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.