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NUCLEAR REGULATORY COMMISSION MAKES AVAILABLE  
PAPER ON RULEMAKING PROCEDURES FOR STANDARD REACTOR DESIGN

The Nuclear Regulatory Commission is making available a paper which contains the final recommendations from its Office of the General Counsel on procedures which could be used for a rulemaking proceeding to certify the first standard reactor design--expected to be the General Electric Company Advanced Boiling Water Reactor (ABWR).

The Commission's regulations governing the approval of standard designs call for certification of the designs through rulemaking in which the public has the opportunity to submit written comments as required by the Administrative Procedures Act (APA). However, the Commission's requirements go beyond those of the APA by providing an opportunity for a public hearing before an Atomic Safety and Licensing Board.

Hearings as part of NRC rulemaking proceedings are not unprecedented; however, they have been rare and provide no compelling precedent on what procedures should be used. Accordingly, the Office of the General Counsel prepared a draft paper (SECY-92-170 dated May 8, 1992) which identified and analyzed issues relevant to establishing procedures to govern design certification rulemaking.

On July 20, 1992, a public workshop was held to facilitate public discussion of the issues raised in that paper, and a 30-day period was provided following the workshop to allow the public an opportunity to submit written comments on the issues. The paper containing the Office of the General Counsel's final recommendations takes into account the discussions at the workshop and the written public comments that were received.

The Commission will establish the procedures to be followed in the first design certification rulemaking proceeding when it issues a notice of proposed rulemaking for that design certification.

Copies of the paper containing the final recommendations (SECY-92-381 dated November 10, 1982,) can be obtained on written

request to Geary Mizuno, Office of the General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555. Copies also are available for review in the Commission's Public Document Room located on the lower level at 2120 L Street, N.W., in Washington, D.C., as are copies of the comments received on the draft recommendations and a transcript of the July 20 workshop.

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