

Withdrawn

NRC Regulatory Issue Summary 2013-08, "Process for Scheduling Acceptance Reviews of New Reactor Licensing and Design Certification Applications and Process for Determining Budget Needs for Fiscal Year 2016," dated May 28, 2013, has been withdrawn.

ADAMS Accession Number: ML13077A148

See *Federal Register* notice dated October 25, 2016

81 FR 73448

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NEW REACTORS
WASHINGTON, DC 20555-0001

May 28, 2013

**NRC REGULATORY ISSUE SUMMARY 2013-08
PROCESS FOR SCHEDULING ACCEPTANCE REVIEWS OF NEW
REACTOR LICENSING AND DESIGN CERTIFICATION APPLICATIONS
AND PROCESS FOR DETERMINING BUDGET NEEDS
FOR FISCAL YEAR 2016**

ADDRESSEES

All holders of, and applicants for, an early site permit (ESP), limited work authorization (LWA), standard design certification (DC), or combined license (COL) for construction and operation of a nuclear power plant under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) for the following expressed purposes:

- (1) To assist the NRC in determining fiscal year (FY) 2016 resource and budget needs with respect to future construction-related activities and other anticipated 10 CFR Part 52 licensing and design certification rulemaking actions.
- (2) To communicate to stakeholders the agency's process for scheduling its acceptance reviews.
- (3) To communicate to stakeholders that the NRC has expanded its scheduling process to include all potential 10 CFR Part 52 licensing actions and related activities. These include license amendments, topical report submissions, changes to applications (other than revision changes that result in responses to requests for additional information (RAIs)), ESP modification requests, and ESP transfer requests.
- (4) To request that addressees consider submitting their construction plans and schedules for fabrication of large components and modules to the NRC, when available. The submission of advance notice of addressee plans or changes to previously announced plans is strictly voluntary; therefore, no specific action or written response is required.

This RIS is intended to promote early communication between the NRC and addressees about potential 10 CFR Part 52 licensing actions and related activities submission dates and plans for construction activities. Some examples of these potential actions and related activities are:

- Any future applicant that intends to request an amendment to a DC or a DC renewal after January 1, 2014.
- Any current 10 CFR Part 52 licensee (ESP holder) that intends to request a LWA, an amendment to its ESP, or a transfer of its ESP after January 1, 2014.
- Any current 10 CFR Part 52 applicant that intends to submit changes to an application currently under NRC review [excluding chapter revisions resulting from responses to staff RAIs] (i.e., a topical report, LWA request, a change to a major feature of an emergency plan submittal, or a facility design change).
- Any current 10 CFR Part 52 COL applicant that, intends to submit amendments to its COL in FY 2016 (October 1, 2015, to September 30, 2016).

This information will assist the NRC in allocating its FY 2016 resources for acceptance reviews, anticipated licensing actions, and inspection support. The concepts described in this RIS are consistent with the NRC policy on standardization as described in the Statement of Consideration for the original proposed rule in 10 CFR Part 52, titled, "Early Site Permits, Standard Design Certifications and Combined Licenses for Nuclear Power Reactors," (*Federal Register* (FR) 53 FR 32060; August 23, 1988). This policy applies to ESP, LWA, DC, and COL applications submitted to the NRC. This RIS does not transmit or imply any new or changed requirements or staff positions. Although no specific action or written response is required, submission of the requested information will enable the NRC to more efficiently and effectively plan its licensing and inspection activities.

BACKGROUND INFORMATION

The NRC staff issued RIS 2006-06, "New Reactor Standardization Needed To Support the Design-Centered Licensing Review Approach," on May 31, 2006, to explain the NRC's design-centered review approach (DCRA) for DC and COL applications and the level of standardization of a particular design needed to make the DCRA effective. The staff issued RIS 2007-08, "Updated Licensing Submittal Information To Support the Design-Centered Licensing Review Approach," on April 16, 2007, to obtain updated information on the scheduling of ESP, COL, and DC application submissions and on the extent to which applicants would support the NRC's DCRA. RIS 2007-08 promoted the standardization of COL applications and facilitated the establishment of a predictable and consistent method for reviewing applications. In addition, the NRC sought updated information on addressee activities related to safety and quality assurance requirements, environmental reviews, construction plans and preparation, and other pre-application activities.

SUMMARY OF ISSUE

To enable the NRC to effectively schedule resources to review any new applications, modifications to current applications under its review, (excluding chapter revisions resulting from RAI responses), ESP amendments, license amendments, DC amendments and DC renewals, it is highly beneficial for applicants to provide the NRC with their best estimate of the number of

planned submissions, the complexity of those submissions, and their submission dates. The accuracy of these estimates will likely affect both the start date and the duration of the acceptance reviews. Furthermore, any requests for modifications or submittals of modifications to current applications that are under NRC review may significantly affect the established project schedule because of the possibility that new issues may raise potential technical discussion.

Similarly, the NRC staff will be able to more effectively and efficiently plan, schedule, and implement construction-related inspection activities in accordance with applicable NRC inspection manual chapters if applicants and future licensees submit construction plans and schedules for the fabrication of modules and large components and submit inspections, tests, analyses, and acceptance criteria review schedules to the NRC in a timely manner.

The advance notification of application submission dates will facilitate the likelihood of acceptance reviews requiring no more than 60 calendar days.¹ The staff's goal is to identify and obligate resources 45 days before the date it expects to receive an application. RIS 2010-10, "Process for Scheduling Acceptance Reviews of New Reactor Licensing Applications and Process for Determining Budget Needs for Fiscal Year 2013," dated November 15, 2010, presented the staff's process for scheduling application reviews with respect to expected submission dates and other pertinent information related to the commencement of the staff's review. The process is reiterated below to remind addressees of its steps and to emphasize its importance to the NRC's project planning and budgeting process for 10 CFR Part 52 application reviews.

Declaration of the Expected Application Submission Date

The NRC expects applicants to declare in writing their anticipated application submission date no later than 90 days in advance of the arrival of its submission. This expectation is consistent with the information the staff communicated to the design-centered working groups. Based on this expectation, the following criteria will apply:

- (1) The NRC will schedule its acceptance review to start on the next business day following the applicant's expected application submission date (month, day, and year).
- (2) When applicants specify a month rather than a specific date, the NRC will assume that the application will arrive on the last day of the month, and the review will begin on the next business day.

Schedule Changes

The NRC will allocate resources to accomplish an acceptance review based on the applicant's declaration of an expected submission date. Therefore, given the workload, the staff will be

¹ As stated in RIS 2007-25, "Combined License Application Acceptance Review Process," dated December 18, 2007, the Commission approved the COL Task Force's recommendation to extend the 30-day acceptance review to a 60-day acceptance review for COL applications. Because DC applications require extensive reviews, the staff is also scheduling a 60-day acceptance review for DCs.

unable to readily accommodate a late notice of schedule changes that an applicant makes. The following will result from schedule changes:

- (1) If the applicant submits an application early, the start and completion dates for the acceptance review will not change. However, if resources are available, the staff will begin its review of the application ahead of the scheduled start date.
- (2) If the applicant is late in submitting its application, the staff will discuss the start date with the applicant based on the availability of staff resources needed to perform the review.
- (3) If a potential applicant has projected a submission date beyond FY2016, then the NRC asks that the applicant revisit its estimated projected submission date on an annual basis and inform the NRC, in writing, of the projected application submission date.

Advance Issuance of Acceptance Review Schedule and Start of Application Review

The staff will make its schedule for acceptance reviews publicly available approximately 30 days before the projected start date. The NRC will not project any delays in scheduling review completions. There may be a delay between the scheduled completion of the acceptance review and the scheduled start of the application review to accommodate potential minor delays in the acceptance review schedule in a manner that does not result in rescheduling extensive resources. Furthermore, for COL applications, it should be understood that the start of a detailed review is dependent upon docketing and other considerations, such as the applicant's intended construction and operation plans and whether the NRC staff or NRC contractors will conduct the review. The NRC's goal is to focus on those COL applications with plans for construction and operation designated for completion by FY 2023 or sooner, in the event a COL is issued.

Testing of an Application for Automatic Uploading

Applicants or licensees are strongly encouraged to test the ability of NRC systems to automatically upload their applications for distribution before actual submission. Failure to pretest this feature could delay the start date of the acceptance review if problems are encountered that prevent the NRC from electronically distributing the application to the technical reviewers.

VOLUNTARY RESPONSE

The staff is seeking notification on the number and the degree of complexity of ESP, LWA, DC, and COL applications, and any other licensing requests that applicants expect to submit through FY 2016, no later than 30 days from the date of this RIS. This information will assist the staff in determining FY 2016 budget needs.

The staff is seeking notification of any changes to previously announced or submitted schedules concerning the construction of power reactors under 10 CFR Part 52. In support of staffing and planning, this includes projected submission dates beyond FY 2016.

To ensure that the NRC can effectively schedule resources and facilitate the achievement of an acceptance review of 60 calendar days, the staff requests that 90 days before the expected submission date, an applicant or licensee (as applicable) declare the expected submission date (month, day, and year) and the degree of complexity of each of its submittals to the NRC. In addition, the NRC staff is requesting the voluntary submission to the NRC of addressee

construction plans and schedules for the fabrication of large components and modules, when available. Addressees that choose to provide a voluntary response should send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001.

BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS is being issued to inform stakeholders of existing internal NRC procedures applicable to the processing of applications under 10 CFR Part 52, and to request the voluntary submission of information on those applications. The requested information would be used to determine the NRC's FY 2016 resource and budget needs, and to conduct its application acceptance review in a more efficient manner. The RIS does not affect the substantive requirements applicable to, or the procedural requirements governing the submission of applications under Part 52. In addition, the information requested on applications is not for the purpose of determining compliance with substantive requirements applicable to those applications.

This RIS requires no action or written response. Any information provided by an applicant or potential applicant consistent with this RIS is strictly voluntary. Hence, there is no imposition of a requirement on an applicant that would constitute backfitting under § 50.109, or a violation of the issue finality provisions in Part 52. Even if information were required to be submitted by the RIS, the action would constitute an information collection and reporting requirement with respect to scheduling matters affecting the schedule for processing of the application. Such information collection and reporting requirements are neither subject to the purview of the Backfit Rule, 10 CFR 50.109, nor would such information be a violation of the issue finality provisions in Part 52. While the failure of an addressee to provide information may affect the scheduling of the NRC's acceptance review and technical consideration of the addressee's application, neither the Backfit Rule, 10 CFR 50.109, nor any issue finality provisions in Part 52 provides protection to applicants with respect to NRC's schedule for processing of an application. For these reasons, the RIS does not constitute backfitting under § 50.109, nor does it constitute a violation of the issue finality provisions in Part 52. Accordingly, the NRC did not prepare either a backfit analysis or address how one or more of the issue finality criteria in § 52.69 are met by this RIS.

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment on this RIS in the *Federal Register* because it pertains to an administrative aspect of the regulatory process that involves the voluntary submission of information on the part of addressees and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. 801–808) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS contains and references information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget (OMB), approval number 3150-0151.

The burden to the public for these voluntary information collections is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data,

sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments on this burden estimate or any other aspect of these information collections, including suggestions for reducing the burden, to the FOIA, Privacy and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or to Infocollects.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0151), Office of Management and Budget, Washington, DC 20503.

PUBLIC PROTECTION NOTIFICATION

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.

CONTACT

Please direct any questions about this matter to the technical contact listed below.

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Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

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