

**PR 72
(74FR47126)**

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**DOCKETED
USNRC**

November 30, 2009

November 30, 2009 (3:00pm)

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

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

The Decommissioning Plant Coalition (DPC) is providing comments on the Nuclear Regulatory Commission's (NRC) proposed amendments to 10 CFR Part 72 (Docket ID NRC -2008 - 0361).

The Decommissioning Plant Coalition was established in 2001 to highlight issues unique to nuclear power plants undergoing decommissioning. The DPC is focused on addressing the needs of reactors at single-unit sites that are undergoing or have completed decommissioning activities. Members commenting on this matter include the Connecticut Yankee (CT), LaCrosse (WI), Maine Yankee (ME), Rancho Seco (CA), and Yankee Rowe (MA), facilities.

As a first matter, we commend the NRC for its recognition that 40-year term limits for Certificates of Compliance and licensing the site facilities are supported by safety data. We endorse the concept and applaud the effort the staff and the Commission has put forth on this matter.

The DPC has comments that we believe the Commission needs to address prior to issuance of a final rule in order to clarify its regulatory intentions for decommissioned facilities that will have no additional casks to load as distinct from those sites with operating plants that will continue to load casks.

First, we believe that the SUPPLEMENTAL INFORMATION is technically correct concerning the prospects of renewal terms being extended longer than 40 years. Under II.D., ("Can applicants apply for an initial or renewal term greater than 40 years?") the staff plainly states the Commission view that, "(T) his discussion about license renewal terms longer than 40 years does not imply that the spent fuel cannot be safely stored beyond the maximum allowed 40 year license term. In fact, the regulations place no restrictions on the number of times the license can be renewed."

However, the indefinite nature of the length of time the Commission here describes for storage at an ISFSI brings this NRC statement into an apparent conflict with the Commission's long held policy that it "does not intend to support storage of spent fuel for an indefinitely long period" (55 FR 38482; September 18, 1990). This latter and long held tenet of the NRC is in concert with existing statute concerning spent fuel management. This tenet needs to be inserted at this point of the SUPPLEMENTAL INFORMATION for this rule so that the Commission's intent is clear and consistent across its regulatory landscape, including its Waste Confidence decision.

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The DPC believes that the law governing spent fuel storage, as well as the overarching regulatory philosophy that lies behind NRC rulemakings, would never intentionally create a national landscape of ISFSIs at sites where all other nuclear operations have ceased with the sites otherwise decommissioned and allow that landscape to remain indefinitely. The federal government has had the obligation, by contract, to remove spent fuel and greater than class C waste from our sites beginning in 1998. As the government has failed in this obligation to date, we believe the regulator should not now begin to equivocate on its expectation that these sites and future like sites not proliferate and linger as de facto long-term storage facilities.

Second, we believe that much of the rule is unquestionably directed at facilities that are now and will continue to have one or more operating reactors on its site and will conduct new loading operations into the future. As such, it would seem to create unneeded and unique burdens for the single unit permanently shut-down reactor sites absent some clarification(s).

Specifically, this notice otherwise develops a regulatory framework where there are options on adopting amendments to C of Cs for already loaded casks; this is of benefit to facilities where no additional loading operations will take place once the fuel is safely stored. Therefore, we suggest modifying the language of Section 72.212(b) (currently, "The general licensee must,") to make sure there is clarity on those situations in which the subsequent 12 actions are and are not required. Absent this clarity, some confusion may arise among stakeholders and interested citizens on what is being required and under what circumstances.

In your request for public comments, you also ask for views on whether the rules concerning aging management programs for C of C renewals should fully address possible site aging issues, citing different environmental conditions as an example. We do not believe that the regulations themselves need further expansion. The accompanying aging management program's effectiveness will inherently address any such factors and will, in any event, have to be appropriately evaluated against the Standard Review Plan.

The DPC appreciates the opportunity to comment on this matter and would be glad to answer any questions.

Sincerely,



Michael S. Callahan
(on behalf of the Decommissioning Plant Coalition)

Rulemaking Comments

From: Michael Callahan [mike_callahan@govstrat.com]
Sent: Monday, November 30, 2009 2:39 PM
To: Rulemaking Comments
Subject: Comments re Proposed Amendments to Part 72
Attachments: DPCP72comments.pdf; ATT00002.txt

Attached are comments of the Decommissioning Plant Coalition re the Proposed Amendments to Part 72.

Please call if there are any problems with the receipt of these comments or if there are subsequent questions concerning any of them.

Mike Callahan
301-526-7606 (c)

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From: Michael Callahan <mike_callahan@govstrat.com>

To: Rulemaking.Comments@nrc.gov

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