



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 3, 1999

Mr. Alexander Marion
Director, Programs
Nuclear Energy Institute
1776 I Street NW, Suite 400
Washington, DC 20006-3708

SUBJECT: Proposed Rulemaking - 10 CFR Part 52

Dear Mr. Marion:

The U.S. Nuclear Regulatory Commission (NRC) is planning to issue a proposed rule later this year on 10 CFR Part 52. The purpose of this upcoming rulemaking is to implement a portion of Direction Setting Issue #10, "Reactor Licensing for Future Applicants," by updating and correcting 10 CFR Part 52 based on "lessons learned" from the previous design certification reviews and discussions with nuclear industry representatives on the early site permit and combined license processes. The NRC is interested in comments and suggestions from stakeholders on this upcoming rulemaking.

Proposed actions for the known problems in 10 CFR Parts 50, 52, and 140 that the NRC staff plans to correct by this rulemaking are:

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.
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.
3. Move 10 CFR 52.63(c) to Section 52.73 or 52.79(e). This provision applies to applicants for combined licenses, not standard design certifications.
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.
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 Part 50.
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.

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In addition to the above examples, this rulemaking plans to address issues that were identified during the design certification rulemakings, the 10 CFR 50.59 Rulemaking, and the NRC staff's discussions with industry representatives on combined licenses and early site permits (ESPs). These issues are:

7. Whether the design certification vendor (holder) has any ongoing obligation *after the design certification rule is codified* to inform the NRC of errors and newly discovered information that brings into question the safety of the certified design.
8. The desirability of clarifying 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).
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.
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).
11. The desirability of allowing construction permit applicants under 10 CFR Part 50 to reference design certification rules under 10 CFR Part 52.

I believe that this rulemaking will eliminate some unnecessary burdens and improve the effectiveness of 10 CFR Part 52. I would appreciate any comments that you want to offer on this proposed rulemaking. Mail written comments to: Jerry N. Wilson, Mail Stop O-12 G15, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. If it is more convenient, electronic comments may be provided via the NRC's interactive rulemaking website through the NRC home page <www.nrc.gov>. From the home page, select "Rulemaking" from the tool bar at the bottom of the page. The interactive rulemaking website can then be accessed by selecting "Rulemaking Forum." For this rulemaking, select "News, Information, and Contacts for Current Rulemakings" and then select "Rulemaking Plan - Lessons Learned on 10 CFR Part 52."

Sincerely,



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