

May 13, 2016

Diane Curran
Harmon, Curran, Spielberg & Eisenberg, L.L.P.
1726 M Street N.W. Suite 600
Washington, D.C. 20036

Dear Ms. Curran:

I am responding to two petitions for rulemaking (PRMs) that you submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of 34 environmental organizations (the petitioners). Specifically, this letter responds to the petitioners' December 20, 2013, submittal, which was corrected on January 7, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14029A124), and the petitioners' February 18, 2014, submittal, which was supplemented on May 1, 2014 (ADAMS Accession Nos. ML14071A382 and ML14177A660). These two petitions were docketed by the NRC as PRM-51-30 and PRM-51-31, respectively. In these two petitions, the petitioners requested that the NRC amend its regulations in Part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR) that concern the impacts of spent fuel storage and disposal in environmental reviews for nuclear power plant license renewal applications.

PRM-51-30 was filed as part of the petitioners' comments on the NRC's proposed continued storage rule and that rule's associated generic environmental impact statement (GEIS). PRM-51-31 was filed shortly after the public release of the NRC staff's findings in the expedited spent fuel transfer analysis. The NRC published a notice of receipt in the *Federal Register* for PRM-51-30 on April 21, 2014 (79 FR 22055), and for PRM-51-31 on May 1, 2014 (79 FR 24595), and published an additional notice upon receipt of the supplement to PRM-51-31 on July 24, 2014 (79 FR 42989). PRM-51-31, as supplemented, asserted that recent NRC staff studies and a statement by a former NRC Chairman, constituted "new and significant" information under the National Environmental Policy Act that justified the requests made in PRM-51-31. The NRC did not request public comments on PRM-51-30 or PRM-51-31 because the NRC determined that it had sufficient information for review and because the issues raised in these petitions had already been discussed at length in previous NRC proceedings.

The NRC has determined that PRM-51-30 and PRM-51-31 have not provided a sufficient basis to revise the regulations, as requested. The NRC is therefore denying the two petitions. The reasons for the denial are explained in the enclosed notice, which will be published in the *Federal Register*. Upon publication of the enclosed notice, the NRC will close PRM-51-30 and PRM-51-31.

In PRM-51-31, the petitioners also made several non-rulemaking requests; namely, that the NRC should: suspend the effectiveness of Table B-1 of 10 CFR Part 51; suspend the effectiveness, in new reactor licensing proceedings, of all regulations approving standardized reactor designs and all environmental assessments (EAs) approving Severe Accident Mitigation

Design Alternatives; republish for public comment, the June 2013 License Renewal GEIS, the environmental impacts statements for all new reactors, and the EAs for all new reactor design certifications; and suspend all new reactor licensing and license renewal decisions.

In its decision, CLI-14-07, dated July 17, 2014 (ADAMS Accession No. ML14195A499), the Commission denied the petitioners' request to suspend all new reactor licensing decisions and license renewal decisions. The NRC is denying the remaining non-rulemaking requests as the NRC has not found a sufficient basis to amend the regulations identified in the petition for rulemaking; and as such, there is no reason to grant the non-rulemaking requests. In addition, as described in the enclosed notice, the NRC has determined that the staff studies and the statements by a former NRC Chairman, which were identified by the petitioners in PRM-51-31, as supplemented, do not constitute new and significant information warranting amendments to the NRC's regulations.

You may direct any questions regarding this matter to Jennifer C. Tobin, by calling 301-415-2328, or by e-mailing Jennifer.Tobin@nrc.gov.

Sincerely,

/RA/

Annette L. Vietti-Cook

Enclosure:
Federal Register notice