



DRAFT REGULATORY GUIDE

Contact: M. Kotzalas
(301) 492-3202

DRAFT REGULATORY GUIDE DG-3038

(Proposed Revision 1 of Regulatory Guide 3.39, dated January 1976)

STANDARD FORMAT AND CONTENT OF LICENSE APPLICATIONS FOR PLUTONIUM PROCESSING AND FUEL FABRICATION FACILITIES

A. INTRODUCTION

This guide endorses the standard format and content for safety analysis reports (SARs) and integrated safety analysis (ISA) summaries described in the current version of NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility" (Ref. 1), as a method that the U.S. Nuclear Regulatory Commission (NRC) staff finds acceptable for meeting the regulatory requirements.

Title 10, of the *Code of Federal Regulations*, Part 70, "Domestic Licensing of Special Nuclear Material" (10 CFR Part 70), Subpart H, "Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material" (Ref. 2) identifies risk-informed performance requirements for plutonium processing and fuel fabrication facilities. It requires applicants to complete an integrated safety analysis (ISA) and submit an ISA summary and other information to the NRC for approval.

The guide directs the reader to documentation regarding the type of information acceptable to the NRC staff for review of an SAR for plutonium processing and fuel fabrication facilities. The SAR may be a separate report submitted as part of the application, or it may be integrated into the license application. This documentation also provides the standard format and content of SARs and related documents submitted as part of an application to construct or modify and operate a plutonium processing and fuel fabrication facility.

The NRC issues regulatory guides to describe to the public methods that the staff considers acceptable for use in implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific problems or postulated accidents, and to provide guidance to

This regulatory guide is being issued in draft form to involve the public in the early stages of the development of a regulatory position in this area. It has not received final staff review or approval and does not represent an official NRC final staff position.

Public comments are being solicited on this draft guide (including any implementation schedule) and its associated regulatory analysis or value/impact statement. Comments should be accompanied by appropriate supporting data. Written comments may be submitted to the Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; e-mailed to nrcprep.resource@nrc.gov; submitted through the NRC's interactive rulemaking Web page at <http://www.nrc.gov>; or faxed to (301) 492-3446. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by September 21, 2009.

Electronic copies of this draft regulatory guide are available through the NRC's interactive rulemaking Web page (see above); the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>; and the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>, under Accession No. ML091750253.

applicants. Regulatory guides are not substitutes for regulations and compliance with them is not required.

This regulatory guide contains information collection requirements covered by 10 CFR Part 70 that the Office of Management and Budget (OMB) approved under OMB control number 3150-0009. The NRC may neither conduct nor sponsor, and a person is not required to respond to, an information collection request or requirement unless the requesting document displays a currently valid OMB control number.

B. STANDARD FORMAT AND CONTENT

In parallel with its redesign of the materials licensing program, the NRC consolidated and updated guidance documents for plutonium processing and fuel fabrication facility license applications in NUREG-1718. Various chapters of NUREG-1718 provide current, program-specific guidance and review procedures for facility and site descriptions, ISAs and ISA summaries, environmental protection, and management measures.

C. IMPLEMENTATION

The purpose of this section is to provide information to applicants and licensees regarding the NRC's plans for using this draft regulatory guide. The NRC does not intend or approve any imposition or backfit in connection with its issuance.

The NRC has issued this draft guide to encourage public participation in its development. The NRC will consider all public comments received in development of the final guidance document. In some cases, applicants or licensees may propose an alternative or use a previously established acceptable alternative method for complying with specified portions of the NRC's regulations. Otherwise, the methods described in this guide will be used in evaluating compliance with the applicable regulations for license applications, license amendment applications, and amendment requests.

REFERENCES

1. NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility."¹
2. 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," Subpart H, "Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material," U.S. Nuclear Regulatory Commission, Washington, DC.

¹ All NRC regulations listed herein are available electronically through the Public Electronic Reading Room on the NRC's public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Copies are also available for inspection or copying for a fee from the NRC's Public Document Room at 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397- 4209; fax (301) 415-3548; e-mail pdr.resource@nrc.gov.