

August 20, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - COMSECY-03-0033 - TRANSMITTAL
OF REVISED FRN - SECY-02-0199 - "DENIAL OF PETITION
FOR RULEMAKING TO USE INFO FROM PRIOR LICENSING
ACTIONS AS RESOLVED INFO FOR EARLY SITE PERMIT &
COMBINED LICENSE APPLICATIONS (PRM-52-1)"

The Commission has approved the proposed Federal Register notice and the letter to the petitioner, subject to the changes noted in the attachment.
(EDO) (SECY Suspense: 9/19/2003)

Attachment: Changes to the Federal Register notice and letter to the petitioner in COMSECY-03-0033.

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

SECY NOTE: THIS SRM AND COMSECY WILL BE RELEASED TO THE PUBLIC 5
WORKING DAYS AFTER THE LETTER IS SENT TO THE PETITIONER.

Changes to the Federal Register notice and letter to the petitioner in COMSECY-03-0033.

Changes to the FRN:

1. On page 7, paragraph 1, revise line 5 to read ‘ ... recognizes the **advantages** benefits of licensing’ Revise line 7 to read ‘ ... plant licensees. **For example, referencing already proven programs utilized by a mature industry is much less uncertain than new programs proposed for an emerging industry.** To the extent’ Revise lines 12 through 14 to read ‘ ... there are **practical** limitations to using previously filed information **and insufficient legal bases for the petitioner’s proposals.** ~~specifically, the Commission recognizes the need for~~ **Existing information may be referenced, however,** applicants **need** to demonstrate the’
2. On page 7, paragraph 2, revise line 1 to read ‘ ... addition, ~~the Commission is denying the petitioner’s proposal because~~ certain key’
3. On page 8, 1st full paragraph, revise line 5 to read ‘ ... licensing basis” for **the prior** that construction permit’
4. On page 10, last paragraph, revise line 5 to read ‘ ... NRC’s review **should** ~~may~~ be’
5. On page 14, last paragraph, revise lines 2 and 3 to read ‘ ... petitioner’s proposal **to treat such information as resolved** does not represent a viable approach for achieving such efficiencies. Paragraphs (b)’ Revise line 7 to read ‘ ... license has been issued **for a different facility at a different location on the site.**’
6. On page 16, 1st full paragraph, revise line 1 to read ‘ ... need to demonstrate ~~and the NRC must find,~~ that the data’ Revise line 6 to read ‘ ...than 20 years ago **for example** is still relevant,’ Revise the next to last line to read ‘ ... December 11, 1996). **Therefore, none of the currently licensed nuclear plants utilized current reactor siting criteria.** The applicant would’
7. On page 18, revise line 11 from the top to read ‘ ... orientation differences **to** ~~that~~ call into question’
8. On page 18, last paragraph, revise line 3 to read ‘ ... regulatory stability. **A** ~~That is, a~~’
9. On page 19, revise line 2 from the top to read ‘ ... NRC in evaluating **the application to existing facilities of** proposed’
10. On page 19, 1st full paragraph, revise line 9 to read ‘ ... site to reference **and treat as resolved** the “current’
11. On page 21, last paragraph, revise line 9 to read ‘ ... context in which **programs are reviewed for** ~~the review of program adequacy of~~ a new plant is’

12. On page 22, revise lines 13 and 14 from the top to read '... untested program. **This approach would likely** ~~That might~~ avoid the need for'
13. On page 22, last paragraph, revise line 4 to read '... be focused ~~only~~ on technical **and legal (or regulatory)** issues of merit, and' Revise line 8 to read '... complying with a relevant ~~performance-based~~ regulatory requirements,'
14. On page 23, revise line 1 from the top to read '... with that requirement; **and** ~~or~~ (3) the relevant'
15. On page 23, last paragraph, revise lines 2 and 3 to read '... petitioner's proposal **to treat such information as resolved** does not represent a viable approach ~~for achieving such efficiencies~~. The fundamental'
16. On page 24, revise line 14 from the top to read '... proposed § 52.80 is not ~~technically~~ acceptable.'
17. On page 31, paragraph 1, revise line 1 to read '**Contrary to the petitioner's suggestion, an application for ESP or COL is not analogous to a license amendment.** ~~The petitioner's analogy is inapt.~~ After the' Delete the sentence in lines 7 and 8 (Contrary to the ... amendment.) and start a new paragraph with the next sentence.
18. On page 32, revise line 7 from the top to read '... with the understanding, **and notice to the public,** that they'
19. On page 33, 1st full paragraph, revise lines 7 and 8 to read '... prepare. In addition, ~~the Commission is denying the petition because~~ key aspects of the'

Changes to the letter to the petitioner:

20. On page 1, paragraph 4, revise line 1 to read '... recognizes the **advantages** ~~benefits~~ of licensing plants' In line 2, insert a new sentence after the period which reads: 'For example, referencing already proven programs utilized by a mature industry is much less uncertain than new programs proposed for an emerging industry.'