

**NRR OFFICE INSTRUCTION  
LIC-XXX**

**ACCEPTANCE REVIEW PROCEDURES**

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**1.0 POLICY**

The regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, prescribe the requirements for determining the acceptability of an application for amendment of a license. In accordance with 10 CFR 2.102(a), the Nuclear Regulatory Commission (NRC) staff may evaluate an application requesting approval of a proposed action for completeness. Activities covered by this Office Instruction are those that require NRC approval prior to implementation (e.g., License Amendments, Relief Requests, Exemptions, Security and Emergency Plan Changes, etc.) and Topical Report Reviews.

The Office of Nuclear Reactor Regulation (NRR) will consider a requested licensing action (RLA) to be acceptable for review upon the NRC staff conclusion that the application reasonably appears to contain sufficient technical information, both in scope and depth, for the NRC staff to complete the detailed technical review and render, in an appropriate time-frame for the associated action, an independent assessment of the proposed action with regard to applicable regulatory requirements and the protection of public health and safety.

Actions taken to redress deficiencies identified are governed by the regulations contained in 10 CFR 2.101, "Filing of Application," 10 CFR 2.107, "Withdrawal of Application," and 10 CFR 2.108, "Denial of Application for Failure to Supply Information."

10 CFR 2.101 allows the NRC staff to determine the acceptability of an RLA for review by the NRC. Additionally, the NRC staff may return an application found to be deficient to a licensee to address any identified deficiencies.

10 CFR 2.107 provides the opportunity for a licensee to request to withdraw an RLA.

10 CFR 2.108 allows the NRC staff to request additional information in the course of the review of the proposed action. If an applicant fails to respond to a request for additional information (RAI) in the requested time-frame, 10 CFR 2.108 allows the NRC staff to deny an application. This authority may be utilized after an opportunity for a hearing has been noticed in the *Federal Register*. LIC-101 is currently in the process of being revised to more clearly describe the process for denial/withdrawal of applications following completion of the acceptance review (and subsequent noticing of opportunity for a hearing in the *Federal Register*) for failure of the licensee to provide sufficient information to support review of a license amendment.

While the goal of the acceptance review process is to facilitate submittal of high quality applications, resulting in fewer RAIs, the acceptance of a requested licensing action in no way implies that additional questions may not be raised during the actual review process, that these later questions may not identify serious deficiencies in the application (possibly resulting in non-acceptance of the RLA), or that the application will be or must be approved. Rather, the acceptance review is a tool used by the staff to

identify poor quality applications early in the review process so that they can be returned to the licensee.

This guidance should be utilized to the greatest extent possible for the review of applications requesting NRC approval prior to implementation of the subject action.

## **2.0 OBJECTIVES**

This Office Instruction, along with the attached document, "Guide for Performing Acceptance Reviews," provides all NRR staff a basic framework for performing an acceptance review upon receipt of an RLA. For the purpose of this procedure, an RLA is defined as a licensee action requiring NRC approval prior to implementation, with the exclusion of those RLAs that require a regulatory decision in less than 30 days.

These procedures should enhance NRR's efficiency in responding to the needs of both the licensees and the public. Specific objectives include the following:

- Promote the submission of consistent and high quality RLAs by licensees;
- Provide general guidance to NRC staff, licensees, and the public defining high quality, acceptable RLAs;
- Allow an effective application of NRC resources in reviewing licensing actions;
- Promote consistency in the performance of acceptance reviews;
- Establish the acceptance review process as an integral part of an effective licensing review;
- Establish the priority of acceptance reviews and define time-frames for completion;
- Reduce unnecessary delays in the review of licensing actions; and
- Ensure effective internal and external communications.

## **3.0 BACKGROUND**

The quality of an RLA has a significant impact on the amount of NRC staff resources expended in the review process. RLAs that include information of a sufficient scope and depth, allow the NRC staff to focus its efforts on reviewing the technical and regulatory merits of the arguments put forth by the licensee. When an application lacks critical information necessary for the NRC staff to complete its review (e.g., entire analyses/calculations, unjustified use of unapproved methodologies, etc.) an inordinate amount of staff time is spent gathering this information. Additionally, time spent on poor quality applications results in longer review periods for the application and adversely impacts the resources and schedules for review of other licensees' RLAs, which may be of acceptable quality.

A thorough acceptance review is integral to the efficient review of an RLA. The early identification of significant deficiencies benefits both the NRC staff and the licensee. The NRC staff benefits by identifying informational needs earlier and expending fewer resources in acquiring them. The licensee benefits by understanding potential NRC staff concerns and needs earlier.

#### **4.0 BASIC REQUIREMENTS**

The attached guidance describes a procedure for performing acceptance reviews of requested RLAs. The process includes the following subprocesses:

- Establishment of scheduling and resources for the acceptance review;
- Review of the application for administrative and technical sufficiency;
- Resolution of any identified deficiencies; and
- Implementation and documentation of results.

**Appendix A - Change History**

**Office Instruction LIC-XXX  
"Acceptance Reviews"**

<b>LIC-XXX Change History - Page 1</b>			
<b>Revision Date</b>	<b>Description of Changes</b>	<b>Method Used to Announce &amp; Distribute</b>	<b>Training</b>
	Initial Document		

**Appendix B**

**Guide for Performing Acceptance  
Reviews**

## Abbreviations

CLIIP	Consolidated Line Item Improvement Process
CFR	<i>Code of Federal Regulations</i>
DORL	Division of Operating Reactor Licensing
DPR	Division of Policy and Rulemaking
FR	<i>Federal Register</i>
LA	Licensing Assistant
NRC	Nuclear Regulatory Commission
NRR	Office of Nuclear Reactor Regulation
NSHC	no significant hazards consideration
OAR	Official Agency Record
OGC	Office of the General Counsel
DD	Division Director
PM	Project Manager
RAI	request for additional information
BC	Branch Chief
RLA	Request for Licensing Action
SRP	Standard Review Plan
STS	Standard Technical Specifications
TAC	technical assignment control
TS	Technical Specifications
WPC	Work Planning Center

## 1.0 Introduction

This guide provides staff in the U.S. Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation (NRR) with a basic framework for performing an acceptance review of a requested licensing action (RLA). The guide is for use by Project Managers (PMs), and technical staff and their respective management. This guide provides a general description of the process to be followed. However, it is recognized that RLAs are reviewed and issued under various conditions that require flexibility in the planning and execution of application reviews. This guide is intended to allow that necessary measure of flexibility.

### 1.1 Objectives

The objective of this guide is to help NRR enhance its efficiency in responding to the needs of both the licensees and the public. Specific objectives include the following:

- Promote the submission of consistent and high quality RLAs by licensees;
- Provide general guidance to NRC staff, licensees, and the public defining high quality, acceptable RLAs;
- Allow an effective application of NRC resources in reviewing licensing actions;
- Promote consistency in the performance of acceptance reviews;
- Establish the acceptance review process as an integral part of an effective licensing review;
- Establish the priority of acceptance reviews and define time-frames for completion;
- Reduce unnecessary delays in the review of licensing actions; and
- Ensure effective internal and external communications.

### 1.2 Process Overview

The performance of an acceptance review is an important part of the overall review of a request for NRC approval of licensee activities. When properly implemented, acceptance reviews will allow for a more efficient use of staff resources and foster higher quality and consistency of licensee submittals. The acceptance, non-acceptance, request for additional information (RAI), approval, or denial (for insufficient information or merit) of an RLA is part of a continuous process of managing issues related to nuclear power facilities. PMs, technical staff and licensees should be in regular contact to discuss NRC's ongoing reviews and other regulatory matters requiring NRC review and approval. Frequent and early communications between the staff and the licensee can help avoid unnecessary delays in the processing of licensee submittals. Pre-application review meetings or conference calls (discussions regarding future RLAs prior to the request being submitted) between the licensee and staff members can be beneficial and are encouraged when the NRC staff's workload is not adversely impacted.

## 1.3 Definitions

### 1.3.1 Acceptable for Review

- A determination made by the NRC staff that the application reasonably appears to contain sufficient technical information, both in scope and depth, for the NRC staff to complete the detailed technical review and render, in an appropriate time-frame for the associated action, an independent assessment of the proposed action with regard to applicable regulatory requirements and the protection of public health and safety.

### 1.3.2 Insufficient Information

- A submittal that lacks critical information necessary for the NRC staff to reach a determination of reasonable assurance of safety with respect to the request contained in the submittal.

### 1.3.3 Readily Available

- Information that can be provided within a predictable time-frame such that both PM and review resources will not be adversely affected by the time-frame. Considerations regarding adverse effects include, but are not limited to, availability and complexity of the outstanding items, work priorities, PM and technical staff availability, and office metrics. Typically, information that is readily available should not take longer than 10 to 15 days to be submitted to the NRC staff.

## 2.0 Review Application for Completeness and Acceptability

Excluding TR reviews, the PM and technical staff should complete the task of reviewing the application for administrative and technical sufficiency in a time-frame supportive of the overall goal of determining acceptability for review within 30 days of receipt of the RLA by the NRC.

For TR reviews, the PM and technical staff should complete the task of reviewing the application for administrative and technical sufficiency in a time-frame supportive of the overall goal of determining acceptability for review within 60 days of receipt of the RLA by the NRC.

If there are factors that would justify a longer review period, the NRC staff will evaluate on a case-by-case basis.

The minimal requirements for RLAs are contained in associated regulatory criteria and Office Instructions (e.g., amendment applications are described in 10 CFR 50.4, 50.90, 50.91, 50.92, and LIC-101). In addition, the NRC staff should ensure that the application reasonably appears to contain sufficient technical information, both in scope and depth, for the NRC staff to begin its detailed technical review and render, in an appropriate time-frame for the associated action, an independent assessment of the RLA with regard to applicable regulatory requirements and the protection of public health and safety.

The following guidance highlights key elements that should be contained in an RLA and potential deficiencies that should be addressed during the acceptance review. The PMs and technical staff should make the following determinations with regard to the RLA. Failure of an



RLA to meet one or more of the following criteria is indicative of an unacceptable application. However, the criteria are not all inclusive, nor absolute, and application of the criteria should not replace sound technical and regulatory judgement. In certain rare circumstances there may be situations where although evaluation of an RLA against the criteria would suggest one action, another may be more appropriate, based on NRC staff recommendations to division management. In the rare instances when such circumstances occur, the basis for decisions different from the criteria should be well understood and clearly documented. The list of criteria are divided into groups by which reviewer (PM or technical staff) would likely be utilizing them.

Appendix D to this document contains examples of informational deficiencies that may occur and a discussion of each as whether it would or would not cause an RLA to be unacceptable for review.

## 2.1 PM Criteria

- **Administrative Criteria:** Determine whether the RLA contains all appropriate regulatory and administrative criteria, such as those listed in Section 2.2 of LIC-101 (e.g., addressed to the Document Control Desk, submitted under Oath and Affirmation, an NSHC provided, etc.). Administrative criteria, though often readily available, must be met prior to acceptance for review.
- **Use of Approved Guidance:** Determine whether the RLA cites any unapproved guidance such as draft Topical Reports (TRs), TRs currently under NRC staff review, or draft American Society of Mechanical Engineers (ASME) Code cases. It should be noted that plants are sometimes part of a pilot initiative for which the review of the TR would be concurrent with the review of the plant-specific proposed action. This situation should not result in the RLA being non-accepted. However, if the plant is not a pilot plant for the TR, the RLA should not be considered acceptable.

One exception to this criteria is when a plant has justified the need for an expedited review of an RLA that cites guidance currently under NRC staff review. In this situation, the NRC staff may decide to review the RLA, including the supporting TR or ASME Code case, on a plant-specific basis.

- **Additional Criteria:** For certain licensing actions, ensure that the specific criteria that a licensee must address is included. These criteria are typically identified either in 10 CFR, Part 50, or in the associated guidance document. An example can be found in Exemptions, where the licensee must not only justify the acceptability of the proposed action, but must demonstrate that there is special circumstances present that necessitates the issuance of an exemption.
- **Linked RLAs:** Determine whether the approval of the RLA is contingent upon the approval of other RLAs currently under review. An RLA should not be accepted for NRC review and approval until all prerequisite RLAs have been reviewed and approved by the NRC staff.
- **Promised Information:** Determine whether the RLA commits to submit required information at a later date. It is important to note that not all information associated with the RLA, such as calculations performed, needs to be submitted. However, if the licensee

identifies a calculation or other information that is needed, but has yet to be performed or completed, the RLA is unlikely to be acceptable for review.

- **Need for an Exemption:** Determine whether any exemptions needed to support the RLA have been submitted. An RLA that lacks a required, concurrent, exemption request should be considered unacceptable.
- **CLIIPS:** In the case of RLAs utilizing the consolidated line item improvement process (CLIIP), the PM should determine whether the application deviates in any way from the model CLIIP. If so, there may still be sufficient information to perform the review, however, the application should be removed from the CLIIP process and metrics. This is a shared criteria against which both the PM and the technical staff should evaluate the application.

## 2.2 Technical Staff Criteria

- **Completeness of Scope:** Determine if there are significant analyses missing from the RLA in their entirety (e.g., an application is missing a Loss-of-Coolant Accident analysis when it appears that the proposed change would impact that analysis). Often, the appropriate analyses are designated in industry codes and standards, NRC Regulatory Guides, Regulatory Issue Summaries, etc. An RLA lacking an analysis necessary for the NRC staff review should be considered unacceptable.
- **Sufficiency of Information:** Determine if there are significant, obvious, problems with the information and analyses provided. Technical staff may use various measures for this criteria, such as the volume and magnitude of questions that could be generated based simply on the initial reading of the application. If significant, obvious problems are identified, the RLA should be considered unacceptable.
- **Regulatory Basis:** Determine whether the applicable regulations and criteria are properly applied. The licensee should identify the criteria used to determine that the RLA is acceptable. Additionally, the NRC staff may utilize guidance documents such as the Standard Review Plan (SRP) or any specific review standards for specific RLAs (e.g., EPU), however this is not a requirement and the NRC staff should be cognizant that the licensee may have evaluated the proposed change in a different manner. Regardless, from the information contained in the application, the NRC staff should be able to identify the applicable criteria and licensing bases by which to evaluate the proposed action. When alternates are provided, the NRC staff should spend extra time in verifying the completeness of the scope and logic of the alternate methodology.
- **Use of Approved Guidance:** Determine whether any approved codes or Topical Reports (TRs) cited in the application are used in accordance with the limitations imposed by the NRC staff on their use. Using unapproved codes or TRs (or the use of codes and TRs outside the limitations imposed by the NRC staff), when a full analysis to justify why the proposed use is conservative, may be acceptable. However, simply referencing an unapproved TR or code is unacceptable.
- **Use of Precedent:** Determine whether cited precedents are justified and used appropriately. Further, the reviewer should determine whether any deviations from the precedent appear to be justified. The technical staff should be aware that, in addition to

inappropriate use of a cited precedent, there may also be applicable precedent that was not cited. Although the licensee is not required to cite precedent, the technical staff should remain cognizant of other applicable licensing information. The staff need not perform an exhaustive search of all operational experience, but instead be aware of any readily available information or knowledge pertinent to the RLA.

- **CLIPS:** In the case of RLAs utilizing the CLIP process, the PM should determine whether the application deviates in any way from the model CLIP. If so, there may still be sufficient information to perform the review, however, the application should be removed from the CLIP process and metrics. This is a shared criteria against which both the PM and the technical staff should evaluate the application.

If, during the acceptance review of the RLA, the NRC staff finds deficiencies so significant that they impede completion of the acceptance review, the application should be returned to the licensee as unacceptable for review, pursuant to 10 CFR 2.101. Additionally, at the completion of the review, the NRC staff may have identified major deficiencies that would be better addressed by terminating the review and returning the RLA to the licensee for resolution. In these cases, the PM, with input from the technical staff, will send a letter to the licensee that identifies the deficiencies and states that the acceptance review has been terminated. Additionally, the letter will identify that other aspects of the RLA may be deficient but were not reviewed due to the significance of the aforementioned deficiency.

If, after review of the RLA, either the PM or the technical staff feels that the submittal does not meet the definition of acceptable for review, they should promptly contact (via e-mail, as discussed above) the other parties involved in the review to discuss the impact of the identified deficiencies. The PM and the technical staff (and associated management, if appropriate) should discuss the identified deficiencies. This discussion should focus on ensuring that all parties understand the identified deficiencies, identifying whether the deficiencies are within the scope of the review of the proposed action, and if they should be addressed using this process (i.e., the issues are not appropriate for the RAI process).

If it is determined that the identified deficiencies are within the scope of the review and should be resolved via this process, Section 3.0 of this Office Instruction should be utilized.

Both the PM and technical staff should consider the generic implications of identified deficiencies. If the potential exists for an issue to be generically applicable, the involved parties should decide on the appropriate way to resolve the issue.

If the RLA is found acceptable for review or if it is determined that the informational needs identified during the acceptance review are not significant enough to fail the acceptance review and should be addressed in the technical review process (i.e., via RAIs), the acceptance of the RLA for review should be documented per Section 4.0 of this Office Instruction.

### **3.0 Discussion of Deficiencies with the Licensee**

The PM should contact the licensee to identify that its application has been found unacceptable for review and set up a conference call to discuss the required information. This call should occur as soon as possible, but no longer than one week from the licensee's notification. During the call, the NRC staff should identify the omitted or insufficient information to the licensee and

discuss the appropriate course of action. It is important that the call result in a clear communication, to the licensee, of the information needed and that the NRC staff gain an understanding of whether the licensee plans to submit the information within the NRC staff's deadline. The licensee does not need to agree with the need for the information or the deadline, however.

**Note: During the call, the licensee should be provided the opportunity to justify the omission of sufficient information. The NRC staff will evaluate this justification to determine whether the information is required.**

### **3.1 Licensee Supplements to Application**

A letter should be sent to the licensee that clearly identifies:

- The information needed for the NRC staff to begin its review;
- The time-frame for the submission of the information. This time-frame (typically 10 to 15 days from the date of the call) should be established as one that is supportive of the NRC staff's timely review, not simply when the information will be available; and
- A statement identifying that failure to submit the information within the time-frame will result in non-acceptance of the application and cessation of NRC review activities pursuant to 10 CFR 2.101.

This letter should be sent to the licensee no later than 30 days (60 days for TRs) from the date of receipt of the RLA by the NRC. An example letter is provided in Appendix C

The technical staff should review the supplementary information to ensure that it is responsive to its concerns. If so, the technical review should begin.

Upon receipt of the RLA supplement, the technical staff shall review the supplemental information for responsiveness. The same criteria used in the initial acceptance review shall be applied.

If the licensee does not provide the requested information within the time-frame, or if the provided information is not responsive to the NRC staff's concerns, Section 5.0 of this Office Instruction should be used to proceed with non-acceptance of the application pursuant to 10 CFR 2.101. This course of action should also be considered in the event that the information provided by the licensee continues to be deficient.

### **4.0 Non-Acceptance of the Application**

If the supplement to the RLA has been determined to continue to be deficient or the licensee does not provide the supplementary information within the agreed upon time-frame, the NRC staff should proceed with actions to terminate the review.

The NRC staff should then communicate this to the licensee.

**Note: When communicating denial of an RLA to the licensee, the NRC staff should avoid debating the issue with the licensee, instead, ensuring that the reasons for the NRC staff's actions are clearly communicated.**

Upon notification of the NRC staff's decision to non-accept the RLA pursuant to 10 CFR 2.101, the licensee should also be made aware that it may withdraw the application pursuant to 10 CFR 2.107. The licensee should be encouraged to fully document the reasons for withdrawal in its letter and understand that the NRC staff will, likewise, document the identified deficiencies in the letter non-accepting the RLA or the withdrawal letter.

If the licensee fails to supplement the RLA within the agreed upon time-frame, the letter of denial should be issued within 2 days of the deadline established for supplementing the RLA. If the supplement is found to be unresponsive to the NRC staff's concerns, the letter of denial should be issued within 2 days of this determination.

If the licensee, prior to issuance of the non-acceptance letter, submits a request to withdraw the RLA, the NRC staff should modify the letter to accept the withdrawal and terminate the review. The documentation of the deficiencies that led to the withdrawal should be maintained in the letter. This action is both supportive of a clear public record of the current action and informative to other licensee's that may be preparing similar requests.

Requests to discuss a non-accepted RLA with the NRC staff will be entertained only if they do not adversely impact the NRC staff's review of RLAs accepted for review. The NRC staff should treat these discussions as they would a pre-application discussion for the re-submission of the application.

## **5.0 Documentation of an Application Found Acceptable for NRC Staff Review**

Upon determination that an application for NRC approval of a proposed action is acceptable for review, this result should be communicated to the licensee. The formality of this communication will depend on the specific circumstances surrounding the application.

If the submittal was supplemented, the acceptance for review shall be documented in a letter to the licensee.

Typically, though, if the licensee's submittal was found to be acceptable without any supplements, an e-mail to the PM's licensing contact would be sufficient to document the completion of review. The PM should ensure that the e-mail contains the same information as the formal letter, however, no further concurrence is necessary.

**Note: It is important that the PM ensure that e-mail documentation of the acceptance for review is documented in ADAMS as an OAR. This can be accomplished by the electronic addition of the e-mail or manual scanning.**

At the conclusion of the acceptance review, the PM and technical staff will continue the detailed technical review in accordance with the appropriate process (e.g., LIC-101 for license amendment requests).

**Appendix C**

# **Guide for Performing Acceptance Reviews, Example Letters**

**NOTE: Appendix C has been redacted from the publicly available version of the acceptance review procedure. Appendix C contained boilerplate letters which are still under development, but will be consistent with the information contained in this guidance.**

**Appendix D**

**Guide for Performing Acceptance  
Reviews, Information Deficiency  
Examples**

The purpose of the examples included in this Appendix is to better delineate the 'line' where an informational deficiency would result in an RLA being unacceptable for review versus where it would be more appropriately dealt with via the RAI process. In each example the corresponding PM or Technical Criteria are identified, whether the deficiency would cause the RLA to be unacceptable for review, and, if appropriate, any changes to the situation that may change this determination.

## **Example 1**

### **Criteria**

PM, Promised Information; and  
Technical Staff, Completeness of Scope

### **Situation**

A licensee for a multi-unit site requests the full-scope implementation of a revised methodology for accident source term (AST) in accordance with Regulatory Guide (RG) 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors." Compliance with RG 1.183 requires the analyses of four specific design basis accidents (DBAs) to be submitted, however, the licensee has performed only three of the four for Unit No. 1 and provides a commitment to provide the others at a later date.

### **Acceptable for Review?**

No, because the licensee failed to include analyses that are critical to the Nuclear Regulatory Commission (NRC) staff's review (Completeness of Scope) as is evidenced by the promise to submit it at a later date (Promised Information). Without having the analyses (either the missing Unit No. 1 analysis or the remaining units), the NRC staff does not have sufficient information to complete the review. This situation is not appropriate for the RAI process and the RLA should not be accepted for review.

### **May be Acceptable for Review If:**

If the original submittal provided by the licensee included adequate justification for why the omitted analyses are not needed, due to plant-specific considerations, omission of the analyses may be appropriate. Additionally, the application may be acceptable if the licensee submitted all necessary analyses for Unit No. 1 and provided detailed comparison of the remaining Units sufficient to demonstrate similarity in design such that the analyses are applicable to all units.

Alternately, if the licensee had performed all the necessary analyses and they were readily available (i.e., able to be provided to the NRC staff within 10 to 15 days), but simply failed to include them, the RLA may be acceptable for review if the information is provided within the prescribed time-frame.



## **Example 2**

### **Criteria**

PM and Technical Staff, Use of Approved Guidance

### **Situation**

A licensee requests the approval for a change to a fuel type which requires changes to the safety limits. The application references a topical report (TR) methodology for determining the safety limits currently under review for generic use with a different site designated as the pilot plant for the review.

### **Acceptable for Review?**

No, because the licensee has cited an unapproved TR in support of the proposed change (Use of Approved Guidance). Additionally, the licensee is not the pilot plant for the review of the TR. Although the licensee may be able to cite the TR after it receives generic approval, the NRC staff should not begin review of the RLA until the generic review is completed.

### **May be Acceptable for Review If:**

If the TR was not currently under NRC review for generic use and the licensee provided a full justification (versus a simple reference to the TR) for why use of the method described in the unapproved TR results in a conservative safety limit the application may be acceptable for review.

### **Example 3**

#### **Criteria**

PM, Linked RLAs; and  
Technical Staff, Regulatory Basis

#### **Situation**

While the NRC staff is reviewing a licensee's request to change the accident analyses for a loss of coolant accident (LOCA), the licensee submits an application for an extended power uprate (EPU). The analysis and supporting justification for the EPU are based, in part, on the proposed LOCA analysis currently under review.

#### **Acceptable for Review?**

No, because the EPU should not begin until all prerequisite reviews have been completed (Linked RLAs). Additionally, the regulatory basis cited in the EPU application (i.e., the currently unapproved LOCA analysis) is not the current licensing basis for the plant (Regulatory Basis).

#### **May be Acceptable for Review If:**

If review and approval of the EPU was not contingent upon the outcome of the NRC staff's review of the LOCA analysis.

## **Example 4**

### **Criteria**

PM, Additional Criteria

### **Situation**

The project manager for a site receives a request for NRC approval of an exemption from a part of 10 CFR Part 50. While the exemption request contains sufficient information to justify that the proposed exemption will maintain safety, the licensee fails to identify any special circumstances that necessitate granting an exemption.

### **Acceptable for Review?**

No, because for exemptions, the licensee must also justify that special circumstances exist.

### **May be Acceptable for Review If:**

Special circumstances exist, but the licensee omitted them from the application. If the justification is readily available (i.e., able to be provided to the NRC staff within 10 to 15 days), the licensee may be able to supplement the application to make it acceptable for NRC staff review.

## **Concurrent update to LIC-101 for In-Process Denials**

Concurrent with the development of the NRR Office Instruction on performing acceptance reviews, the following text is being considered for addition to the NRR Office Instruction on the review of License Amendment Requests:

A list of guidance points on RAIs in LIC-101 would have the following point added:

11. The letter transmitting the RAI should contain a statement that failure to submit information that is responsive to the NRC staff's concerns within the agreed-upon time-frame may result in denial of the application pursuant to 10 CFR 2.108. If the licensee fails to respond to the NRC staff's questions (not only must a timely response be tendered, but it must also adequately address the question asked), the effects of that delay in the review schedule should be evaluated and, if appropriate, the PM shall deny the LAR pursuant to 10 CFR 2.108.

The following would be added to the section on RAIs in LIC-101:

It should be noted that in certain circumstances during the detailed technical review, deficiencies may be identified that lead technical staff to conclude that the review cannot be completed without significant additional information. Even with an appropriate acceptance review, these deficiencies would have been undetectable given the lesser scope and level of effort applied to the acceptance review. In these situations, the identifying reviewer should promptly communicate the issue to the PM and associated management. The PM and associated technical staff should contact the licensee via telephone to identify the informational deficiency and communicate that this information is critical to completing the NRC staff's review. A letter citing the informational needs of the NRC staff should be prepared and promptly issued to the licensee. This letter should cite that the information should be provided in no more than 30 days from the date of the telephone call and that failure to provide the information will result in denial of the amendment pursuant to 10 CFR 2.108.

If the licensee submits the information within the prescribed time-frame, the PM and technical staff shall review the information for responsiveness to the NRC staff's concerns. If the information is not submitted, or found to be unresponsive, the PM shall proceed with a denial of the application pursuant to 2.108 and in accordance with the guidance in Office Instruction LIC-XXX.