DOCKET NUMBER
PETITION RULE PRM 72-5
(65FR36647)

DOCKETED
USNRC

'00 NOV 27 P4:24

OFFICE OF SECRETARY
RULEMAKINGS AND ADJUDICATIONS STAFF

Nov 24, 2000
1952 Palisades Dr
Appleton, WI 54915

Secretary US NRC
Docket PRM-72-5
Notice of Receipt of petition for rulemaking

(23)

Is this still a petition or is it now a proposed rulemaking? If so, please send a copy of the federal register notice of the proposed rulemaking, and of the response by NRC to the public comments on the petition. Thank you.

I sent in comments on the petition. I am very interested in any action NRC proposes to take concerning it.

In your "regulatory analysis" part of proposed rules for casks in the past, such as that for Holtec HI-Storm 100, you refer to the ruling that created a general licence for nuclear power reactor licensees to use NRC certified casks. It says, "That rule envisioned that storage casks certified in the future could be added to the listing in 10 CFR 72.214 through rulemaking procedures. Procedures and criteria for obtaining NRC approval of new spent fuel storage cask designs were provided in 10 part 72, subpart L. Subsequently, additional casks have been added to the listing in 10 CFR 72.214. The alternative to this proposed action is not to certify these new designs and give a site-specific license to each utility that propose to use the casks." It goes on to describe reasoning and benefit to the generic rulemaking procedure saying, "The NRC

SECY-02

Template = SECY-067

is required by its regulations and the NWPA direction to certify and list approved casks."

Seems to me that the public fought that idea pretty hard because taking away site specific rulemaking for casks also took away the right to a public hearing. The vendors and licensees at the time thought generic licensing was a great idea, and listing of the generic casks as well. You may want to look over their public comments at that time.

Now, it appears they have changed their minds, and even generic licensing no longer is "done" enough for them. They would like just a federal register notice. NRC however has clearly stated that rulemaking procedures were the intent of the generic licensing process and by NWPA. Seems to me you would have to go back and change the generic license before you did any messing around with dry cask storage certification and amendment process by rulemaking. You can't just throw out all this history because NEI doesn't like it anymore. They want things done faster and with less public input. This is a clear path for future problems with casks — procedures, documents, fabrication changes etc. and puts NRC and the public at risk. A federal register notice was not the intent of NWPA or generic licensing, and before NRC tries to do this, they had better look at all legal ramifications in the future.

Thank you, Dawn Shillinglaw