



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 12, 2017

SECRETARY

MEMORANDUM TO: Victor M. McCree
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-17-0007 – PETITIONS TO
MODIFY A COMBINED LICENSE AND PETITIONS TO MODIFY,
SUSPEND, OR REVOKE AN EARLY SITE PERMIT

The Commission has approved the staff's proposed guidance on certain matters related to the filing of petitions under 10 CFR 52.103(f). Specifically:

1. The opportunity to file 10 CFR 52.103(f) petitions should begin with license issuance and end with the 10 CFR 52.103(g) finding;
2. The term "licensed activity" should be interpreted for purposes of the regulation as referring to operational activities such as fuel loading, low power testing, and other modes of facility operation. The interpretation of "licensed activity" is not intended to preclude the filing of other petitions that would otherwise fall within the ambit of 10 CFR § 2.206;
3. Immediate action determinations under 10 CFR 52.103(f) should be used to address commencement of operational activities pending a decision on the petition. When making a recommendation for an "immediate action" determination the staff should rely on the standards for immediate regulatory action found in Commission precedent. In determining whether the standard for immediate action is met, the NRC may consider whether mitigation measures would preclude potential safety consequences while the 10 CFR 52.103(f) petition is being reviewed.

To the extent that staff believes it needs to clarify its internal guidance on the handling of matters under 10 CFR Part 52 in coordination with 10 CFR 2.206 petitions and 10 CFR 2.803 petitions for rulemaking or other procedural mechanisms, it should do so.

The Commission has disapproved delegation to the staff of the Commission's decisional authority on petitions under 10 CFR 52.39(c)(2) for early site permits and 10 CFR 52.103(f) for combined licenses.

cc: Chairman Svinicki
Commissioner Baran
Commissioner Burns
OGC
CFO
OCA
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PDR