

Withdrawn

NRC Regulatory Issue Summary 2008-01, "Process for Scheduling Acceptance Reviews Based on Notification of Applicant Submission Dates for Early Site Permits, Combined Licenses and Design Certifications and Process for Determining Budget Needs for Fiscal Year 2010," dated January 10, 2008, has been withdrawn.

ADAMS Accession Number: ML080030011

See *Federal Register* notice dated October 25, 2016

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

January 10, 2008

**NRC REGULATORY ISSUE SUMMARY 2008-01
PROCESS FOR SCHEDULING ACCEPTANCE REVIEWS BASED ON NOTIFICATION OF
APPLICANT SUBMISSION DATES FOR EARLY SITE PERMITS, COMBINED LICENSES,
AND DESIGN CERTIFICATIONS AND PROCESS FOR DETERMINING BUDGET NEEDS
FOR FISCAL YEAR 2010**

ADDRESSEES

All future applicants for an early site permit (ESP), limited work authorization (LWA), standard design certification (DC), or combined licenses (COLs) for a nuclear power plant under the provisions of the Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," that intend to submit applications after April 2008.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to communicate its process for scheduling its acceptance reviews of ESP, LWA, DC, and COL applications. The RIS is intended to promote further communication between the NRC and the applicant regarding application submission dates and to provide the NRC adequate time to allocate resources for its acceptance reviews in advance of the arrival of the application. This process will assist the staff in promptly starting the acceptance reviews and increase the likelihood that the acceptance reviews will be completed in 60 calendar days. The NRC is also issuing this RIS to assist the staff in determining Fiscal Year (FY) 2010 (October 1, 2009 to September 30, 2010) resource and budget needs with respect to new reactor work.

The concepts described in this RIS are consistent with NRC policy on standardization described in the Statement of Considerations for the original proposed rule 10 CFR Part 52 (53 *Federal Register* 32060) and apply to ESP, LWA, DC, and partial or complete COL applications. This RIS does not transmit or imply any new or changed requirements or staff positions. Submission of advance notice of addressee plans in response to this RIS is strictly voluntary. Although no specific action or written response is required, this information will enable the NRC to more effectively plan for anticipated review work.

BACKGROUND INFORMATION

The staff issued NRC RIS 2007-08, "Updated Licensing Submittal Information to Support the Design-Centered Licensing Review Approach," on April 16, 2007, to obtain updated information regarding the scheduling of ESP, COL, and DC application submissions, and the extent to which the applicants would support the NRC's design-centered review approach. The RIS was intended to promote standardization of COL applications and to facilitate the establishment of a predictable and consistent method for reviewing applications. In addition, the NRC was seeking updated information regarding addressee activities related to safety and quality assurance

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requirements, environmental reviews, construction plans and preparation, and other pre-application activities.

SUMMARY OF ISSUE

The NRC anticipates approximately 20 COL applications to be submitted between 2007 and 2009. In order for the NRC to effectively schedule resources, it is essential for applicants to provide their best estimate of planned submission dates. The accuracy of these estimates will likely impact both the start date and duration of the acceptance reviews.

The advanced notification of application submission dates will facilitate the likelihood of acceptance reviews of 60 calendar days.¹ The staff's goal is to assign resources 45 days prior to the expected receipt date of an application. The staff's process for scheduling application reviews with respect to expected submission dates is provided below. Other pertinent information related to the commencement of the staff's review is also provided.

Declaration of Expected Application Submission Date:

It is the NRC's expectation that applicants declare in writing their expected application submission date no later than 90 days ahead of its arrival. This is consistent with what the staff has communicated to the Design Centered Working Groups throughout 2007. Based on this expectation, the following criteria will apply:

- a. The NRC's review will be scheduled to start on the next business day after the applicant's expected application submission date (month, day, year).
- b. When applicants specify a month rather than a specific date, the NRC's planning assumption will be that the application arrives on the last day of the month, and the review will begin the next business day.

Schedule Changes:

The NRC will allocate resources to accomplish a review based on the applicant's declaration of expected submission date. Therefore, given the workload, the staff will be unable to readily accommodate late notice of schedule changes by the applicant. The following impacts would apply to schedule changes:

- a. If the application is submitted early, the acceptance review start and completion dates will not be changed. However, if resources are available, the staff will begin review of the application ahead of the scheduled start date.
- b. If an application is submitted late, the start date would be negotiated with the applicant based on availability of staff resources to perform the review.

¹ As stated in NRC RIS 2007-25, "Combined License Application Acceptance Review Process," 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. Due to the extensive review required for design certification applications, the staff is also scheduling a 60-day acceptance review for DCs.

Advance Issuance of Acceptance Review Schedule/Start of Application Review:

The staff will make its schedule for acceptance reviews publicly available approximately 30 days in advance of the projected start date.

There will be a 14 calendar day gap between the scheduled completion of the acceptance review and the scheduled start of the application review in order to accommodate potential minor delays in the acceptance review schedule in a manner that does not result in rescheduling a large number of resources. Such delays could occur, for example, if the need arises for the applicant to submit additional information during the acceptance review.

Testing of Application for Automatic Uploading:

Applicants are strongly encouraged to test the ability of NRC systems to automatically upload their applications for distribution prior to actual submission. Failure to pre-test 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

To ensure that the NRC will have adequate time to effectively schedule resources and to facilitate the staff's ability to achieve an acceptance review of 60 calendar days, the staff requests that, 90 days prior to the expected submission date, applicants declare their expected submission date (month, day, year) to the NRC for each ESP, LWA, DC, and partial or complete COL application.

In addition, the staff is seeking future notification regarding ESP, LWA, DC, and partial/complete COL applications expected to be submitted in FY 2010 no later than 30 days from the date of this RIS. This information will assist the staff in determining fiscal year 2010 budget needs.

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.

BACKFIT DISCUSSION

This RIS requires no action or written response. Any action on the part of addressees to provide information regarding advance notice of intent to pursue an ESP, LWA, DC, or partial or complete COL application, in accordance with the guidance contained in this RIS for the purpose of aiding the NRC in planning the use of its resources, is strictly voluntary. Therefore, this is not a backfit under 10 CFR 50.109, and 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 pertains to an administrative aspect of the regulatory process that involves the voluntary submission of information on the part of addressees.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this action is not a rule and therefore is not subject to the Congressional Review Act (5 U.S.C. 801-808).

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 (OMB), approval 3150-0151.

The burden to the public for this voluntary information collection is estimated to average 8 hours for the 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 aspects 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), OMB, Washington, DC 20503.

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, an information collection unless the requesting document displays a currently valid OMB clearance number.

CONTACTS

Please direct any questions about this matter to the technical contacts 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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