

October 21, 2003

Mr. Mark Burzynski  
Tennessee Valley Authority  
1101 Market Street  
Chattanooga, TN 37402-2801

SUBJECT: AVAILABILITY OF FEDERAL REGISTER NOTICE OF DENIAL OF PETITION  
FOR RULEMAKING (PRM) 52-1 AND 52-2

Dear Mr. Burzynski:

This letter is to announce the publication in the *Federal Register* of Notices of Denial of PRM 52-1 and PRM 52-2. The denial notices were published on October 3, 2003, and September 29, 2003, respectively. Both PRM 52-1 and PRM 52-2 were submitted by the Nuclear Energy Institute (NEI) on July 18, 2001. In PRM 52-1, NEI requested that the Nuclear Regulatory Commission (NRC) amend its regulations to allow applicants seeking an early site permit (ESP) and a combined license (COL) to use existing information from prior licensing actions as resolved information that has been approved by the NRC and has been subject to a public hearing. The Commission is denying the petition because most of the efficiencies, regulatory stability and predictability which are the object of the petitioner's proposal can be achieved under existing regulations and the guidance that the Commission has directed the NRC staff to prepare. In addition, several key aspects of the petition are based on a misapplication of the "current licensing basis" concept and the Backfit Rule, and the petition does not represent a viable approach for achieving the desired efficiencies.

In PRM 52-2, NEI requested that the NRC amend its regulations to remove requirements that applicants and licensees analyze, and the NRC evaluates, alternative energy sources and the need for power with respect to the siting, construction, and operation of nuclear power plants. The NRC is denying the petition because the NRC must continue to consider alternative energy sources and the need for power to fulfill its responsibilities under the National Environmental Policy Act (NEPA) of 1969, as amended.

Copies of the petitions for rulemaking, the public comments received, and the NRC's letters of denial to the petitioner may be viewed electronically on public computers located at the NRC's Public Document Room (PDR) at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. These documents are also available on the NRC's rulemaking Web site at <http://ruleforum.llnl.gov/> under Rulemaking Petitions.

M. Burzynski

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Questions regarding PRM 52-1 should be addressed to Stephen Koenick, Project Manager, New Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation, at [ssk2@nrc.gov](mailto:ssk2@nrc.gov) or at 301-415-1239, while questions regarding PRM 52-2 should be addressed to Nanette Gilles, also of the New Reactors Section, at [nvg@nrc.gov](mailto:nvg@nrc.gov) or at 301-415-1180.

Sincerely,

***/RA/***

Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

M. Burzynski

-2-

Questions regarding PRM 52-1 should be addressed to Stephen Koenick, Project Manager, New Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation, at [ssk2@nrc.gov](mailto:ssk2@nrc.gov) or at 301-415-1239, while questions regarding PRM 52-2 should be addressed to Nanette Gilles, also of the New Reactors Section, at [nvg@nrc.gov](mailto:nvg@nrc.gov) or at 301-415-1180.

Sincerely,

**/RA/**

Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

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DATE	10/8/03	10/13/03	10/14/03

**OFFICIAL RECORD COPY**

October 21, 2003

Mr. J. J. Fisicaro  
Duke Power Company  
Energy Center  
P.O. Box 1006  
Charlotte, NC 28201-1006

SUBJECT: AVAILABILITY OF FEDERAL REGISTER NOTICE OF DENIAL OF PETITION  
FOR RULEMAKING (PRM) 52-1 AND 52-2

Dear Mr. Fisicaro:

This letter is to announce the publication in the *Federal Register* of Notices of Denial of PRM 52-1 and PRM 52-2. The denial notices were published on October 3, 2003, and September 29, 2003, respectively. Both PRM 52-1 and PRM 52-2 were submitted by the Nuclear Energy Institute (NEI) on July 8, 2001. In PRM 52-1, NEI requested that the Nuclear Regulatory Commission (NRC) amend its regulations to allow applicants seeking an early site permit (ESP) and a combined license (COL) to use existing information from prior licensing actions as resolved information that has been approved by the NRC and has been subject to a public hearing. The Commission is denying the petition because most of the efficiencies, regulatory stability and predictability which are the object of the petitioner's proposal can be achieved under existing regulations and the guidance that the Commission has directed the NRC staff to prepare. In addition, several key aspects of the petition are based on a misapplication of the "current licensing basis" concept and the Backfit Rule, and the petition does not represent a viable approach for achieving the desired efficiencies.

In PRM 52-2, NEI requested that the NRC amend its regulations to remove requirements that applicants and licensees analyze, and the NRC evaluates, alternative energy sources and the need for power with respect to the siting, construction, and operation of nuclear power plants. The NRC is denying the petition because the NRC must continue to consider alternative energy sources and the need for power to fulfill its responsibilities under the National Environmental Policy Act (NEPA) of 1969, as amended.

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J. J. Fisicaro

-2-

Questions regarding PRM 52-1 should be addressed to Stephen Koenick, Project Manager, New Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation, at [ssk2@nrc.gov](mailto:ssk2@nrc.gov) or at 301-415-1239, while questions regarding PRM 52-2 should be addressed to Nanette Gilles, also of the New Reactors Section, at [nvg@nrc.gov](mailto:nvg@nrc.gov) or at 301-415-1180.

Sincerely,

***/RA/***

Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

October 21, 2003

Mr. J. B. Beasley  
Southern Nuclear Operating Company, Inc.  
40 Inverness Center Pkwy.  
P.O. Box 1295  
Birmingham, Alabama 35201

SUBJECT: AVAILABILITY OF FEDERAL REGISTER NOTICE OF DENIAL OF PETITION  
FOR RULEMAKING (PRM) 52-1 AND 52-2

Dear Mr. Beasley:

This letter is to announce the publication in the *Federal Register* of Notices of Denial of PRM 52-1 and PRM 52-2. The denial notices were published on October 3, 2003, and September 29, 2003, respectively. Both PRM 52-1 and PRM 52-2 were submitted by the Nuclear Energy Institute (NEI) on July 8, 2001. In PRM 52-1, NEI requested that the Nuclear Regulatory Commission (NRC) amend its regulations to allow applicants seeking an early site permit (ESP) and a combined license (COL) to use existing information from prior licensing actions as resolved information that has been approved by the NRC and has been subject to a public hearing. The Commission is denying the petition because most of the efficiencies, regulatory stability and predictability which are the object of the petitioner's proposal can be achieved under existing regulations and the guidance that the Commission has directed the NRC staff to prepare. In addition, several key aspects of the petition are based on a misapplication of the "current licensing basis" concept and the Backfit Rule, and the petition does not represent a viable approach for achieving the desired efficiencies.

In PRM 52-2, NEI requested that the NRC amend its regulations to remove requirements that applicants and licensees analyze, and the NRC evaluates, alternative energy sources and the need for power with respect to the siting, construction, and operation of nuclear power plants. The NRC is denying the petition because the NRC must continue to consider alternative energy sources and the need for power to fulfill its responsibilities under the National Environmental Policy Act (NEPA) of 1969, as amended.

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Sincerely,

*/RA/*

Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

October 21, 2003

Mr. J. A. Stall  
Florida Power & Light  
P.O. Box 14000  
Juno Beach, FL 33408-0420

SUBJECT: AVAILABILITY OF FEDERAL REGISTER NOTICE OF DENIAL OF PETITION  
FOR RULEMAKING (PRM) 52-1 AND 52-2

Dear Mr. Stall:

This letter is to announce the publication in the *Federal Register* of Notices of Denial of PRM 52-1 and PRM 52-2. The denial notices were published on October 3, 2003, and September 29, 2003, respectively. Both PRM 52-1 and PRM 52-2 were submitted by the Nuclear Energy Institute (NEI) on July 8, 2001. In PRM 52-1, NEI requested that the Nuclear Regulatory Commission (NRC) amend its regulations to allow applicants seeking an early site permit (ESP) and a combined license (COL) to use existing information from prior licensing actions as resolved information that has been approved by the NRC and has been subject to a public hearing. The Commission is denying the petition because most of the efficiencies, regulatory stability and predictability which are the object of the petitioner's proposal can be achieved under existing regulations and the guidance that the Commission has directed the NRC staff to prepare. In addition, several key aspects of the petition are based on a misapplication of the "current licensing basis" concept and the Backfit Rule, and the petition does not represent a viable approach for achieving the desired efficiencies.

In PRM 52-2, NEI requested that the NRC amend its regulations to remove requirements that applicants and licensees analyze, and the NRC evaluates, alternative energy sources and the need for power with respect to the siting, construction, and operation of nuclear power plants. The NRC is denying the petition because the NRC must continue to consider alternative energy sources and the need for power to fulfill its responsibilities under the National Environmental Policy Act (NEPA) of 1969, as amended.

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Sincerely,

*/RA/*

Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

October 21, 2003

Mr. Robert Leyse  
Box 2850  
Sun Valley, ID 83353

SUBJECT: AVAILABILITY OF FEDERAL REGISTER NOTICE OF DENIAL OF PETITION  
FOR RULEMAKING (PRM) 52-1 AND 52-2

Dear Mr. Leyse:

This letter is to announce the publication in the *Federal Register* of Notices of Denial of PRM 52-1 and PRM 52-2. The denial notices were published on October 3, 2003, and September 29, 2003, respectively. Both PRM 52-1 and PRM 52-2 were submitted by the Nuclear Energy Institute (NEI) on July 8, 2001. In PRM 52-1, NEI requested that the Nuclear Regulatory Commission (NRC) amend its regulations to allow applicants seeking an early site permit (ESP) and a combined license (COL) to use existing information from prior licensing actions as resolved information that has been approved by the NRC and has been subject to a public hearing. The Commission is denying the petition because most of the efficiencies, regulatory stability and predictability which are the object of the petitioner's proposal can be achieved under existing regulations and the guidance that the Commission has directed the NRC staff to prepare. In addition, several key aspects of the petition are based on a misapplication of the "current licensing basis" concept and the Backfit Rule, and the petition does not represent a viable approach for achieving the desired efficiencies.

In PRM 52-2, NEI requested that the NRC amend its regulations to remove requirements that applicants and licensees analyze, and the NRC evaluates, alternative energy sources and the need for power with respect to the siting, construction, and operation of nuclear power plants. The NRC is denying the petition because the NRC must continue to consider alternative energy sources and the need for power to fulfill its responsibilities under the National Environmental Policy Act (NEPA) of 1969, as amended.

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R. Leyse

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Questions regarding PRM 52-1 should be addressed to Stephen Koenick, Project Manager, New Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation, at [ssk2@nrc.gov](mailto:ssk2@nrc.gov) or at 301-415-1239, while questions regarding PRM 52-2 should be addressed to Nanette Gilles, also of the New Reactors Section, at [nvg@nrc.gov](mailto:nvg@nrc.gov) or at 301-415-1180.

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Stephen S. Koenick, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation