

Mr. Victor McCree
Executive Director for Operation
U.S. Nuclear Regulatory Commission

July 1, 2016

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Dear Mr. McCree:

Thank you for your letter of June 15, 2016 which addressed deficiencies in my March 17, 2016 request for Rulemaking regarding the issue of "No Significant Hazards Considerations." I hear in provide the responses to your request for additional information:

Q: Provide specific circumstances in which the NRC's codified requirements are...burdensome.

A: The staff extracts the "No Significant Hazards Considerations" from licensees' applications and directly quotes these evaluations in the *Federal Register*. By adopting a negative consent requirement, the staff would eliminate many hours of needless clerical work by simply referencing these applications and associated "No Significant Hazards Considerations". Since licensees are directly billed for staff hours, it would relieve these licensees of unnecessary administrative costs which are burdensome.

Q: Cite...information supporting the problems or issues raised.

A: Please see the notice by Nuclear Regulatory Commission dated December 22, 2015 which contains numerous examples of direct inclusion of "No Significant Hazards Considerations" from licensees' applications where a simple reference to the date and subject of the application would have been sufficient.

Q: Cite...any other publicly-available data or information supporting your proposed solution.

A: To my knowledge there is no available public information since this proposed revision to the NRC's requirements has not been previously proposed.

Q: Is the regulatory change sought by the petitioner within the NRC's legal authority?

A: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) publishes regular biweekly notices. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. The "Act" does not cite the specific format of these biweekly notices and thus does not preclude a simple reference to the date and subject of the application (in lieu of the current full duplication of the licensee's analysis), and negative consent.

Sincerely yours,



David H. Jaffe