

Robert Willis Bishop, Esq.
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

SUBJECT: PETITION FOR RULEMAKING (PRM 51-7) REGARDING SEVERE ACCIDENT
MITIGATION ALTERNATIVES REVIEWS IN SUPPORT OF OPERATING
LICENSE RENEWAL APPLICATIONS

Dear Mr. Bishop:

I am responding to the July 13, 1999, petition for rulemaking you filed on behalf of the Nuclear Energy Institute. The petitioner requested that the NRC regulations be amended to delete the requirement, found in 10 CFR 51.53 (c)(3)(ii)(L), to consider Severe Accident Mitigation Alternatives (SAMAs) as part of the environmental review done in support of operating license renewal applications.

The NRC published a notice of receipt of the petition and request for comment in the September 2, 1999 (64 FR 48117), issue of the *Federal Register*. Subsequently, the NRC heard from 11 commenters.

The petition provides three bases for eliminating SAMA reviews as part of the environmental review for license renewal. First, the petition argues that the scope of the reactor safety review required for license renewal should limit the scope of the environmental review. Second, the petition contends that the previous U.S. Court of Appeals decision in *Limerick Ecology Action v. NRC* 869 F.2d 719 (3rd Circuit 1989) does not require the NRC to include SAMA reviews in its environmental reviews for license renewal of operating reactors. Finally, it is argued that the NRC may eliminate SAMA reviews upon finding that severe accidents are highly unlikely.

In its analysis of the petition, the NRC carefully considered the arguments made in support of the three bases discussed above. The NRC has concluded that it does have a legal obligation to consider SAMAs as part of the environmental review done in support of operating license renewal and, therefore, plant-specific SAMA reviews in support of operating license renewal applications will still be required. A detailed discussion of the NRC's reasoning in this matter is contained in the enclosed Notice of Denial of Petition for Rulemaking, which will be published in the *Federal Register*.

Sincerely,

Annette L. Vietti-Cook
Secretary of the Commission

Enclosure:
Notice of Denial of Petition
for Rulemaking

Robert Willis Bishop, Esq.
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

SUBJECT: PETITION FOR RULEMAKING (PRM 51-7) REGARDING SEVERE ACCIDENT
MITIGATION ALTERNATIVES REVIEWS IN SUPPORT OF OPERATING
LICENSE RENEWAL APPLICATIONS

Dear Mr. Bishop:

I am responding to the July 13, 1999, petition for rulemaking you filed on behalf of the Nuclear Energy Institute. The petitioner requested that the NRC regulations be amended to delete the requirement, found in 10 CFR 51.53 (c)(3)(ii)(L), to consider Severe Accident Mitigation Alternatives (SAMAs) as part of the environmental review done in support of operating license renewal applications.

The NRC published a notice of receipt of the petition and request for comment in the September 2, 1999 (64 FR 48117), issue of the *Federal Register*. Subsequently, the NRC heard from 11 commenters.

The petition provides three bases for eliminating SAMA reviews as part of the environmental review for license renewal. First, the petition argues that the scope of the reactor safety review required for license renewal should limit the scope of the environmental review. Second, the petition contends that the previous U.S. Court of Appeals decision in *Limerick Ecology Action v. NRC* 869 F.2d 719 (3rd Circuit 1989) does not require the NRC to include SAMA reviews in its environmental reviews for license renewal for operating reactors. Finally, it is argued that the NRC may eliminate SAMA reviews upon finding that severe accidents are highly unlikely.

In its analysis of the petition, the NRC carefully considered the arguments made in support of the three bases discussed above. The NRC has concluded that it does have a legal obligation to consider SAMAs as part of the environmental review done in support of operating license renewal and, therefore, plant-specific SAMA reviews in support of operating license renewal applications will still be required. A detailed discussion of the NRC's reasoning in this matter is contained in the enclosed Notice of Denial of Petition for Rulemaking, which will be published in the *Federal Register*.

Sincerely,

Annette L. Vietti-Cook
Secretary of the Commission

Enclosure:
Notice of Denial of Petition
for Rulemaking

DISTRIBUTION:

Central f/c JJohnson, ADIP

RGEb r/f

SCollins/RZimmerman

DMatthews/SNewberry *See previous concurrence

DOCUMENT NAME: G:\RGEb\DPC\SAMA\SAMAPRMLTR5.WPD

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	*RGEb:DRIP		*RGEb:DRIP	E	*RGEb:DRIP		*OGC		*ADM	
NAME	DCleary:ayw		MMalloy		CCarpenter		STreby		DMeyer	
DATE	06/20/00		06/20/00		06/21/00		09/11/00		07/17/00	
OFFICE	*D:DRIP		ADIP		D:NRR		OEDO			
NAME	DMatthews		JJohnson		SCollins		WDTravers			
DATE	06/27/00		/ /00		/ /00		/ /00			

OFFICIAL RECORD COPY