

# Withdrawn

NRC Regulatory Issue Summary 2009-03, "Process for Scheduling Acceptance Reviews of New Reactor Licensing Applications After April 2009 and Process for Determining Budget Needs for Fiscal Year 2011," dated February 12, 2009, has been withdrawn.

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See *Federal Register* notice dated October 25, 2016

81 FR 73448

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

February 12, 2009

**NRC REGULATORY ISSUE SUMMARY 2009-03  
PROCESS FOR SCHEDULING ACCEPTANCE REVIEWS OF NEW  
REACTOR LICENSING APPLICATIONS AFTER APRIL 2009 AND  
PROCESS FOR DETERMINING BUDGET NEEDS FOR  
FISCAL YEAR 2011**

**ADDRESSEES**

- (1) Any future applicant for an early site permit (ESP), limited work authorization (LWA), standard design certification (DC), or combined license (COL) for construction and operation of nuclear power plants under the provisions of Title 10 of the Code of Federal Regulations (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," that intends to submit its application after April 2009;
- (2) Any future applicant that intends to request an amendment to a DC or a DC renewal after April 2009;
- (3) Any current 10 CFR Part 52 licensee (ESP holder) that intends to request an LWA, an amendment to its ESP, or a transfer of its ESP after April 2009;
- (4) Any current 10 CFR Part 52 applicant that intends to submit any change in the future to an application currently being reviewed by the U.S. Nuclear Regulatory Commission (NRC) (excluding chapter revisions resulting from responses to staff requests for additional information (RAIs)) (i.e., a topical report, an LWA request, a change to a major feature of an emergency plan submittal, or a facility design change); and
- (5) Any current 10 CFR Part 52 COL applicant that intends to submit amendments to its COL in 2011, if a COL were to be granted on its application.

**INTENT**

The NRC is issuing this regulatory issue summary (RIS) to (1) assist the NRC in determining fiscal year (FY) 2011 (October 1, 2010, to September 30, 2011) resource and budget needs with respect to future construction-related activities and other anticipated 10 CFR Part 52 licensing actions, (2) communicate to stakeholders the agency's process for scheduling its acceptance reviews, (3) communicate to stakeholders that the NRC has expanded its scheduling process to include all potential 10 CFR Part 52 licensing actions (e.g., license amendments, topical report submissions, changes to applications other than revision changes

that result in response to RAIs, ESP modification requests, ESP transfer requests), and (4) request addressees to consider submitting their construction plans and schedules for fabrication of large components and modules to the NRC when available.

This RIS is intended to promote early communication between the NRC and addressees regarding potential 10 CFR Part 52 licensing action submission dates. This exchange of information will assist the NRC in allocating its resources for acceptance reviews and anticipated licensing actions.

The concepts described in this RIS are consistent with the NRC policy on standardization as described in the Statements of Consideration for the original proposed rule in 10 CFR Part 52 (Volume 53, page 32060, of the *Federal Register*) and apply to ESP, LWA, DC, and COL applications submitted to the NRC. This RIS does not transmit or imply any new or changed requirements or staff positions. Although no specific action or written response is required, submission of requested information will enable the NRC to more efficiently and effectively plan its licensing and inspection activities.

## **BACKGROUND INFORMATION**

The staff issued NRC RIS 2006-06, "New Reactor Standardization Needed to Support the Design-Centered Licensing Review Approach," on May 30, 2006, to explain the NRC's design centered review approach (DCRA) regarding DC and COL applications, and the level of standardization of a particular design needed in order to make the DCRA effective. 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 applicants would support the NRC's DCRA. RIS 2007-08 promoted standardization of COL applications and facilitated 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 requirements, environmental reviews, construction plans and preparation, and other pre-application activities.

To complement the DCRA approach and support regulatory stability and predictability, on January 10, 2008, the staff issued NRC RIS 2008-01, "Process for Scheduling Acceptance Reviews Based on Notification of Applicant Submission Dates for Early Site Permits, Combined Licenses and Design Certifications for Determining Budget Needs for Fiscal Year 2010." RIS 2008-01 communicated to stakeholders the process that the NRC intended to use to enhance the agency's scheduling and resource allocation stability for 10 CFR Part 52 licensing actions and requested the voluntary submission of fiscal year 2010 application submission dates for NRC planning and budgeting purposes.

## **SUMMARY OF ISSUE**

The NRC has received 17 COL applications since 2007, and anticipates submission of approximately six additional COL applications through 2010. The NRC is reviewing three DC applications (Economic Simplified Boiling-Water Reactor, U.S. Evolutionary Power Reactor, and U.S. Advanced Pressurized-Water Reactor), one amended DC application (AP1000 DC Amendment), and one ESP application (Vogtle ESP). For the NRC to effectively schedule

resources to review any potential new applications, modifications to current applications under review by the NRC (excluding chapter revisions resulting from RAI responses), ESP license amendments, and DC renewals, it is essential for applicants and licensees to provide their best estimate of the number of planned submissions, their complexity, and their submission date to the NRC. The accuracy of these estimates will likely affect both the start date and duration of the acceptance reviews. Furthermore, any requests for modifications or submittal of modifications to current applications under review by the NRC may significantly affect the established project schedule because of the possibility that new issues may raise potential technical issues and contentions.

Similarly, timely submission of construction plans and schedules for fabrication of modules and large components to the NRC by current applicants and future licensees, as well as inspections, tests, analyses, and acceptance criteria review schedules, will enable the NRC staff to more effectively and efficiently schedule, plan, and implement construction-related inspection activities in accordance with applicable NRC inspection manual chapters.

The advanced notification of application submission dates will facilitate the likelihood of acceptance reviews of 60 calendar days.<sup>1</sup> The staff's goal is to identify and obligate resources 45 days before the expected receipt date of an application. RIS 2008-01 presented the staff's process for scheduling application reviews with respect to expected submission dates and other pertinent information related to the commencement of the staff's review. The process is reiterated below to remind addressees of its steps and to emphasize its importance to the NRC's project planning and budgeting process for 10 CFR Part 52 application reviews. In addition, the staff has added clarifying comments based on the conduct of recent 10 CFR Part 52 acceptance reviews.

#### *Declaration of Expected Application Submission Date:*

The NRC expects applicants or licensees to declare in writing their anticipated application submission date no later than 90 days in advance of its arrival. This is consistent with the information the staff communicated to the design-centered working groups throughout 2007. Based on this expectation, the following criteria will apply:

- The NRC's review will be scheduled to start on the next business day following the applicant's or licensee's expected application submission date (month, day, year).
- When applicants or licensees specify a month rather than a specific date, the NRC will assume that the application will arrive 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 or licensee'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 or licensee. The following will result from schedule changes:

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<sup>1</sup> As stated in NRC RIS 2007-25, "Combined License Application Acceptance Review Process," dated December 18, 2007, 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. Because of the extensive review required for DC applications, the staff is also scheduling a 60-day acceptance review for DCs.

- If the application is submitted early, the acceptance review start and completion dates will not change. However, if resources are available, the staff will begin review of the application ahead of the scheduled start date.
- If an application is submitted late, the staff will negotiate the start date with the applicant or licensee based on the availability of staff resources to perform the review.

*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 no longer be a 14 calendar-day gap between the scheduled completion of the acceptance review and the scheduled start of the application review to accommodate potential minor delays in the acceptance review schedule in a manner that does not result in rescheduling extensive resources. The staff believes that such delays could occur, for example, if the need arises for the applicant to submit additional information during the acceptance review. However, in past 10 CFR Part 52 COL acceptance reviews, when additional information was needed, the staff deferred its decision to accept the application for a detailed technical review until the applicant provided the additional information and the staff had adequate time to evaluate it. If additional information is needed, applicants should expect either (1) the addition of at least 30 days to the acceptance review schedule, or (2) depending on the nature of the information needed, rejection of the application.

*Testing of Application for Automatic Uploading:*

Applicants or licensees are strongly encouraged to test the ability of NRC systems to automatically upload their applications for distribution before 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**

The staff is seeking notification regarding the number of ESP, LWA, DC, COL applications, and any other licensing requests, as well as their complexity, expected to be submitted in FY 2011 no later than 30 days from the date of this RIS. This information will assist the staff in determining FY 2011 budget needs.

To ensure that the NRC can effectively schedule resources and to facilitate achievement of an acceptance review of 60 calendar days, the staff requests that, 90 days before the expected submission date, an applicant or licensee (as applicable) declare the expected submission date (month, day, year) and the degree of complexity of each of its ESP, LWA, DC, and partial or complete COL applications or licensing action requests that it intends to submit to the NRC.

In addition, the NRC staff is requesting the voluntary submission of addressee construction plans and schedules for fabrication of large components and modules to the NRC when available.

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 is being issued to inform stakeholders of a revision to existing internal NRC procedures applicable to new power reactor applications and to request voluntary submission of information. These internal processes do not affect licensee procedures required for operating a power plant. 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 COL application or licensing action, in accordance with the requests contained in this RIS for the purpose of aiding the NRC in planning the use of its resources, is strictly voluntary. Therefore, pursuant to 10 CFR 50.109, the backfit rule does not apply, and a backfit analysis is not required.

## **FEDERAL REGISTER NOTIFICATION**

The NRC did not publish a notice of opportunity for public comment on this RIS 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 and does not represent a departure from current regulatory requirements.

## **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.). The Office of Management and Budget (OMB) approved these information collections under OMB control number 3150-0151.

The burden to the public for this voluntary information collection is estimated to average 8 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 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](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0051), Office of Management and Budget, Washington, DC 20503.

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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