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FINAL REPLY:

Marvin Fertel
Nuclear Energy Institute

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 05-0597

DESC:

Ref. November 21, 2005 Meeting Concerning New Nuclear Plant Licensing Activities

ROUTING:

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SPECIAL INSTRUCTIONS OR REMARKS:

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AUTHOR:	Mr. Marvin Fertel		
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NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel
SENIOR VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER

December 14, 2005

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
Washington, DC 20555-0001

Dear Chairman Diaz:

The industry appreciated the opportunity to discuss new nuclear plant licensing activities with the Commission on November 21, 2005. This letter reflects our responses to comments and questions raised in the meeting; provides concepts that have evolved from the continuing industry-NRC staff interactions; and summarizes industry statements and recommendations made at the meeting.

Industry Standardization Plans and Proposals

The industry is fully committed to standardizing combined license applications based on reactor design technologies. Industry plans include the use of industry teams to develop standardized application sections. Industry is committed to a team approach because it presents the best potential for improving process and resource efficiencies for the parallel development of numerous combined license applications. It is our understanding that the NRC is giving consideration to a similar team approach for the review of combined license applications.

Industry proposes developing standardized applications using, where possible, identical methodologies, analyses and even text. NRC review of standardized sections of combined license applications could be conducted on a technology basis (e.g., AP1000, ESBWR, EPR, etc.) rather than through an application-by-application approach. Necessary variations, such as those due to site-specific conditions, would be identified for individual review. This approach would optimize NRC and industry resources and permit a more consistent review of the applications. It should also make reviews by other stakeholders more focused and effective. Common sections of the safety analysis report and combined license

action items from design certifications would be submitted for review prior to individual combined license applications, as part of the pre-application process, adding efficiency to the review process. In all cases, industry applicants will provide the NRC with complete, high-quality information to facilitate an efficient and timely NRC review.

Industry New Plant Priorities Based on Electric Generation Needs

As our nation grows, so does our demand for electricity. Electric generating reserve margins are in decline and industry forecasts indicate that new baseload generation will be required in the 2012 to 2017 time frame to assure reliability of electricity supply. This need is particularly acute in the southeast. In addition, the rapid increase and volatility in fuel prices, especially for natural gas, have reinforced the need for a balanced and diversified electric generating portfolio that includes new nuclear plants. As a result of this emerging situation, combined license applications need to be filed in the next two years to bring new nuclear baseload generation on-line in the 2014 timeframe.

The need for baseload generation in the next decade does not allow for the optimum use of Part 52: Early site permitting followed by a combined license application that references a certified reactor design. Yet the framers of Part 52 had the foresight to craft the regulation in a manner that recognizes and accommodates the scenario facing many companies. Part 52, Sections 52.27, 52.55, 52.73 and 52.79, specifically provide for a combined license submittal that does not reference an early site permit or a certified reactor design. This flexibility, provided for by the existing Part 52, appropriately recognizes varying business approaches to building new nuclear plants.

Enclosure 1 provides additional details on the topics that industry executives discussed in the meeting apart from the Part 52 rulemaking proposal, which is discussed in the following paragraphs.

Part 52 Rulemaking Schedule

As discussed in the Commission briefing, if the proposed rule is issued for comment in its present form, it will have a very negative effect on the industry's combined license application preparations. It will also adversely affect external perceptions of the consistency and stability of NRC's new licensing process for power reactors. Comments would be extensive, and it is likely that the final rule would not be issued until 2007; just before the planned submittal of the first combined license applications.

The industry has started to prepare standardized combined license applications, and pre-application interactions will start in 2006. It is critical to develop a common understanding of the correct interpretation of new plant licensing requirements and guidance as soon as possible, so that industry can prepare standardized submittals confident that wasteful rework will not be required because of changes to the regulations.

Target Rulemaking Completion for June 2006

The industry recommends that the Part 52 rulemaking be completed by June 2006 so that there is clarity and predictability for companies and other stakeholders on new plant licensing requirements. This would establish an efficient and stable regulatory framework for conducting combined license pre-application interactions using a standardized team approach for the preparation and review of generic portions of the applications. At that point, several companies will be about a year from submitting the first combined license applications.

Public Workshop

Prior to issuing the proposed rule for comment, industry urges the Commission to hold a public workshop no later than mid-January 2006 to discuss and clarify the rulemaking proposals. The objective should be to identify and reach a common understanding on the necessary set of beneficial and conforming changes to the current rule. Following the workshop, the industry recommends issuance of the Notice of Proposed Rulemaking, based on a much clearer and reduced scope of proposed changes, and with an expedited comment period for all stakeholders.

In addition to completing the proposed rulemaking on Part 52 by the end of June 2006, the industry and the NRC staff should strive to complete as many generic new plant licensing activities as possible by that date, including:

- Issuance of the draft NRC Regulatory Guide on COL applications, referencing NEI 04-01, *Industry Guideline for Combined License Applications under 10 CFR Part 52*, as appropriate. The draft guide should include the specific acceptance criteria for the applicable updated drafts of the Standard Review Plan.

- Issuance of the draft rule language and associated Statements of Consideration for 10 CFR 73.55.

Industry Comments on the Part 52 Rulemaking Proposal

The industry and NRC share the same goal of efficient, effective and timely regulatory reviews of new nuclear plant applications based on stable, well understood requirements and guidance that will result in high-quality applications. However, the industry is extremely concerned over the extensive changes to 10 CFR Part 52 and other NRC regulations that are proposed in SECY-05-0203, *Revised Proposed Rule to Update 10 CFR Part 52, "Licenses, Design Certifications and Approvals for Nuclear Power Plants."* The proposal contains new and substantive provisions that, in many cases, are neither well explained nor adequately justified.

Based on a thorough review of the proposed changes, we believe that the complexity of the change package would make it difficult for industry, and for other stakeholders almost impossible, to constructively and effectively comment on the proposed rule, as described in SECY-05-203.

A major problem is that the proposed rule changes one of the fundamental principles of the Part 52 regulation. A major strength of Part 52 is that it was constructed as a process rule that references administrative and technical requirements in other parts of Title 10. The proposed change moves Part 52 away from that principle to one that appears to be a partial incorporation of other requirements into Part 52, and a partial reference to other NRC regulations. This makes Part 52 more complex and more difficult to understand. The change in fundamental principle is unnecessary, and the rulemaking package provides no basis or rationale for such a major change. This should be a key discussion item at the workshop.

In the next 12 months, the industry will spend over $200 million preparing license applications. If the Commission proceeds with the rulemaking as proposed in SECY-05-0203, it is unlikely that there will be a complete and mutual understanding of the information that will need to be included in the COL applications until 2007, given the number of substantive changes proposed. This will inhibit the industry's ability to prepare quality submittals, inhibit NRC and other stakeholder reviews, and cause difficulties for the combined license pre-application interactions that will begin in the next few months. The resulting uncertainty over the outcome of the proposed rulemaking presents a high potential for delays due to the need for re-review and wasteful rework.

Enclosure 2 provides a list of the changes that industry considers to be beneficial and a list of the conforming changes that should be included in a new and significantly revised rulemaking package. These changes would strengthen the Part 52 rule. Agreement on inclusion of these proposed changes should be achieved at the public workshop.

Enclosure 3 is a brief summary of some of the more substantive changes and a listing of other changes that the industry believes are problematic and should not be made. These proposed rule changes are ones industry believes should be deleted from the rulemaking package after the workshop.

Enclosure 4 is a summary of industry concerns on changes that we find difficult to understand and cannot at this time categorize as either beneficial or necessary. Based on our initial review, many of these proposed changes appear to just restate the existing requirements, which makes it difficult to understand the purpose of the change. In some cases, requirements have been transferred or copied from other parts of Title 10. In other cases, no such action has been taken. There is no clarification provided for the reasons why some requirements have been moved to Part 52 and others have not. Furthermore, the sheer number of changes (more than 150) makes the overall impact of these changes difficult to discern. The industry believes that after the public workshop many of these proposed changes will be removed from the rulemaking package. Only those changes necessary to enhance the effectiveness of the Part 52 process should be included.

The Commission's continued involvement is critical to the timely and successful implementation of the new licensing process for nuclear plant construction and operation. We believe that biannual Commission briefings on new plant licensing activities would be valuable to ensure a continued industry-NRC focus on resolving new plant regulatory issues.

Thank you for inviting industry representatives to address the Commission on key new plant issues in November and look forward to further interactions in 2006. If you have questions, please call me.

Sincerely,

Marvin S. Fertel

c: The Honorable Edward McGaffigan, Jr., NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC
The Honorable Peter B. Lyons, Commissioner, NRC
The Honorable Gregory B. Jaczko, Commissioner, NRC
Mr. Luis A. Reyes, Executive Director for Operations, NRC
Mr. James E. Dyer, NRC

Enclosures

Enclosure 1
Additional Topics Discussed in the November 21, 2005 Commission Meeting on New Plant Licensing Activities

This enclosure provides additional information and emphasis on the industry statements in support of optimizing and standardizing the regulatory process for new plants. In the past two years the pace of new nuclear plant regulatory interactions has increased dramatically. These interactions, which have been very constructive, need to continue into the combined license pre-application phase, where the industry will be developing standardized applications.

Additional Information on Industry Standardization Plans and Proposals

The industry understands the NRC staff's concern regarding the number of applications that will be submitted. We believe that a team approach to developing standardized applications and a similar approach for reviewing applications would ease the resource load while producing quality submittals and reviews.

We believe that additional improvements in process and schedules could be achieved if common sections of the safety analysis report and responses to combined license action items from design certifications are developed and submitted for review prior to individual combined license applications, as part of the pre-application interactions.

An important element in the preparations for the review of combined license applications is the update of the Standard Review Plan. This update, together with the development of a Regulatory Guide that references, where appropriate, NEI 04-01, *Industry Guideline for Combined License Applications under 10 CFR Part 52,* will enable high quality applications to be prepared. Without these standards the combined license review process will be arduous, prolonged, and will increase unnecessarily industry and NRC resource burdens.

The development of quality applications is a joint industry-NRC activity. The NRC staff needs to develop clear and understandable guidance and objective acceptance criteria on what constitutes a quality application. The industry must then develop quality documents that meet the acceptance criteria defied in the NRC guidance documents.

Early Site Permit Experiences

In 2006, an industry-NRC Early Site Permit lessons learned document should be developed based on the three Early Site Permit demonstration projects. These lessons learned will be of value to future Early Site Permit applicants and combined license applicants who do not reference an Early Site Permit.

Improvements to the Early Site Permit process should be based on the lessons learned document. The objective should be to develop a review process, not considering the hearing that takes 15 months. We agree that this will require the industry to submit quality applications. Once there is a common understanding on the improvements, rulemaking and guidance amendments can be developed.

Adjacent Sites

There is significant potential for greater efficiency in conducting Early Site Permit reviews for new sites adjacent to existing sites. The first early site permit reviews at sites adjacent to existing operating plants are taking over 40 months. Industry is confident there are ways to streamline the reviews and process. We will work with the NRC staff in 2006 to identify ways to streamline and improve this element of the Part 52 process.

One area that has potential for improvement at adjacent sites is in the area of Emergency Preparedness. At such sites an approved emergency preparedness plan already exists and should form a basis for the development and review of the emergency plan for the new site, acknowledging that the existing plan is acceptable.

Environmental Reviews

The environmental review is the critical path item for Early Site Permit reviews and could be the critical path for combined license applications that do not reference an Early Site Permit. The Early Site Permit lessons learned activity proposed above should include a section on the preparation and NRC review of Environmental Reports and Environmental Impact Statements. The processes should be mapped, evaluated and improved with the aim of reducing the time for the NRC review and development of the Environmental Impact Statement to 15 months. We agree that to accomplish this schedule it will require the submittal of a high quality Environmental Report.

Licensing Flexibility Designed into 10 CFR Part 52

A topic that arose during the meeting was that some applications may not reference an approved early site permit or a design certification or both. 10 CFR § 52.73 states that a combined license applicant may, but need not, reference an ESP or design certification. Furthermore, 10 CFR §§ 52.27(c) and 52.55(c) provide flexibility to allow a combined license applicant to reference an application for an early site permit or design certification. This flexibility appropriately accommodates different company business approaches and needs while maintaining the goal of standardization.

In cases where a combined license applicant does not reference an early site permit, the environmental review and the safety review can be performed concurrently. In the case where a certified design is not referenced, the applicant must provide that information in a timely manner.

Plant Parameter Envelope

There was a discussion in the afternoon briefing by the NRC staff on flexibility versus finality. It was suggested that the concept of the Plant Parameter Envelope, which was developed during the review of the three early site permit demonstration projects, was not consistent with the concepts of Part 52. We disagree.

We believe the "plant parameter envelope" concept is consistent with the concepts of Part 52. An Early Site Permit is valid for 10 to 20 years and can be renewed. A company cannot be expected to select a specific design technology 10 to 20 years in advance of when a plant will be built. By selecting a series of designs and developing plant parameters that envelope the design, a degree of finality can be achieved that will reduce the amount of work and regulatory interactions at the time of the license application. Naturally, if the selected plant design in the combined license application does not meet the Plant Parameter Envelope established in the early site permit, the combined license applicant will need to evaluate the deviations to determine the impact on the permit.

Enclosure 2
Conforming and Beneficial Changes in SECY 05-0203

This is a list of the beneficial changes and changes that are necessary to ensure that the regulations are consistent and conform to the Energy Policy Act of 2005 and previous rulemakings. This list was developed based on the industry's initial review of the proposals described in SECY 05-203. The proposed rule should focus only on these beneficial and conforming changes. All other proposed changes should be deleted from the proposed rulemaking package.

Conforming Changes

1. Amend § 52.83 to change the reference from § 52.99 to § 52.103(g) as to when the requirements applicable to operating licenses apply. This is a correction, and is not intended to be a substantive change. Additionally, this same change should be made to clarify that a Part 52 combined license 40-year license term begins at the time the § 52.103(g) finding is made (rather than the § 52.99 finding). This would also be consistent with the duration of a combined license in the Energy Policy Act of 2005, Section 621.

2. Amend § 52.85 to correct the reference to Part 2, Subpart G, hearing requirements. This paragraph should have been changed in the 2004 rulemaking that amended 10 CFR Part 2. The paragraph could simply reference Part 2 as the governing regulation for hearing procedures.

3. Include changes to the design certification rules and the change processes in Part 52 to be consistent with the concepts of the revised 10 C.F.R. § 50.59. Note that the NRC deferred these changes from the § 50.59 rule change. *See* 64 Fed. Reg. 53,582, 53,601 (Oct. 4, 1999).

4. Add Part 52 applicants and license holders to the scope of Part 140 for financial protection and indemnity requirements. This is a not a substantive change because the provisions in Part 140 have always been intended to apply.

5. Modify § 171.15 to reflect that a COL holder shall start to pay annual fees once the Commission has made the finding under § 52.103(g). This reflects interpretations that the NRC staff has already taken on the existing rule.

6. Add provisions to Part 140 to incorporate the provisions from the Energy Policy Act of 2005 related to Price Anderson protection for modular reactors (Already proposed in *Federal Register*).

7. Remove requirements for anti-trust reviews required by § 50.33a and other sections (Already proposed in *Federal Register*).

Beneficial Changes Proposed for Part 52

1. Section 52.0, regarding scope and applicability of Part 50 and other NRC requirements
2. Section 52.1, regarding definitions
3. Section 52.7, regarding applicability of Section 50.12 exemption process
4. Section 52.17(a)(1)(i), regarding addition of phrase, "or range of possible facilities"
5. Section 52.39(a)(1), regarding finality of early site permit determinations
6. Sections 52.39(a)(2) and 52.79(b)(4), regarding finality of early site permit emergency planning information
7. Sections 52.39(c)(1)(i)- (iii) and (v), regarding finality of early site permit determinations
8. Section 52.43, regarding the relationship of Subpart B to other subparts
9. Section 52.45, regarding elimination of the requirement for final design approval
10. Section 52.79(b), (c), (d) and (e), regarding contents of FSARs
11. Sections 52.80(b) and 52.97(a)(2), regarding provisions for completion of ITAAC at the COL stage
12. Section 52.85, regarding administrative review of applications; hearings
13. Section 52.98, regarding finality of combined license; information requests
14. Section 52.103, regarding ITAAC hearing and finding process
15. Section 52.104, regarding 40-year duration of combined license.
16. Section 52.147, regarding 15-year duration of standard design approval.
17. Appendix A, B, and C to Part 52, regarding identified corrections to design certification rules, such as to Section X, Records and Reporting

Beneficial Changes Proposed for Parts 2, 50, 51 and 73

1. Section 2.1, regarding Scope
2. Section 2.100, regarding Scope of subpart
3. Section 2.104, regarding Notice of hearing
4. Section 2.105, regarding Notice of proposed action (a)(12) and (13)
5. Section 2.106, regarding Notice of issuance
6. Section 2.109, regarding Effect of timely renewal application
7. Section 2.111, regarding Prohibition of sex discrimination
8. Section 2.390, regarding Public inspections, exemptions, requests for withholding
9. Section 2.800, regarding Scope of rulemaking
10. Section 2.600-2.606, regarding use of Subpart F by COL applicants (note – proposal deleted from SECY 05-0203, but was included in the draft

rulemaking language published on the NRC website in August 2005)

11. Section 50.54(gg), regarding operation at up to 5% power notwithstanding FEMA identified deficiencies, provided the Commission makes a reasonable assurance finding
12. Section 50.109, regarding applicability of the Backfit Rule
13. Appendix E to Part 50-Emergency Planning and Preparedness for Production and Utilization Facilities, Section IV.f.2.a
14. Section 51.50 Environmental report construction permit, early site permit, or combined license stage
15. Section 51.71(d), regarding draft environmental impact statement contents
16. Section 51.75(c)(1), regarding draft environmental impact statement construction permit, early site permit, or combined license
17. Section 51.105a, regarding public hearings in proceedings for issuance of manufacturing licenses
18. Section 51.107, regarding public hearings in proceedings for issuance of combined licenses
19. Section 52.107a, regarding public hearings on a Commission findings that inspections, tests and acceptance criteria of combined licenses are met
20. Section 73.56, regarding personnel access authorization requirements for nuclear power plants
21. Section 73.57, regarding requirements for criminal history checks

Enclosure 3
Detrimental Changes in the Proposed Part 52 Rulemaking Language (SECY-05-0203)

In addition to industry's concerns regarding the extent and complexity of the proposed changes, our reviews of the 550-page rulemaking package identified substantive new requirements that for some changes raise policy issues and for other changes have significant negative implications for the workability and clarity of Part 52. The proposed changes listed below should be deleted from the rulemaking package.

Our concerns are:

1. Proposed 52.17, 52.47, 52.79, 52.137 and 52.157 – The fundamental transformation of Part 52 from a process rule that applies the standards set out in other parts of 10 CFR "as those standards are technically relevant" (ref. 1989 Statements of Consideration for Part 52) to one that contains some technical requirements. Moving some requirements, but not all, from Part 50 to Part 52, creates more confusion in regard to which technical provisions are applicable to Part 52 applicants.

2. Proposed 52.47(a)(20), 52.79(a)(38) and 52.137(a)(20) – Severe accident design information requirements have been introduced in a manner that implies that severe accidents are part of the design bases, as defined in 10 CFR 50.2. There is no explanation or basis provided for treating severe accident design requirements as part of the plant's 10 CFR 50.2 design basis. Even if these requirements were not construed to be design bases requirements, severe accident requirements should not be imposed as broad generic requirements without extensive interactions with stakeholders to determine the ramifications and propriety of doing so. For example, the proposed severe accident requirements are not appropriate for all reactor types, such as advanced reactors in which ex-vessel accidents are not credible and gas cooled reactors.

3. Proposed 52.47(b)(1) and 52.80(a) – Imposition of requirements for a full scope, all modes, all events PRA to be submitted as part of both design certification and COL applications. There is no consensus within the PRA community on what constitutes a satisfactory PRA of this scope. More importantly, there is no basis or justification for requiring such analyses.

   We propose that the plant-specific PRA for the combined license should use the design certification level PRA and account for site- and plant-specific information, as appropriate.

4. Proposed 10 CFR 52.5 – Application of whistleblower protection requirements to design certification applicants. Substantial interactions would be necessary to consider the implications and appropriateness of applying employee protection provisions to design certification applicants, as well as compatibility with Section 211 of the Energy Reorganization Act.

5. Proposed changes to 10 CFR Part 21 – Changes are proposed that would require a design certification applicant or early site permit holder to report defects to NRC even if the certified design or the early site permit is not being referenced in a combined license application.

6. Proposed 10 CFR 51.50(c)(1) – Requirement for a "reasonable" process for identifying new and significant environmental information at the COL stage when an ESP is referenced. While this may be appropriate guidance, it is too subjective language for a rule.

7. Proposed 10 CFR 52.17(d), 52.79(a)(42), 52.137(a)(27) and 52.157(p) –Provisions for NRC to require as part of ESP, design certification, COL, standard design approval and manufacturing license applications "any information beyond" that specified in application requirements. This is an inappropriately open-ended requirement that essentially confers upon the staff authority to set ad hoc requirements outside the rulemaking process. For this reason, the existing requirement of this type in Section 52.47(a)(3) should be deleted to conform to the other subparts of Part 52.

8. Proposed 10 CFR 52.17(a)(1)(x) – Requirements for ESP applicants to address impacts on operating units of constructing new units on existing sites. This is an issue for the operating unit to address – not the ESP applicant. The statements in the proposed rule are contrary to the industry-NRC understanding on this matter, as documented in correspondence with NEI in 2003.

9. Proposed 10 CFR 52.17(b)(3) and 52.24(a)(5) – Requirements for ESP applicants to provide ITAAC on emergency planning. Substantial discussion is needed to consider the feasibility and implications of imposing this requirement as generic regulations at this time. The industry and the NRC have only discussed this item briefly and it is unclear at this stage as to the degree that this can be implemented. In the preliminary discussions on this topic, it has been acknowledged that such an approach is not precluded by the existing language. At this time, the proposal is unnecessary.

10. Proposed deletion of existing 10 CFR 52.83 language –Section 52.83 language that makes clear that requirements applicable to operating licenses (e.g., operational programs required by Part 50) apply to COL holders only after the Commission's post-construction ITAAC finding has been issued. The

replacement language, scattered throughout the proposed changes does not clarify when operational program requirements apply.

11. Proposed 10 CFR 52.47(a)(19) and 52.79(a)(27) – New requirements for applicants to address international operating experience in addition to NRC generic communications. No guidance is provided on the threshold or regulatory mechanism for consideration of international experience.

12. Proposed 10 CFR 52.79(a)(24) and 50.43(e) – New testing requirements for COL applicants planning to build advanced designs that have not been certified. Substantial interactions are needed to understand the full implications of imposing design certification testing requirements on license applicants. The proposal appears to conflict with the Commission's intent expressed in the 1989 Statements of Consideration and may present an undue burden and obstacle to commercialization of advanced designs.

13. Proposed 10 CFR 52.17(a)(1)(ix) – Requirements for an ESP applicant to evaluate postulated fission product releases consistent with 10 CFR Part 100 using containment leak rates and fission product cleanup systems (both of which may not have been designed or designated at the time of the ESP application). We believe it will be an ESP lesson learned that Part 100 radiation consequence analyses should not be a requirement for ESP, but may be performed and provided for NRC review by ESP applicants when the requisite design-specific information is known.

    For the pilot ESP applicants using the plant parameter envelope approach, it was determined that the NRC could not review and approve radiation consequence analyses with finality and these analyses must be repeated by the COL applicant. ESP applicants that are not ready to select a design technology or use a plant parameter envelope approach should be permitted to defer radiation consequence analyses to the COL stage. This would assure that these analyses are preformed by applicants and reviewed by the NRC only once.

14. Proposed 10 CFR 52.28 and 50.80(a) Application of the license transfer requirements in 10 CFR 50.80 to transfer of an ESP. Not all of the requirements in Section 50.80 are relevant to such transfers (e.g., requirements on financial qualifications).

15. Proposed 10 CFR 52.47(a)(24) and 52.137(a)(24) – Application requirements for a design certification or standard design approval to describe the design features needed to satisfy Part 73 regarding security. This requirement is too broad, since many of the security design features required by Part 73 are outside the scope of the standard design and cannot be satisfied by a design certification applicant. This issue is the topic of a separate rulemaking activity which has

been approved by the Commission in the Staff Requirements Memorandum on SECY 05-120.

16. Proposed 10 CFR 52.47(a)(22) – Requirement to provide technical specifications as part of the design certification application. This would be inconsistent with the various options being discussed in the on-going industry-NRC interactions on technical specifications, e.g., separate review of generic technical specifications in a topical report.

17. Proposed 10 CFR 52.54(b) – The requirement for the design certification rule to specify "design characteristics." This is a new requirement. The intent, purpose, and need for this requirement is unclear, considering the design characteristics will be identified in the design control document, which is incorporated by reference in the design certification rule.

18. Proposed changes to 10 CFR 50.46(a)(3) – Imposition of reporting requirements in 10 CFR 50.46 on design certification applicants. This is inconsistent with the concept that design certification is a rulemaking proceeding, and it is an unnecessary burden, since the COL applicant will be required to make and identify the changes.

19. Proposed deletion of language from 10 CFR Part 50, Appendix A – Deletion of the statement in Appendix A to Part 50, which states that the General Design Criteria are applicable to light water reactors (LWRs). This change is unwarranted, and would impose inapplicable requirements on non-LWRs.

20. Proposed deletion of 10 CFR Part 52, Appendix Q – While no applicant has expressed yet the intent to use the early site review process in Appendix Q, the process may provide important flexibility for early and efficient consideration of site suitability issues for COL applicants and should be retained. We appreciate that the staff plans to seek stakeholder input on this matter.

21. Proposed 10 CFR 52.98(b) – While the intent and balance of proposed new Section 52.98 appears beneficial, as written, Section 52.98(b) would not allow a COL holder to request a license amendment unless it meets the backfit criteria.

22. Additional concerns about the proposals in SECY-05-0203 include:

    a. Section 52.13, regarding elimination of Part 2, Subpart F, and Part 52, Appendix Q, options for early review of siting issues.
    b. Section 52.21, elimination of language indicating that an ESP is a "partial construction permit"
    c. Section 52.24(a), regarding issuance of early site permits

d. Sections 52.24(a)(4) - Requirements for an ESP applicant to demonstrate technical qualifications.
e. Sections 52.17(c), 52.24(c) and 52.79(a)(23), regarding limited work authorization
f. Sections 52.39(b) and (c)(iv), regarding emergency planning information
g. Section 52.39(e), regarding information requests of ESP holders
h. Section 52.47(a), regarding FSARs for design certification
i. Sections 52.47(a)(9) and (a)(10), and Part 50, Appendix I, regarding radioactive effluent design info
j. Sections 52.47(a)(24) and 52.137(a)(24), regarding Part 73 (security) info
k. Section 52.47(b)(2), regarding ITAAC scope
l. Sections 52.48 and 52.81, elimination of language clarifying that NRC standards apply as "technically relevant"
m. Section 52.77 and 52.77(a)(10), regarding identification of earliest and latest dates for construction in COL applications
n. Section 52.137(a)(22), regarding requiring information on coping with emergencies in applications for standard design approval
o. Section 52.147, regarding prohibition of renewal of standard design approvals
p. Section 52.167(b)(3), regarding 10 year limitation on the number of reactors that may be manufactured under a manufacturing license
q. Section 52.171(b)(1), regarding lack of provision to allow reactor manufacturer licensee to make changes under § 50.59
r. Sections 52.173 and 52.177(c), regarding duration of a manufacturing license
s. Section 50.10, regarding exclusion of limited work authorizations granted under an ESP
t. Section 50.36, regarding technical specifications
u. Section 50.36a, regarding technical specifications on radiological effluents
v. Section 50.65, requirement to comply with the Maintenance Rule 30 days before fuel load appears to be arbitrary and not justified. What is the basis for the 30 days?
w. Section 50.73, regarding applicability to COL holders before fuel load of operation event reporting requirements
x. Section 50.75(e)(1), regarding decommissioning assurance reporting requirements
y. Part 26, regarding proposals that are inconsistent with proposed Part 26 rule published August 26, 2005 (FR 70 50442)

Enclosure 4
Proposed Changes Having No Clear Benefit or Need in SECY-05-0203

This is a listing of the changes that we find difficult to understand the change or purpose of the change. In many instances, these proposed changes do not appear to add or subtract from the existing requirements that are applicable to Part 52-related licensing actions. The changes appear to restate some, but not all the applicable regulations, and as such do not appear to offer benefit. Further, the sheer number of changes makes the overall impact of this set of changes difficult to discern. Changes should not be imposed unless they are easy to understand and there is a clear benefit or need.

Part 52, as proposed nearly 20 years ago, is a process rule that references other Parts of NRC regulations. The incorporation of Part 50 requirements into Part 52 would signal a major policy change in the nature of Part 52. The process rule approach recognizes that it is unnecessary and impractical to incorporate all applicable requirements into the various subparts of Part 52. Indeed, the SECY-05-0203 proposals address only a limited set of the requirements in Part 50 and few requirements outside of Part 50. This inconsistency raises more questions than the existing approach on what sections of the regulations are now applicable. Why are some regulations incorporated and others not? If the SECY-05-0203 proposals were implemented, Part 52 would become a mixed bag of process and technical requirements with the attendant potential for confusion and unintended consequences.

Adding to our confusion of incorporating numerous Part 50 requirements into Part 52 is the proposal to include a new section, §52.0 that appears to make the movement of Part 50 requirements into Part 52 redundant and unnecessary. The selective nature of the inclusion of only certain administrative and technical Part 50 requirements in Part 52 raises questions about the status of those requirements in Part 50 and other parts of Title 10. This confusion could be avoided by sole reliance on the up-front general applicability statements (the new §52.0 proposal) and not on a partial inclusion of some, but not all administrative and technical requirements into Part 52.

Several of the proposed changes may be affected by the lessons-learned tasks that have yet to be performed on early site permits. These proposed changes are premature since there has been no focused effort to assess the Early Site Permit process and there is a high probability of additional changes or amendments to the changes being proposed in the SECY-05-0203 package.

Proposed Changes to Part 52 Having No Benefit or Need

1. New § 52.3(a) – equivalent to existing 50.4(a) general requirements on Written Communications
2. New § 52.3(b) – adds "or the terms and conditions of an early site permit" to the scope of existing 50.4(b) distribution requirements
3. New § 52.3(b)(1) – specifies requirements equivalent to existing 50.4(b)(1) for combined license and manufacturing license applicants
4. New § 52.3(b)(2) – specifies requirements equivalent to existing 50.4(b)(2) for ESP, combined license and manufacturing license applicants
5. New § 52.3(b)(3) – equivalent to existing 50.4(b)(3) provisions on acceptance review of applications
6. New § 52.3(b)(4) – equivalent to existing 50.4(b)(4) requirements on security plan and related submissions
7. New § 52.3(b)(5) – equivalent to existing 50.4(b)(5) requirements on emergency plan and related submissions
8. New § 52.3(b)(6) – equivalent to existing 50.4(b)(6) requirements on submission of updated FSAR, but adds that the resident inspector could be at "the place of manufacture of a reactor licensed under Subpart F"
9. New § 52.3(b)(7) – equivalent to existing 50.4(b)(7) requirements on QA related submissions
10. New § 52.3(b)(8) – equivalent to existing 50.4(b)(8) requirements on notice of cessation of operations, but adds reference to § 52.110(a)(1) decommissioning requirements
11. New § 52.3(b)(9) – equivalent to existing 50.4(b)(9) requirements on notice of permanent fuel removal, but adds reference to § 52.110(a)(1) decommissioning requirements
12. New § 52.3(c) – equivalent to existing 50.4(c) requirements on form of communications
13. New § 52.3(d) – equivalent to existing 50.4(d) requirement to specify the governing regulation on all submissions, but adds "holders of standard design approvals" to the scope of applicability
14. New § 52.4 (relocated § 52.9) – Clarifies scope of applicability and adds definitions to existing § 50.5 requirements on deliberate misconduct
15. New § 52.5(b) – equivalent to existing § 50.7(b) requirements on employee protection
16. New § 52.5(d) – equivalent to existing § 50.7(d) requirements on employee protection
17. New § 52.5(f) – equivalent to existing § 50.7(f) requirements on employee protection
18. New § 52.6 – equivalent to existing § 50.9 requirements on completeness and accuracy of information

19. New § 52.8 – equivalent to existing § 50.52 provisions on combining licenses
20. New § 52.9 – equivalent to existing § 50.53 provisions on jurisdictional limitations
21. New § 52.10 – equivalent to existing § 50.13 provisions on attacks and destructive acts
22. New § 52.10a (relocated § 52.8) – equivalent to existing § 52.8 provisions on information collection (OMB approval)
23. Modified § 52.15 – adds paragraph (c) on filing and review fees for ESP (note – reference to § 50.4 is redundant and should be changed to § 52.3)
24. New § 52.16 – relocates general ESP application content requirements from § 52.17
25. *New § 52.17(a)(1)(xi) – new ESP info requirement to demonstrate that security plans can be developed
26. Modified § 52.17(a)(2) – equivalent to existing § 52.17(a)(2) ESP requirement for a complete environmental report
27. Modified § 52.17(b)(1 & 2) – equivalent to existing § 52.17(b)(1 & 2) and Part 50 requirements for emergency planning
28. Modified § 52.18 – Removes details regarding the focus of the EIS review now addressed in proposed § 51.71
29. Deleted § 52.19 – Info on ESP filing and review fees now addressed in proposed § 52.15(c)
30. Modified § 52.25 – essentially eliminates existing § 52.25(a) on site redress; change reflects the requirements in existing § 52.25(b)
31. Modified § 52.31(a) – adds (unnecessarily) adequate protection and compliance exceptions to ESP renewal criteria
32. *Modified § 52.35 – specifies 30 days advance notice required of any use of the site other than that approved in the ESP
33. Deleted § 52.37 – Reference to Part 21 is incorporated elsewhere
34. New § 52.39(c)(2) – provisions for § 2.206 petitions related to ESP
35. New § 52.39(d) – equivalent to existing provisions re: variances, but with the addition that a variance would not be issued after the action referencing the ESP is completed
36. Modified § 52.41 – Paragraph (b) on filing for design certification is relocated from § 52.45
37. New § 52.46 – relocates general design certification application content requirements from § 52.47
38. Modified § 52.47 – general equivalent to existing design certification application content requirements, except the phrase "and not site specific" should be restored
39. New § 52.47(a)(2 - 4) – requirements adapted from § 50.34(a & b), PSAR/FSAR content requirements
40. New § 52.47(a)(5) – requirements adapted from § 50.48 on fire protection

41. New § 52.47(a)(6) – requirements adapted from § 50.34(b)(9), reference added to § 50.60 on fracture prevention
42. New § 52.47(a)(7) – requirements adapted from § 50.34(g) on combustible gas control
43. New § 52.47(a)(8) – requirements adapted from § 50.63 on station blackout
44. New § 52.47(a)(16) – requirements adapted from § 50.34(a)(12) re: seismic
45. New § 52.47(a)(17) – equivalent to existing § 52.47(a)(1)(ii), re: TMI items
46. New § 52.47(a)(18) – equivalent to existing § 52.47(a)(1)(iv), re: USI/GSIs
47. New § 52.47(a)(25) – equivalent to existing § 52.47(a)(1)(ix), re: conceptual design
48. New § 52.47(a)(25) – generally equivalent to existing § 52.34(h), re: SRP conformance, however, applicability statement to LWRs only should be re-added
49. New § 52.47(b)(3 & 4) – equivalent to existing § 52.47(a)(1)(vii-viii), re: interface requirements
50. New § 52.47(c)(1) – equivalent to existing § 52.47(b) re: essentially complete design info for evolutionary designs
51. New § 52.47(c)(2) – equivalent to existing § 52.47(b)(2)(i) re: testing requirements for non-evolutionary designs
52. New § 52.47(c)(3) – equivalent to existing § 52.47(b)(2)(i) re: modular design certifications
53. Deleted § 52.49 – Info on design certification filing and review fees would be moved to § 52.45
54. New § 52.54(c) – specifies applicability of Part 52 and Part 95 to design certification applicants
55. Modified § 52.59 – reflects provisions in § 52.63 that impose limits on changes the NRC staff may require
56. Modified § 52..63 – equivalent to existing § 52.63, but with additional references and edits
57. Modified § 52.73 – adds provision for a COL application to reference a standard design approval, manufacturing license or site report. Note, however that the proposed rule does not contain the referenced Subpart D on early site review
58. New § 52.73(b) – requirements on procurement and construction specs relocated from § 52.63(c)
59. Deleted § 52.78 – replaced by training program requirement in § 52.27(a)(33)
60. Modified § 52.79(a)(1 - 5) – equivalent to existing § 52.79(a) and § 50.34(a & b), PSAR/FSAR content requirements; Note that § 52.79(a)(3) says "means for controlling and limiting radioactive effluents" and § 52.47(a)(9) says "design features" for same
61. New § 52.79(a)(6) – requirements adapted from § 50.48 on fire protection

62. New § 52.79(a)(7) – requirements adapted from § 50.34(b)(9), reference added to § 50.60 on fracture prevention
63. New § 52.79(a)(8) – requirements adapted from § 50.34(g) on combustible gas control
64. New § 52.79(a)(9) – requirements adapted from § 50.63 on station blackout
65. New § 52.79(a)(16) – refers to new 50.34a(d) requirements for combined license applicants that appear to be equivalent to those under Part 50
66. New § 52.79(a)(17) – equivalent to existing § 52.47(a)(1)(ii), re: TMI items
67. New § 52.79(a)(18) – optional provision to reference § 50.69 re: risk informed treatment of SSCs
68. New § 52.79(a)(19) – requirements adapted from § 50.34(a)(12) re: seismic
69. New § 52.79(a)(20) – equivalent to existing § 52.47(a)(1)(iv), re: USI/GSIs
70. New § 52.79(a)(21 & 22) – equivalent to existing emergency planning requirements in § 50.34(b)(6)(v)
71. New § 52.79(a)(25) – equivalent to existing QA requirements in § 50.34(a)(1)(D)(7)
72. New § 52.79(a)(26) – equivalent to existing requirements in § 50.34(b)(6)(i) for info on facility operation
73. New § 52.79(a)(27) – equivalent to existing requirements in § 50.34(b)(6)(ii) for info on managerial and admin controls
74. New § 52.79(a)(28) – equivalent to existing requirements in § 50.34(b)(6)(iii) for info on plans for pre-op testing and initial operations
75. New § 52.79(a)(29) – equivalent to existing requirements in § 50.34(b)(6)(iv) for info on plans for conduct of normal operations
76. New § 52.79(a)(30) – equivalent to existing tech spec requirements in § 50.34(a)(1)(D)(5)
77. New § 52.79(a)(31) – equivalent to existing requirements in § 50.34(b)(6)(vii) for info on impacts of construction at multi-unit sites
78. New § 52.79(a)(32) – equivalent to existing requirements in § 50.34(b)(7) re: info on technical qualifications of the applicant
79. New § 52.79(a)(33-34) – equivalent to existing requirements in § 50.34(b)(8) for description of training and requalification programs
80. New § 52.79(a)(35-36) – equivalent to existing requirements in § 50.34(d) for description of security and safeguards contingency plans
81. New § 52.79(a)(41) – generally equivalent to existing § 52.34(h), re: SRP conformance, however, applicability statement to LWRs only should be restored
82. New § 52.79(b) – generally consistent with existing ESP requirements
83. New § 52.79(d) – generally consistent with existing design certification requirements
84. New § 52.80(c) - equivalent to existing requirements in § 52.79(a)(2)
85. Modified § 52.87 – added reference to § 52.83 re: finality

86. equivalent to existing § 52.47(b) re: essentially complete design info for evolutionary designs
87. Deleted § 52.89 – Standards for environmental review would be covered in § 52.81
88. Modified § 52.91 – equivalent to existing § 52.91 re: authorization to conduct site activities
89. Modified § 52.93 – reflects existing requirements concerning exemptions and variances and adds reference to new § 52.7 on exemptions
90. Modified § 52.97 – consistent with expected adaptation of § 50.57 findings for issuance of Part 50 operating licenses to Part 52 COLs
91. Modified § 52.99 – expanded to incorporate existing ITAAC verification provisions in the design certification rules
92. New § 52.105 – refers to existing § 52.80 requirements concerning license transfer
93. New § 52.107 – refers to existing Part 54 requirements concerning license renewal
94. New § 52.109 – reflects existing § 50.51 requirements concerning license continuation after permanent cessation of operation
95. New § 52.109 – reflects existing § 50.82 requirements concerning license termination
96. Modified § 52.303 – adds more section references to the scope of applicability of criminal penalties
97. New Subpart E – generally consistent with existing Part 52 Appendix O, except as noted in Enclosure 2 and 3
98. New Subpart F – generally consistent with existing Part 52 Appendix M, but including provisions similar to those for standard design approval and design certification, and except as noted in Enclosure 2 and 3

* These are new requirements judged to be consistent with expected implementation

Proposed Changes to Parts 2, 50 and 51 Having No Clear Benefit or Need

1. Modified § 2.4 – expands the definition of "contested proceeding" to include permit applications and "licensee" to add Part 52 licensing actions
2. Modified § 2.101 – adds Part 52 licensing actions to this section
3. Modified § 2.102 – incorporates ESP and combined license application into this Part, but the procedural requirements in Part 2 are already applicable to these actions through § 52.21 and § 52.85
4. Modified § 2.202 -- adds provisions reflect requirements currently in Part 52 that impose limits on the modifications the Staff may require of combined license holders, design certification applicants, and manufacturing license holders

5. Modified § 2.202 (e) (4) and (e)(5) – changes are somewhat confusing, since the NRC may not change a design certification rule by means of an order (only by means of rulemaking). The reference to "licensee" in subsection (e)(5) is similarly confusing, since a design approval will not be applicable to a licensee
6. Modified § 2.500 & § 2.501 -- changes in Part 2 would reflect a draft change to remove Appendix M and add Subpart F of Part 52. These provisions apply to a manufacturing license. (Note also that the NRC Staff has modified the draft rule language for the provisions in § 2.500-204, and would "reserve" Sections 2.502-2.504. *See* § 2.104(f) for the draft rule changes regarding the Notice for a manufacturing license)
7. Modified § 50.2 – definition additions are the same as already appear in draft revision § 52
8. Modified § 50.23 – change simply adds references to Part 52 combined license as a separate action than a construction permit
9. Modified § 50.30 -- adds references to the Part 52 licensing actions. The draft rule adds references to § 52.3 where it references § 50.4 to be consistent with the separate "written communications" requirements that would be added to Part 52. The rule would, thus, address both Part 50 licensing actions and Part 52 licensing actions in this respect
10. Modified § 50.33 -- adds references to the Part 52 combined license. The effect of imposing the requirements of paragraphs (f) (1) and (f) (2) on COL applicants would require the applicant provide information on financial qualifications for both construction and operation. For Part 50 construction permits and operating licenses, paragraph (f) includes an exception for electric utilities when applying for an operating license. Since the COL covers both construction and operation, the exception for an electric utility would not be allowed for a COL
11. Modified § 50.34 -- deletes references to Part 52 applicants (except as noted below). The requirements in § 50.34 that apply to Part 52 actions would be specifically incorporated into the appropriate sections of Part 52. The draft rule would add a provision to paragraph (f) that would impose requirements on Part 52 actions for demonstrating compliance with "the technically relevant portions of the requirements in paragraphs (f) (1) through (3) of this section." Current requirements applicable to standard design certification applications in § 52.47(a) (ii) impose the technically relevant requirements in § 50.34(f), except that it takes exception to (f) (1) (xii), (f) (2) (ix), and (f) (3) (v). The draft rule would include those same exceptions for standard design certification, combined license, and standard design approval in the Part 52 references to § 50.34(f). *See* § 52.47(a) (17); § 52.79(a) (17); and § 52,137(a)(17). A manufacturing license would take exception to (f)(3)(viii). *See* § 52.157(e)(12)
12. Modified § 50.34a paragraphs (a) through (c) – changes are editorial

13. New § 50.34a (d) -- would impose requirements on COL applicants to address gaseous and liquid effluents, similar to the requirements in paragraph (c)(1) above. Note however, that COL applicants would be required to include design of equipment in the application. *See* § 52.79(a)(16)
14. New § 50.34a (e) -- would impose requirements on DC, standard design approval, and manufacturing license applicants to address gaseous and liquid effluents, similar to the requirements in paragraph (c)(1) above. Note however, that these applicants would be required to include design of equipment in the application. *See, e.g.,* § 52.47(a)(10)
15. Modified § 50.37 -- adds Part 52 actions to the listing of those applicants who must protect access to Restricted Data or classified information, if applicable
16. Modified undesignated header above § 50.40 -- changes in this subheading would remove "construction permits" and add "certifications" and "regulatory approval." The change is somewhat inconsistent with the draft rule changes in the provisions that follow the heading
17. Modified § 50.40 – adds Part 52 actions to the section
18. Modified § 50.43(d) -- adds Part 52 actions to the section
19. Modified § 50.45 -- would incorporate requirements applicable to operating licenses or combined licenses similar to those currently in this section for new construction or major alterations to a facility that is already licensed. Also, the draft rule clarifies that the NRC may issue an amendment to a combined license
20. Modified § 50.47 -- changes essentially would add provisions already required of Part 52 applicants for ESPs and/or COLs. The draft rule would add a reference to § 50.54(gg) regarding conditions on operation if FEMA identified deficiencies in the exercise required for testing the offsite emergency response
21. Modified § 50.48 -- would incorporate a reference to a COL for fire protection design and program requirements which are currently applicable through references to Part 50 requirements
22. Modified § 50.49 -- would incorporate a reference to a COL or a manufacturing license for environmental qualification requirements which are currently applicable through references to Part 50 requirements
23. Modified § 50.55a -- would clarify when the requirements would be applicable to operation under a combined license and identify which ASME Code editions are applicable 12 months prior to fuel loading. Other changes would essentially clarify that more recently licensed plants must meet certain ASME Code requirements for Class 1, 2, and 3 equipment, with regard to design and access for testing and inspection. These requirements would essentially already apply to any future plants through the current regulatory and/or ASME Code requirements. The

draft rule would place certain restrictions on the application of more recent revisions of the ASME Code that may not be warranted

24. Modified § 50.59 -- would add combined licenses to the applicability of § 50.59 and specify when the reporting of changes must be filed during the period between filing the application to the finding under § 52.103(g). The provisions as currently written are inconsistent. The rule would not be applicable until the COL is issued, but—according to the draft revisions in paragraph (d)(2), which addresses reporting of changes made under § 50.59—the COL *applicant* (not COL holder) would be required to report *while the application is under review by the NRC* (prior to issuance). These reporting requirements should apply only after a COL is *issued.* A COL *applicant* would not make changes to the *application* under § 50.59; rather changes made during that time period would be reviewed by the NRC as part of the licensing review. Thus, the reporting of changes made under § 50.59—in accordance with draft paragraph (d) (2)—should not apply "from the date of the application for a combined license to the date the Commission makes its findings under 10 CFR 52.103(g)." Paragraph (d)(2) should be changed to address the period between *issuance of the COL* to the date of the § 52.103(g) finding
25. Modified § 50.61 – adds references to a combined license in this section
26. Modified § 50.63 -- would impose requirements that are currently applicable to Part 52 licensee through reference to Part 50 requirements. It would clarify when the requirements of this section become applicable
27. Modified § 50.70 -- would reference Part 52 actions in this section. The inspection requirements would be applicable to these activities under the current requirements
28. Modified § 50.71 (a) through (d) -- would incorporate an ESP, combined license, and manufacturing license to the provisions in the rule
29. Modified § 50.71 (e) through (g) -- would update the requirements to remove out-of-date provisions that relate to the original promulgation of the rule. The draft rule attempts to describe the FSAR and the type of actions (*e.g.,* analyses and evaluations) that could result in a change to the FSAR. The requirements in this section are currently applicable to the Part 52 actions through references to Part 50 requirements
30. Modified § 50.78 -- would address the US/IAEA agreement. The provisions would be applicable to any new nuclear power plant constructed under Part 52
31. Modified § 50.80 -- would clarify that certain licenses and permits cannot be transferred without meeting the regulatory requirements in this section. Note, however, that for transfers of early site permits, no requirements should be imposed with regard to technical and financial qualifications
32. Modified § 50.81 – definition added to this section are for clarification. The definition of "facility" would include a site and a manufactured

reactor even if a facility has not yet been constructed. Note that, by including an ESP in the definition of "license" in § 50.81, a holder of an ESP would fall within the scope of the Commission's consent, without individual application, to the creation of any mortgage, pledge, or other lien on the site which is the subject of the ESP. Also note that the provisions of § 50.80 and § 50.81 are related in that § 50.81 would require a secured creditor to seek a license transfer before taking possession of the secured facility (which could be a site or a manufactured reactor under this section

33. Modified § 50.90 – would clarify that a combined license and a manufacturing license may be amended
34. Modified § 50.91 -- would add a combined license to the section, clarifying that the provisions currently applicable to an operating license would be applicable to a combined license
35. Modified § 50.92 -- would clarify that a construction permit is not needed for a major modification (*i.e.,* material alteration) up to the date of the finding under § 52.103(g). The draft rule would clarify that the NRC may issue an amendment to a combined license or a manufacturing license. Note that, with the definition of "license" including an ESP, the NRC may issue an amendment to an ESP; however, all of the requirements for issuing an amendment to an "operating license" would not be applicable to an ESP. That the regulation does not specifically mention an ESP does not imply that an ESP holder may not request an amendment
36. Modified § 50.100 – would clarify requirements that are currently applicable to Part 52 actions
37. Modified § 50.120 – would clarify that the plant staff training applies to a combined license
38. Modified Appendix C to Part 50 – would include combined licenses in this section
39. Modified Appendix J to Part 50 – would clarify that Part 52 combined licenses are subject to this appendix
40. Removed Appendix M to Part 50 – would ensure that the single provisions in Part 52 would apply to manufacturing licenses
41. Removed Appendix O to Part 50 – would ensure that the single provisions in Part 52 would apply to standard designs
42. Modified Appendix S to Part 50 – would reflect requirements currently applicable to Part 52 actions
43. Modified § 51.20 – would incorporate Part 52 actions into this section
44. Modified § 51.22 – would incorporate Part 52 actions into this section
45. Modified § 51.23 – would incorporate combined licenses into this section
46. Modified § 51.32 – would state the nature of the finding for environmental impacts of standard design certifications or manufacturing licenses, or amendments thereto

47. Modified § 51.45 – would incorporate the current provisions in § 52.17(a)(2) regarding exceptions for the ESP environmental report
48. Modified § 51.51 – would clarify that an ESP or COL ER may rely on Table S-3
49. Modified § 51.52 – would clarify that an ESP or COL ER may rely on Table S-4
50. Modified § 51.53 – would add an ESP and COL to this section
51. Modified § 51.58 – would add Part 52 actions to this section
52. Removed § 51.76 -- would relocate the requirements of this section such that the section would no longer be necessary
53. Modified § 51.95 – would incorporate Part 52 actions into this section
54. Modified § 51.105 – would add provisions regarding the scope of findings required for an ESP. The change attempts to incorporate the Commission's Memorandum and Order CLI-05-17 regarding the conduct of mandatory hearings in proceedings for three early site permit and two fuel cycle facility applications (July 28, 2005). However, the treatment of "contested matters" versus "uncontested matters" discussed in CLI-05-17 is not reflected in the proposed change