRC will assign a new docket number, as appropriate." Until such time as you submit a legitimate formal application to the NRC, (or provide sufficient evidence to us that you are about to do so), we will not assign a 10 CFR Part 72 docket number to your conceptual design. We rejected your previous application and we consider the continued use of the previous docket number by you to be inappropriate.

As I also addressed in my email to you of May 5, 2004, there are no provisions in current NRC regulations for your concept for a 300-year interim storage facility for spent fuel. You may wish to seek legislation, or a change in NRC rules, to support your proposal.

Lastly, by your own admission, you still lack the financial resources to make a legitimate application to the NRC. The regulations of 10 CFR 72.22(e) and 72.30(b) require applicants to demonstrate that they possess the financial resources to construct, operate and decommission any facility licensed under 10 CFR Part 72. Until you are able to demonstrate that you can meet those requirements, the NRC staff would consider any application on your part to be insufficient for review.

James R. Hall, Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Subject: Re: NRC Docket No. 72-23? for 300-year permanent disposal solution
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From: James Randall Hall

Created By: JRH@nrc.gov

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