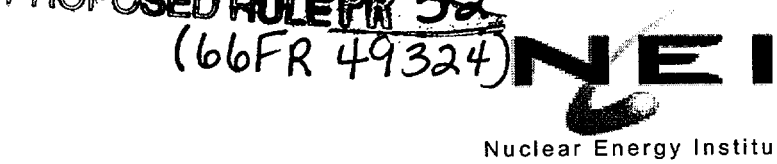



**Dr. Ronald L. Simard**
Senior Director, Business
Services Department
Business Operations Division

November 13, 2001

Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Subject: *Federal Register* Notice 66 FR 49324, September 27, 2001, Notice of Availability of Draft Part 52 Rule Language

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI)[1] is submitting these comments on behalf of the nuclear energy industry in response to the subject *Federal Register* notice. We appreciate the early release of preliminary draft language being considered by the NRC staff for the upcoming notice of proposed Part 52 rulemaking. The opportunity to identify and address potential issues early will enhance the quality of the NOPR and the focus of ensuing stakeholder comments. We believe this is exactly what the Commission intended by directing in its August 2, 2001, Staff Requirements Memorandum that the NRC staff engage stakeholders early in the rulemaking process.

In a series of interactions beginning in October 2000 and including submittal of detailed input via letter dated April 3, 2001, the industry has discussed with the NRC staff a number of clarifications, enhancements and other changes to assist

[1] NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plants designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

staff preparation of the NOPR. The enclosure to this letter updates the table of Part 52 rulemaking items from our April 3 letter. New items that have not been previously discussed are numbered A through H. The table also identifies the status of previously discussed items, including several recommendations that were not reflected in the draft rule language.

Four significant recommendations are discussed further below for NRC staff consideration as it continues to develop the Part 52 NOPR:

1. The NRC staff should integrate consideration of NEI's two petitions for rulemaking (PRM-52-1 and PRM-52-2) into the Part 52 rulemaking.

   Integration of the these petitions with the Part 52 rulemaking is important to avoid the potential need for later re-noticing of the rule and to provide stakeholders with the opportunity to assess the proposals in conjunction with the comprehensive update of Part 52. To accomplish this without further delaying the NOPR, the NRC staff and Commission need to expedite action on the petitions now that stakeholder comments have been received in response to the September 24 *Federal Register* notice.[2]

   SECY-01-0188 identified both the industry petition to eliminate future NRC consideration of alternate sites, alternative sources and need for power (PRM-52-2), and the staff's own Part 51 alternative site rulemaking. While clearly related, we note that the SECY paper regards these as separate activities. Our limited understanding of the staff's initiative suggests that the staff approach could take NRC siting requirements in the opposite direction from that proposed by the industry based on overarching trends in the electric utility industry. Commission policy guidance is urgently needed to determine the proper direction of NRC siting requirements and to initiate necessary changes to Part 52 and other regulations.

2. The staff should restore the "substantial increase" threshold for determining when prior NRC approval is required for changes affecting severe accident information.

   Part 52 design certifications contain both traditional design basis and beyond-design basis (severe accident) information. When establishing the "50.59-like process" for the design certification rules (DCRs), the Commission recognized that greater flexibility should be afforded licensees (vis-à-vis design basis information) for making changes that affect severe accident-related information.[3] In the DCRs, the normal "any increase" threshold then in effect

[2] NEI comments in response to this FRN (66 FR 48832) were provided to NRC on November 8, 2001
[3] See the Statements of Consideration for the System 80+ DCR ( 62 FR 27863)

was adopted for determining when prior NRC approval was required for changes affecting design basis information. To account for the increased uncertainty in severe accident issue resolution, the Commission established the "substantial increase" threshold for severe accident-related information.

To conform the DCRs to the recently revised 10 CFR 50.59, the draft rule correctly replaces the old "any increase" threshold with the new "minimal increase" threshold for design basis information. However, the draft rule incorrectly applies the "minimal increase" threshold for severe accident-related information as well. Doing this would eliminate the higher "substantial increase" threshold intended by the Commission for severe accident-related information. Moreover, the "minimal increase" threshold, defined in regulatory guidance as less than 10% increase in the baseline core damage frequency,[4] would be unduly restrictive for licensees given the very low likelihood (e.g., 10E-8) of beyond design basis events.

In addition to restoring the "substantial increase" threshold to the DCRs as discussed above, proposed 52.97(c) should be modified to provide that severe accident-related information in combined license applications (that do not reference a certified design) would be subject to the higher threshold for determining when prior NRC approval of changes is required. Our April 3 "redline" mark-up of Part 52 identified one approach for accomplishing this objective.

3. The NRC should not modify the backfit provisions of 10 CFR 52.63(a)(1).

10 CFR 52.63(a)(1) has been modified in the draft rule to constrain only "substantive" changes to the DCRs. The very important backfit provisions in Part 52 should not be diminished and made subjective.

Furthermore, we do not think it is necessary to modify 10 CFR 52.63(a)(1) in order to make conforming, administrative or similar changes to the DCRs, such as those needed to conform the DCRs to the revised 10 CFR 50.59. Nor do we think the Commission intended the DCR backfit provisions to inhibit these types of changes. Rather, we believe 10 CFR 52.63(a)(1) is intended to apply to changes in the standard design approved via the DCR. We recommend the Commission clarify this intent and provide guidance to the NRC staff allowing certain changes to the DCRs (such as those needed to conform to the revised 10 CFR 50.59) within the existing DCR backfit provisions.

[4] NEI 96-07, Revision 1 (endorsed by Regulatory Guide 1.187)

4. COL applicants who do not reference a certified design should not be subject to the same testing and performance demonstration requirements as design certification applicants.

   COL application requirements in Section 52.79(b)(1) have been modified to include a reference to the design certification application requirements of 52.47(b)(2)(i). Under this proposal, an applicant seeking a COL for a non-certified design that differs significantly from typical light water reactors would have to demonstrate safety feature performance through either (A) analysis, testing, or experience, or (B) full-scale prototype testing. This requirement is entirely appropriate for design certification applicants. However, as discussed below, we believe it is unnecessary to apply these requirements to COL applicants, and that the potential requirement for full-scale prototype testing is particularly inappropriate.

   First, Part 52 should not be modified to open the door to requiring a COL applicant, who does not reference a certified design, to build and complete testing of a full-scale prototype before the granting of the license. The potential to require prototype testing to support issuance of a COL is contrary to Commission guidance in the Part 52 Statements of Consideration. The Commission clearly recognized "licensing the prototype for commercial operation" as a path open to applicants under Subpart C of Part 52 that could lessen the burden of having to demonstrate innovative designs through full scale prototype testing. We agree with the further statement by the Commission that, "[i]t is well to remember also that, under the rule, prototype testing is required only for certification or an unconditional design approval, if at all."

   Moreover, exercising the proposed COL requirement for prototype testing would create a logical disconnect in that, absent a license (with appropriate conditions on successful safety feature demonstration during start-up testing), a prototype commercial plant is unlikely to be built. Absent a prototype (under the staff proposal), the design could not be licensed. This "Catch-22" situation would effectively close an important path for bringing to market nuclear plant designs with innovative safety features. For these reasons, it would be inappropriate to establish or impose § 52.47(b)(2)(i)(B) (prototype testing) on COL applicants.

   In addition, it is simply unnecessary to impose on COL applicants the requirements of § 52.47(b)(2)(i)(A) to demonstrate safety features via analysis, testing and/or experience. This is because the COL applicant is already subject to 10 CFR 50.34(b)(4) requirements to provide sufficient information of this type to support the required NRC safety determination on the design. Additionally, at COL issuance, the NRC has authority it does not have for DCRs—to establish

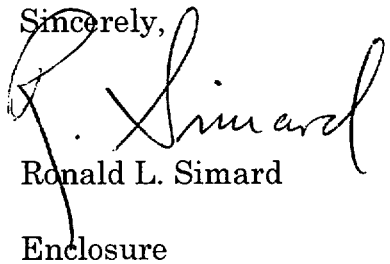
license conditions, including conditions on successful demonstration of unique design features.

In sum, through its existing requirements and regulatory authority, the NRC is assured of (1) adequate information to support required COL reviews and safety determinations, and (2) satisfactory demonstration of innovative design features during startup and power ascension testing. The proposed new COL application requirements are unnecessary and should not be carried forward into the Part 52 NOPR.

We understand that the scheduled date for issuance of the Part 52 NOPR has slipped again to April 2002. We urge that the issues identified above be addressed, that the comments and recommendations in the enclosure be considered, and that the schedule for the Part 52 rulemaking not be permitted to slip any further. Part 52 is the centerpiece of the regulatory infrastructure for new plants, and it is important that this framework be firmly in place as soon as possible, but not later than the end of 2002, to support preparation of applicant submittals.

If you have any questions about the concerns identified in this letter or in the enclosure, please contact me (202-739-8128 or rls@nei.org) or Russ Bell (202-739-8087 or rjb@nei.org).

Sincerely,



Ronald L. Simard

Enclosure

c: James E. Lyons

# Industry Comments & Recommendations on Draft Proposed NRC Update of Part 52
# November 13, 2001

| | Rulemaking Item | NRC Proposal | Industry Comment |
|---|---|---|---|
| **New items identified in draft proposed rule language** | | | |
| A. | Definition of "Modular design" | New, two-part definition proposed for "modular design" in 52.3.e | Part 2 of the definition is not necessary because Part 52 deals with licensing issues, not construction techniques. It should be deleted. If the term is to be defined, it should focus on small modular reactors like the PBMR and GT-MHR. 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. |
| B. | Requirement that COL applications contain the same information as DC applications with respect to testing, analyses and demonstration of safety feature performance for designs that are significantly different from LWRs | 52.79.b.1 COL application requirements modified to include reference to 52.47.b.2.i requirements for DC applications | It is unnecessary and inappropriate to apply these design certification requirements to applicants for combined licenses. See cover letter. |
| C. | Clarify applicability of Parts 21, 72 and 140 to Part 52 licensees | Applicability to Part 52 added to 21.2, 72.210 (general license) and 140.a.1 | Simple reference to Part 52 in 140.a.1 is not appropriate because most financial protection requirements for COL holders should not take effect until after the 52.103.g finding. Instead, we recommend the NRC perform a section-by-section review of Part 140 to determine which sections should apply to COL holders and which should apply only after the 52.103(g) finding. |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| D. | How to permit conforming changes to the DCRs to reflect the revised 50.59 in light of 52.63.a.1 backfit requirements | 52.63.a.1 modified to limit applicability of backfit requirements to "substantive" new requirements | Adding the word "substantive" is not an appropriate solution because it would introduce subjectivity into 52.63.a.1 backfit requirements. See cover letter. See also items 10 & 21a. |
| E. | How to modify 52.17.a.1 requirement for an assessment of major SSCs that bear on radiological consequences to accommodate ESP applicants that don't specify the type of facility to be built | 52.17.a.1 modified to require a "sufficient" analysis and evaluation | The proposed change is not sufficient. To address the required assessment of major SSCs that bear on radiological consequences and all items 52.17.a.1.i-viii, industry recommends new 52.17a.2. See April 3 redline. See new item 27. |
| F. | Clarification of filing requirements for DC applicants | New 52.45.c refers to 50.30.a&b as applicable to DC applicants | None |
| G. | Add new General Provision on Written Communications | New 52.4 proposed that is analogous to existing 50.4 | 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. See April 3 redline. See also item 4.<br><br>We note that update of NRC requirements concerning written communications to accommodate electronic submittals is pending. |
| H. | Other changes, clarifications and edits | Several proposed | Industry will assess other miscellaneous proposals, including associated rationale, in response in the NOPR |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| **NRC staff items identified in September 3, 1999, letter** | | | |
| 1. | Delete Appendices M, N, O, and Q from Part 50. These appendices were intended to be moved from Part 50 to Part 52 when Part 52 was created. Deleting these provisions from Part 50 will eliminate the redundancy that currently exists. | Part 50 appendices deleted | None |
| 2. | Delete 10 CFR 52.43(c) and 52.45(c). These provisions can be deleted because the nuclear plant designers and NRC staff now have sufficient experience with design certification reviews so that reliance on the Appendix O process is no longer needed. | • 52.43c deleted<br>• 52.45c&d deleted and replaced w/new 52.45c | Analogous deletion also recommended of 52.47.b.2.ii.<br><br>See April 3 redline. |
| 3. | Move 10 CFR 52.63(c) to Section 52.73 or 52.79. This provision applies to applicants for combined licenses, not standard design certifications. | • 52.63c retained<br>• 52.73 renumbered as 52.73a<br>• New 52.73b proposed (repeat of 52.63c) | None |
| 3.a | Consider the need to modify/delete the last sentence of relocated 52.63(c), "This information may be acquired by appropriate arrangements with the design certification applicant." | • 52.63.c unchanged<br>• Sentence not included in new 52.73b | None |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 4. | Add a provision to Part 52 analogous to the current Section 50.9, which would apply to applicants for and holders of design certifications, and possibly to applicants for and holders of early site permits. | The only Part 50-like general provisions proposed are for Written Communications (new 52.4) | None.<br><br>See new item G. |
| 4.5 | (Identified at Dec. 14 mtg.) NRC considering specifying under general provisions, possibly in §52.5, which Part 50 sections apply, eg, 50.3, 50.4, 50.5, 50.7, 50.9, 50.110, 50.111. | | |
| 5. | Require a licensee, who has been authorized to operate under 10 CFR 52.103(g), to have financial protection under Part 140, as is currently required of holders of operating licenses under Pt 50. | Change proposed to 140.2.a.1 to include plants licensed under Part 52 | See item C. |
| 6. | Change the title of 10 CFR Part 52 to "Licensing Processes." Part 52 contains many licensing processes, in addition to early site permits, standard design certifications, and combined licenses. The new title will be more representative of Part 52. | Proposed title is "Additional Licensing processes for NPP" | None |
| 7. | Whether the design certification vendor (holder) has any ongoing obligation *after the design certification rule is codified* to inform *the* NRC of error and newly discovered information that brings into question the safety of the certified design. | No change proposed | None. |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 8. | The desirability of requiring that the operational requirements in Title 10, as applied to holders of combined licenses, become effective only after the Commission has made the finding under 10 CFR 52.103(g). [NRC staff noted during Dec. 14 mtg. that 52.99 and 52.103 provisions should be looked at for duplication, overlap, and coherence.] | 52.83 revised to reference 52.103g finding as the point at which operational regulations generally become effective | 52.83 should also identify that 50.109 applies upon issuance of the COL and Part 171 becomes effective upon the Commission's 52.103.g finding. See April 3 redline.<br><br>SOC and guidance should reinforce that certain requirements will take effect prior to the 103(g) finding. |
| 9. | The desirability of requiring holders of ESPs to periodically update throughout the duration of an ESP, emergency planning information and plans that were approved as part of an ESP. | No change proposed | The SOC should state that it is more appropriate for a COL applicant who references the ESP to supply any EP updates at that time. ESP renewal applicants would update ESP info at time of renewal per 52.29. |
| 10. | The desirability of adopting some or all of the revisions to 10 CFR 50.59 in the similar Tier 2 change process for Appendices A, B and C (Section VIII.B.5) to 10 CFR Part 52 (see Section N of Attachment 1 to SECY-99-130, dated May 12, 1999). | DCR appendices updated to conform to revised 10 CFR 50.59 change process. However, the higher "substantial increase" threshold for requiring prior NRC approval of changes affecting severe accident info was eliminated. | The "substantial increase" threshold should be restored to Apps. A, B, & C, Section VIII.B.5.c. See new item D.<br><br>See cover letter. |
| 11. | The desirability of allowing construction permit applicants under 10 CFR Part 50 to reference design certification rule under 10 CFR Part 52. | No change proposed | Add new §52.62a to allow a CP applicant to reference a design certification.<br>For purposes of NOPR, new §52.62b provides strawman approach to non-applicability of ITAAC under Part 50.<br><br>See April 3 redline. |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| **Industry items identified at December 14, 2000, public meeting** | | | |
| 11.1a | Add requirement that COL applicants submit a plant-specific PRA | New 52.79(b)(4) proposed | Modify proposed 52.79(b)(4) to say that the plant-specific PRA must "account for site-specific design information and any design changes **that affect the design-specific PRA.**" |
| 11.1b | Possible inclusion of COL requirement to update and maintain the plant-specific PRA (Issue identified at Feb. 16 meeting) | No change proposed | We agree that no such requirement is appropriate in Part 52. SOC and guidance could identify the expectation that future licensees will update and maintain their plant specific PRAs. |
| 11.1c | Possible inclusion of requirements for PRA quality. (Issue identified at Feb. 16 meeting) | No change proposed | We agree that no such requirement is appropriate in Part 52. SOC and guidance could state that plant-specific PRAs submitted with a COL that references a certified design are expected to be consistent in quality and depth with the referenced DC PRA. |
| 11.2a | Add requirement that COL holders certify that ITAAC have been met | Expanded 52.99 included in draft proposed rule states that a designated officer or manager of the licensee shall notify the NRC of ITAAC completion. | None |
| 11.2b | "Certification" (oath or affirmation) vs. "notification" | | |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 12. | Modify Subpart A to state that NRC will issue an ESP for a site that has already been issued a CP or OL without reconsidering previously approved siting issues (except in accordance with the Backfit Rule). | No change proposed. Introduction to draft rule identifies the pending petitions for rulemaking (PRM-52-1) | Timely action on petition and integration with Part 52 NOPR is needed.<br><br>See cover letter. |
| 13. | Modify Subpart C to state that NRC will issue a COL for a reactor located at a site with an operating reactor without reconsidering previously approved programmatic issues adopted by the COL applicant. | No change proposed. Introduction to draft rule identifies the pending petitions for rulemaking (PRM-52-2) | Timely action on petition and integration with Part 52 NOPR is needed.<br><br>See cover letter. |
| 14. | Modify Part 52 (eg, 52.103) to support reviews, hearings, and phased schedules for construction and operation of reactor modules at a site. | 52.103.g modified to state that "If the COL is for a modular design, each reactor may require a separate finding as construction proceeds." | The SOC should identify that there may be one-time NRC findings for common (ie, facility) ITAAC |
| 15. | Revise 52.79(b) to allow a COL applicant referencing a certified design to submit a plant specific DCD rather than an FSAR. See also 15.a. | Revised 52.79b refers to the "application" and avoids using the terms FSAR, DCD, etc. | None |
| 15.a | Revise 52.47 to allow design certification applicants to submit a generic DCD vice an FSAR | No change proposed | New §52.47(c) is recommended to allow submittal of a generic DCD in lieu of the FSAR required by 50.34.b. See April 3 redline. |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 16. | Change 52.83 to allow for a 40 year COL duration from the date of the 52.103 finding, *vice* the 52.99 findings. | 52.83 revised such that 40 years begins at COL | The SOC should identify (1) that industry and NRC are supporting pending legislation to clarify that, for COLs, 40 years begins with the 52.103.g finding; and (2) that a further rulemaking (eg, direct final rule) is envisioned to conform 52.83 upon amendment of the AEA. |
| 17. | Consideration of the scope of, and procedures for, design certification renewal was deferred until after the rules were issued. Will they be considered as part of this rulemaking? (Note typo in 52.59 with respect to regulations in effect at time "or" renewal. | No change proposed, except to fix typo in 52.59 | None. |
| 18. a | Revise Appendix O to state that an FDA shall be valid for 15 years and may be renewed. | App. O, Section 5 revised to say FDA shall be valid for 5 yrs. | 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.<br><br>See April 3 redline. |
| 18.b | Revise Appendix O to state that an application for an FDA would not be required to have ITAAC. | App. O, Section 3 revised to say that ITAAC are not required w/FDA applications | None |

| | Rulemaking Item | NRC Proposal | Industry Comment |
|---|---|---|---|
| | | | |
| 19. | Modify Subpart A to (a) explicitly allow for the transfer of ESPs and (b) state that ownership of a site is not required to obtain an ESP. | No changes proposed | For clarity, industry recommends new §52.36 and new 52.17(b)4. See April 3 redline. |
| 20. | Revise Subpart C to allow for completion of DAC at the COL application stage. | Proposed 52.99.e includes the following sentence, "If an NRC finding on successful completion of an ITAAC has not been made in connection with issuance of the COL, then at appropriate intervals during construction, the NRC staff shall issue FRNs ..." | Guidance and SOC should say (a) DCR ITAAC may be completed at time of COL and the COL hearing takes the place of the 103(g) hearing for such ITAAC. COL applicants would specify which DCR ITAAC are complete; and (b) Completed DAC may be transformed into typical construction verification ITAAC at COL. |
| 21. | Given that Subpart C allows for COL applications that do not reference a certified design, consider asking for comments on how this would work, for example<br>a) The change process (especially with respect to PRA and severe accident information, the change process for plant-specific ITAAC, the change process during construction)<br>b) Applicability of operational programs and tech specs during construction<br>c) Termination of ITAAC following authorization of operation | (a) New 52.97c&d are proposed instead of our proposal for a new 52.98<br>(b) 52.83 revised to reference 52.103g finding<br>(c) New 52.103h proposed | a) (1) Proposed 52.97(c) needs to provide the "substantial increase" threshold for severe accident information in combined licenses. See April 3 redline (proposed new 52.98); See also item 10 & new item D. See cover letter.<br>(2) Proposed 52.97(c) & (d)(2) should state that changes, etc., outside the scope of a certified design are subject to "the applicable change control requirements in 10 CFR Part 50, e.g., 10 CFR 50.59, 50.54 or 50.90."<br>b) SOC and guidance should reinforce that certain requirements will take effect prior to the 103(g) finding. See also Item 8<br>c) None |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 22. | Errata on DC rules. | Errata identified for ABWR and System 80+ were not addressed | The NRC staff should address the errata identified for ABWR and System 80+ |
| **Additional industry items for revised Part 52** | | | |
| 23. | Consider incorporating DCR general provisions into Subpart C as appropriate | ITAAC verification provisions incorporated into expanded 52.99. | None |
| 24. | Changes necessary to resolve scope of COL ITAAC, including the need for ITAAC on operational programs | No change proposed; policy issue pending | Guidance and final rule SOC should reflect the Commission's policy determination and clarify scope of required COL ITAAC |
| 25. | Clarifications necessary to support expedited construction inspection, eg, to §52.99 | No change proposed | None |
| 26. | Consider whether changes are needed to accommodate optional use by DCR or COL applicants of risk-informed regulations (Option 2 or Option 3) or future risk-informed operational requirements. | No change proposed | Guidance and SOC should say that future Part 50 regulations, including risk-informed regulations, would apply to future licensees as appropriate. Licensee would seek simultaneous exemptions, as needed, from DCR requirements. |
| 27. | Clarify Subpart A concerning the extent of required description of the type of facility to be constructed on the site | 52.17.a.1.i modified to require ESP applications to describe "The *specific* number, type and thermal power level of the facilities, *or range of possible facilities,* for which the site may be used." | The proposed change is too limited. To address the required assessment of major SSCs that bear on radiological consequences and all items 52.17.a.1.i-viii, industry recommends new §52.17a.2. See April 3 redline. See also item E. |

| Rulemaking Item | | NRC Proposal | Industry Comment |
|---|---|---|---|
| 28. | Revise Subpart C to allow for combining of licenses | No change proposed | Industry recommends new §52.82. See April 3 redline. |
| 29. | Incorporate 50.12 analog on Exemptions, into Part 52 general provisions | No change proposed<br>(See also item 4.) | Industry recommends new 52.7. See April 3 redline. |
| 30. | Modify §52.8 and 52.113 to include additional sections | No changes proposed | Industry recommends that §§52.8 and 52.113(b) be modified to incorporate additional provisions, as appropriate |
| **Additional Issues** | | | |
| 31. | **Identified During Feb. 16 Public meeting:**<br>Further discussion needed of approaches to 52.99 and 52.103 findings regarding ITAAC completion, eg, number and timing of hearing opportunities and clarification of NRC staff vs Commission findings. | No changes proposed. | Industry white paper on implementation of 52.99 and 52.103 is being developed as basis for discussion, issue resolution and eventual guidance. |
| 32. | **Identified During March 7 Public meeting:**<br>Eliminate Subpart A requirement to consider alternate sites as part of ESP applications. | No changes proposed.<br>Introduction to draft rule notes the pending industry petition for rulemaking. | Subpart A requirements are superfluous since Part 51 governs. Thus, industry recommends deletion of Part 52 requirements as part of NOPR and commencement of Parts 2, 50 and 51 rulemaking. See cover letter. |
| 33. | Consider modifying 52.51(b) hearing process requirements | No changes proposed. | None |