

April 9, 2003

Tony Pietrangelo, Senior Director
Risk Regulation
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington DC 20006-3708

SUBJECT: LICENSE AMENDMENT THRESHOLD

Dear Mr. Pietrangelo:

The letter from Steve Floyd to Samuel Collins dated February 28, 2003, has been referred to me for response. In that letter, NEI expressed concern over the criteria the staff proposed to define the threshold for a license amendment. The statements in our January 23, 2003, letter that NEI quoted were intended to address the need for license amendments in those situations where 10 CFR 50.59 does not apply. As described elsewhere in our January 23 letter, the staff did not intend to revisit the processes for managing changes to the licensing basis, including the criteria in § 50.59. As provided by § 50.59, licensees may make appropriate changes to their facilities without license amendments where such changes do not involve a change to Technical Specifications or do not meet any of the eight criteria established in § 50.59(c)(2).

The first three alternate criteria NEI proposed for determining the need for processing a license amendment are consistent with § 50.59 and changes to the licensing basis. There may be, however, a benefit to further dialog to clarify circumstances that involve "the adoption and implementation of alternative, amended or new regulatory requirements or approaches where the method for implementation has not been approved by the NRC" (the proposed NEI fourth criterion). As noted in our January 23, 2003, letter, staff approvals via license amendments will be required in cases such as the examples discussed therein, which involve staff judgment for a plant-specific determination. Further dialog may be helpful to clarify how generic submittals and approvals should be treated in the licensing process, to benefit both efficiency and public confidence.

We will contact you and other stakeholders to arrange a public meeting to discuss this topic further.

Sincerely,

/RA/

Christopher I. Grimes, Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Tony Pietrangelo, Senior Director
Risk Regulation
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington DC 20006-3708

April 9, 2003

SUBJECT: LICENSE AMENDMENT THRESHOLD

Dear Mr. Pietrangelo:

The letter from Steve Floyd to Samuel Collins dated February 28, 2003, has been referred to me for response. In that letter, NEI expressed concern over the criteria the staff proposed to define the threshold for a license amendment. The statements in our January 23, 2003, letter that NEI quoted were intended to address the need for license amendments in those situations where 10 CFR 50.59 does not apply. As described elsewhere in our January 23 letter, the staff did not intend to revisit the processes for managing changes to the licensing basis including the criteria in § 50.59. As provided by § 50.59, licensees may make appropriate changes to their facilities without license amendments where such changes do not involve a change to Technical Specifications or do not meet any of the eight criteria established in § 50.59(c)(2).

The first three alternate criteria NEI proposed for determining the need for processing a license amendment are consistent with § 50.59 and changes to the licensing basis. There may be, however, a benefit to further dialog to clarify circumstances that involve "the adoption and implementation of alternative, amended or new regulatory requirements or approaches where the method for implementation has not been approved by the NRC" (the proposed NEI fourth criterion). As noted in our January 23, 2003, letter, staff approvals via license amendments will be required in cases such as the examples discussed therein, which involve staff judgment for a plant-specific determination. Further dialog may be helpful to clarify how generic submittals and approvals should be treated in the licensing process, to benefit both efficiency and public confidence.

We will contact you and other stakeholders to arrange a public meeting to discuss this topic further.

Sincerely,

/RA/

Christopher I. Grimes, Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

DISTRIBUTION: ADAMS Public NRR Mailroom (**YT020030045**)
S. Collins R. Borchardt ACRS T. Bergman, OEDO
B. Sheron D. Matthews F. Gillespie G. Holahan S. Black
R. Barrett W. Dean J. Zwolinski T. Marsh B. Boger
J. Moore, OGC C. Grimes S. West E. McKenna BSweeney (**YT #020030045**)
ADAMS ACCESSION NO.: **Pkg: ML030990143 Incoming Ltr: ML030710255 Memo: ML030990125**

OFFICE	RPRP	SC:RPRP	OGC	PD:RPRP
NAME	E. McKenna*	S. West*	L. Chandler,* with comment*	C. Grimes
DATE	03/ 21/03	03/ 21/03	04/8/03	04/9 /03

*See previous concurrence

OFFICIAL RECORD COPY