

Initiative: Determine Need for Separate Rule to Risk-Inform Part 50

Lead Office/Division: NRR/DPR
Supporting Offices/Divisions: TBD

Description

The advanced notice of proposed rulemaking would obtain public comment on a proposed approach to risk-inform the requirements for power reactors including developing an alternative set of new risk-informed requirements.

The advanced notice of proposed rulemaking was published on May 4, 2006 (71 FR 26267). The comment period closed on December 29, 2006. The date for publishing a proposed rule is undetermined.

SECY-07-0101, "Staff Recommendations Regarding a Risk-Informed and Performance-Based Revision to 10 CFR Part 50 (RIN 3150-AH81)," was issued on June 14, 2007. The staff recommended that the Commission approve deferring rulemaking for risk-informed and performance-based 10 CFR Part 50 reactor requirements for advanced reactors until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP) or receipt of an application for design certification or a license for the Pebble Bed Modular Reactor (PBMR).

A link to SECY-07-0101 follows:

<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2007/secy2007-0101/2007-0101scy.pdf>

The Commission's approval for the deferral is at:

<http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2007/2007-0101srm.pdf>

In SECY-09-0056, "Staff Approach Regarding a Risk-Informed and Performance-Based Revision to Part 50 of Title 10 of the *Code of Federal Regulations* and Developing a Policy Statement on Defense-In-Depth for Future Reactors," dated April 7, 2008 (ADAMS Accession No. ML090360197), the staff stated that it plans to defer rulemaking activities for risk-informed and performance-based reactor requirements for future reactors until it conducts a test review of a license application for the NGNP prototype design or other non-light-water reactor (LWR) design. Further, the staff indicated that it plans to defer activities to finalize a defense-in-depth policy statement until additional experience and related insights are gained from the NGNP or other non-LWR reviews. However, it further stated that it plans to continue to develop a position on defense-in-depth that is integrated with other related policy and key technical positions, and test these proposed positions during the review of an actual design. As directed in the SRM, the staff is evaluating licensing approaches for advanced reactors and will make a recommendation to the Commission in early 2009 regarding the initiation of rulemaking.