



T. Moser, Chairman
STARS Integrated Regulatory Affairs Group
P.O. Box 620, Fulton, Missouri 65251

STARS-09006

PRM-72-6
(74FR09178)

May 20, 2009

Ms Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKETED
USNRC

May 21, 2009 (11:39am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON PRM-72-6, PETITION FOR
RULEMAKING FILED BY C-10 RESEARCH AND
EDUCATION FOUNDATION, INC.**

Reference: 1) 74 FR 9178, C-10 Research and Education Foundation, Inc.; Receipt of Petition for Rulemaking, dated March 3, 2009
2) NEI letter from Steven P. Kraft to U.S. Nuclear Regulatory Commission dated May 18, 2009, Nuclear Energy Institute Comments on PRM-72-6, Petition for Rulemaking; Notice of Receipt Filed by C-10 Research and Education Foundation, Inc. (74 *Fed. Reg.* 9178), Dated March 3, 2009

Dear Ms. Vietti-Cook,

The Strategic Teaming and Resource Sharing (STARS)¹ alliance submits the enclosed comments in response to the referenced *Federal Register* notices soliciting comments regarding PRM-72-6, Petition for Rulemaking filed by C-10 Research and Education Foundation, Inc. (Reference 1). The petitioner is requesting that the NRC amend the regulations that govern licensing requirements for the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than class C waste.

¹ STARS consists of thirteen plants at seven stations operated by Luminant Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company, Arizona Public Service Company, and Southern California Edison.

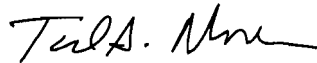
Industry comments were provided on PRM-72-6 by the referenced Nuclear Energy Institute (NEI) letter (Reference 2). STARS supports the comments in that letter and also recommends that the NRC deny the subject petition. The proposed changes would impose significant additional costs on the NRC and the industry with no safety benefit.

The NRC should continue to allow exceptions to the ASME Code requirements for dry casks. This is consistent with other similar existing regulations which recognize the need for exceptions and alternatives to the ASME Code. Since dry storage casks are not pressure vessels, it is virtually impossible to implement the ASME Code without allowing exceptions to some of the requirements.

We believe there is no need for rulemaking to include funding to conduct effectiveness studies of age-related material degradation. As part of an NRC research program, a Surry dry storage cask was opened after the fuel had been stored approximately 15 years. The findings confirmed condition of the fuel and dry cask components to be acceptable (SECY-09-0069, Proposed Rule: 10 CFR Part 72 License and Certificate of Compliance Terms (RIN 3150-AI09) / ML090610154).

Thank you for your consideration of these comments. If there are any questions regarding these comments, please contact me at 573-676-4775, or tmoser@ameren.com, or Carl B. Corbin at 254-897-0121, or carl.corbin@luminant.com.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Moser".

T. Moser, Chairman

STARS Integrated Regulatory Affairs Group

Rulemaking Comments

From: Billie Champ
Sent: Thursday, May 21, 2009 7:49 AM
To: Rulemaking Comments
Subject: FW: EIE E090520t150001 from carl.corbin@luminant.com
Attachments: EIE E090520t150001 from carl.corbin@luminant.com

Rulemaking Comments

From: Angelina Buan
Sent: Wednesday, May 20, 2009 4:10 PM
To: Sheila McKelvin; Billie Champ; Linda Mike
Cc: Eric Tennille; John Repetto; Kenny Nguyen; Mary Neely; Melissa Rieta; Michael Collins; Mike King (OIS); Susan Hicks
Subject: EIE E090520t150001 from carl.corbin@luminant.com
Attachments: E090520t150001_STARS-09006 Comments - ISFSI Petition for Rulemaking.pdf; E090520t150001.xfd

Sheila/Billie/Linda,

The attached SECY document submitted by carl.corbin@luminant.com, was received via EIE.

Should this document be added to ADAMS?

thanks,
Angelina

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Thu, 21 May 2009 07:48:58 -0400
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Billie Champ <Billie.Champ@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Thu, 21 May 2009 07:48:58 -0400
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