

(proposed § 52.127(a)(3) or § 52.127(b)(1)). No substantive change is intended by the amendment which merely clarifies the original intent of the rule.

Standard Design Approvals

The proposed rule would amend the current Section 3 of Appendix O to 10 CFR part 52 (proposed § 52.135) to clarify that applications for standard design approvals should contain all of the applicable technical information required by § 50.34. The amendment would also require applications for standard design approvals to provide the same technical information required for applications for standard design certifications (e.g., demonstration of compliance with any technically relevant Three Mile Island requirements, proposed technical resolutions of unresolved safety issues and medium- and high-priority generic safety issues, and a design-specific probabilistic risk assessment (PRA)). This clarification is consistent with past practice regarding applications for future designs and would implement the Commission's Policy Statements on Severe Reactor Accidents (50 FR 32138, August 8, 1985) and Nuclear Power Plant Standardization (52 FR 34884, September 15, 1987). This amendment would not require applicants to provide proposed ITAAC because standard design approvals are referenced in applications for construction permits and operating licenses under 10 CFR part 50, and the verification process used for 10 CFR Part 50 applications does not use ITAAC.

The proposed rule would amend the current Appendix O to 10 CFR Part 52 (proposed § 52.139) to specify that the duration of a standard design approval is for 15 years. In a letter dated November 13, 2001 (comment 18.a), NEI commented:

Industry recommends FDAs be valid for 15 years. This is consistent with Commission direction in COMSECY-94-025 to update the lead plant FDA to provide a 15 year duration instead of the five years initially provided. The ABWR and System 80+ FDAs were so revised in 1994; the designs were certified in 1997.

The Commission agrees with industry's recommendation. The final design approvals (FDAs) for the three certified designs were originally issued for a five year duration, in accordance with the Commission's Policy Statement on Standardization of Nuclear Power Plants (43 FR 38954, August 31, 1978). Only after design certifications were issued for the ABWR and the System 80+ designs did the Commission direct, for consistency, that the FDAs be revised to

provide the same term as for the design certification. These actions did not change the Commission's policy for FDAs issued by themselves. The Commission has now decided that the duration of standard design approvals should correspond to the duration of design certifications. The Commission has not identified any compelling technical or policy considerations that would lead the Commission to maintain a shorter effective time period for an FDA as compared to a design certification.

Combined Licenses

The proposed rule would amend the current § 52.73 (proposed § 52.203(a)) to clarify that a site report issued under proposed subpart B of 10 CFR part 52 may also be referenced in an application for a combined license application filed under 10 CFR part 52. This amendment would also add the requirements in the current § 52.63(c) (proposed § 52.127(c)) to the new § 52.203(b) to clarify that this requirement applies to applicants for a combined license. This provision requires that, prior to granting a combined license which references a standard design certification, information normally contained in certain procurement specifications and construction and installation specifications be completed and available for audit if such information is necessary for the Commission to make its safety determinations, including the determination that the application is consistent with the certified design. No substantive change is intended by the restatement of this requirement. In a letter dated April 3, 2001 (comments 3 and 3.a), NEI agreed with the proposed change but recommended that the last sentence of § 52.63(c) be deleted and the remaining provision be added to the current § 52.79 rather than the current § 52.73. The Commission agrees with NEI that 10 CFR part 52 should be modified to clarify that the requirement in current § 52.63(c) applies to applicants for a combined license, and that the last sentence be deleted. However, the Commission is adding the remaining provision to what was § 52.73(b) (proposed § 52.203(b)) and not to § 52.79 (proposed § 52.211) as recommended by NEI.

The proposed rule would amend the current § 52.78 (proposed § 52.209) to clarify the requirements applicable to an applicant for, and holder of, a combined license with respect to the training program required by 10 CFR 50.120. As currently written, § 52.78 simply indicates that the application must demonstrate compliance with the training program requirements in

§ 50.120. There is no explicit requirement with respect to the applicant/licensee to implement the training program. Furthermore, proposed § 52.215(b) indicates that, after a combined license is issued but before the Commission has authorized operation under § 52.231, the combined license holder shall comply with all requirements in Title 10 of the Code of Federal Regulations applicable to holders of construction permits for nuclear power reactors. However, § 50.120 refers to a "nuclear power plant applicant;" therefore, § 50.120 would not apply to a combined license holder even under the language of proposed § 52.215(b).

To remove any ambiguity in this matter, the Commission is proposing to revise in its entirety the language in current § 52.78, which is being re-designated as § 52.209. The proposed rule provides that the application must "describe" the training program required by § 50.120. In addition, the proposed rule states that the training program described in the application must be "established, implemented, and maintained" no later than eighteen (18) months prior to the scheduled date for initial loading of fuel, as provided for in § 52.231(a). By "established [and] implemented", the Commission intends to distinguish between the requirement to merely "describe" the training program in the application, versus the requirement for the combined license holder to establish (e.g., establish a training organization, fill staff positions, write procedures, etc.) and implement (i.e., perform training of applicable operating plant personnel in accordance with § 50.120) the training program. The proposed rule also clarifies that the eighteen (18) month period by which the training program must be established and implemented is measured from the combined licensee's scheduled date for fuel load under proposed § 52.231(a) (current § 52.103(a)).

Referencing an Early Site Permit

The proposed rule would amend current §§ 52.39 and 52.79 (proposed § 52.211) to require a license applicant referencing an early site permit to update and correct the emergency preparedness information provided under § 52.17(b). The issue of updating an early site permit was first raised by the Illinois Department of Nuclear Safety, who suggested in a September 28, 1994 letter that emergency plans and/or offsite certifications approved as part of an early site permit review be kept up-to-date throughout the duration of an early site permit and the