

July 23, 2013

The Honorable William H. Sorrell
Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609

Dear Attorney General Sorrell:

This letter responds to the May 22, 2013, “Petition for Review of [Nuclear Regulatory Commission (NRC)] Staff Scoping Decision,” filed jointly by the State of Vermont, State of Connecticut, State of New York, and the Commonwealth of Massachusetts. The petition objects to scoping decisions reflected in the NRC staff’s March 2013, “Waste Confidence Generic Environmental Impact Statement Scoping Process: Summary Report” and proposes that the Commission, based on its inherent supervisory authority over the NRC staff, institute an adjudicatory-style briefing process before deciding the merits of the petition.

The NRC has determined that the notice-and-comment process, rather than reliance on adjudicatory briefings, is the appropriate means to ensure there is ample opportunity for public participation in the Waste Confidence matter. As in other rulemakings, the Commission does not plan to solicit briefs and issue merits decisions on the staff’s scoping report or other specific issues, and no NRC rule or notice contemplates petitions for Commission review of NRC staff scoping documents.

The agency previously solicited and received public comments during the initial scoping process for the Waste Confidence generic environmental impact statement (GEIS), and the comments that it received—including the comments referenced in the petition—informed the conclusions set forth in the scoping summary report. Another formal public comment period will also commence following publication of drafts of the Waste Confidence materials, including a draft GEIS and a draft revision of pertinent regulations. The NRC currently expects the public comment period for these materials will begin in late summer or early fall.

I encourage you to participate in, and submit comments during, the upcoming public comment period on the draft GEIS and proposed rule. The NRC will consider all public comments filed during the anticipated upcoming public comment period and will include all comments received during that period in the final GEIS.

Sincerely,

/RA/

Allison M. Macfarlane

Identical letter sent to:

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