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THE STAFF IS PRIMARILY SEEKING INSIGHTS REGARDING THE CONCEPTS IN THIS PRELIMINARY LANGUAGE AND SECONDARILY SEEKING INSIGHTS RELATED TO DETAILS SUCH AS NUMERICAL VALUES FOR VARIOUS CRITERIA.

**SUBPART I – “Maintaining and Revising Licensing Basis Information”
PRELIMINARY RULE LANGUAGE FOR SECTION 53.1322**

§ 53.1322 Evaluating changes to facility as described in final safety analysis reports.

(a) A licensee may make changes in the facility as described in the UFSAR and make changes in the procedures as described in the UFSAR without obtaining a license amendment pursuant to § 53.1311 only if:

(1) A change to the technical specifications incorporated in the license is not required and

(2) The change meets all of the following criteria:

(i) Does not result in a change to the frequency or consequences of an event sequence such that an event sequence previously deemed not risk significant becomes risk significant by the analyses performed in accordance with § 53.450(e).

(ii) Does not result in a change to the frequency or consequences of an event sequence such that an event sequence deemed risk significant in accordance with § 53.450(e) has a decrease of 10 percent or more in the calculated margins to the LBE evaluation criteria required to be established in accordance with § 53.450(e).

(iii) Does not result in a change to the frequency or consequences of one or more event sequences such that the margin between the calculated cumulative risks posed by the commercial nuclear plant and the safety criteria of § 53.220 decreases by 10 percent or more.

(iv) Does not involve a departure from a method of evaluation described in the UFSAR used in assessing margins in accordance with § 53.450(e) unless the results of the analysis are conservative or essentially the same, the revised method of evaluation has been previously approved by the NRC for the intended application, or the revised method of evaluation can be used in accordance with an NRC endorsed consensus code or standard.

(v) For commercial nuclear plants licensed under this part for which alternative evaluation criteria are applicable in accordance with § 53.470, does not result in a change to the frequency or consequences of event sequences such that the calculated margins between the

results for event sequences evaluated in accordance with § 53.450(e) and the alternative evaluation criteria decreases by 25 percent or more.

(3) In implementing this paragraph, the UFSAR is considered to include FSAR changes since submittal of the last update of the UFSAR pursuant to § 53.1320.

(4) The provisions in this section do not apply to changes to the facility or procedures when the applicable regulations establish more specific criteria for accomplishing such changes.

(b)(1) A licensee who references a design certification rule may make departures from the standard design, without prior Commission approval, unless the proposed departure involves a change to the design as described in the rule certifying the design, in which case the requirements of § 53.1315 are applicable.

(2) The licensee shall maintain records of all departures from the certified design of the facility and these records must be maintained and available for audit until the date of termination of the license. The licensee will identify the location and nature of departures from licensing basis information within supporting documents for a certified design within the updates to the safety analysis report required by § 53.1321.

(3) Licensees for which the NRC has docketed the certifications required under Subpart G of this part are not required to retain records of departures from the design of the facility associated with structures, systems, and components that have been permanently removed from service *using an NRC-approved change process*.

(c)(1) The licensee shall maintain records of changes in the facility and procedures made pursuant to paragraph (a) of this section. These records must include a written evaluation which provides the bases for the determination that the change does not require a license amendment pursuant to paragraph (a)(2) of this section.

(2) The licensee shall submit, as specified in § 53.040 of this part, a report containing a brief description of any changes, including a summary of the evaluation of each. A report must be submitted at intervals not to exceed 24 months. For combined licenses, the report must be submitted at intervals not to exceed 6 months during the period from the date of application for a combined license to the date the Commission makes its findings under 10 CFR 53.yyy (52.103(g)).

(3) The records of changes in the facility must be maintained until the termination of an operating license or combined license issued under this part, or the termination of a renewed license issued under [], whichever is later. Records of changes in procedures must be maintained for a period of 5 years.

(d) [Reserved]

(e) [Reserved]