

September 16, 2003

MEMORANDUM TO: Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-03-0151 - DENIAL OF
PETITION FOR RULEMAKING SUBMITTED BY OHIO CITIZENS
FOR RESPONSIBLE ENERGY, INC. (DOCKET NO. PRM-9-2)

The Commission has approved publication of the Notice of Denial of Rulemaking Petition in the Federal Register, subject to the changes noted in the attachment, and issuance of the letter to the petitioner.

The NRC staff should take all reasonable measures in the future to prevent delays of this length. The review of action on pending rulemaking petitions must be more vigorous and every effort must be made to prevent a recurrence.

Attachment: Changes to the Federal Register notice in SECY-03-0151

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

SECY NOTE: THIS SRM AND SECY PAPER WILL BE RELEASED TO THE PUBLIC 5
WORKING DAYS AFTER ISSUANCE OF THE LETTER TO THE
PETITIONER.

Changes to the Federal Register notice in SECY-03-0151

1. On page 3, after the 1st full paragraph, insert the following:

A response to the petition was delayed a number of times to consider the petition in light of the Commission's ongoing public information initiatives and legislative and executive branch directives on reducing unnecessary reporting and recordkeeping. For example, there was a significant delay associated with developing and implementing ADAMS, the Commission's electronic document library system. During the review period the staff contacted the petitioner to provide updates on the status of the agency's review. Nevertheless, the Commission finds this delay to be unacceptable. The Commission is committed to a more rigorous review of action on pending rulemaking petitions in order to prevent a recurrence of an unnecessary delay of this length and to assure timely response.

2. On page 4, 1st full paragraph, revise line 2 to read ' ... not **directly** to protect or'
3. On page 4, last paragraph, revise line 1 to read ' ... the PRA (**revising and strengthening earlier requirements**) and the'
4. On page 5, in lines 2 and 3 from the top, capitalize "Federal" and "Government".
5. On page 7, 1st full paragraph, revise line 9 to read ' ... and continue to also **to** be available' Revise lines 14 through 16 to read ' ... apparently discounted **the process by which NRC determined** the fact that many of the documents which are the subject of the petition for rulemaking are ~~those which NRC has determined are~~ unnecessary for NRC to process in order to **make regulatory decisions that** protect the public'
6. On page 8, last paragraph, revise line 1 to read ' ... private citizen **contended** ~~pointed out~~ that' In line 7, correct the spelling of "commenter".
7. On page 9, paragraph 1, delete the 1st sentence. In line 3, delete "this". Revise line 6 to read ' ... licensees to immediately **to** notify NRC'
8. On page 10, 1st full paragraph, lines 1 and 6, correct the spelling of "commenter".
9. On page 11, 1st full paragraph, line 10, capitalize "Federal" and "Government".
10. On page 11, last paragraph, lines 1, 2, and 5, correct the spelling of "commenter".
11. On page 12, revise the last line to read ' ... that is afforded **for** other'

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12. On page 13, 1st full paragraph, lines 1 and 4, correct the spelling of “commenter”.
13. On page 13, last paragraph, revise line 7 to read ‘ ... as well as the website with additional’
14. On page 15, 1st full paragraph, line 1, correct the spelling of “commenter”.
15. On page 15, last paragraph, line 1, correct the spelling of “commenter”.
16. On page 16, 1st full paragraph, line 1, correct the spelling of “commenter”.
17. On page 16, 2nd full paragraph, line 1, correct the spelling of “commenter”.
18. On page 16, last line, correct the spelling of “commenter”.

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