

**From:** [NICHOL, Marcus](#)  
**To:** [Coyne, Kevin](#)  
**Cc:** [Veil, Andrea](#); [Bradford, Anna](#); [Fetter, Allen](#); [O'Driscoll, James](#); [RulemakingComments Resource](#)  
**Subject:** [External\_Sender] Request for an Extension of Comment Period for Regulatory Basis to Support a Proposed Rule: Alignment of Licensing Processes and Lessons Learned From New Reactor Licensing (RIN-3150-AI66; NRC-2009-196)  
**Date:** Tuesday, March 09, 2021 1:59:54 PM  
**Attachments:** [03-09-2021\\_NRC\\_Part\\_52\\_Lessons\\_Learned\\_Req\\_Basis\\_Comment\\_Extension.pdf](#)

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March 9, 2021

Dr. Kevin Coyne  
Acting Director, Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Request for an Extension of Comment Period for Regulatory Basis to Support a Proposed Rule: *Alignment of Licensing Processes and Lessons Learned From New Reactor Licensing (RIN-3150-AI66; NRC-2009-196)*

**Project Number: 689**

Dear Dr. Coyne:

The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on a regulatory basis to support a proposed rule that would amend the NRC's regulations for the licensing of new nuclear power reactors. In Federal Register notice 86 FR 7513, the NRC requested comments on the Regulatory Basis for Rulemaking to *Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing* (ML20149K680) by April 14, 2021. The Nuclear Energy Institute (NEI) respectfully requests that an additional 30 days be granted to extend the comment period to, May 14, 2021.

It is important to the nuclear energy industry that the lessons learned from the early implementation of 10 CFR Part 52 are appropriately addressed. While the implementation of Part 52 has been largely successful, it has also identified unintended consequences in the rule that complicate the licensing under 10 CFR Part 52, and other opportunities to improve the efficiency of the rule. Consequently, a number of companies reference issues related to Part 52 - such as the inability to make changes to Tier 1 information during construction, the inability to issue combined operating licenses when the need for changes to the design certification are identified, and the lack of clarity on the term "essentially complete" driving unnecessary details in the application - as one of the reasons for pursuing a new reactor licensing under 10 CFR Part 50. The referenced rulemaking is also seeking changes to Part 50, and is therefore also important to ensure clarity for companies that plan to license under 10 CFR Part 50. Furthermore, while 10 CFR Part 53 will be an available option for new reactor licensing after 2024, the NRC approach to Part 53 is to rely on the licensing processes in Parts 50 and 52. Therefore, the changes made in

this rulemaking will directly impact the ability to achieve an efficient regulatory framework in Part 53.

We agree with the NRC's stated goals for amending these regulations "*would be to ensure consistency in new reactor licensing reviews, provide for an efficient new reactor licensing process, reduce the need for exemptions from existing regulations and license amendment requests, address other new reactor licensing issues deemed relevant by the NRC, and support the principles of good regulation, specifically openness, clarity, and reliability.*" Incorporation of industry's experience and lessons learned from Part 52 implementation are critical to the future success of licensing new reactors under Parts 50, 52 and the future Part 53. Thus, we would like to ensure that the NRC has fully addressed industry's concerns, and has considered any recent lessons learned from activities related to closure of Inspections, Tests, Analyses and Acceptance Criteria (ITAAC).

NEI is requesting the extension due to the amount of information included in the draft regulatory basis and the importance of this rulemaking to the nuclear industry. NRC approval of the requested extension will allow NEI and our members sufficient time to perform a thorough review of the document relative to the substantive input we have provided to the the NRC on this topic since at least 2013, when the NRC issued the original report on Part 52 lessons learned.

If you have any questions or require additional information, please contact M. Tschiltz at (202) 471-0277; [mdt@nei.org](mailto:mdt@nei.org) or me.

Sincerely,

Marcus R. Nichol  
Senior Director  
New Reactors

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<sup>1</sup> The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

Dr. Kevin Coyne

March 9, 2021

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The referenced rulemaking is also seeking changes to Part 50, and is therefore also important to ensure clarity for companies that plan to license under 10 CFR Part 50. Furthermore, while 10 CFR Part 53 will be an available option for new reactor licensing after 2024, the NRC approach to Part 53 is to rely on the licensing processes in Parts 50 and 52. Therefore, the changes made in this rulemaking will directly impact the ability to achieve an efficient regulatory framework in Part 53.

We agree with the NRC's stated goals for amending these regulations *"would be to ensure consistency in new reactor licensing reviews, provide for an efficient new reactor licensing process, reduce the need for exemptions from existing regulations and license amendment requests, address other new reactor licensing issues deemed relevant by the NRC, and support the principles of good regulation, specifically openness, clarity, and reliability."* Incorporation of industry's experience and lessons learned from Part 52 implementation are critical to the future success of licensing new reactors under Parts 50, 52 and the future Part 53. Thus, we would like to ensure that the NRC has fully addressed industry's concerns, and has considered any recent lessons learned from activities related to closure of Inspections, Tests, Analyses and Acceptance Criteria (ITAAC).

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Marcus Nichol

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Ms. Anna Bradford, Director DNRL, NRR  
Mr. Allen Fetter, NRLB, DNRL, NRR  
Mr. James G. O'Driscoll, RRPB, REFS, NMSS,  
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