

December 5, 2001

Ms. Lynette Hendricks  
Nuclear Energy Institute  
1776 I Street NW  
Washington, DC 20006-3708

Dear Ms. Hendricks:

I am responding to the petition for rulemaking, dated April 19, 2000, that you submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of the Nuclear Energy Institute. Your petition was docketed as PRM-72-5 and requested that NRC amend its regulations governing the issuance of Certificates of Compliance (CoCs) for dry cask storage of spent nuclear fuel under a general license.

The notice of receipt of the petition was published in the Federal Register on June 9, 2000 (65 FR 36647). The comment period closed on August 23, 2000. Twenty-four comment letters were received.

NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed Federal Register notice, your petition is denied. In summary, the petition is being denied because (1) improvements in the approval process since submittal of the NEI petition have significantly decreased the length of time for approval of CoC amendments, making regulatory change unnecessary; (2) the petitioner's approval process may require the offer of an opportunity for a hearing, which could eliminate any efficiency obtained by the elimination of notice and comment rulemaking; and (3) the Commission's performance goals would be better served by retaining the present process than by adopting the process suggested by petitioner.

The Federal Register notice denying the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

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Annette Vietti-Cook

Enclosure: Federal Register Notice  
Denying Petition