UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, DC 20555

January 13, 2006

NRC REGULATORY ISSUE SUMMARY 2005-27, REV. 1, NRC TIMELINESS GOALS, PRIORITIZATION OF INCOMING LICENSE APPLICATIONS AND VOLUNTARY SUBMITTAL OF SCHEDULE FOR FUTURE ACTIONS FOR NRC REVIEW

ADDRESSEES

All 10 CFR Parts 71 and 72 licensees and certificate holders.

INTENT

To communicate the benefits of pre-licensing and pre-certification discussions with the Nuclear Regulatory Commission (NRC) staff; to improve the quality and completeness of applications, and aid planning; and to inform applicants of NRC's scheduling guidelines and timeliness goals for reviewing and processing licensing and certification requests. The submittal of this information is strictly voluntary. No specific action nor written response is required.

BACKGROUND

On February 8, 2005, the Spent Fuel Project Office (SFPO) held a conference with licensees and certificate holders to foster improvement of the licensing and certification processes for Title 10 Code of Federal Regulations (10 CFR) Parts 71 and 72. At the conference, SFPO described the "Rules of Engagement" (NRC RIS-04-020) for licensing and certification actions and sought feedback from SFPO stakeholders about the efficiencies and effectiveness of NRC licensing and certification processes of transportation and storage reviews. One theme that emerged at the conference was the need for more communication between NRC and applicants regarding schedules and resources required for future licensing and certification actions. Conferences and all other meetings on the subject between NRC staff and current or potential stakeholders, including potential applications for licensing and certification requests, are limited to exchange of information and presentation of the individual views of meeting participants. The meetings do not involve deliberation between meeting participants and NRC staff regarding policies or regulations that should be adopted by the NRC.

NRC's Strategic Plan (NUREG-1614) sets a goal of improving effectiveness - to ensure that NRC actions are effective, efficient, realistic, and timely. Consistent with this goal, NRC has developed timeliness measures for review of Parts 71 and 72 casework. Stakeholders at the conference remarked that having this information would be helpful for planning and determining their own schedules and budgets.

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SUMMARY OF ISSUE

INFORMING NRC OF FUTURE LICENSING AND CERTIFICATION ACTIONS

NRC staff encourages applicants to meet with staff to discuss potential license and certification actions. In this way, the staff and applicants gain a mutual understanding of the purpose and type of future actions. Pre-application public meetings are a valuable component of work planning and minimize unnecessary effort and rewrites. Staff's experience has shown that these types of meetings reduce the number of requests for additional information (RAI) and provide a good background for reviewers. Information that is typically discussed during these meetings includes the type of and need for action, proposed schedules, licensing or certification basis, and methodology. No regulatory decisions are made during these meetings but this opportunity allows for an exchange of information and can aid in streamlining the review process.

Estimates of future licensing and certification action requests help NRC plan and budget work loads. Information related to future licensing and certification actions which are considered resource-intensive, such as requests for new site-specific licenses, site-specific renewals, new spent fuel storage cask designs, and new transportation package designs, is especially helpful for developing future budgets and managing resources. Information identifying possible upcoming licensing and certification actions is particularly useful for NRC in developing upcoming budgets if the information is received by November 30th of each year. This information can be submitted to SFPO via e-mail, telephone, or letter.

Information on future licensing or certification actions can be treated, if appropriate, under the procedures listed in 10 CFR 2.390(b) which discuss the process for withholding documents, or portions of documents, from public disclosure that contain trade secrets, privileged or confidential information, or commercial or financial information.

SFPO REVIEW SCHEDULE AND TIMELINESS GOALS

Several participants at the February 2005, conference also indicated the potential usefulness, to their own budgeting and planning processes, of information about the method used by SFPO in scheduling its casework.

NRC staff's experience shows that the quality and completeness of an application and the technical complexity of a case are the key factors affecting time to complete an application review. Good quality can be achieved by providing sound engineering and scientific methods as the basis for the requested licensing or certification actions. Similarly, completeness can be demonstrated by providing supporting information and a well organized application. Any deviations from the staff standard review plans should be clearly identified and discussed in the sumittal and this information will aid in reducing the time for review. Scheduling dates are based on these factors but may be revised based on other scheduling components, such as availability of project management and technical review staff, or priority of the review based on safety or operational needs. NRC staff has found that the pre-application meetings mentioned above and use of the standard format and content for applications (e.g., Regulatory Guide 7.9), are highly effective tools for developing high quality, complete applications.

Prioritization of SFPO Workload

NRC currently processes approximately 100 Part 71 certification actions (new applications, amendments, and renewals) and 35 Part 72 certification or licensing actions annually. Prioritization of incoming work is based on the level of safety significance and need associated with an action or request. NRC has established a prioritization system for storage and transportation casework. The details of the system are listed below.

SFPO Casework Prioritization System

Priority 1: Maintain the operational safety of spent fuel and other radioactive materials in storage and transport.

Priority 2: Maintain the operational capability at operating reactor sites (for example, maintain full core off-load capability by moving spent fuel to dry storage), meet actual (identified) transportation requirements or need to support transport of nuclear material.

Priority 3: Support dry storage and/or transportation needs of decommissioning facilities.

Priority 4: Other spent fuel storage and transportation efforts, provided these are budgeted.

Priority 5: Other spent fuel storage and transportation efforts, which are not budgeted and no effort or resources are scheduled or planned.

Scheduling Guidelines

In addition to the prioritization system, NRC Project Managers estimate schedules for licensing actions under both Parts 71 and 72 based on the type and complexity of the action. Scheduling guidelines set a general schedule for new casework. Scheduling guidelines are listed below.

- Transportation certificate renewals, or transportation or storage amendments that do not require detailed technical review are typically scheduled for a 2 to 5 month completion time.

- Storage or transportation amendments that need technical review by one to three disciplines, for example, a structural, thermal, containment, materials, or criticality reviewer, are typically scheduled for approximately a 7 month completion time.

- Non-spent fuel transportation package designs, or complex amendments for storage or transportation that need technical review by more than three technical disciplines are typically scheduled for approximately a 9 month completion time.

- New spent fuel transportation package designs, and new storage casework or storage amendments that need technical review by more than five technical disciplines, are typically scheduled for approximately an 11 month completion time.

With respect to the level of effort, there is a wide variation based on the nature of the request and the quality of the application. Transportation certificate renewals and simple amendments typically take tens of hours to process, whereas the most complex reviews typically take 1 to 2 staff years.

Timeliness Goals

SFPO's goal is completing 100 percent of storage and transport licensing and certification actions in 2 years or less. To this end, separate timeliness goals have been set for subsets of the overall workload. A timeliness goal for Part 71 is completion of 80% of all cases in less than 7.7 months; and 80% of all Part 72 cases in less than 13.3 months. These goals include actions of all types and complexities. Less complex actions are generally completed in a shorter amount of time and the timeliness goals are balanced by the more complex actions requiring longer time for completion. The timeliness measure does not include the time interval when the licensee is preparing a response to RAIs.

Ongoing SFPO Initiatives

To extend the effort of continuous improvement, SFPO has set a separate goal of improving timeliness efficiency by 5% per year for each year after the 2005 baseline of 8 months (Part 71) and 14 months (Part 72). SFPO has set this goal for continuous improvement to achieve overall improved efficiencies in the licensing and certification processes.

Another initiative that resulted from the February 2005 conference is the formation of an industry working group dealing with spent fuel storage and transportation issues. NRC has appointed a staff member as point of contact. The staff person will interact with the working group as it identifies issues concerning Part 71 and 72 stakeholders.

BACKFIT DISCUSSION

This RIS requires no action or written response. Any action on the part of the addressee to inform the NRC of upcoming application for certification or licensing actions in accordance with guidance in this RIS is strictly voluntary and, therefore, is not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it does not represent a departure from current regulatory requirements.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

NRC has determined that this action is not subject to the Small Business Regulatory Enforcement Fairness Act of 1996.

PAPERWORK REDUCTION ACT STATEMENT

This regulatory issue summary contains voluntary 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, approval number 3150-0011, which expires February 28, 2007.

The burden to the public for these voluntary information collections is estimated to average 4 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 regarding this burden estimate or any other aspect of these information collections, including suggestions for reducing the burden, to the Records , and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or by Internet electronic mail to INFOCOLLECTS@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0011), Office of Management and Budget, Washington, DC 20503.

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number. Licensees and certificate holders will not be held to schedules provided in response to this communication nor penalized if actions are submitted later than estimated, or altogether eliminated.

This RIS requires no specific action nor written response. If you have any questions about this summary, please contact the individual listed below or the appropriate regional office.

/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Attachment: List of Recently Issued NMSS Generic Communications

Recently Issued NMSS Generic Communications

Date	GC No.	Subject	Addressees
2/11/05	BL-05-01	Material Control and Accounting at Reactors and Wet Spent Fuel Storage Facilities	All holders of operating licenses for nuclear power reactors, decommissioning nuclear power reactor sites storing spent fuel in a pool, and wet spent fuel storage sites.
12/22/05	RIS-05-31	Control of Security-related Sensitive Unclassified Non-safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material	All licensees, certificate holders, applicants, and other entities subject to regulation by the U.S. Nuclear Regulatory Commission of the use of source, byproduct, and special nuclear material, except for those as covered by provisions of Regulatory Issue Summary (RIS) 2005-26 for nuclear power reactors.
11/23/05	RIS-05-24	Control of Radiation Dose to Visitors of Hospital Patients	All medical licensees.
11/14/05	RIS-05-21	Clarification of the Reporting Requirements in 10 CFR 20.2201	All U.S. Nuclear Regulatory Commission licensees and Part 76 certificate holders authorized to possess licensed material.
11/08/05	RIS-05-27	NRC Timeliness Goals, Prioritization of Incoming License Applications and Voluntary Submittal of Schedule for Future Actions for NRC Review	All 10 CFR Parts 71 and 72 licensees and certificate holders.
10/28/05	RIS-05-22	Requirements for the Physical Protection During Transportation of Special Nuclear Material of Moderate and Low Strategic Significance: 10 CFR Part 72 vs. Regulatory Guide 5.59 (1983)	All holders of licenses for the possession of special nuclear material (SNM) that ship Category II and III quantities of this material.
10/07/05	RIS-05-23	Clarification of the Physical Presence Requirement During Gamma Stereotactic Radiosurgery Treatments	All gamma stereotactic radiosurgery (GSR) licensees.
09/27/05	RIS-04-17, Rev. 1	Revised Decay-in-Storage Provisions for the Storage of Radioactive Waste Containing Byproduct Material	All licensees regulated under 10 CFR Parts 30, 32, 33, 35, 39, and 50.
08/25/05	RIS-05-18	Guidance for Establishing and Maintaining a Safety Conscious Work Environment	All licensees, applicants for licenses, holders of certificates of compliance, and their contractors subject to NRC authority

Date	GC No.	Subject	Addressees
08/10/05	RIS-05-16	Issuance of NRC Management Directive 8.17, "Licensee Complaints Against NRC Employees"	All licensees and certificate holders.
08/03/05	RIS-05-15	Reporting Requirements for Damaged Industrial Radiographic Equipment	All material licensees possessing industrial radiographic equipment, regulated under 10 CFR Part 34.
07/13/05	RIS-05-13	NRC Incident Response and the National Response Plan	All licensees and certificate holders.
07/11/05	RIS-05-12	Transportation of Radioactive Material Quantities of Concern NRC Threat Advisory and Protective Measures System	Licensees authorized to possess radioactive material that equals or exceeds the threshold values in the Additional Security Measures (ASM) for transportation of Radioactive Material Quantities of Concern (RAMQC) under their 10 CFR Part 30, 32, 50, 70, and 71 licenses and Agreement State licensees similarly authorized to possess such material in such quantities under their Agreement State licenses.
07/11/05	RIS-05-11	Requirements for Power Reactor Licensees in Possession of Devices Subject to the General License Requirements of 10 CFR 31.5	All holders of operating licenses for nuclear power reactors and generally licensed device vendors.
06/10/05	RIS-05-10	Performance-Based Approach for Associated Equipment in 10 CFR 34.20	All industrial radiography licensees and manufacturers and distributors of industrial radiography equipment.
04/18/05	RIS-05-06	Reporting Requirements for Gauges Damaged at Temporary Job Sites	All material licensees possessing portable gauges, regulated under 10 CFR Part 30.
04/14/05	RIS-05-04	Guidance on the Protection of Unattended Openings that Intersect a Security Boundary or Area	All holders of operating licenses or construction permits for nuclear power reactors, research and test reactors, decommissioning reactors with fuel on site, Category 1 fuel cycle facilities, critical mass facilities, uranium conversion facility, independent spent fuel storage installations, gaseous diffusion plants, and certain other material licensees.
02/28/05	RIS-05-03	10 CFR Part 40 Exemptions for Uranium Contained in Aircraft Counterweights - Storage and Repair	All persons possessing aircraft counterweights containing uranium under the exemption in 10 CFR 40.13(c)(5).

Date	GC No.	Subject	Addressees
12/23/05	IN-05-32	Product Alert for Fire Hydrants	All holders of operating licenses for nuclear power reactors and fuel cycle facilities, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
11/17/05	IN-05-31	Potential Non-conservative Error in Preparing Problem-dependent Cross Sections for use with the KENO V.a or KENO-VI Criticality Code	All licensees using the KENO V.a or KENO-VI criticality code module in Version 5 of the Standardized Computer Analyses for Licensing Evaluation (SCALE) software developed by Oak Ridge National Laboratory (ORNL).
10/31/05	IN-05-28	Inadequate Test Procedure Fails to Detect Inoperable Criticality Accident Alarm Horns	All licensees authorized to possess a critical mass of special nuclear material.
10/07/05	IN-05-27	Low Dose-Rate Manual Brachytheraphy Equipment Related Medical Events	All medical licensees.
07/29/05	IN-05-22	Inadequate Criticality Safety Analysis of Ventilation Systems at Fuel Cycle Facilities	All licensees authorized to possess a critical mass of special nuclear material.
06/23/05	IN-05-17	Manual Brachytherapy Source Jamming	All medical licensees authorized to possess a Mick applicator.
05/17/05	IN-05-13	Potential Non-conservative Error in Modeling Geometric Regions in the Keno-v.a Criticality Code	All licensees using the Keno-V.a criticality code module in Standardized Computer Analyses for Licensing Evaluation (SCALE) software developed by Oak Ridge National Laboratory (ORNL)
05/17/05	IN-05-12	Excessively Large Criticality Safety Limits Fail to Provide Double Contingency at Fuel Cycle Facility	All licensees authorized to possess a critical mass of special nuclear material.
04/07/05	IN-05-10	Changes to 10 CFR Part 71 Packages	All 10 CFR Part 71 licensees and certificate holders.
040/01/05	IN-05-07	Results of HEMYC Electrical Raceway Fire Barrier System Full Scale Fire Testing	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, and fuel facilities licensees.
03/10/05	IN-05-05	Improving Material Control and Accountability Interface with Criticality Safety Activities at Fuel Cycle Facilities	All licensees authorized to possess a critical mass of special nuclear material.

Note: NRC generic communications may be found on the NRC public website at

http://www.nrc.gov, under Electronic Reading Room/Document Collections.

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OFC	SFPO	SFPO	Tech Ed	SFPO	IS/IRSD	IMNS	
NAME	JCaverly	RLewis	EKraus	WRuland	BStMary	FCardile	
DATE	08/17/05	9/7/05	8/8/05	9/26/05	9/28/05	9/27/05	
OFC	OGC	OGC/ SBREFA	IMNS	SFPO			
NAME	NJensen	Dreddick NLO	AMcIntosh	EWBrach/ whr			
DATE	12/23/05	12/22/05	12/30/05	01/13/06			

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