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ATTORNEYS AT LAW  
888 SIXTEENTH STREET, N.W., 7<sup>TH</sup> FLOOR  
WASHINGTON, D.C. 20006-4103  
TELEPHONE: (202) 672-5300  
FACSIMILE: (202) 835-8136

ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN FRANCISCO  
TALLAHASSEE  
TAMPA  
WASHINGTON, D.C.  
WEST PALM BEACH

WRITER'S DIRECT LINE  
202-835-8185

EMAIL ADDRESS  
dstenger@foleylaw.com

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July 2, 2001

Michael T. Lesar  
Chief, Rules and Directives Branch  
Division of Administrative Services  
U.S. Nuclear Regulatory Commission  
Mail Stop T6-D59  
Washington, DC 20555-0001

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RE: Comments on the NRC Burden Reduction Initiative

Dear Mr. Lesar:

The Nuclear Regulatory Services Group ("NRSRG")<sup>1</sup> is pleased to respond to your request for comments on the Nuclear Regulatory Commission's ("NRC") initiatives on reducing unnecessary regulatory burden. 66 Fed. Reg. 22,134 (May 3, 2001). The NRSRG has been actively participating in this initiative as illustrated by its presentation of a list of candidate burden reduction proposals at the workshop held on May 31, 2001. These comments are a continuation of our active participation in this process.

Since the workshop, the NRSRG's candidate burden reduction proposals have been incorporated into the consolidated list of proposals that will be submitted by the Nuclear Energy Institute ("NEI") in its comments. That consolidated list provides a single compendium of regulatory changes that can reduce unnecessary burden. The NRSRG supports NEI's efforts and will continue to work with NEI on burden reduction proposals.

In particular, the NRSRG joins NEI in urging the NRC to carry through on the current initiative to adopt changes that reduce unnecessary burden as quickly as possible. We also join with NEI in suggesting that the NRC establish a process with significant management involvement that provides the level of oversight that has contributed to the success of recent NRC regulatory reform efforts.

<sup>1</sup> The Nuclear Regulatory Services Group ("NRSRG") is a consortium of nuclear reactor licensees represented by the law firm of Foley & Lardner.

*Template = ADM-013*

*E-RIDS = ADM-03  
Call = M. Karabelnikoff (MMK)*

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We further recommend that the NRC avoid repeating past experiences with resource intensive programs. Several of the proposals on NEI's list are so straightforward that priorities can be established for them by experience and judgment. Some are simply requirements that generally are agreed to have outlived their usefulness or been overtaken by events. In some cases, NRC implementation of the proposals will involve non-overlapping NRC resources, so that rigorously-established priorities will not be needed to resolve resource conflicts.

More specifically, with respect to the allocation of resources, consideration should be given to the differences in implementing internal *process* changes as compared with *substantive* changes to the requirements. Proposed changes to NRC processes are unlikely to involve the technical NRC staff resources (or level of resources) which are generally needed to implement substantive changes, especially by rulemaking. For example, one process change discussed at the May 31 workshop was the greater NRC use of precedent in acting on licensing action requests by licensees. Such a process change would be implemented by modifying the internal NRC review process and, thus, would not require either NRC technical resources or even the administrative resources for rulemaking.

Another process change discussed at the workshop was to establish a streamlined review for power uprate amendments. One improvement might be to modify the NRC's internal procedures so that power uprates below a defined threshold (*e.g.*, percentage of existing capacity) would not be subject to certain steps in the review process, such as referral to the Advisory Committee on Reactor Safeguards.

Although several of the candidate proposals on NEI's list might appear to result in small burden reductions at individual plants, they should not be ignored. To appreciate the full potential impact of these items, the NRC should carefully consider the cumulative reductions in unnecessary regulatory burden that would result by implementing them.

The NRSRG appreciates the opportunity to participate in the NRC workshop and to provide these comments in support of NEI's proposed actions on behalf of the nuclear industry to reduce unnecessary regulatory burden. The NRSRG, along with NEI, looks forward to working with the NRC to develop and implement changes that will result in meaningful improvements at U.S. nuclear power plants.

Sincerely,



Daniel F. Stenger  
Sheldon L. Trubatch

Counsel to the  
Nuclear Regulatory Services Group