

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.

## Attachment

### 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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.'