

PRM-51-10  
(71FR64169)

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**From:** Andy Davis <andy@dancingmasters.com>  
**To:** <secy@nrc.gov>  
**Date:** Mon, Mar 19, 2007 9:08 PM  
**Subject:** Petition for Rulemaking to Amend 10 CFR Part

DOCKETED  
USNRC

March 21, 2007 (4:28pm)

Secretary, U.S. Nuclear Regulatory Commission

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Washington, DC 20555-0001

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

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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

Template = SECY-067

SECY-02

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, 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 "[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 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,

Andy Davis

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