

**PRM-51-10
71FR64160**

From: Claire Chang <clairech@crocker.com>
To: <SECY@nrc.gov>
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Subject: Docket No. PRM-51-10

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December 22, 2006 (2:18pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff.

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Subject: Comment regarding Massachusetts Attorney General's Petition for Rulemaking to Amend 10 CFR Part
Docket No. PRM-51-10
FR Doc. E6-18363 Filed 10-31-06; 8:45 am
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Date: Dec 22, 2006

Citizens Awareness Network supports the Massachusetts Attorney General's petition for rulemaking to rescind the NRC's finding that environmental impacts of spent reactor fuel pool storage are insignificant. We agree with the petitioners request that the NRC Commission:

- (a) consider new and significant information showing that NRC's characterization of the environmental impacts of spent fuel storage as insignificant in the 1996 Generic Environmental Impact Statement for Renewal of Nuclear Power Plant Licenses is incorrect,
- (b) revoke regulations codifying the incorrect conclusion eliminating consideration of spent fuel storage impacts in NEPA decision-making documents,
- (c) issue a generic determination that the environmental impacts of high-density spent fuel pool storage are significant, and
- (d) order that any NRC licensing decision that approves high-density spent fuel pool storage at a nuclear power reactor or other facility must require the creation of an environmental impact statement ("EIS") addressing (i) the environmental impacts of high density pool storage of spent fuel at that nuclear reactor and (ii) provide a reasonable array of alternatives for avoiding or mitigating those impacts.

Massachusetts Attorney General's Petition meets the standard for Rulemaking Petitions. NRC regulation 10 C.F.R. § 2.802(a) provides that "[a]ny interested person may petition the Commission to issue, amend or rescind any regulation." The regulations require that the petitioner describes specific issues involved, views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and other pertinent information that the petitioner deems necessary to support the action sought. 10 C.F.R. § 2.802(c)(3). The Massachusetts AG s meets this standard.

The rule also requires that the petitioner "should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened." The AG has met this requirement as well. The AG requests the revocation of 10 C.F.R. §§

51.53(c)(2) and 51.95(c) and Table B-1 of Appendix A to 10 C.F.R. Part 51 to ensure NEPA compliance in the Pilgrim and Vermont Yankee license renewal cases if the ASLB or the Commission interprets those regulations to bar the consideration of significant new information presented by the Attorney General's contentions regarding the environmental impacts of high-density pool storage of spent fuel. CAN supports this revocation.

Thank you very much for your consideration,

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