

July 24, 2002

MEMORANDUM TO: Jesse L. Funches
Chief Financial Officer

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

SUBJECT: STAFF REQUIREMENTS - COMSECY-02-0040 - PROPOSED
RULE - PART 170 FEES FOR CONTESTED HEARINGS
RELATED TO NATIONAL SECURITY INITIATIVES

The Commission has approved publication of the proposed rule in the *Federal Register* subject to the changes noted below.

1. On page 4, 1st full paragraph, revise lines 2 and 3 to read ' ... 2002 (67 FR 42612). **The** ~~During the comment period, the NRC had~~ received a comment **on the proposed rule** from a nuclear' In line 13, capitalize "Nation's".
2. In footnote 2, replace "atomic" with "nuclear".
3. On page 5, 1st full paragraph, revise line 3 to read ' ... costs, because **the NRC licensing action that is the subject of** the hearing involves' Revise line 8 to read ' ... contested hearings **on licensing actions** involving'
4. On page 5, last paragraph, revise line 2 to read ' ... contested hearings **on licensing actions** directly involving' Revise line 6 to read ' ... contested hearings **on licensing actions** directly' In line 7, delete the hyphen.
5. On page 6, revise line 3 from the top to read ' ... hearings **on licensing actions** directly involving'
6. On page 6, 1st full paragraph, revise line 1 to read ' ... facility application, **any potential** ~~the~~' In line 3, capitalize "Nation's". Revise line 4 to read ' ... contested hearings **on a licensing action** directly involving' Revise lines 5 and 6 to read ' ... contested hearings **on licensing actions** that do not involve' Revise line 9 to read ' ... propose rule would **leave intact** ~~not change~~ the existing'
7. On page 6, last paragraph, revise line 4 to read ' ... contested hearings **on licensing actions** involving'

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PUBLICATION IN THE FEDERAL REGISTER.

8. On page 7, last paragraph, revise line 3 to read ‘ ... contested hearings **on licensing actions** directly involving’ Revise line 7 to read ‘ ... hearings **on licensing actions** directly’ Revise line 10 to read ‘ ... hearings **on licensing actions** related to’ Revise lines 12 and 13 to read ‘ ... hearings **on licensing actions** directly’
9. On page 10, last paragraph, line 3, delete “This court held” through the remainder of the page (including items (1), (2) and (3)).
10. On page 11, delete items (4), (5) and (6) at the top of the page.
11. On page 11, last paragraph, revise line 1 to read ‘ ... that **its** backfit rules ~~, 10 CFR 50.109, do does~~ not apply to’ Revise line 2 and 3 to read ‘ ... rule and **therefore**, that a backfit analysis is not required for this proposed rule, ~~The backfit analysis is not required~~ because these proposed amendments do not **impose any provisions that would impose backfits as defined in 10 CFR Chapter I.** ~~Require modification of or~~
12. On page 12, delete lines 1 through 3 at the top of the page.
13. On page 13, revise line 2 to read ‘ ... contested hearings **on licensing actions** directly’ Revise line 4 to read ‘ ... contested hearings **on licensing actions** directly’ In line 4, delete the hyphen.
14. On page 14, revise line 1 from the top to read ‘ ... contested hearings **on a licensing action** that’ In line 3 from the top, delete the hyphen.
15. On page 14, item (vi), revise the line to read ‘ ... hearings **on licensing actions** directly involving’
16. On page 15, revise the last line to read ‘ ... hearings **on licensing actions** directly’
17. On page 18, in the 3rd line under item 12., revise the line to read ‘ ... hearings **on licensing actions** directly’

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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