

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 20, 21, 50, 51, 52, 72, 73, 140, and 170

RIN 3150-AG24

Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC or Commission) is proposing to amend its requirements for early site permits, standard design certifications, combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants.

DATES: Submit comments by September 16, 2003. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number RIN 3150-AG24 in the subject line of your comments. Comments submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this rulemaking may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdrc@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Jerry N. Wilson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-3145, email jnw@nrc.gov; or Nanette V. Gilles, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1180, e-mail nvg@nrc.gov.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Reorganization of 10 CFR Part 52.
- III. Discussion of Substantive Changes.
 - A. 10 CFR Part 52, Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants.
 - General Provisions.
 - Early Site Permits.
 - Early Site Reviews.
 - Standard Design Certifications.
 - Design Certification Backfit Requirement.
 - Standard Design Approvals.
 - Combined Licenses.
 - Referencing an Early Site Permit.
 - Testing Requirements for Advanced Reactors.
 - Probabilistic Risk Assessments.
 - Resolution of ITAAC.
 - Commission Finding on Acceptance Criteria.
 - Combined License Change Process.
 - Design Certifications for ABWR, System 80+, and AP600.
 - B. 10 CFR Part 2, Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders.
 - C. 10 CFR Part 20, Standards for Protection Against Radiation.
 - D. 10 CFR Part 21, Reporting of Defects and Noncompliance.

- E. 10 CFR Part 50, Domestic Licensing of Production and Utilization Facilities.
- F. 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.
- G. 10 CFR Part 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.
- H. 10 CFR Part 73, Physical Protection of Plants and Materials.
- I. 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements.
- J. 10 CFR Part 170, Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended.
- IV. Specific Requests for Comments.
- V. Availability of Documents.
- VI. Plain Language.
- VII. Voluntary Consensus Standards.
- VIII. Environmental Impact/Categorical Exclusion.
- IX. Paperwork Reduction Act Statement.
- X. Regulatory Analysis.
- XI. Regulatory Flexibility Certification.
- XII. Backfit Analysis.

I. Background

The Commission promulgated 10 CFR part 52 on April 18, 1989 (54 FR 15386), to reform the licensing process for future nuclear power plant applicants. The rule added alternative licensing processes in 10 CFR part 52 for early site permits, standard design certifications, and combined licenses. These were additions to the two-step licensing process that already existed in 10 CFR part 50. The processes in 10 CFR part 52 resolve safety and environmental issues early in licensing proceedings and are intended to enhance the safety and reliability of nuclear power plants through standardization. The rule also moved the licensing processes in appendices M, N, O, and Q of 10 CFR part 50 to 10 CFR part 52. Subsequently, the NRC certified three nuclear plant designs under subpart B of 10 CFR part 52—the U.S. Advanced Boiling Water Reactor (ABWR) (62 FR 25827, May 12, 1997), System 80+ (62 FR 27867, May 21, 1997), and AP600 (64 FR 72015, December 23, 1999) designs—and codified these designs in Appendices A, B, and C of 10 CFR part 52, respectively.

The NRC had planned to update 10 CFR part 52 after using the design certification process for these three certified standard plant designs. In addition, discussions with stakeholders at public meetings and comments on SECY-00-0092, "Combined License Review Process," dated April 20, 2000, identified licensing issues associated with subparts A and C of 10 CFR part 52. As a result, the NRC initiated this proposed rulemaking to (1) clarify and/