

September 10, 2007

MEMORANDUM TO: Michael R. Johnson, Chairman
Committee to Review Generic Requirements

FROM: James T. Wiggins, Deputy Director **/RA/**
Office of Nuclear Reactor Regulation

SUBJECT: REQUEST TO WAIVE REVIEW OF "STANDARD
REVIEW PLAN ON TRANSFER AND AMENDMENT OF
ANTITRUST LICENSE CONDITIONS AND ANTITRUST
ENFORCEMENT -- FINAL REPORT" (NUREG-1574,
REV. 2)

In light of the Energy Policy Act of 2005's elimination of antitrust reviews for new reactor applications and the development over the past several years of the staff's practice in disposing of existing antitrust license conditions during license transfers and in approving amendments to existing antitrust license conditions, the staff has drafted NUREG-1574, Rev. 2 to replace the current (and outdated) NUREG-1574, "Standard Review Plan on Antitrust Reviews." The staff is requesting that CRGR waive review of NUREG-1574, Rev. 2 (ML072260035), a copy of which is attached for your information.

NUREG-1574, Rev. 2 removes all review procedures relating to the eliminated antitrust reviews, and documents the staff's processes that have developed in response to the guidance in the Commission's 1999 *Wolf Creek* decision (CLI-99-19) dealing with existing antitrust license conditions and license transfers. NUREG-1574, Rev. 2 also documents the staff's review process that it has been using in responding to applications to amend existing antitrust license conditions outside of license transfers. Provisions in the current NUREG-1574 concerning the NRC's antitrust enforcement responsibilities have essentially been carried over to NUREG-1574, Rev. 2, unchanged as such provisions are still applicable.

Notice of the availability of the draft report version of NUREG-1574, Rev. 2 for public comment was published in the *Federal Register* on June 7, 2007. Only one comment was received (from NEI), which wholly endorsed NUREG-1574, Rev. 2.

Nothing in NUREG-1574, Rev.2, involves a backfit. The document addresses antitrust matters, which deal solely with economic issues, and do not in any way relate to safety issues. Accordingly, the ACRS is not reviewing NUREG-1574, Rev. 2.

Enclosure: As stated

CONTACT: Steven R. Hom, NRR/DPR
301-415-1537

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