

PRM-51-10
(71FR64169)

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To: <secy@nrc.gov>
Date: Mon, Mar 19, 2007 4:46 PM
Subject: my thoughts on PRM 51-10

DOCKETED
USNRC

Secretary, U.S. Nuclear Regulatory Commission

March 20, 2007 (9:11am)

Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemakings and Adjudications Staff.

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

BILLING CODE 7590-01-P

January 16, 2007

New England Coalition 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 petitioner's request, and ask that the Commission:

(a) consider new and significant information showing that NRC's characterization of the environmental impacts of spent fuel storage in the 1996 Generic Environmental Impact Statement for Renewal of Nuclear Power Plant Licenses is incorrect,

(c) revoke regulations eliminating consideration of spent fuel storage impacts in NEPA decision-making documents, and revoke the Waste Confidence Rule which indefinitely postpones responsibility on the part of the NRC for security and safety of spent fuel pools. In light of revelations of leaking fuel pools at many reactors around the country, it is evident that the public health and safety, as well as security, have not been responsibly protected.

(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

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alternatives for avoiding or mitigating those impacts, as per the recent Supreme Court Ruling in the San Luis Obispo Mothers for Peace case,

Massachusetts Attorney General's Petition meets the standard for Rulemaking Petitions. NRC regulation 10 C.F.R. § 2.802(a) provides that "any 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 petition 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. NEC supports this revocation.

Thank you very much for your consideration,

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