

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
OFFICE OF NEW REACTORS  
WASHINGTON D.C. 20555-0001

December 18, 2007

**NRC REGULATORY ISSUE SUMMARY 2007-25  
COMBINED LICENSE APPLICATION ACCEPTANCE REVIEW PROCESS**

**ADDRESSEES**

All current and potential applicants for an early site permit, combined license (COL), or standard design certification (DC) for 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) to clarify the procedural aspects of filing a COL application for review. This RIS requires no action or written response on the part of an addressee.

**BACKGROUND INFORMATION**

In accordance with 10 CFR 2.101, each COL application will initially be treated as tendered to allow a determination as to whether the COL application is complete and acceptable for docketing. As described in 10 CFR 2.101, the determination of acceptability for docketing is generally made within 30 days. After a COL application is determined to be acceptable for docketing, it will be assigned a docket number.

In "Staff Requirements - COMDEK-07-0001/COMJSM-07-0001 - Report of the Combined License Review Task Force," dated June 22, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML071760109), the Commission approved Recommendation 2 in the task force report to expand the scope and duration of the COL application acceptance review to include completeness and technical sufficiency reviews. In preparation for performing the acceptance reviews, the Commission directed the staff to ensure that the criteria used for this expanded scope of review are clear and transparent. In addition, the Commission clarified that while the acceptance review is expanded from 30 to 60 days, the staff should consider the start of the safety and environmental reviews from the date when the application is docketed (i.e., after the acceptance review when the application is determined to be complete and technically sufficient), not when the application is initially submitted by the applicant.

**SUMMARY OF ISSUE**

The Office of New Reactors (NRO) issued office instruction NRO-REG-100, "Acceptance Review Process for Design Certification and Combined License Applications," dated September 26, 2007 (ADAMS Accession No. ML072250552). This instruction provides staff guidance for conducting and documenting the expanded acceptance review and is applicable to both a COL

**ML072620378**

application and a DC application acceptance review. Of particular note, NRO-REG-100 states the following:

“The staff conducts a technical sufficiency review to verify that the application contains sufficient technical information in scope and depth for the staff to begin its detailed technical review and complete its review within a predictable timeframe.” This review does not preclude future requests for additional information, but instead identifies review areas that could potentially require significant time and resources to resolve and challenge the ability for staff to reach its reasonable assurance finding within a predictable timeframe.

In addition, NRO-REG-100 describes how proposed alternatives to regulatory acceptance criteria, new safety features, and departures from a certified design are factored into the acceptance review. These attributes of an application are considered in the development of the application-specific review schedule and resource planning. They would not be a cause for not accepting an application.

Following the completion of the acceptance review, the staff will make one of two findings: (1) the application is acceptable for docketing and contains sufficient technical information for the staff to begin and complete its review within a predictable timeframe, or (2) the application is not sufficiently complete to start the detailed technical review and/or complete the review within a predictable timeframe. NRO-REG-100 describes how the staff may interact with the applicant during the acceptance review, to determine whether the applicant can address and has committed to providing the missing information within a mutually agreed upon timeframe by supplementing the application. During this period of time, the application is considered to be tendered but not docketed. If the staff determines that there is a high complexity or a large volume of missing information in the application and that the applicant cannot provide the NRC with the necessary information, the staff will inform the applicant in writing of this determination and the respects in which the document is deficient, or the applicant can choose to withdraw its application.

While the application is considered to be tendered but not docketed, matters related to potential non-compliance with applicable 10 CFR Part 52 regulations (including 10 CFR Part 50 regulations) may be subject to NRC enforcement action, including issues involving completeness and accuracy of information, deliberate misconduct, and employee protection. NRC will also evaluate concerns received from outside sources (allegations) during this time frame.

The staff has recently completed the South Texas Project COL application acceptance review and has several others underway. At the conclusion of the South Texas Project acceptance review, the staff determined that most of the application was complete and technically sufficient to begin the detailed technical review; however, the staff identified other areas in which the application did not provide, or not provide in sufficient detail, information such that the staff could begin its review and complete it within a predictable timeframe. As such the staff found the application to be acceptable for docketing, but informed the applicant that a detailed review schedule could not be provided until the supplemental information is provided (see ML073320290). This approach to docketing and other lessons learned will be incorporated into a subsequent revision to NRO-REG-100.

## **BACKFIT DISCUSSION**

This RIS requires no action or written response and is, therefore, not a backfit under 10 CFR 50.109. Consequently, the NRC 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 is informational and does not represent a departure from current regulatory requirements.

## **CONGRESSIONAL REVIEW ACT**

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**

This RIS contains 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 3150-0151.

### 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.

## **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 Electronic Reading Room/Document Collections.

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