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USNRC

Entergy Operations, Inc.
1448 S.R. 333
Russellville, AR 72801
Tel 501 858-5000

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OFFICE
OF
GENERAL
ADMINISTRATION

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0002
Attention: Rulemakings and Adjudications Staff

DOCKET NUMBER
PROPOSED RULE **PR 72**
(64FR59677)

Subject: Comments on Proposed Rule: Clarification and Addition of Flexibility RIN
3150-AG15

Entergy Operations at Arkansas Nuclear One (ANO) has reviewed the proposed rulemaking to provide clarification to 10CFR72. We commend the Staff for initiating this rulemaking to eliminate the ambiguity currently inherent in 10CFR72 pertaining to the applicability of each section to site-specific licensees, general licensees, and certificate holders. As a general licensee, we have been subject to varied and shifting opinions and the applicability of various sections of 10CFR72 since 1994, two years prior to our first cask loading.

Based on our review, we have the following comments for the Staff's consideration.

1. 10CFR72.212(a)(2) allows general licensees to store spent fuel in casks approved under the provisions of Part 72. The casks approved for use by general licensees are listed in 10CFR72.214. The sections of Part 72 currently proposed in 10CFR72.13 to apply to general licensees do not include 10CFR72.214. We believe that ambiguity would remain in Part 72 if the list of casks that general licensees can utilize are contained in a section of Part 72 that is listed (in 10CFR72.13) as not applicable to general licensees.
2. 10CFR72.240(a) allows the user of a cask approved by the NRC to apply for a cask model re-approval as an alternative to application by the certificate holder. Since general licensees are the cask users, we believe 10CFR72.240 should also be listed in 10CFR72.13 as applicable to general licensees.

Sincerely,

Jimmy D. Vandergrift
Director, Nuclear Safety

PDR PR 72 64FR 59677

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