



Entergy

DOCKET NUMBER
PROPOSED RULE **PR 52**
(66FR 49324)

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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

November 13, 2001

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Subject: Comments on Draft Rule Language – 10CFR52 Early Site Permits; and Combined Licenses for Nuclear Power Plants

Reference: *Federal Register* Vol. 66, No. 188, Page 49324, dated September 27, 2001 (Draft Rule Wording – Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants)

CNRO-2001-00051

Dear Madam Secretary:

Entergy Nuclear Inc. (Entergy) is pleased to submit our comments on the above captioned draft rule wording.

Entergy endorses the comments submitted by Nuclear Energy Institute (NEI) on behalf of the nuclear energy industry in response to the NRC's request for comments on its draft rule wording regarding Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants. Additionally, the following comments are provided:

1. The published reasons for the published draft rule are (1) make corrections to Parts 21, 50, 52, including the three design certification rules, 72, and 140; and (2) modify Part 52 to enhance its provisions. Many of the changes do not seem to meet either reason. Without knowing the reasons for the specific changes (which would normally accompany proposed rulemaking in the Statements of Consideration) it is more difficult to offer alternatives to the proposed changes.
2. Draft §52.1: The reference to §50.5 coupled with the deletion of §52.9 creates some new problems. 10CFR50.5 specifically refers to license, licensee and applicant and does not apply to "permit," "approval," "approval holder," "permit holder," "applicant for certification", or "any person."

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3. Draft § 52.3(e): proposed definition of "modular design" has two significantly different definitions. Only one definition should be proposed which should match the referencing regulations.
4. Draft §52.17(a)(1): addition of the word "sufficient" does not clarify the rule and could cause confusion in that all information provided must be sufficient for the staff to come to a conclusion. Addition of the word "sufficient" implies other information does not have to be sufficient.
5. Draft §52.17(a)(1): What does "range of facilities" mean? Is the proposed change trying to encompass range of power level, potential types of reactors, and/or range of number of facilities?
6. Draft § 52.63(a)(1): Addition of the word "substantive" is contrary to and inconsistent with the current rules and regulations regarding "backfit" (e.g. §50.109). Addition would allow the NRC to impose new requirements which are not cost/safety beneficial, without performing an analysis, by simply declaring them to not be substantive.
7. Draft § 52.79(b)(1): The proposed addition of "§52.47(b)(2)(i) (A)(1)-(3) or (B);" essentially negates the ability to apply for a Combined License for a prototype design since some of the information required to be submitted in the application must come from testing of a full-size prototype or other data sufficient to validate analytical tools. The current rule language only requires this information in order to certify a standard design but would allow use of 10CFR52 to license the prototype.
8. Entergy requests the NRC ensure that consideration of the NEI petitions concerning 10CFR52 (Docket No. PRM-52-1 and PRM-52-2) be integrated with this potential rulemaking

Thank you for the opportunity to provide these comments. If you have any questions concerning this submittal, please contact George Zinke (601-368-5381) or me (601-368-5327).

Sincerely,



W. Kenneth Hughey
Sr. Manager, Business Development

WKH/GAZ/

cc: Mr. R. J. Bell (NEI)
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