No. 03-129   October 6, 2003

NRC DENIES PETITION TO REFERENCE PRIOR LICENSING INFORMATION IN NEW NUCLEAR POWER PLANT APPLICATIONS

The Nuclear Regulatory Commission (NRC) has denied a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) in July 2001. The petition requested that the NRC amend its rules to allow applicants seeking an early site permit and a combined construction and operating license for a nuclear power plant to use existing information from prior licensing actions as information that has been approved by the agency.

In denying the petition for rulemaking to amend Title 10 of The Code of Federal Regulations, Part 52, the NRC said most of the efficiencies, regulatory stability and predictability that comprise the petitioner's proposal can be achieved under existing regulations, as well as the guidance it has directed the NRC staff to prepare.

In its ruling, the agency said that, to the extent practicable, it expects applicants for early site permits and combined licenses to rely on previously filed siting and programmatic information. However, it added, that there are limitations to using previously filed information and treating it as resolved. Specifically, the NRC recognized the need for applicants to demonstrate that the information is technically applicable to the prospective licensing action. In addition, the Commission stated that there are insufficient legal bases to support the petitioner's rulemaking proposal.

Copies of the petition for rulemaking, the public comments received and the NRC's denial to the petitioner are available for public inspection, or copying for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. These documents are also available on the agency's rulemaking web site at http://ruleforum.llnl.gov .

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