

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATIONS
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555-0001

March 3, 2011

**NRC REGULATORY ISSUE SUMMARY 2011-03
ISSUANCE OF SFST-14, "ACCEPTANCE REVIEW PROCESS"**

ADDRESSEES

All holders of, and applicants for, a transportation package Certificate of Compliance under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71, "Packaging and Transportation of Radioactive Material."

All holders of, and applicants for, an independent spent fuel storage installation license or Certificate of Compliance under 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste."

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing the regulatory issue summary (RIS) to inform addressees of the issuance of a new NRC internal procedure on acceptance reviews (Spent Fuel Storage and Transportation (SFST)-14, "Acceptance Review Process") within the Office of Nuclear Material Safety and Safeguards (NMSS). The RIS requires no action or written response on the part of addressees.

BACKGROUND INFORMATION

The quality of an application has a significant impact on the amount of NRC staff resources expended and the timeliness for the review. The NRC expects applicants to routinely submit applications that reflect a quality level that allows the agency 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 its efforts on reviewing the technical and regulatory merits of the applicant's proposal. When an application lacks significant information (e.g., analyses/calculations or safety analysis report chapters) necessary for the NRC staff to commence its review, the NRC staff spends additional time to obtain this information. Incomplete applications translate into more requests for additional information (RAIs) and a greater than expected number of rounds of RAIs. The increase in the amount of time that NRC staff spends on incomplete submittals takes time away from review of other submittals. The result is an inefficient process for the NRC staff and applicants.

On April 23, 2009, the NRC held a public workshop to discuss a draft acceptance review procedure that it made available before the meeting. This meeting discussed various aspects of the procedure, including timeframes and the review criteria. Interested stakeholders were

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provided the opportunity to submit written comments during a 60-day period. Forty four public comments were received and resolved. Comments and resolutions were provided in Appendices E and F of SFST-14, Revision 0.

SUMMARY OF ISSUE

The NRC seeks to promote an effective and efficient review process to benefit all of our stakeholders. To that end, SFST-14 prescribes timelines for the NRC staff's performance of the acceptance review and promotes consistency in the criteria against which the NRC staff will evaluate an application to determine its acceptability for review. This office instruction became effective April 30, 2010, and was made available at the SFST Public Licensing Conference on June 23, 2010.

The NRC staff is now performing acceptance reviews on new applications, amendment requests, and RAI responses in accordance with SFST-14. Simple, routine amendment requests and RAI responses may undergo a brief acceptance review. The shorter acceptance review will not exceed 30 calendar days from the receipt date. Longer acceptance reviews for new applications or complex amendment requests will not exceed 60 calendar days as defined in SFST-14.

SFST-14, Revision 0, is available in the Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML101130519. Public access to ADAMS is available via the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Since issuance of Revision 0, the NRC staff has identified improvements to the acceptance review procedure. SFST-14, Revision 1 was issued with an effective date of February 3, 2011, and includes the following changes: moved guidance from the previous Appendix B (Guide for Performing Acceptance Reviews) into the main procedure and eliminated overlap in discussion, deleted the previous Appendices E and F, which summarized public comments and NRC responses on the original issuance of the procedure (SFST-14, Revision 0), added guidance on level of effort estimation during the acceptance review, and restructured and clarified discussion throughout the procedure. SFST-14, Revision 1 is publicly available under ADAMS Accession No. ML110450435.

BACKFIT DISCUSSION

The RIS is being issued to inform applicants and interested stakeholders of the implementation of new internal NRC procedural guidance for SFST staff in performing acceptance reviews. The backfit rule applies to procedures necessary to operate a nuclear power plant. The NRC's regulatory review process is not a licensee procedure required for operating the plant. The RIS provides applicants and interested stakeholders the information necessary to access the new procedure. Therefore, under 10 CFR 50.109(a)(1), the backfit rule does not apply, and a backfit analysis is not required.

The RIS is issued to inform applicants and interested stakeholders of the implementation of new internal NRC procedural guidance for SFST staff to perform acceptance reviews of license applications. Under 10 CFR 72.62, the backfit rule does not apply, and a backfit analysis is not required, since no addition, elimination, or modification of structures, systems, components, or procedures of 10 CFR Part 72 ISFSIs or 10 CFR Part 71 transportation packages is required. 10 CFR Part 71 does not have a backfit provision.

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment on the RIS in the *Federal Register* because the RIS is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and practice. However, the NRC held a public meeting on April 23, 2009, to discuss the new internal NRC procedure addressed in the RIS.

CONGRESSIONAL REVIEW ACT

The NRC has determined that the 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 STATEMENT

The 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.).

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 Office of Management and Budget 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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