

From: James Randall Hall
To: william bill d peterson
Date: 6/7/05 8:00AM
Subject: Re: So what is our Docket Number? We dont seem to be communicating.

Dear Mr. Peterson,

I believe my previous message was clear. **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.** The NRC has the discretion to assign a docket number prior to actual receipt of an application, based on a reasonable expectation that a legitimate application will be filed in the near future. For the reasons I stated previously, we currently have no such reasonable expectation; therefore, assignment of a new docket number is not warranted.

Let me also point out that assignment of a docket number provides a tracking mechanism for NRC staff to bill their time to a specific project. An applicant may be billed by NRC for fees incurred for a specific docket number, even before a formal application is submitted to NRC. In light of your acknowledged financial situation, and your past difficulties in paying the limited fees assessed for your previous application, I would again urge you to ensure that you are able to fully meet the financial qualification requirements of NRC regulations before you pursue a potential application.

James R. Hall

>>> william bill d peterson <paengineers@juno.com> 06/06/05 04:40PM >>>

Dear Mr. Hall,

We don't seem to be communicating. Docket No. 72-23 was assigned a year before we submitted a license application. OK that application was deficient, like 20 or 40 years of storage of spent nuclear fuel (SNF) from only the 103 existing plants is a deficient solution. We are still proposing the same site, but are proposing storage that will work as a permanent solution that is not possible otherwise. I am proposing a way of permanently disposing of spent nuclear fuel (SNF) in 300-years. The 300-year disposal solution will enable construction and operation of hundreds of new nuclear power plants which our nation urgently needs for energy at this time of the end-of-oil. Utilities pay one mil per kWh for this requirement. That money must be used to build the solution that we propose. What else would it be used for. A solution for spent nuclear fuel, even a permanent disposal solution for spent nuclear fuel is what that money is for.

If this requires some change in NCR Rules or changes in code or laws by the Congress, OK let the changes be made according to the explanations of this morning's letter and information the letter references.

I believe my inquiring letter this morning with its web sites references answers your concerns. You say "Until you are able to demonstrate that you can meet those requirements." I say "we can dispose of SNF in 300-years". **NO ONE ELSE HAS A PERMANENT DISPOSAL SOLUTION!** Mr. Delligatti gave me a docket number a year before the last application I expect that you would do the same now.

William D. (Bill) Peterson

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: So what is our Docket Number? We dont seem to be communicating.

Creation Date: 6/7/05 8:00AM

From: James Randall Hall

Created By: JRH@nrc.gov

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