




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 15, 1989

MEMORANDUM FOR: Brad Jones
Mac Cutchin
Steve Burns
Myron Karman
Steve Sohinki

FROM: William C. Parler 
General Counsel

SUBJECT: CHANGES TO DRAFT FINAL RULE ON
STANDARDIZATION AND ONE-STEP LICENSING

Attached are changes to the draft final Part 52, transmitted to the Commission in SECY-89-36 (February 2, 1989). The changes incorporate changes proposed to the Commission by the Executive Director for Operations in memoranda dated February 16 and March 7, 1989, corrections sent to the Commission by the Secretariat on February 24, 1989, and other conforming and clarifying changes I am now proposing. The changes in Attachment 1, take the form of pages of comparative text which can be inserted in Enclosure 1 to SECY-89-36. The changes in Attachment 2 are conforming changes to 10 CFR Part 170, on license fees. Below, we briefly describe the changes.

The changes on pages 16, 49, 85, 90, and 93 are in response to the ACRS. They are discussed in the EDO's March 7 memorandum.

The changes on pages 39-40, 46, 69, 70, 72, and 97 concern emergency planning for early site permits. They are discussed in the EDO's February 16 memorandum.

The changes on pages 52, 104, and 79 leave greater room for the use of informal procedures in hearings on license applications. The changes on pages 80 and 105 help assure

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that the licensing process does not become unduly tied to procedures under 10 CFR 2.206.

The changes to page 19 clarify the applicability of Part 50 standards in design certification rulemakings. The changes on page 92 afford vendors more protection and help assure the maintenance of standardization.

The changes on page 17 make clear that priority of resources for review will be given to designs likely to be built in the United States.

The changes on page 65 are corrections.

Attachments: As stated

cc: SECY

Amendments to Part 170
to Conform it to Draft Final Part 52

Sec. 170.2 Scope.

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(g) An applicant for or holder of a production or utilization facility construction permit, operating license or manufacturing license issued pursuant to Part 50 of this chapter, or an early site permit, standard design certification, or combined license issued pursuant to Part 52 of this chapter;

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(k) Applying for or already has applied for review, under 10 CFR Part 50, Appendix Q, of a facility site prior to the submission of an application for a construction permit;

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Sec. 170.12 Payment of fees.

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(b) License fees. Fees for applications for permits and licenses that are subject to fees based on the full cost of the review are payable upon notification by the Commission. Except as provided below, Each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Commission until the review is completed. There is no application fee for early site permits issued under 10 CFR Part 52. Fees for the review of an application for an early site permit are deferred as follows: The permit holder shall pay the applicable fees for the permit at the time an application for a construction permit or combined license referencing the early site permit is filed. If, at the end of the initial period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit. Each bill will identify the applications and costs related to each. Fees for applications for materials licenses not subject to full cost recovery must accompany the application when it is filed.

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(d) Renewal fees.

(1) Fees for applications for renewals that are subject to full cost of the review are payable upon notification by the Commission. There is no fee for an application for renewal of an early site permit or a standard design certification issued under 10 CFR Part 52. Each applicant other than an applicant for renewal of an early site permit or a standard design certification will be billed at six-month intervals for all accumulated costs on each application that the applicant has on file for review by the Commission until the review is completed. Each bill will identify the applications and the costs related to each.

(2) Fees for review of an application for renewal of a standard design certification shall be deferred as follows: The full cost of review for a renewed standard design certification will be paid by the applicant for renewal in five (5) equal installments; an installment shall be payable each of the first five times the renewed certification is referenced in an application for a construction permit, combined license issued under 10 CFR Part 52, or operating license. If the design is not referenced, or if all costs are not recovered, within ten years after the date of renewal of the certification, the vendor applicant will pay the costs for the review of the application for renewal, or remainder of those costs, at that time.

(3) Fees for the review of an application for renewal of an early site permit shall be deferred as follows: The

holder of the renewed permit shall pay the applicable fees for the renewed permit at the time an application for a construction permit or combined license referencing the permit is filed. If, at the end of the renewal period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit.

(4) Renewal fees for materials licenses and approvals not subject to full cost review must accompany the application when it is filed.

(e) Approval fees.

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(2)(i) There is no application fee for standardized design approvals, or certifications issued under 10 CFR Part 52. The full cost of review fees for facility-reference a standardized design approvals and or certifications will be paid by the holder of the design approval, or the applicant for certification, as appropriate, in five (5) equal installments. ~~based-on-payment-of-20-percent-of-the application-and-approval/certification-fee-(see-footnote-4-to --170-21)~~ An installment shall be payable as each of the first five times units-of the approved/certified design is referenced in an application(s) for a construction permit, combined license issued under 10 CFR Part 52, or operating license. ~~filed-by-a-utility-or-utilities.~~

(ii)(A) In the case of a design which has been approved but not certified and for which no application for certification is pending, if the design(s) is not referenced, or if all costs are not recovered, within 5 five years after the date of the preliminary design approval (PDA) or the final design approval (FDA), the vendor applicant will pay the costs, or remainder of those costs, at that time; if the design is certified, the five-year deferral period is extended to ten years from the certification with the same proviso that 20 percent of the costs will be payable each time the design is referenced.

(B) In the case of a design which has been approved and for which an application for certification is pending, no fees are due until after the certification is granted. If the design is not referenced, or if all costs are not recovered, within ten years after the date of certification, the vendor applicant will pay the costs, or remainder of those costs, at that time.

(C) In the case of a design for which a certification has been granted, if the design is not referenced, or if all costs are not recovered, within ten years after the date of the certification, the vendor applicant will pay the costs for the review of the application, or remainder of those costs, at that time.

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[Amend the second line of "Schedule of Facility Fees in 170.21", "A. Nuclear Power Reactors", to read as follows:]

Early Site Permit, Construction Permit, Combined License,

Operating License Full Cost

[Amend the second line of "Schedule of Facility Fees in 170.21", "F. Advanced Reactors", to read as follows:]

Construction Permit, Combined License,

Operating License Full Cost

[Make the following sentence the next-to-last sentence of footnote 4 of sec. 170.21:]

For more on the schedules for payment of fees for reviews of applications for PDAs, FDAs, standard design certifications, and renewals of certifications, see secs. 170.12(d) and (e) of this part.