

May 3, 2007

The Honorable Edmund G. Brown, Jr.  
Attorney General  
State of California  
Los Angeles, CA 90013

Dear Mr. Attorney General:

This letter is in reference to your petition for rulemaking dated March 16, 2007, that was submitted to the U. S. Nuclear Regulatory Commission on behalf of the State of California. You request that NRC (1) rescind its regulations that declare the potential environmental effects of the approval, construction, and operation of high-density pool storage of spent nuclear fuel are not and cannot be significant for purposes of the National Environmental Policy Act (NEPA) and NEPA analysis; (2) adopt and issue a generic determination that approval of such storage at a nuclear power plant or any other facility does constitute a major Federal action that may have a significant effect on the human environment; and (3) order that no NRC licensing decision that approves high-density pool storage of spent nuclear fuel at a nuclear power plant or other storage facility may issue without the prior adoption and certification of an environmental impact statement that complies with NEPA in all respects, including full identification, analysis, and disclosure of the potential environmental effects of such storage, including the potential for accidental or deliberately caused release of radioactive products to the environment, whether by accident or through acts of terrorism, as well as full and adequate discussion of potential mitigation for such effects, and full discussion of an adequate array of alternatives to the proposed storage project.

The enclosed notice acknowledging receipt of the petition and requesting public comment will be published in the *Federal Register* for a 75-day comment period. Upon expiration of the comment period, we will provide you with copies of any comments that have been received in response to the notice of receipt for your petition for rulemaking.

Your petition, the NRC *Federal Register* notice of receipt, and any public comments received on your petition also will be made available on the NRC's rulemaking website at <http://ruleforum.llnl.gov>. Questions regarding this website may be directed to Carol Gallagher of my staff at 301-415-5905 or e-mail [cag@NRC.gov](mailto:cag@NRC.gov).

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As staff review progresses on your petition, it may be necessary to request additional information. Please reference the assigned docket number (PRM-51-12) on any correspondence you may have concerning the petition. You may direct any questions you may have concerning the petition process or the status of your petition to me on 301-415-7163, e-mail [mtl@nrc.gov](mailto:mtl@nrc.gov) or to Betty Golden on 301-415-6863, e-mail [bkg2@nrc.gov](mailto:bkg2@nrc.gov).

Sincerely,

RA

Michael T. Lesar, Chief  
Rulemaking, Directives, and Editing Branch  
Division of Administrative Services  
Office of Administration

Enclosure: As stated

cc: Tom Greene, Chief Assistant Attorney General  
Theordora Berger, Senior Assistant Attorney General  
Susan Durbin, Deputy Attorney General  
Brian Hembacher, Deputy Attorney General

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Sincerely,

RA

Michael T. Lesar, Chief  
Rulemaking, Directives, and Editing Branch  
Division of Administrative Services  
Office of Administration

Enclosure: As stated

cc: Tom Greene, Chief Assistant Attorney General  
Theordora Berger, Senior Assistant Attorney General  
Susan Durbin, Deputy Attorney General  
Brian Hembacher, Deputy Attorney General

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