

IN RESPONSE, PLEASE
REFER TO: M031218

December 18, 2003

MEMORANDUM FOR: William D. Travers
Executive Director for Operations

John F. Cordes, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:30
A.M., THURSDAY, DECEMBER 18, 2003, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-03-0195 - Final Rule, 10 CFR Part 50, "Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for a Power Reactor"

The Commission approved a final rule amending 10 CFR Part 50 to remove the requirement that non-electric utility power reactor licensees submit financial qualifications information in their license renewal applications, and to add a new requirement that electric utility licensees of nuclear power reactors who become non-electric utility entities without a license transfer must notify the NRC and submit information on their financial qualifications. The Commission approved the publication and implementation of this final rule subject to the changes noted in the attachment.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense:

1/23/04)

II. SECY-03-0211 - Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Unit 2)

The Commission approved a Memorandum and Order responding to a petition from Connecticut Coalition Against Millstone (CCAM) for reconsideration of CLI-03-14 in which the Commission affirmed a Licensing Board decision that found the petitioner's sole contention inadmissible. The Memorandum and Order denies the petition for reconsideration.

(Subsequently, on December 18, 2003, the Secretary signed the Memorandum and Order.)

B/2

Attachment: Changes to the Federal Register Notice in SECY-03-0195

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Changes to the Federal Register Notice in SECY-03-0195

1. On page 3, paragraph 2, update the information to assure that the number of license renewal applications received and granted is up-to-date.
2. On page 11, 1st full paragraph, line 2, correct the spelling of "conjunction".
3. On page 15, the explanation in the Response to Comment 5 should be slightly expanded to make it clear why it is believed that the comment is not relevant to this rulemaking.
4. On page 19, the last paragraph of the Response to Comment 9 should be revised as follows:

The NRC does ~~has~~ not agree with ~~identified a basis for~~ the commenter's view that the use of the LLC structure indicates licensees anticipate substantial changes in financial health and signals significant risk to the health and safety of the public. ~~In any event, the NRC~~ The Commission retains the same enforcement and inspection authority regardless of the corporate structure and can ultimately shut down any reactors down if they that are not operated safely. ~~regardless of whether the licensee owner or operator is organized as an LLC or has another organizational structure. Furthermore, the use of LLC's by licensees is not relevant to the point in time that NRC reviews the financial qualifications of non-electric utilities, which include corporate forms other than LLCs.~~

5. On page 19, in the Response to Comment 10, revise line 4 to read ' ... utilities that requires substantial financial information be submitted and reviewed, which is not the case for licensing reviews for electric utilities. In addition, the NRC'
6. On page 23, in the Response to Comment 16, revise the last line to read ' ... NRC's onsite inspection program, and the financial health of a licensee is verified through NRC's monitoring of publicly available financial information.'