

Sarah Hofmann, Chair

Commissioner, Vermont Public Utility Commission

PRM-72-8
83 FR 12504

Renze Hoeksema, Vice Chairman

Vice Pres. of Corporate & Government Affairs, DTE Energy

Julie I. Brown, Membership Officer

Commissioner, Florida Public Service Commission

Robert W. Capstick, Jr., Finance Officer

Director of Regulatory Affairs, 3 Yankee Companies

Mike Huebsch, Communications Officer

Commissioner, Public Service Commission of Wisconsin



June 5, 2018

Ms. Carol Gallagher
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Submitted via email to: Rulemaking.Comments@nrc.gov

Re: NWSC Comments on Requirements for the Indefinite Storage of Spent Nuclear Fuel, *83 Federal Register 12504*, 03/22/2018 (Docket ID NRC-2018-0017)

The Nuclear Waste Strategy Coalition (NWSC)* appreciates the opportunity to provide comments on the petition for rulemaking by Raymond Lutz and Citizens Oversight, Inc. (petitioners) to revise 10 CFR Part 72. The NWSC strongly believes that the NRC should not proceed with the petitioners' recommended rulemaking; the petition lacks merit and proposes costly actions that are entirely inconsistent with the nation's longstanding policy direction on nuclear waste management as codified in federal law, reinforced in contracts with utilities, and based on recent actions and statements, supported by the Administration, Congress, and numerous stakeholders including the NWSC.

Petitioners seek actions that conflict with the purpose of the Nuclear Waste Policy Act (NWPA) and contracts between the federal government and utilities, both of which have been in place since the early 1980s and call for the U.S. Department of Energy to remove and permanently dispose of commercial spent nuclear fuel (SNF) from utility plant sites across the country starting in January 1998. The federal government's failure to meet its statutory and contractual deadline – and the costly consequences of its failure (prolonged on-site storage) – do not justify either letting the government off the hook for SNF removal or instituting costly measures (such as "HELMS") to leave the waste at utility sites indefinitely at an even greater expense to electric customers and taxpayers. However, we believe those to be the untenable results of the petitioners' proposal.

Petitioners simply have not made a credible case for scrapping the nation's longstanding policies requiring nuclear waste removal and permanent disposal. These policies are supported by the Administration (President's FY18 and FY19 budget requests; Secretary Perry's public statements); Congress (no statutory changes to the NWPA since 1987; recent 340-72 House vote to pass a bill reinforcing the NWPA); and numerous stakeholders including the NWSC. For over two decades, the NWSC has called upon the federal government to honor its commitments, and while frustrated with the lack of progress, we continue that call and urge the NRC to avoid actions that would facilitate additional, costly delays.

The NWSC respectfully asks the NRC to reject the petition and instead use its limited resources on actions aimed at carrying out the safe and timely removal, transport, and ultimate disposal of SNF. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Katrina J. McMurrian".

Katrina J. McMurrian
NWSC Executive Director

*The Nuclear Waste Strategy Coalition (NWSC) is an ad hoc organization representing the collective interests of member state utility regulators, state consumer advocates, state energy and radiation control officials, tribal governments, local governments, electric utilities with operating and shutdown nuclear reactors, and other public and private sector experts on nuclear waste policy matters.