

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

September 2, 2008

**NRC REGULATORY ISSUE SUMMARY 2008-21
ISSUANCE OF LIC-109, "ACCEPTANCE REVIEW PROCEDURES"**

ADDRESSEES

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.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform addressees of the issuance of a new procedure (LIC-109, "Acceptance Review Procedures") within the Office of Nuclear Reactor Regulation (NRR) regarding acceptance reviews. This RIS requires no action or written response on the part of the addressee.

BACKGROUND INFORMATION

The quality of an application has a significant impact on the amount of NRC staff resources expended in the review process. The NRC expects that licensees will routinely submit applications that reflect a quality level that allows NRC to complete its reviews in an effective and efficient manner. Applications that include information of a sufficient scope and depth allow the NRC staff to focus efforts on reviewing the technical and regulatory merits of the licensee's proposal. When an application lacks significant information necessary for the NRC staff to complete its review (e.g., entire analyses/calculations missing or reference unapproved topical reports as justification), an inordinate amount of staff time is spent gathering this information. Insufficient applications require a large number of requests for additional information (RAIs), a greater-than-expected number of rounds of RAIs, and a high degree of staff/licensee interaction. Long waits for licensee responses further protract review schedules. This increased NRC staff time spent on insufficient submittals is time taken from reviewing other submittals. This inappropriate distribution of resources creates an inefficient and ineffective process for the staff and licensees.

On January 31, 2008, a public meeting was held to discuss a redacted version of the draft acceptance review procedure made public prior to the meeting. This meeting discussed various aspects of the procedure, including time-frames and the review criteria. Interested stakeholders were provided the opportunity to submit written comments as well.

ML081410106

SUMMARY OF ISSUE

LIC-109, "Acceptance Review Procedures," prescribes timelines for the staff's performance of the acceptance review and promotes consistency in the criteria against which the staff will evaluate an requested licensing action (RLA) to determine its acceptability for review. This office instruction was made effective May 2, 2008.

The staff is now performing acceptance reviews on RLAs in accordance with LIC-109. As defined in LIC-109, a requested licensing action is an activity that requires NRC approval prior to implementation (e.g., license amendments, relief requests, exemptions, security and emergency plan changes, etc.) and topical report reviews. LIC-109 will not be used with respect to license renewal applications, research and test reactor activities, permanently shutdown power reactors undergoing decommissioning, or RLAs that require a regulatory decision in such a limited time that performance of an acceptance review would not be possible.

Of particular note is that the procedure would consider a linked RLA (e.g., one that depends on the issuance of another RLA currently under NRC staff review) to be unacceptable for review. Recognizing that linked RLAs were previously entertained by the NRC staff, the procedure will allow linked RLAs for a period of 6 months following issuance (ending November 2, 2008), providing the schedule for submission of the linked RLA has been previously discussed with and agreed to by the NRC staff. The NRC staff will continue to perform separate reviews on submittals that have multiple independent aspects. This could potentially result in the NRC staff not accepting for review those aspects of the RLA that are dependent on other RLAs.

LIC-109 is available in the Agencywide Documents Access and Management System (ADAMS) under accession number ML081200811. Public access to ADAMS is available via the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

BACKFIT DISCUSSION

This RIS is being issued to inform licensees and interested stakeholders of the implementation of new procedural guidance for NRR staff in performing acceptance reviews. The Backfit rule applies to the procedures necessary to operate a nuclear power plant. The implementation of procedural guidance for performing acceptance reviews is a change to the NRC's regulatory process used to assess the acceptability of an amendment for staff review. The NRC's regulatory review process is not a licensee procedure required for operating the plant. The RIS provides licensees and interested stakeholders with access to the new procedure. Therefore, pursuant to 10 CFR 50.109(a)(1), the backfit rule does not apply, and a backfit analysis is not required.

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 pertains to a staff position that does not represent a departure from current regulatory requirements and practice.

CONGRESSIONAL REVIEW ACT

This is a rule under the Congressional Review Act (5 U.S.C. §§801-808). The Office of Management and Budget (OMB) has determined this is not a major rule.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

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CONTACT

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

/RA/

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