

October 29, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-03-0160 - DENIAL OF
PETITION FOR RULEMAKING (PRM-50-74) - AMEND
APPENDIX K TO 10 CFR PART 50 TO PROVIDE A
VOLUNTARY ALTERNATIVE WHICH WOULD REPLACE THE
1971 AMERICAN NUCLEAR SOCIETY DECAY HEAT
STANDARD WITH THE 1994 AMERICAN NUCLEAR SOCIETY
STANDARD

The Commission has approved the staff's recommendation to deny the petition for rulemaking to amend Appendix K to 10 CFR Part 50 to provide for a voluntary alternative which could be used to replace the 1971 American Nuclear Society decay heat standard.

The basis for the denial should be modified to indicate that it is primarily based on the availability of a more desirable alternative, that is, the use of the 50.46 realistic model alternative.

As indicated in the Commission paper (SECY-03-0160), the staff should continue to resolve any potential concerns with evaluation model conservatism "independently from the current 10 CFR 50.46 rulemaking efforts."

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 SECY PAPER WILL BE RELEASED TO THE PUBLIC 5
DAYS AFTER THE LETTER IS ISSUED TO THE PETITIONER.