

February 22, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-05-0197 - REVIEW OF OPERATIONAL PROGRAMS IN A COMBINED LICENSE APPLICATION AND GENERIC EMERGENCY PLANNING INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA

The Commission has approved the use of the license conditions proposed by the staff for the "Operational Programs Reviewed in a Combined License Application" (COL) listed in Tables 1 and 2 of Attachment 1 to SECY-05-0197. The staff's Recommendation 1.c. to include a license condition that specifies that "the licensee shall make available to the NRC staff..." should be understood to mean that "the licensee shall submit to the NRC staff..." as explained in the staff's discussion of this license condition on Page 7 of SECY-05-0197. The Commission approves using the Standard Review Plan (SRP) update process to identify additional operational programs. The staff should inform the Commission of the identification of such programs through information papers. The staff should similarly inform the Commission if any applicant chooses to use an operational program to meet a regulatory requirement when the requirement does not call for an operational program, and as a result, the staff adds this program to the list addressed by the license condition. Such a Commission notification should be made to the extent permitted by the separation of functions rule.

The Commission also has approved the use of the generic Emergency Planning Inspections, Tests, Analyses, and Acceptance Criteria (EP ITAAC) included in Attachment 2 to the paper as the minimum set of ITAAC for EP included in a COL application, recognizing that the acceptability of proposed plant-specific EP ITAAC will be reviewed on a case-by-case basis.

Regarding the standard license conditions for fire protection and security, the Commission believes that codifying these conditions is more efficient than including them in each license issued. The staff should consider including these fire protection and security issues in the next rulemaking opportunity affecting the associated regulations for each condition and provide its assessment to the Commission as part of the proposed rule package.

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