

August 16, 2007

Ms. Sally Shaw
100 River Road
Gill, MA 01354

Dear Ms. Shaw:

I am responding to your e-mail of March 7, 2007, by which you submitted a petition for rulemaking (PRM) to the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR 2.802 of the Commission's regulations. You requested that the NRC:

- Halt the license renewal process of Vermont Yankee nuclear power plant pending resolution of your previously submitted petition for rulemaking, docketed as PRM-51-11, regarding the adequacy of radiation standards and risk factors in the NRC's Generic Environmental Impact Statement (GEIS) until a full review and reconciliation of NRC's radiation standards, consistent with the Biological Effects of Ionizing Radiation (BEIR) VII and other current scientific studies of the health effects of low-level ionizing radiation, external and internal, is undertaken.
- Revise the policy on license renewals such that all reactors applying for license renewal be evaluated based on current configurations and projected future performance and operating parameters, where those differ from the design bases and historical operation.

The Commission has concluded that these requests are deficient as they do not meet the Commission's criteria for a petition for rulemaking. Pursuant to 10 CFR 2.802(d), a petitioner for rulemaking may request suspension of all or any part of any licensing proceeding to which the petitioner is a party, pending disposition of the rulemaking petition. Because you are not a party to the Vermont Yankee proceeding, you do not have a basis to request a suspension of the Vermont Yankee license renewal process. Moreover, the Vermont Yankee license renewal process is a discrete, site-specific action and any request to suspend such a process cannot itself be the basis of a rulemaking petition. A request to suspend a license renewal proceeding does not meet the criteria for a rulemaking petition as it does not identify the regulatory issue, provide the substance or text of any proposed regulation or amendment, or specify which current NRC regulation is to be revoked or amended (see 10 CFR 2.802(c)(1)).

In regard to your request to revise the policy on license renewals, your request fails to meet the requirements of 10 CFR 2.802(c)(1) and (c)(3). The NRC considers concurrent configuration and projected future performance and operating parameters in evaluating renewal applications. Your request, however, does not identify the regulatory issue, provide the substance or text of any proposed regulation or amendment, or specify which current NRC regulation is to be revoked or amended. Further, you have not included any amplifying or other supporting information for this particular petition request (i.e., no relevant technical, scientific or other data) nor have you noted any specific cases of which you are aware where current NRC regulations are unduly burdensome, deficient, or need to be strengthened.

S. Shaw

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In accordance with 10 CFR 2.802(f), you have 90 days from the date of this letter to meet the requirements described above. If you do not meet the requirements described above within 90 days, your rulemaking petition will be returned to you without prejudice to your right to file a new petition.

Any questions you may have should be directed to Michael Lesar, Chief, Rulemaking, Directives, and Editing Branch, by calling 301-415-7163 or toll-free 1-800-368-5642, or by e-mail to mtl@nrc.gov.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

S. Shaw

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/RA/

Luis A. Reyes
Executive Director
for Operations

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