

August 5, 2008

The Honorable Rick Boucher
Chairman, Subcommittee on Energy
and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are copies of notices of petitions for rulemaking (PRMs) submitted by the Attorney General of the Commonwealth of Massachusetts and the Attorney General for the State of California. The Nuclear Regulatory Commission (NRC) docketed the PRMs as PRM 51-10 and 51-12, respectively. The PRMs presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in spent fuel pools (SFPs). The Petitioners assert that “new and significant information” shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as “insignificant” in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the Petitioners assert that spent fuel stored in high-density SFPs is more vulnerable to zirconium-cladding fire than the NRC concluded in its NEPA analysis.

The Commission is denying the petitions because it has determined that the studies upon which the Petitioners rely do not constitute “new and significant information.” Further, it determined that NRC findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, May 1996, and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met, and continues to meet, its obligations under the NEPA.

Further details are discussed in the *Federal Register* notice denying the petition that is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

August 5, 2008

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are copies of notices of petitions for rulemaking (PRMs) submitted by the Attorney General of the Commonwealth of Massachusetts and the Attorney General for the State of California. The Nuclear Regulatory Commission (NRC) docketed the PRMs as PRM 51-10 and 51-12, respectively. The PRMs presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in spent fuel pools (SFPs). The Petitioners assert that “new and significant information” shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as “insignificant” in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the Petitioners assert that spent fuel stored in high-density SFPs is more vulnerable to zirconium-cladding fire than the NRC concluded in its NEPA analysis.

The Commission is denying the petitions because it has determined that the studies upon which the Petitioners rely do not constitute “new and significant information.” Further, it determined that NRC findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, May 1996, and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met, and continues to meet, its obligations under the NEPA.

Further details are discussed in the *Federal Register* notice denying the petition that is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator George V. Voinovich

August 5, 2008

The Honorable Barbara Boxer
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

Enclosed are copies of notices of petitions for rulemaking (PRMs) submitted by the Attorney General of the Commonwealth of Massachusetts and the Attorney General for the State of California. The Nuclear Regulatory Commission (NRC) docketed the PRMs as PRM 51-10 and 51-12, respectively. The PRMs presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in spent fuel pools (SFPs). The Petitioners assert that “new and significant information” shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as “insignificant” in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the Petitioners assert that spent fuel stored in high-density SFPs is more vulnerable to zirconium-cladding fire than the NRC concluded in its NEPA analysis.

The Commission is denying the petitions because it has determined that the studies upon which the Petitioners rely do not constitute “new and significant information.” Further, it determined that NRC findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, May 1996, and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met, and continues to meet, its obligations under the NEPA.

Further details are discussed in the *Federal Register* notice denying the petition that is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator James M. Inhofe

August 5, 2008

The Honorable John D. Dingell
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are copies of notices of petitions for rulemaking (PRMs) submitted by the Attorney General of the Commonwealth of Massachusetts and the Attorney General for the State of California. The Nuclear Regulatory Commission (NRC) docketed the PRMs as PRM 51-10 and 51-12, respectively. The PRMs presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in spent fuel pools (SFPs). The Petitioners assert that “new and significant information” shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as “insignificant” in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the Petitioners assert that spent fuel stored in high-density SFPs is more vulnerable to zirconium-cladding fire than the NRC concluded in its NEPA analysis.

The Commission is denying the petitions because it has determined that the studies upon which the Petitioners rely do not constitute “new and significant information.” Further, it determined that NRC findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, May 1996, and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met, and continues to meet, its obligations under the NEPA.

Further details are discussed in the *Federal Register* notice denying the petition that is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

August 5, 2008

The Honorable John D. Dingell
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are copies of notices of petitions for rulemaking (PRMs) submitted by the Attorney General of the Commonwealth of Massachusetts and the Attorney General for the State of California. The Nuclear Regulatory Commission (NRC) docketed the PRMs as PRM 51-10 and 51-12, respectively. The PRMs presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in spent fuel pools (SFPs). The Petitioners assert that "new and significant information" shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as "insignificant" in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the Petitioners assert that spent fuel stored in high-density SFPs is more vulnerable to zirconium-cladding fire than the NRC concluded in its NEPA analysis.

The Commission is denying the petitions because it has determined that the studies upon which the Petitioners rely do not constitute "new and significant information." Further, it determined that NRC findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, May 1996, and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met, and continues to meet, its obligations under the NEPA.

Further details are discussed in the *Federal Register* notice denying the petition that is being transmitted to the Office of the Federal Register for publication.

Sincerely,
/RA/
Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

Identical letters were sent to and include all the addressees except those on the concurrence page.

DISTRIBUTION:
FPFB/PRAB r/f OCA r/f RDB/ADM r/f

ADAMS Accession Number: ML081890143 (Letters); ML081890124 (FRN)

OFFICE	DRP/PRAB	BC/DPR/PRAB	ADM	D/OCA
NAME	LPadovan	JZimmerman	MLesar	RSchmidt
DATE				08/05/2008

OFFICIAL RECORD COPY