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The Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Zech:

SUBJECT: NRC PROPOSED RULE ON EARLY SITE PERMITS, STANDARD DESIGN
CERTIFICATION, AND COMBINED LICENSES FOR NUCLEAR POWER
REACTORS

During the 338th meeting of the Advisory Committee on Reactor Safeguards, June 2-4, 1988, we reviewed a proposed rule, 10 CFR Part 52, which would provide for issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power reactors. We had the benefit of briefings by the NRC Staff during a subcommittee meeting on May 31, 1988 and during the full Committee meeting. We also had the benefit of the documents referenced. The ACRS provided comments on this subject in its letters of August 12, 1986 and October 15, 1986.

We have three concerns, as articulated below. In addition, we suggested changes to the requirements for ACRS review, which the NRC Staff agreed to, and which presumably will be made in the draft submitted to you.

We recommend that, in 10 CFR Part 52, Subpart B, the scope and level of detail of information required by the Staff for design certification be defined more fully by incorporating the information identified for this purpose in the NRC Policy Statement on Standardization of Nuclear Power Plants.

Although we encourage the development of a clear enunciation of Commission regulations for early site permits, standard design certifications, and combined licenses, we question whether all three should be addressed in the same Part of Title 10 of the CFR. The Commission's regulations concerning standardization of manufactured and duplicate plants and the Staff review thereof are contained in Appendices M, N, and O of Part 50. The portion of proposed Part 52 relating to standard design certification is an elaboration of Section 7 of Appendix O of Part 50. To make this elaboration a significant portion of a new Part of the regulations, which also includes two other complex matters, will add to the complexity and inscrutability of the Commission's regulations. Part 50 is already confusing because it is a multipurpose regulation that includes power reactors, nonpower reactors, and fuel cycle facilities. We recommend against promulgating another multipurpose Part of the regulations.

The Staff agrees in principle with these views but indicates that it does not have the resources to develop the new regulations in a more orderly fashion and thus offers the proposed patchwork. We can think of

no better time in the agency's existence for improving the scrutability of the regulations.

We see a need to distinguish between the amount of design detail required for the NRC Staff review of a request for certification and the design detail that is included in the certifying rule. It is highly desirable that nuclear power plant designs submitted for certification be essentially complete in both scope and detail. However, if the certifying rule includes the same amount of detail, rulemaking will be required in order to correct errors in the documentation or to make minor but desirable changes in the design. It is therefore essential that great care be taken in defining what is to be included in the design certification. In this respect, we believe that alternatives to certification by rulemaking have not been adequately explored.

These are the only major comments we have to offer at this time. We will continue our review and offer comments as appropriate as the process develops.

Sincerely,

W. Kerr
Chairman

References:

1. U.S. Nuclear Regulatory Commission, Proposed Rule, 10 CFR Part 52, "Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors," received May 24, 1988.
2. U.S. Nuclear Regulatory Commission, Policy Statement, 10 CFR Part 50, "Nuclear Power Plant Standardization," 52 FR 34884, dated September 15, 1987.

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