

TABLE 1.—CROSS-REFERENCES BETWEEN NEW AND OLD 10 CFR PART 52—Continued

New section	Old section
52.243(a) .....	N/A
52.243(b) .....	App. M, Paragraph 7
52.243(c) .....	App. M, Paragraph 9
52.243(d) .....	App. M, Paragraph 10
52.243(e) .....	App. M, Paragraph 11
52.243(f) .....	App. M, Paragraph 8
52.245(a) .....	App. M, Paragraph 2
52.245(b) .....	App. M, Paragraph 3
52.245(c) .....	App. M, Paragraph 4(b)
52.247 .....	App. M, Paragraph 1
52.249 .....	App. M, Paragraph 4(a)
52.251 .....	N/A
52.253 (a) & (b) .....	App. M, Paragraph 5
52.253(c) .....	App. M, Paragraph 6
52.255 .....	N/A
52.257 .....	App. M, Paragraph 12
Subpart I—Duplicate Design Licenses:	
52.261 .....	App. N, Introduction
52.263 .....	App. N, Paragraph 1
52.265 .....	App. N, Paragraph 2
52.265(c) .....	App. N, Paragraph 3
Subpart M—Enforcement:	
52.401 .....	52.111
52.403 .....	52.113

### III. Discussion of Substantive Changes

A section-by-section analysis that explains the purpose and meaning of all sections in 10 CFR part 52 will be provided in the supplementary information for the final rule. The proposed rule makes the following substantive changes:

#### A. 10 CFR Part 52, Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants

##### General Provisions

The proposed rule would amend § 52.3 to add definitions for “modular design” and “prototype plant” to the current 10 CFR part 52. A definition of modular design is added to explain the type of modular reactor design to which the Commission intended to refer in the second sentence of the current § 52.103(g) (proposed § 52.231(g)). This special provision for modular designs was added to 10 CFR part 52 to facilitate the licensing of nuclear plants, such as the Modular High Temperature Gas-Cooled Reactor (MHTGR) and Power Reactor Innovative Small Module (PRISM) designs, that consisted of 3 or 4 nuclear reactors in a single power block with a shared power conversion system. During the period that the power block is under construction, the Commission could separately authorize operation for each nuclear reactor when

each reactor and all of its necessary support systems were completed. In a letter dated November 13, 2001 (comment A), NEI stated that “Part 1 of the definition would need to be revised for this purpose so that it does not describe typical multi-unit sites. The NRC staff should reconsider the need to define this term at all.” The Commission disagrees with NEI’s recommendation because the term “modular design” needs to be defined to aid future use of the current § 52.103(g) (proposed § 52.231(g)) by distinguishing the intended definition from other definitions for “modular design.” Currently licensed multi-unit sites would not be affected by the proposed § 52.231(g). However, future applicants for a combined license for a multi-unit site similar in concept to current multi-unit sites (where each unit is similar in design but independent of all other units) could also use this provision.

A definition for prototype plant is added to explain the type of nuclear reactor that the Commission intended in the current § 52.47(b) (proposed § 52.107(b)) and intends in the proposed § 52.211(b)(3). A prototype plant is a licensed nuclear reactor test facility that is similar to and representative of either the first-of-a-kind or certified nuclear plant design in all features and size, but may have additional safety features. The purpose of the prototype plant is to perform testing of new or innovative design features for the first-of-a-kind or certified, advanced nuclear plant design, as well as being used as a commercial nuclear power facility.

The proposed rule would remove §§ 52.5 and 52.9 and replace them with a new § 52.5 listing all of the licensing provisions in 10 CFR part 50 that also apply to all of the licensing processes in 10 CFR part 52. The purpose of this amendment is to clarify that these 10 CFR part 50 provisions are applicable to the licensing processes that were formerly in 10 CFR part 50 (Appendices M, N, O, and Q) and are now in 10 CFR part 52, as well as to the new licensing processes for early site permits, standard design certifications, and combined licenses. Although these provisions in 10 CFR part 50 may not refer to the additional licensing processes in 10 CFR part 52, the new § 52.5 makes it clear that a holder of or applicant for an approval, certification, permit, site report, or license issued under 10 CFR part 52 must comply with all requirements in these provisions that are otherwise applicable to applicants or licensees under 10 CFR part 50.

In a letter dated November 13, 2001 (comment G), NEI stated:

The industry proposes that additional General Provisions be added to part 52 in addition to an appropriate provision on Written Communications. This approach is preferable to including cross-references in part 52 to part 50 general provisions because these provisions typically must be tailored to apply appropriately to the variety of licensing processes in part 52.

The Commission disagrees with the industry’s proposal to create over 35 new general provisions that are tailored for 10 CFR part 52 because it would appear to be an inefficient and burdensome addition. Therefore, the Commission is proposing a new § 52.5 that would make the existing general provisions in 10 CFR part 50 applicable to the licensing processes in 10 CFR part 52.

##### Early Site Permits

The proposed rule would amend § 52.13 to state that an early site permit can also be referenced in an application for a combined license or a duplicate design license.

The proposed rule would amend § 52.17(a)(1) to state that the early site permit application should specify the range of facilities that the applicant is requesting the site to be qualified for (e.g. one, two, or three pressurized-water reactors). This new language is consistent with the language in Paragraph 2 of current Appendix Q. The Commission assumes that an applicant for an early site permit does not know what type of nuclear plant it will build at the site. Therefore, the application must specify the postulated design parameters for the range of reactor types, the numbers of reactors, etc., to increase the likelihood that the site will be qualified for the actual plant or plants that the applicant decides to build. In a letter dated November 13, 2001 (comment 27), NEI stated, “The proposed change is too limited. To address the required assessment of major SSCs [structures, systems, and components] that bear on radiological consequences and all items 52.17(a)(1)(i–viii), industry recommends a new § 52.17a.2.” The Commission disagrees with NEI’s proposal to have a separate provision for applicants who have not determined the type of plant that they plan to build at the proposed site. The Commission expects that applicants for an early site permit will not have decided on a particular type of nuclear power plant and § 52.17(a)(1) was revised to address this situation.

The Commission proposes to amend § 52.17(a)(2) to clarify that an ESP applicant has the flexibility of either addressing the matter of alternative energy sources in the environmental