

February 19, 2004

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

DOCKETED  
USNRC

Before the Commission

February 24, 2004 (9:23AM)

In the Matter of )

PRIVATE FUEL STORAGE L.L.C. )

(Private Fuel Storage Facility) )

Docket No. 72-22

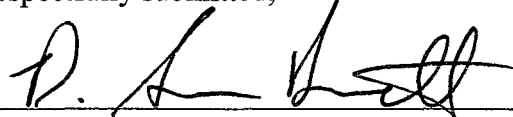
ASLBP No. 97-732-02-ISFSI

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**APPLICANT'S RESPONSE TO WILLIAM D. PETERSON PETITION FOR REVIEW OF LICENSING BOARD DENIAL OF JANUARY 20, 2004 PETITION**

Pursuant to 10 C.F.R. § 2.786(b)(3), Applicant Private Fuel Storage, L.L.C. ("PFS") opposes the February 10, 2004 "Notice of Appeal" filed by Mr. William D. Peterson in response to the Atomic Safety and Licensing Board's January 30, 2004, Memorandum and Order (Dismissing Petition to License Pigeon Spur Interim Spent Nuclear Fuel Storage Facility). As the Board noted, Mr. Peterson's request to license his proposed Pigeon Spur facility was "wholly outside the scope of this Board's jurisdiction," which concerns PFS's application for its facility in Skull Valley. Mr. Peterson's arguments in his Notice of Appeal that the Board should consider information he is proffering in the PFS licensing proceeding should be rejected because Mr. Peterson is not a party to this proceeding.

Respectfully submitted,



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Dated: February 19, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Applicant's Response to William D. Peterson  
Petition for Review of Licensing Board Denial of January 20, 2004 Petition were served  
on the persons listed below (unless otherwise noted) by e-mail with conforming copies by  
U.S. Mail, first class, postage prepaid, this 19<sup>th</sup> day of February, 2004.

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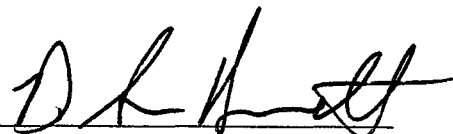
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