



REGULATORY GUIDE

OFFICE OF NUCLEAR REGULATORY RESEARCH

REGULATORY GUIDE 3.39

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STANDARD FORMAT AND CONTENT OF LICENSE APPLICATIONS FOR MIXED OXIDE FUEL FABRICATION FACILITIES

A. INTRODUCTION

This guide endorses the standard format and content for license applications 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 of Title 10 of the *Code of Federal Regulations*, Part 70, “Domestic Licensing of Special Nuclear Material” (10 CFR Part 70), for MOX fuel fabrication facilities.

Subpart H, “Additional Requirements for Certain Licensees Authorized To Possess a Critical Mass of Special Nuclear Material,” of 10 CFR Part 70 (Ref. 2) identifies risk-informed performance requirements for MOX fuel fabrication facilities. It requires applicants to establish and maintain a safety program that includes an ISA, process safety information, and management measures and to submit a description of the safety program as part of the license application. Subpart H also requires the applicant to submit an ISA summary to the NRC for approval.

This guide directs the reader to documentation on the type of information acceptable to the NRC staff for the review of license applications and ISA summaries for MOX fuel fabrication facilities. Applicants may choose to submit information supporting the license application in the form of a safety analysis report (SAR), which may be a separate report submitted as part of the application or which may be integrated into the license application. This documentation also provides the standard format and content of material submitted in support of an application to construct or modify and operate a MOX fuel fabrication facility.

The NRC issues regulatory guides to describe and make available to the public methods that the NRC staff considers acceptable for use in implementing specific parts of the agency’s regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in reviewing applications for permits and licenses. Regulatory guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions that differ from those set forth in regulatory guides will be deemed acceptable if they provide a basis for the findings required for the issuance or continuance of a permit or license by the Commission.

This guide was issued after consideration of comments received from the public.

Regulatory guides are issued in 10 broad divisions—1, Power Reactors; 2, Research and Test Reactors; 3, Fuels and Materials Facilities; 4, Environmental and Siting; 5, Materials and Plant Protection; 6, Products; 7, Transportation; 8, Occupational Health; 9, Antitrust and Financial Review; and 10, General.

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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. This regulatory guide is a rule as designated in the Congressional Review Act (5 U.S.C. 801-808). However, OMB has not found it to be a major rule as designated in the Congressional Review Act.

B. DISCUSSION

The NRC first issued Regulatory Guide 3.39 in January 1976, to provide guidance on the standard format and content for license applications for plutonium processing and fuel fabrication facilities, hereinafter referred to as MOX fuel fabrication facilities. In parallel with its redesign of the materials licensing program that resulted in the development of Subpart H to 10 CFR Part 70 in October 2000, the NRC consolidated and updated guidance documents for MOX fuel fabrication facility license applications in NUREG-1718. Various chapters of NUREG-1718 provide current, program-specific guidance and review procedures for MOX fuel fabrication facility and site descriptions, ISAs and ISA summaries, environmental protection, and management measures.

C. STAFF REGULATORY GUIDANCE

Subpart H of 10 CFR Part 70 requires certain applicants for Part 70 licenses to establish and maintain a safety program that includes an ISA, process safety information, and management measures and to submit a description of the safety program as part of the license application. In complying with this requirement, MOX fuel fabrication facility licensees should consider the guidance consolidated by the NRC in NUREG-1718.

D. IMPLEMENTATION

The purpose of this section is to provide information to applicants and licensees regarding the NRC's plans for using this regulatory guide. No imposition or backfit is intended or approved in connection with its issuance.

Except in those cases in which an applicant or licensee proposes or has previously established an acceptable alternative for complying with specified portions of the NRC's regulations, the methods described in the active guide will be used in evaluating compliance with the regulations, as discussed in this guide for license applications, license amendment applications, and exemption requests.

REFERENCES¹

1. NUREG-1718, “Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility.”
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 Publicly available NRC published documents are available electronically through the NRC Library on the NRC’s public Web site at: <http://www.nrc.gov/reading-rm/doc-collections/>. The documents can also be viewed on-line or printed for a fee in the NRC’s Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone 301-415-4737 or (800) 397-4209; fax (301) 415-3548; and e-mail pdr.resource@nrc.gov.