



U.S. Nuclear Regulatory Commission Office of Nuclear Reactor Regulation

NRR OFFICE INSTRUCTION

Office Instruction No.: **LIC-109, Revision 2**

Office Instruction Title: **Acceptance Review Procedures**

Effective Date: **January 16, 2017**

Approved By: **Michele G. Evans**

Date Approved: **January 9, 2017**

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Responsible Organization: **NRR/DORL**

Summary of Changes: Revision 2 of LIC-109, "Acceptance Review Procedures," includes enhancements to the guidelines and criteria to the staff in performing acceptance reviews.

Training: Division-wide training sessions

ADAMS Accession No.: ML16144A521



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Change Notice

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*via e-mail

OFFICE	DLR/RPB1	DORL/LPL3-2	DORL/LPL4-1	DLR/RSRG	NRR/DE	NRR/DIRS	NRR/DRA
NAME	IBetts	EBrown	BSingal	SBloom	JLubinski	CMiller	JGitter (SRuffin for)
DATE	6/27/16	6/27/16	7/19/16	8/9/16	8/24/16	8/25/16	9/30/16
OFFICE	DLR/D	NRR/DORL	NRR/DPR	NRR/DSS	NSIR/DPR	NRO/DPR	NRO/DSEA
NAME	JMarshall	ABoland	LLund (MGavrilas for)	TMcGinty	MBailey (SCoffin for)	MCheck	SFlanders
DATE	9/28/16	8/25/16	8/22/16	9/30/16	8/31/16	10/14/16	11/21/16
OFFICE	OGC	NRR/PMDA	D:NRR				
NAME	CScott	SAbraham (MMA for)	WDean MEvans /f/				
DATE	12/29/16	12/29/16	01/09/17				

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**NRR OFFICE INSTRUCTION
LIC-109, Revision 2**

Acceptance Review Procedures

1. POLICY

It is the policy of the Office of Nuclear Reactor Regulation (NRR) to review an application to amend a license for completeness and acceptability for docketing. The regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, prescribe the procedure for: issuance of a license; amendment of a license at the request of the licensee; transfer and renewal of a license; and issuance of a standard design approval under subpart E of part 52 of this chapter. Activities covered by this Office Instruction are those that require NRC approval prior to implementation (e.g., license amendments, relief requests, exemptions, etc.).

The regulations that are applicable to this Office Instruction are contained in 10 CFR 2.101, "Filing of Application," 10 CFR 2.102, "Administrative Review of Application," 10 CFR 2.107, "Withdrawal of Application," and 10 CFR 2.108, "Denial of Application for Failure to Supply Information."

Section 2.101 of 10 CFR allows the NRC staff to determine whether a requested licensing action (RLA) is complete and acceptable for docketing. Additionally, the NRC staff may return an application found to be incomplete and therefore not acceptable for review to a licensee, or applicant to address any identified insufficiencies. This authority may be utilized before an opportunity for a hearing has been noticed in the *Federal Register*.

Section 2.107 of 10 CFR provides the opportunity for a licensee, or applicant to request to withdraw an RLA prior to the issuance of a notice of a hearing.

Section 2.102 of 10 CFR allows the NRC staff to request that the licensee or applicant supply additional information in the course of the review of the proposed action. The staff may request any one party to the proceeding to confer with the NRC staff informally. In the case of docketed application for a limited work authorization, construction permit, operating license, early site permit, standard design approval, combined license, or manufacturing license under this chapter, the NRC staff shall establish a schedule for its review of the application, specifying the key intermediate steps from the time of docketing until the completion of its review. 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.

NRR will consider an RLA to be acceptable for review upon the NRC staff's 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, safety, and security.

While the goal of the acceptance review process is to facilitate submittal of acceptable RLAs, resulting in fewer RAIs, the acceptance of an RLA in no way implies that RAIs may not be raised during the detailed review process, that these RAIs may not identify serious insufficiencies in the application (possibly resulting in denial of the RLA), or that the application will be or must be approved. Rather, the acceptance review is a tool used by the NRC staff to identify unacceptable RLAs early in the review process so that they can be returned to the licensee, or applicant.

Use of This Office Instruction for Other Processes

The regulations cited in this Office Instruction do not apply to submittals that are not considered licensing applications, such as topical reports or technical specification task force (TSTF) travelers. The regulations cited in this Office Instruction are not intended to address submittals by non-applicants and may not apply to entities other than licensees or applicants for a license (e.g., contractors to a licensee or applicant). Entities preparing such submittals, NRC staff and process owners reviewing such submittals may use the guidance in this Office Instruction as a best practice for the preparation and processing of such submittals. However, NRC staff and process owners may want to consult with the Office of the General Counsel (OGC) to understand how the legal aspects of the regulations apply to the particular submittal. For a more detailed description of the topical reports review process, see LIC-500, "Processing Requests for Reviews of Topical Reports." For a more detailed description of the TSTF review process, see LIC-600, "Review of Technical Specification Task Force (TSTF) Travelers and Creation of 'CLIP' Model Applications."

This Office Instruction does not apply to license renewal applications, research and test reactor activities, or RLAs that require a regulatory decision in such a limited time that performance of an acceptance review would not be feasible (e.g., emergency or exigent amendment requests, or quality assurance program changes). The acceptance reviews for these activities are covered in other office instructions or staff guidance documents.

2. OBJECTIVES

This Office Instruction, along with the attached document, Guide for Performing Acceptance Reviews, provides all NRR staff (and other NRC staff supporting NRR licensing activities) a basic framework for performing an acceptance review upon receipt of an RLA.

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

- Provide general guidance to NRC staff, licensees or applicants, and the public defining acceptable RLAs;
- Promote the submission of acceptable RLAs by licensees or applicants;

- Promote an effective and consistent application of NRC resources in performing acceptance reviews;
- Establish the acceptance review process as an integral part of an effective licensing review, thus reducing unnecessary delays in the review of RLAs;
- Establish the priority of acceptance reviews and schedule for completion; and
- Ensure effective internal and external communications.

3. **BACKGROUND**

The quality of an RLA has a significant impact on the amount of NRC staff's 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 safety, technical, and regulatory merits of the arguments put forth by the licensee or applicant. When an application lacks critical information necessary for the NRC staff to complete its review (e.g., analyses/calculations, unjustified use of unapproved methodologies, etc.), an excessive amount of NRC staff time is spent gathering this information. Additionally, time spent on RLAs that are unacceptable for review results in longer review periods for the RLA and adversely impacts the resources and schedules of other acceptable RLAs.

A thorough acceptance review is integral to the efficient review of an RLA. The early identification of insufficient information benefits both the NRC staff and the licensee or applicant. The NRC staff benefits by identifying informational needs earlier and expending fewer resources in completing its review. The licensee or applicant, benefits by understanding potential NRC staff concerns and needs earlier, in addition to getting faster decisions on RLAs.

NOTE: Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which significant issues that impact the NRC staff's ability to complete the review are identified despite completion of an adequate acceptance review. When such issues are identified, management will be promptly informed so that appropriate action can be taken, which may involve denying the application.

For the purposes of this procedure, the RLA will be considered received by the NRC the day that it is available in the Agencywide Documents Access and Management System (ADAMS).

NOTE: Unless otherwise noted, all time frames are defined as working days.

4. BASIC REQUIREMENTS

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

- Establish schedule and resources for the acceptance review;
- Review of the application for administrative and technical sufficiency;
- Resolve any informational insufficiencies; and
- Implement and document results.

5. RESPONSIBILITIES AND AUTHORITIES

All NRR staff who support the review of applicable RLAs are responsible for reading, understanding, and applying the guidance contained in Enclosure 2, "Appendix B: Guide for Performing Acceptance Reviews." They are also responsible for identifying possible improvements to the guidance and submitting suggestions for such improvements to their management, to the assigned contact for this Office Instruction, or by submitting a Process Improvement Form as described in ADM-101, "NRR Process Improvement Program." Additionally, the responsibilities listed below are applicable to NRC staff from other offices performing all or part of the review of an RLA.

Throughout the process, NRR management is responsible for ensuring the consistent application of the process, communicating the process objectives, and providing the status to internal and external stakeholders. NRR management is responsible for clearly communicating the rationale for decisions on challenging RLAs to stakeholders, as appropriate. They are also responsible for tracking and reporting statistics for implementation of this procedure and establishing criteria for identifying overall progress and success of the acceptance review program.

The sections that follow describe specific responsibilities and authorities for NRR staff and management within each sub-process in performing an acceptance review.

A. Division of Operating Reactor Licensing (DORL) Project Managers (PMs) (Licensing Action), Division of Policy and Rulemaking (DPR) PMs (Topical Reports), or Division of Safety Systems Reactor Engineers (REs) (TSTFs)

i. ESTABLISH SCHEDULES AND RESOURCES FOR ACCEPTANCE REVIEW

- Oversee and coordinate activities related to RLA;
- Establish a schedule (for both the acceptance and technical review) and identify appropriate technical branches using the Reactor Program System Licensing/Workload Management tool;

- Ensure timely distribution of the “blue sheet” to minimize challenges in completing the acceptance review within established schedules;
 - Coordinate any necessary interfaces with other offices (e.g., OGC, NSIR, etc.);
 - Provide oversight on achieving NRR Office performance goals related to the acceptance review process, discussed later in this Office Instruction; and
 - Confirm the RLA is entered into ADAMS in a timely manner.
- ii. REVIEW OF THE APPLICATION FOR TECHNICAL AND ADMINISTRATIVE SUFFICIENCY
- Review the submittal for administrative sufficiency in accordance with Section 3.1, “Acceptance Review Criteria,” of Appendix B of this Office Instruction;
 - Collect and review the input provided by the technical branches;
 - Determine the significance of any information insufficiencies identified by the PM and make recommendations to Division management;
 - Notify Division management, the associated technical branches, and the Division planning representatives of the overall results of the acceptance review after collecting information from all of the technical branches;
 - Ensure implementation or revision of the acceptance review schedule in a timely manner;
 - Communicate any information insufficiencies to their Branch Chiefs (BCs) and the associated technical staff as soon as possible.
 - For topical report (TR) reviews or technical specification task force (TSTF) travelers, this determination shall be in accordance with LIC-500 or LIC-600, respectively; and
 - Notify Division management of potential failures to meet an acceptance review schedule.
- iii. RESOLVE INFORMATION INSUFFICIENCIES
- Ensure the acceptance review criteria are being applied consistent with all regulatory policies, guidance, and requirements;

- Contact the licensee or applicant to communicate the information needed and understand their course of action;
- Establish, during a conference call, the date-specific deadline by which the licensee or applicant must submit the information (no more than 13 days);
- Issue a letter to the licensee or applicant identifying the information needed and the verbally established deadline;
- Notify Division division-level management, technical branches, and the Division planning representatives of whether the licensee or applicant intends to supplement its RLA within 13 days;
- Coordinate timely communication of the status of the overall review and any adverse impacts on office resources to higher management;
- Notify Division management, technical branches, and the Division planning representatives of any change in the schedule; and
- Coordinate the dissemination of any RLA supplement to the technical branches.

iv. **IMPLEMENT AND DOCUMENT RESULTS**

- Document the decision regarding the technical and administrative sufficiency of the RLA using examples in Appendix C;
- Provide the date that the results of the RLA's acceptance review was issued and the status of its acceptance to the Division planning representatives;
- Notify the Division planning representatives that an acceptance review was not required (e.g., emergency or exigent RLAs) before closing the cost activity code (CAC) number; and
- Notify the appropriate stakeholders, including the licensee, the public and the technical staff, of the results of the acceptance review activities.

B. Division Planning Representatives and FHAB

i. **ESTABLISH SCHEDULES AND RESOURCES FOR ACCEPTANCE REVIEW**

- Support the PMs and technical staff in revisions to the schedule as a result of the acceptance reviews;

- Review the “green sheet” to ensure the correct technical branches have been identified (specific to the technical branches’ Division planning representatives); and

C. Technical Division/Branch Staff

i. ESTABLISH AND SCHEDULE RESOURCES FOR ACCEPTANCE REVIEW

- Confirm that the proposed schedule is acceptable; if not, provide recommended revision.

ii. REVIEW OF THE APPLICATION FOR ADMINISTRATIVE AND TECHNICAL SUFFICIENCY

- Review the RLA for technical sufficiency in accordance with Appendix B, “Guide for Performing Acceptance Reviews,” of this Office Instruction;
- Provide a recommendation to their BC and the PM regarding the significance of any information insufficiencies;
- Communicate the results of this review to their BCs and the PM as soon as possible, but no later than 20 days from the date the RLA is available in ADAMS. For TR reviews, this determination shall be made in accordance with LIC-500;
- Notify their BCs of workload conflicts associated with performing an acceptance review. The BC is responsible for the resolution of workload conflicts; and
- Notify their Division-level management of potential failures to meet an acceptance review schedule.

iii. RESOLVE INFORMATION INSUFFICIENCIES

- Provide prompt notification of the information insufficiency to their management and the PM both verbally and in writing;
- Provide written input to the PM documenting information insufficiencies (an e-mail with BC concurrence is acceptable);
- Support the PM in discussions with the licensee or applicant to explain the requested supplemental information;
- Review the supplemental information for responsiveness to the NRC staff’s concerns within 5 days of receipt by the NRC; and

- Inform their BC and the PM of any conflicting responsibilities that may adversely impact the schedule.

iv. **IMPLEMENT AND DOCUMENT RESULTS**

- Communicate the adequacy of the supplemental information to management and the PM within 5 days of receipt by the NRC;
- Support the PM in briefing NRR management; and
- Support the PM in documenting the results of the acceptance review by providing technical input.

D. NRR Branch Chiefs

i. **RESOLVE INFORMATION INSUFFICIENCIES**

- Support and guide the staff in determining the appropriate course of resolution for the information insufficiencies;
- Maintain an awareness of NRR priorities and how these may affect the RLA review schedule;
- Provide oversight of and direct the implementation of acceptance review activities;
- Support the PM and technical staff, when appropriate, with informing higher management;
- Ensure consistency in the administration of acceptance reviews;
- Facilitate peer reviews, when appropriate, to confirm the information insufficiency prior to the PM contacting the licensee or applicant; and
- Ensure timely communication of the status of these reviews and any adverse impacts on office resources to higher management.

E. NRR Division Management

i. **RESOLVE INFORMATION INSUFFICIENCIES**

- Maintain an awareness of other NRR activities and how these may affect the RLA review schedule and other resources;
- Work collaboratively to revise schedules and resources, as appropriate, to effectively support NRR's priorities;

- Ensure effective communication to internal and external stakeholders including staff and senior management on challenging RLAs; and
- Provide rationale for the final decisions on challenging RLAs.

ii. **IMPLEMENT AND DOCUMENT RESULTS**

- Ensure all applicable regulatory guidance, policy, and requirements are accurately and consistently documented;
- Ensure consistency in the conduct of acceptance reviews;
- Oversee the achievement of NRR Office performance goals discussed later in this office instruction or ensure there is adequate justification for not achieving them; and
- Monitor the effectiveness of the acceptance review process.

6. PERFORMANCE MEASURES

RLAs may require more or less acceptance review time depending on the nature of the technical issues. The NRC staff will continue to ensure that the goal of protecting public health and safety, promoting common defense and security, and protecting the environment, is not compromised to meet the timeliness goals. The following statistics of program implementation will be tracked:

- Number of RLAs accepted after 25 days;
- Number of RLAs non-accepted without opportunity to supplement;
- Number of RLAs non-accepted with an opportunity to supplement, and subsequently accepted for review after the 13-day period afforded to the licensee or applicant to provide supplemental information; and
- Number of RLAs denied for failure to provide sufficient information during the detailed technical review.

The established performance timeliness goal is to complete 95 percent within 25 days.

As stated previously, the RLA will be considered received by the NRC the day that it is available in ADAMS. The aforementioned metrics will be measured from this date, while other existing metrics (such as the 12-month and 24-month metrics) will be measured from the date the NRC staff accepts the RLA.

7. PRIMARY CONTACTS

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8. RESPONSIBLE ORGANIZATION

NRR/DORL

9. EFFECTIVE DATE**10. REFERENCES**

10 CFR 2.101, 10 CFR 2.102, 10 CFR 2.107, and 10 CFR 2.108
LIC-101, LIC-102, LIC-103, COM-109, LIC-500, and LIC-600

Enclosures:

1. Appendix A: Change History
2. Appendix B: Guide for Performing Acceptance Reviews
3. Appendix C: Guide for Performing Acceptance Reviews - Example Letters
4. Appendix D: Guide for Performing Acceptance Reviews - Information Insufficiency
5. Appendix E: Guide for Performing Acceptance Reviews - Acceptance Review Milestones

Appendix A - Change History

Office Instruction LIC-109, Revision 2 Acceptance Reviews

LIC-109 Change History - Page 1			
Revision Date	Description of Changes	Method Used to Announce & Distribute	Training
05/02/08	Initial Document	E-mail to staff	Division-wide training sessions
07/16/09	Revision 1 of LIC-109, "Acceptance Review Procedures," includes enhancements to the guidelines and criteria to the staff in performing acceptance reviews.	E-mail to staff	Division-wide training sessions
01/09/17	Revision 2 of LIC-109, "Acceptance Review Procedures," better defines the concept of a sufficiency item, and complex review clarifies the applicability of the process to plants post-52.103(g) finding, and ensures appropriate managerial concurrences are documented on any action needing to be supplemented, or the decision to not accept a document initially found unacceptable to the technical staff. Also adds guidance to reflect actions to be taken for late reliefs/alternatives. This revision clarifies the applicability of the regulations and guidance to non-applications such as topical reports and TSTFs and to non-applicants such as entities other than licensees or applicants for a license.	E-mail to staff	Division-wide training sessions

**United States
Nuclear Regulatory Commission**

Appendix B

Guide for Performing Acceptance Reviews

Office of Nuclear Reactor Regulation

Enclosure 2

Acronyms

ADAMS	Agencywide Documents Access and Management System
ASME	American Society of Mechanical Engineers
BC	Branch Chief
CAC	Cost Activity Code
CLIP	Consolidated Line-Item Improvement Process
DD	Division Director
DORL	Division of Operating Reactor Licensing
DPR	Division of Policy and Rulemaking
EDO	Executive Director for Operations
EPU	extended power uprate
FR	<i>Federal Register</i>
FHAB	Financial, Human Capital, and Analysis Support Branch
NRC	Nuclear Regulatory Commission
NRR	Office of Nuclear Reactor Regulation
NSHCD	No Significant Hazards Consideration Determination
OAR	Official Agency Record
OGC	Office of the General Counsel
PM	project manager
RAI	request for additional information
RE	reactor engineer
RLA	requested licensing action
RPS-Licensing/WM	Reactor Program System Licensing/Workload Management
SRP	Standard Review Plan

STS	Standard Technical Specifications
TR	topical report
TS	technical specifications
TSTF	Technical Specification Task Force

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). However, it is recognized that the times are not appropriate for initial licensing activities or other Part 52 to Title 10 of the *Code of Federal Regulations* (10 CFR) submittals made prior to the 10 CFR 52.103(g) finding. The guide is for use by project managers (PMs), reactor engineers (REs), technical staff, and their respective management. Additionally, this guide is for use by NRC staff in other offices when they are performing a review of an RLA at the request of NRR (e.g., emergency plan changes). The PM shall follow the appropriate procedure for requesting work from another office (e.g., the Technical Assistance Request process). 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.

Note: Unless otherwise noted, all time frames are defined as working days.

1.1 RLAs to Which Acceptance Review Process May Not Apply

This Office Instruction does not apply to license renewal applications, research and test reactor activities, or RLAs that require a regulatory decision in such a limited time that performance of an acceptance review of the nature contained here within would not be feasible (e.g., emergency or exigent amendment requests, or quality assurance program changes). The acceptance reviews for these activities are covered in other office instructions or staff guidance documents.

The regulations cited in this Office Instruction do not apply to submittals that are not considered licensing applications, such as topical reports or technical specification task force (TSTF) travelers. The regulations cited in this Office Instruction are not intended to address submittals by non-applicants and may not apply to entities other than licensees or applicants for a license (e.g., contractors to a licensee or applicant). Entities preparing such submittals, NRC staff and process owners reviewing such submittals may use the guidance in this Office Instruction as a best practice for the preparation and processing of such submittals. However, NRC staff and process owners may want to consult with the Office of the General Counsel (OGC) to understand how the legal aspects of the regulations apply to the particular submittal. For a more detailed description of the topical reports review process, see LIC-500, "Processing Requests for Reviews of Topical Reports." For a more detailed description of the TSTF review process, see LIC-600, "Review of Technical Specification Task Force (TSTF) Travelers and Creation of 'CLIP' Model Applications."

Other regulatory guidance and associated standard review plan guidance are sufficient to resolve any completeness deficiencies for these types of actions during the course of a license review.

1.2 Process Overview

The NRR process for the review of RLAs begins with the acceptance review. The performance of an acceptance review is an important part of the NRC's overall RLA review process. When properly implemented, acceptance reviews allow for a more efficient use of NRC staff resources and foster the submittal of RLAs that are acceptable for NRC's review. The acceptance, non-acceptance, requests 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 or applicants should be in regular contact to discuss NRC's ongoing reviews and other regulatory matters requiring NRC's review and approval.

Frequent and early communications between the NRC staff and the licensee or applicant can help avoid unnecessary delays in the processing of submittals. Pre-application review meetings or conference calls (discussions regarding future RLAs prior to the request being submitted) between the licensee or applicant and NRC staff members can be beneficial and are encouraged when the NRC staff's workload is not adversely impacted.

The level of effort expended in the review of RLAs is based on many factors and varies significantly. Therefore, in performing the acceptance review, the expectation is that an individual NRC staff member should expect to expend no more than approximately 10 percent of the level of effort that would normally be expended performing the detailed technical review. For large or complex reviews, 10 percent of the overall effort may be excessive (e.g., an extended power uprate (EPU) or voluntary risk-informed fire protection submittals where 10 percent of the overall effort could suggest over 100 hours be expended on the acceptance review). In such cases, the technical staff should consult with their branch chiefs (BCs) and coordinate with the PM to determine an appropriate level of effort.

If a more significant effort than 10 percent of the detailed review is needed to complete the acceptance review, this may indicate that a too detailed review is being performed, that the RLA is more complex than expected, or that the RLA does not contain sufficient information to be accepted for review. Prior to expending this significant effort, the NRC staff should consult with their management.

The acceptance review consists of the following high-level processes:

- Establish schedule and resources for the acceptance review;
- Review of the application for administrative and technical sufficiency;
- Resolve any information insufficiencies; and,
- Implement and document result.

Each of these sub-processes is described in detail in the following sections:

- Section 2.0 discusses scheduling and resources;
- Section 3.0 discusses the PM's and technical staff's review of administrative criteria and technical sufficiency of the document, and identification of issues to management;
- Section 4.0 discusses the process for resolving information insufficiencies;
- Section 5.0 discusses non-acceptance of the application; and
- Section 6.0 discusses documentation of an RLA found acceptable for review.

1.3 Frequently Used Terms

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, safety, and security.

1.3.2 Complex Review

A licensing action may be considered complex if any of the following criteria are satisfied: (1) it is a first of a kind; (2) it is especially voluminous; (3) it involves a large number of branches in the review (i.e., will require extensive coordination to determine scope for each branch and development of the safety evaluation); (4) it will require ACRS review; (5) it relates to an unresolved generic issue; (6) it involves issues with parameters that have a limited margin of acceptable values (e.g. ultimate heat sink, steam dryer stresses, etc.) or (7) the initial schedule developed during the Blue/Green process, if not related to lack of resources, indicates the review will take longer than 1 year.

1.3.3 Linked RLA

These are RLAs where approval of one RLA is contingent upon the approval of (an)other RLA(s) currently under review. This definition evaluates the independence of an RLA with respect to all other RLAs currently under review.

1.3.4 Non-Accept

Non-acceptance derives from certain provisions in 10 CFR 2.101 and is the conclusion that the tendered application is not acceptable for review because it is incomplete or

technically inadequate and it is unlikely that the NRC staff could complete its detailed technical review in an appropriate time frame given the information insufficiencies. A decision to non-accept does not have hearing rights associated with it, and the applicant is free to augment the application and reapply for the same change.

1.3.5 Rare Circumstances

In certain circumstances, there may be situations where, although evaluation of an RLA against the criteria provided by the guidance would suggest one action, another may be more appropriate, based on NRC staff's recommendations to management. In these situations, the basis for decisions different from the criteria should be well understood and clearly documented.

1.3.6 Receipt by the NRC

Receipt by the NRC will be considered as the date the submittal is available in the Agencywide Documents Access and Management System (ADAMS).

1.3.7 Readily Available

Information that can be provided by the licensee or applicant within a reasonable time frame such that the NRC's review resources and schedules will not be adversely affected and the review, in its entirety, can proceed. Considerations regarding adverse effects include, but are not limited to, availability and complexity of the outstanding items, work priorities, and PM and technical staff availability. Information that is readily available should be able to be submitted within 13 days to the NRC staff.

1.3.8 Requested Licensing Action

An RLA is defined as a licensing action requiring NRC approval prior to implementation or generic use, with the exclusion of license renewal applications, research and test reactor activities, or RLAs that require a regulatory decision in such a limited time that performance of an acceptance review would not be feasible.

1.3.9 Sufficiency Item

A sufficiency item is information that should have been provided as part of the licensee or applicant's analysis and represents an omission or oversight in the submittal. The failure to address NRC identified concerns or issues will also be considered a sufficiency item. The suggested regulatory scope for RLAs can be (shall be for Part 52 submittals) reflected in the applicable section of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition" or through NRC regulatory guidance (i.e. Regulatory Guides, NUREGS, Interim Staff Guidance). Often the technical scope is defined by an NRC-endorsed industry standard. It should be noted that the failure to have sufficient technical detail or depth should not be considered a sufficiency item, but may be identified as part of the acceptance review.

2.0 DISTRIBUTION AND INVOLVEMENT

After opening a cost activity code (CAC) number, the PM or RE will receive notification from the Reactor Program System Licensing/Workload Management tool that the PM can specify those technical branches to be involved in the review, the project priority and a proposed schedule, among other work planning aspects.

The PM is responsible for verification that all other interested parties have received the document, while the technical staff is responsible for informing the PM of any information needs (including access to the initial submittal).

The technical staff is then notified of the opportunity to confirm or revise the schedule and assigned priority after the application is available in the work planning system. Licensees may submit an electronic courtesy copy of the submittal to facilitate this process. If circumstances exist that would delay distribution of the submittal, the PM should attach the electronic copy when developing the schedule or include the submittal in an e-mail to the associated BCs to ensure timely distribution.

In limited cases, (e.g., lengthy applications or complex reviews) the PM may choose to initiate the acceptance review process via e-mail to facilitate the acceptance review process. However, the PM should consult with his or her BC before adopting this approach. The e-mail should also include the assigned CAC number. The technical staff may begin the acceptance review process using the advanced copy of the application provided by the PM. However, the metric regarding the acceptance review does not start until the RLA is available in ADAMS. Upon receipt, the technical staff will address the proposed schedule and priority information and begin reviewing the RLA in accordance with Section 3 of this appendix, "Review of Application for Completeness and Acceptability." Time spent performing the acceptance review should be charged to the same CAC number associated with the overall review.

Note: The PM shall not publish the no significant hazards consideration (NSHC) determination until the RLA has been found acceptable and proprietary determinations made. However, this does not preclude generating the document internally and obtaining the necessary concurrences.

In some cases, the PM may have cause to split an RLA into multiple, independent reviews. For example, other guidance directs the NRC staff on how to process relief requests that are submitted under one letter but contains multiple, independent requests. In this case, the independent requests should be reviewed against this procedure and acted upon, separately.

3.0 REVIEW OF APPLICATION FOR COMPLETENESS AND ACCEPTABILITY

Excluding topical report (TR) reviews and technical specification task force (TSTF) travelers, the PM and technical staff should complete the administrative and technical sufficiency review, and the PM must notify the licensee or applicant within 25 days of

receipt of the RLA by the NRC. Appendix E of this Office Instruction provides general acceptance review process milestones. The PM should identify to the technical staff any information insufficiencies within 15 days of the date of receipt of the RLA by the NRC. Likewise, the technical staff should identify to the PM any information insufficiencies within 20 days of the date of receipt of the RLA by the NRC. 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 complete its detailed technical review and render, in an appropriate time frame, an independent assessment of the RLA with regard to applicable regulatory requirements and the protection of public health, safety, and security (i.e., acceptable for review).

For TR reviews, the PM and technical staff should complete the administrative and technical sufficiency review within 60 calendar days of receipt of the RLA by the NRC in accordance with LIC-500, "Processing Requests for Reviews of Topical Reports." For TSTF traveler reviews, the RE and technical staff should complete the review consistent with the guidance in LIC-600, "Review of Technical Specification Task Force (TSTF) Travelers and Creation of 'CLIP' Model Applications."

To meet the acceptance review process milestones for identifying information insufficiencies, the PM and technical staff should review the RLA in parallel against their respective criteria (as listed in Section 3.1).

Note: Due to the limited time available to perform the review, the NRC staff should recognize that other, in-process reviews may be impacted by performance of the acceptance review. If other work efforts have the potential to be impacted by the performance of the acceptance review, the appropriate BC shall assign priority or reassign work as appropriate.

If there are factors that would justify a longer review period for the acceptance review, the PM or RE and technical staff must obtain approval of their Division management and respective technical Division Director (DD).

The minimal content for RLAs are contained in associated regulations (e.g., 10 CFR 50.90). Non-binding guidance is also available in regulatory guides, NUREGS, interim staff guidance, etc. Often the technical scope is defined by an NRC-endorsed industry standard.

3.1 Acceptance Review Criteria

The following sections highlight key elements that should be contained in an RLA and potential issues that should be addressed during the acceptance review. The PMs, REs 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 or absolute, and NRC staff's discretion and judgement should be used in the process. Application of the criteria should not replace sound technical and regulatory judgement. The list of criteria

are divided into groups by which the reviewer (PM, RE, or technical staff) would likely be utilizing them.

Appendix D, "Information Insufficiency Examples," to this document contains examples of information insufficiencies that may occur and a discussion of each as to whether it would or would not cause an RLA to be unacceptable for review. The examples are provided as a guide and are not dispositive to the results of the acceptance review.

3.1.1 PM/RE Criteria

- **Regulatory and Completeness Criteria:** Determine whether the RLA satisfies all appropriate regulatory and completeness 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.). Use LIC-500 for TRs, or LIC-600 for TSTF travelers. These criteria, though often easily corrected, should be met prior to acceptance for review. Additionally, PMs should be mindful of the timeliness guidelines for RLAs. For example, as discussed in Section 4.2 of LIC-102, "Relief Requests," the licensee should submit the proposed alternatives/relief requests to the NRC and obtain NRC approval prior to implementation of said alternatives or after the interval for reliefs. Alternatives submitted after the fact will not be evaluated by the staff (e.g., alternatives performed during the 10-year ISI interval without prior authorization, or relief requests submitted after the end of the subject 10-year ISI interval), and will not be approved retroactively. As discussed in Section 4.3 of LIC-102, submittals from licensees that do not comply with 10 CFR 50.55a(z), 10 CFR 50.55a(f)(5)(iv) and 10 CFR 50.55a(g)(5)(iv) are not required by regulation to be accepted for approval.

When a licensee's submittal is determined to be not in compliance with the timeliness provisions mentioned above, the issue of the licensee's noncompliance with specific American Society of Mechanical Engineers (ASME) Code requirements shall be forwarded to the appropriate Regional Office for enforcement action. Where NRR elects not to review a submittal that does not meet the timeliness requirement, NRR will provide an assessment of the safety significance of the inspection for which relief would have been requested to the appropriate Regional Office for its consideration within the scope of the enforcement action.

- **Use of Approved Guidance:** Determine whether the RLA cites any unapproved guidance such as draft TRs, TRs not yet approved by the NRC, TSTF travelers not yet approved, or draft ASME Code cases. Unapproved guidance may be used as the basis for a proposed change, however, the licensee must supply all information necessary (i.e., plant-specific justification and technical basis) to support the change. Simply citing unapproved guidance may not be acceptable. The NRC staff should also ensure that the safety evaluation of the RLA is clear and that it has only been evaluated for the plant-specific application. A licensee may reference a TR once the NRC's draft safety evaluation for generic use has

been issued, recognizing that the review of the TR is near completion. Also, LIC-600 provides additional guidance for the citation of not yet approved TSTF travelers.

- **Additional Criteria:** For certain RLAs, ensure that the licensee, applicant, or industry addresses any specific criteria associated with a particular action. These criteria are typically identified either in 10 CFR Part 50, 10 CFR Part 73, or in the associated guidance document. An example is an exemption request, in which the licensee must not only justify the acceptability of the proposed action, but must demonstrate that there are special circumstances present that justify the issuance of an exemption. Another example is that an applicant submitting a TR for generic approval must demonstrate that following NRC approval, the TR is applicable to and likely to be relied upon by other licensees in future RLAs.
- **Linked RLAs:** Determine whether the approval of the RLA is contingent upon the approval of other RLAs currently under review. It is important to note that multiple RLAs can affect the same systems or Technical Specifications (TSs) without being linked. As such, it may be possible to issue them in any order and without regard to the results of the review of the others. An RLA should not be accepted for NRC review and approval until all prerequisite RLAs have been reviewed and approved by the NRC.
- **Promised Information:** Determine whether the RLA commits to submit required information at a later date. Not all information associated with the RLA, such as calculations performed, needs to be submitted for complete review. However, if the licensee, applicant, or industry 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 are needed to support the RLA. Generally, the licensee will submit the exemption request with the associated RLA. If submitted separately, the NRC staff should ensure that the licensee understands that an exemption is necessary for acceptance of the associated RLA and agrees to submit the exemption request in parallel with the associated RLA.
- **CLIIP:** In the case of RLAs utilizing the consolidated line-item improvement process (CLIIP), determine whether the application deviates, in any way, (allowing for necessary deviations such as plant-specific names for similar systems) 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 metric. To accomplish this, the PM updates the project in the Reactor Program System Licensing/Workload Management to predesignate the RLA and revise the review schedule. This is a shared criteria against which both the PM and the technical staff should evaluate the application.

3.1.2 Technical Staff Criteria

- **Completeness of Scope:** Determine if there are significant analyses or evaluations missing from the RLA (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's 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 criterion, such as the volume and magnitude of questions that could be generated based simply on the initial reading of the application. The information provided should support a comparison of the RLA to the licensee's existing processes or programs, if applicable, with justification for the change. 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 or applicant should identify the regulatory criteria used to determine that the RLA is acceptable. 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). When the licensee proposes an alternative to an approved approach described in a guidance document, the NRC staff should verify the completeness of the scope and logic of the alternate methodology. From the information contained in the application, the NRC staff should be able to identify the applicable criteria by which to evaluate the proposed action.
- **Use of Approved Guidance:** Determine whether any approved codes or TRs cited in the application are used in accordance with the limitations and conditions imposed by the NRC staff. A licensee's use of unapproved codes or TRs (or the use of codes and TRs outside the limitations imposed by the NRC staff) may be acceptable if the licensee or applicant has provided a full analysis to justify that the proposed use satisfies NRC regulations and is appropriately conservative. However, simply referencing an unapproved TR or code may not be acceptable. Additionally, deviations from guidance should not be considered acceptable unless fully justified.

It should be noted that the generic use of a Code Case that has received final approval by the ASME and is currently under review by the NRC, shall not be accepted for review. This prevents inefficiencies by preventing the NRC staff from expending resources to review the same issue in two separate processes.

Additionally, consideration of the submittal of multiple, unapproved codes or TRs from review should be identified. Given that unapproved generic codes or TRs

can take upwards of 18 months for review and approval, consideration should be made to open multiple CACs for each methodology. The associated plant-specific implementation of those methodologies should be considered a separate CAC and as such would constitute a linked RLA and be found unacceptable. The methodology reviews would be allowed to go forward as part of the TR process, but the licensee would have to resubmit an amendment for adoption of the approved methodologies upon NRC approval.

- **Use of Precedent:** Determine whether cited precedents are justified and used appropriately and whether any deviations from the precedent appear to be justified. A previous precedent of approval itself is not a justification for a proposed change, but can facilitate a resource savings by allowing the technical staff to make appropriate use of information from previously-approved reviews. The technical staff should be aware that, in addition to inappropriate use of a cited precedent, there may also be an applicable precedent that was not cited. Although the licensee or applicant is not required to cite a precedent, the technical staff should remain cognizant of other applicable licensing information and operational experience. Evaluation against this criterion is not meant to initiate an exhaustive search of all operational experience, but instead promote awareness of any readily-available information or knowledge pertinent to the RLA.
- **CLIP:** In the case of RLAs utilizing the CLIP process, determine whether the application deviates in any way (allowing for necessary deviations such as plant-specific names for similar systems) 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 metric. This is a shared criteria against which both the PM and the technical staff should evaluate the application.

3.1.3 Rare Circumstances

In certain rare circumstances, there may be situations where, although evaluation of an RLA against the criteria provided by this guidance would suggest one action, another action may be more appropriate, based on the NRC staff's 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. RLAs that are novel or "first of a kind," and are in the interest of public health, safety, and security may be subjected to this provision by the NRC staff. The final decision to invoke the rare circumstance provision will be made by NRR Division management and must be agreed to by all of the reviewing NRR Divisions.

3.2 Acceptance Review Results

3.2.1 Unacceptable With No Opportunity to Supplement

If, during the acceptance review of the RLA, the NRC staff finds deficiencies so significant that they impede completion of the acceptance review, the RLA should be returned to the licensee or applicant as unacceptable for review, pursuant to 10 CFR 2.101. Alternatively, 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 or applicant for resolution. In these cases, the PM, with input from the technical staff, will ensure communication with the licensee (e.g., conference call to discuss the major deficiencies) and will send a formal letter concurred upon by the applicable technical staff BC and the Division BC (not an e-mail) to the licensee or applicant that identifies the deficiencies and states that the review has been terminated.

NOTE: The letter should identify that other aspects of the RLA may be insufficient but were not reviewed due to the significance of the aforementioned information insufficiency, when appropriate. While due diligence is expected, both NRC staff and management should be aware that the appropriate level and scope of the documentation for a non-acceptance letter is less than that for a denial.

The associated BCs and Division management need to agree with this action and letter content. The PM should then close the CAC and cease review activities. An example of a non-acceptance letter for an RLA is provided in Appendix C, Example 2. An electronic version of this letter is available in ADAMS (Accession No. ML073240328). While the RLA non-acceptance letter is typically signed by the PM, there may be cases (e.g., an RLA related to emergency planning) where the signature authority is not the PM. In all cases, ADM-200, "Delegation of Signature Authority," should be followed.

3.2.2 Unacceptable With Opportunity to Supplement

If, after review of the RLA, either the PM or the technical staff concludes that the submittal is not "acceptable for review," described in Section 1.3 of this appendix, they should promptly contact (as discussed in Section 5.0, "Responsibilities and Authorities") the other parties involved in the review to discuss the impact of the information insufficiencies. The PM and the technical staff (and associated management, if appropriate) should discuss the information insufficiencies. This discussion should focus on ensuring that all parties understand the information insufficiencies, identifying whether the insufficiencies are within the scope of the review of the proposed action, and if they should be addressed using the acceptance review process (i.e., the issues are not appropriate for the RAI process).

If it is determined that the information insufficiencies are appropriately acceptance review issues, and do not warrant a determination that the RLA is "Unacceptable with No

Opportunity to Supplement,” Section 4.0, “Resolution of Information Insufficiencies,” of this appendix should be followed.

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

Should the PM opt to not accept a determination of the technical staff, that decision must be communicated by the BC to the technical BC 5 working days before issuance of an acceptance.

3.2.3 Acceptable for Review

If the RLA is found to be acceptable for review, or if it is determined that the information 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 the RAI process), the acceptance of the RLA for review should be communicated to the licensee or applicant per Section 6.0, “Documentation of an Application Found Acceptable for NRC Staff’s Review,” of this appendix.

3.3 Follow-up

In addition to the more immediate communications with the PM via telephone or e-mail, the technical staff may indicate the results of the acceptance review on the Reactor Program System Licensing/Workload Management “green sheet” in the comments section. If the technical branch sends the “green sheet” to the PM with “acceptable for review” in the comments section, this will inform the PM that the indicated technical branch recommends the RLA as acceptable for review without the need for supplementation by the applicant. If the technical staff is not in a position to provide the results of the acceptance review while completing the “green sheet,” the technical staff will provide the results of the acceptance review to the PM via an e-mail by the date agreed upon on the “green sheet.”

4.0 RESOLUTION OF INFORMATION INSUFFICIENCIES

If the NRC staff determines that an RLA is “Unacceptable with Opportunity to Supplement,” the PM (with input from technical staff) should compile a list of the insufficiencies and the associated time frames to support the review schedule. The communication of the information may be via an informal path such as an e-mail from the technical staff to the PM. However, communications meeting the definition of an Official Agency Record (OAR) should be entered into ADAMS. The NRC staff should ensure that the associated BCs are informed of the insufficiencies and any other mitigating factors influencing the determination (e.g., workload and availability issues). The applicable BCs should be consulted should there be a difference concerning whether the identified information constitutes a sufficiency item. For complex or high visibility issues, and if consistent with the acceptance review schedule, the technical BC

should consider a peer review to confirm the information insufficiencies prior to the PM contacting the licensee or applicant. The peer review is not intended to be another full acceptance review, but rather an independent assessment of the issues identified. If the issues are agreed upon, the PM shall notify the associated Division management (DORL and non-accepting divisions) via e-mail, briefly summarizing the issues. For RLAs that have an associated process PM, such as the Power Uprate coordinator, the process coordinator should also be notified.

4.1 Discussion of Information Insufficiencies with the Licensee

The PM should inform the licensee or applicant that its application has been found unacceptable for review and set up a conference call to discuss the required information. The PM should avoid lengthy discussions with the licensee or applicant in setting up the call. Instead, the PM should simply provide enough information such that the licensee or applicant can have the appropriate technical staff on the call. The conference call should occur as soon as possible, but no longer than 5 days from the date of the discussion with the licensee, applicant. Also the PM should provide the identified insufficiencies to the licensee or applicant in draft form prior to the call. Regardless of the method used to transmit the identified insufficiencies to the licensee or applicant, the PM should ensure documents are properly captured as OARs.

During the conference call, the NRC staff should identify the omitted or insufficient information to the licensee or applicant, discuss the appropriate course of action, and establish the specific date the information will be submitted. It is important that the conference call result in a clear communication, to the licensee or applicant, of the information needed and that the NRC staff gain an understanding of whether the licensee or applicant plans to submit the information within the NRC staff's deadline established during the call (no more than 13 days). However, the licensee or applicant does not need to agree with the need for the information or the deadline.

Note: During the call, the licensee or applicant should be provided the opportunity to justify the apparent omission of sufficient information by identifying to the NRC staff where the responsive information is contained in the RLA or elsewhere on the docket. The NRC staff will evaluate this justification to determine whether the information identified resolves the NRC staff's concerns.

Following the call, the PM should confer with the technical staff on the results to determine if the information is likely to be submitted within 13 days of the call. If it is unlikely, in the NRC staff's judgement, that the information is readily available, the PM may generate a letter documenting the non-acceptance of the RLA and process it through concurrence. This action will facilitate a timely issuance of the letter at a later date, if necessary. Should the licensee or applicant request greater than 13 days to respond, the PM should discuss the proposed extension with the BC. It is intended that the BC will discuss all significant extensions beyond 13 days with the applicable Deputy Director.

Regardless of whether the licensee or applicant indicates a desire to withdraw the RLA, the PM should prepare a letter requesting the information in accordance with Section 4.2, "Licensee or Applicant Supplements to RLA." The associated technical BCs need to concur with the final letter or with the technical input provided for preparing the letter.

If a hearing has been granted regarding an RLA, the PM should be aware that additional rules and guidance govern the NRC staff's actions. In this case, the NRC staff should interface closely with the Office of the General Counsel (OGC) to determine the proper course of action. Office Instruction COM-109, "NRR Interfaces with the Office of the General Counsel," provides guidance on this interface.

4.2 Licensee or Applicant Supplements to RLA

Regardless of whether the NRC staff believes that the RLA can be supplemented with readily available information, or if the licensee or applicant indicated a preference to withdraw the application, a letter requesting supplemental information should be sent to the licensee or applicant that clearly identifies:

- The information needed for the NRC staff to complete its review;
- The time frame for the submission of the information. This time frame shall not be more than 13 days from the date of the conference call with the technical staff (unless approved by management); 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 the NRC's review activities pursuant to 10 CFR 2.101.

Notification (via phone call, e-mail, or letter) that the RLA must be supplemented should be given to the licensee or applicant no later than 25 days (60 calendar days for TRs) from the date of receipt of the RLA by the NRC (or from the date of the fee waiver decision, if applicable, for TRs). If telephone or e-mail is used for notification, a formal letter must be placed in ADAMS as an OAR. An example letter is provided in Appendix C as Example 1. An electronic version of this letter is available in ADAMS (Accession No. ML073240323).

The PM will track the submission of the information by the licensee or applicant. If the information is provided within the agreed-upon time frame, the PM should ensure that the supplement is provided to all technical staff assigned to the RLA review. Within 5 days of receipt of the supplement by the NRC, the technical staff should review the supplementary information to ensure that it is responsive to its concerns. The technical staff is responsible for identifying any issues (e.g., staff reassignments or other high priority work) that may impact the review schedule to the PM and their BC. The same criteria used in the initial acceptance review shall be applied, although the review should be focused on the areas previously identified as non-acceptable.

If it appears that the licensee or applicant is not able to submit the information in the established time frame (or the information to be submitted is unlikely to be responsive to

the NRC staff's concerns), the associated Division management (BCs and DDs) should be informed of the NRC staff's intent to non-accept the application and cease review activities pursuant to 10 CFR 2.101 at the expiration of the time frame.

If the licensee or applicant does not provide the requested information within the time frame, or if the provided information is not responsive to the NRC staff's concerns (i.e., insufficient), Section 5.0, "Non-Acceptance of the RLA," should be used to proceed with non-acceptance of the application pursuant to 10 CFR 2.101.

If the information provided is both timely and responsive, notify the licensee in accordance with Section 6.0, "Documentation of an Application Found Acceptable," and transition into the detailed technical review.

5.0 NON-ACCEPTANCE OF THE RLA

For acceptance reviews where the NRC staff determines that the RLA is 1) "Unacceptable Without Opportunity to Supplement" or 2) "Unacceptable With Opportunity to Supplement," and the licensee has been unable or untimely in providing sufficient information for the NRC staff to find the application "acceptable for review," the NRC staff should not accept the RLA and terminate the review. With the exception of TR reviews or TSTF travelers, upon determination to terminate the review and concurrence with the action by the associated BCs and DDs, the PM should involve OGC. OGC should be briefed on the situation and the proposed action. Additionally, while not required, OGC should be afforded the opportunity to determine whether there is no legal objection to the NRC staff's action.

Upon the determination that a more significant, complex, or challenging RLA is not acceptable for NRC review, the associated BCs should communicate this decision to NRR management, including the NRR Executive Leadership Team (as appropriate) and the Executive Director for Operation's (EDO's) office (via an EDO daily note), informing them of the issues warranting non-acceptance, prior to contacting the licensee.

The PM should then communicate the reason for non-acceptance to the licensee or applicant.

Note: When communicating the non-acceptance of an RLA to the licensee or applicant, the NRC staff should avoid debating the issue with the licensee. Instead, the NRC staff should ensure 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 (excluding TRs and TSTF travelers), pursuant to 10 CFR 2.101, the licensee or applicant should also be made aware that it may withdraw the application pursuant to 10 CFR 2.107. The licensee or applicant should be encouraged to fully document the reasons for withdrawal in its letter and understand that the NRC staff will likewise document the information

insufficiencies in the letter of non-acceptance of the RLA or the withdrawal acknowledgement letter.

Regardless of whether the licensee or applicant intends to withdraw the RLA, PM activities associated with processing the non-acceptance of the RLA should continue. If the RLA non-acceptance is a result of insufficiencies, the cognizant branch(es) should provide written input to the PM clearly documenting the issues. This input should be formally captured as an OAR. OARs for this purpose can include memoranda from the technical BC to the DORL BC (or DPR BC for TRs) or e-mails describing the insufficiencies. If an e-mail is used, concurrence with the insufficiencies by the technical BC must be identified and the e-mail from the technical branch shall be added to ADAMS as an OAR (non-publicly available).

If the licensee or applicant fails to supplement the RLA within the agreed upon time frame, the letter of non-acceptance of the RLA should be issued within 5 days of the milestone established for supplementing the RLA. If the supplement is found to be unresponsive to the NRC staff's concerns, the letter of non-acceptance of the RLA should be issued within 5 days after the completion of the staff's review of the supplement (which is within 5 days following receipt of the supplement, per Section 4.2 of this appendix).

If the licensee or applicant, prior to issuance of the non-acceptance letter, submits a written request to withdraw the RLA, the NRC staff should modify the letter to accept the withdrawal and terminate the review. The documentation of the insufficiencies that led to the withdrawal should be maintained in the letter. This action is both supportive of a clear public record and informative to other licensees or applicants that may be preparing similar RLAs. Examples of both non-acceptance of an RLA and withdrawal acknowledgement letters are provided in Appendix C, as Examples 2 and 3, respectively. Electronic versions of these letters are available in ADAMS (Accession Nos. ML073240328 and ML080100019, respectively).

In implementation of these actions, the PM should be sensitive to the visibility and nature of the action. For actions associated with an operating plant, the planned actions should be communicated to the regional plant BC and resident inspector staff. Additionally, the PM should consider generating an EDO Daily Note describing the action taken. In some cases, it may be prudent to inform the Office of Public Affairs of the NRC staff's planned course of action.

Upon issuance of the letter of non-acceptance for the RLA, or the withdrawal acknowledgement letter, the PM should close the associated CAC number using the ADAMS accession number of the letter. Additionally, the PM should ensure that the appropriate status of the CAC number is selected (i.e., Withdrawn or Closed).

Requests to discuss a non-accepted RLA with the NRC staff should be treated as pre-application meetings and 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 RLA.

6.0 DOCUMENTATION OF AN APPLICATION FOUND ACCEPTABLE

If the RLA is acceptable for review, the licensee or applicant should be notified. The formality of this communication will depend on the specific circumstances surrounding the RLA. In determining the formality of the communication, the PM should consider:

- Visibility, complexity, and contentiousness of the proposed action. To foster openness, highly visible RLAs typically warrant use of a letter to document the acceptance.
- Whether the RLA required supplementation prior to acceptance. If the application was originally found to be “Unacceptable with Opportunity to Supplement,” the PM shall use a letter to document that the RLA is now “acceptable for review.”
- Whether other procedural requirements exist for certain RLAs. For example, power uprates and TRs require a letter documenting the acceptance for review.
- Management and technical staff input (if provided). Additional considerations may be raised that would benefit from a formal documentation of the acceptance for review.

Typically, 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 the acceptance review. An example acceptance letter is provided in Appendix C, Example 4. An electronic version of this letter is available in ADAMS (Accession No. ML073240325). An example e-mail is provided in Appendix C, Example 5. 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/RE ensure that e-mail documentation to the licensee of the acceptance for review is documented in ADAMS as an OAR (publicly available). This can be accomplished by the electronic addition of the e-mail to ADAMS from Outlook by sending an e-mail to the NRR-PMDA-ECapture.Resource@nrc.gov resource can be used by the staff to capture e-mails that have been determined to be official agency records for public release. The established timeframe for release is 14 calendar days after the e-mail is captured in ADAMS. If the e-mail and its attachments need to be released prior to the 14 day hold, please include that information in your transmittal e-mail to the resource.

At the conclusion of the acceptance review, the PM and technical staff will continue the detailed technical review in accordance with the appropriate process.

Should acceptance of the application conflict with a recommendation of the technical staff, the associated BC shall send an e-mail to the technical staff BC identifying the basis for overturning the technical staff recommendation and identifying the intended

date of submittal of the acceptance review. The acceptance review shall be issued no earlier than 5 days after technical staff notification.

**United States
Nuclear Regulatory Commission**

Appendix C

**Guide for Performing Acceptance
Reviews: Example Letters**

Office of Nuclear Reactor Regulation

Enclosure 3

EXAMPLE 1: UNACCEPTABLE WITH OPPORTUNITY TO SUPPLEMENT

[DATE]

[ADDRESSEE]

SUBJECT: [PLANT NAME, UNIT NO.] – SUPPLEMENTAL INFORMATION NEEDED FOR
ACCEPTANCE OF REQUESTED LICENSING ACTION RE:
[AMENDMENT/RELIEF REQUEST] (CAC NO(S).)

Dear [Addressee]:

By letter dated [DATE], [LICENSEE] submitted a [license amendment/relief] request for [FACILITY]. The proposed [amendment/relief request] would [INSERT DESCRIPTION OF PROPOSED AMENDMENT OR RELIEF REQUEST AS APPLICABLE]. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this [amendment/relief] request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

[FOR LICENSE AMENDMENT USE THIS PARAGRAPH]

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), whenever a holder of a license, including a construction permit and operating license under this part, and an early site permit, combined license, and manufacturing license under part 52 of this chapter, desires to amend the license or permit, application for an amendment must be filed with the Commission, as specified in §§ 50.4 or 52.3 of this chapter, as applicable, fully describing the changes desired, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

[FOR RELIEF REQUEST USE THIS PARAGRAPH]

Pursuant to Sections 50.55a(z)(1) and 50.55a(z)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

[FOR OTHER RLAs, CITE APPLICABLE REGULATORY CRITERIA]

The NRC staff has reviewed your application and concluded that the information delineated in the enclosure to this letter is necessary to enable the staff to make an independent assessment regarding the acceptability of the proposed amendment/relief request in terms of regulatory requirements and the protection of public health and safety and the environment.

In order to make the application complete, the NRC staff requests that [LICENSEE] supplement

the application to address the information requested in the enclosure by [DATE]. This will enable the NRC staff to begin its detailed technical review. If the information responsive to the NRC staff's request is not received by the above date, the application will not be accepted for review pursuant to 10 CFR 2.101, and the NRC will cease its review activities associated with the application. If the application is subsequently accepted for review, you will be advised of any further information needed to support the staff's detailed technical review by separate correspondence.

The information requested and associated time frame in this letter were discussed with [CONTACT] of your staff on [DATE].

If you have any questions, please contact the [FACILITY] Project Manager, [NAME], at (301) 415-XXXX.

Sincerely,

[Name], Project Manager
Plant Licensing Branch X-X
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No(s).

cc: Distribution via Listserv

Enclosure:
As stated

*(ADAMS Accession No. ML073240323)
Concurrence is needed by PM, LA, Technical BC(s), and DORL BC*

EXAMPLE 2: NON-ACCEPTANCE OF RLA

[DATE]

[ADDRESSEE]

SUBJECT: [PLANT NAME, UNIT NO.] – NONACCEPTANCE OF REQUESTED LICENSING
ACTION RE: [AMENDMENT/RELIEF REQUEST] (CAC NO(S).)

Dear [Addressee]:

By letter dated [DATE], [LICENSEE] submitted a [license amendment/relief request] for [FACILITY]. The proposed [amendment/relief request] would [INSERT DESCRIPTION OF PROPOSED AMENDMENT OR RELIEF REQUEST AS APPLICABLE]. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this [amendment/relief request]. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

[FOR LICENSE AMENDMENT USE THIS PARAGRAPH]

Consistent with Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), an application for an amendment to the license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

[FOR RELIEF REQUEST USE THIS PARAGRAPH]

Pursuant to Sections 50.55a(z)(1) and 50.55a(z)(2) of Title 10 of the Code of Federal Regulations (10 CFR), the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

[FOR OTHER RLAs CITE APPLICABLE REGULATORY CRITERIA]

The NRC staff has reviewed your application and concluded that it did not provide technical information in sufficient detail to enable the staff to complete its detailed review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. This informational need was conveyed to you [cite method (e.g., phone call, e-mail, etc.)] followed by letter dated [DATE]. In this letter, the NRC staff identified that the following information was needed to begin its technical review:

- LIST INFORMATION NEEDED

[IF THE LICENSEE IS NOT BEING ALLOWED TO SUPPLEMENT THE RLA, USE THIS PARAGRAPH

Because of the extensive nature of the information needed, the NRC staff finds the request for approval of the proposed action unacceptable for NRC review pursuant to 10 CFR 2.101. [Additionally, other aspects of the RLA may also be insufficient but were not reviewed or identified due to the significance of the aforementioned information insufficiency.] NRC staff activities on the review have ceased and the associated Cost Activity Code number has been closed.]

[IF THE LICENSEE WAS REQUESTED TO SUPPLEMENT THE RLA AND DID NOT PROVIDE A SUPPLEMENT, USE THIS PARAGRAPH

As of the date of this letter, the NRC staff has not received any communications from you regarding this informational need. Therefore, the NRC staff finds the request for approval of the proposed action to be unacceptable for NRC review pursuant to 10 CFR 2.101. NRC staff activities on the review have ceased and the associated Cost Activity Code number has been closed.]

[IF THE LICENSEE WAS REQUESTED TO SUPPLEMENT THE RLA AND DID PROVIDE A SUPPLEMENT, USE THIS PARAGRAPH

By letter dated [DATE], you provided a supplement to this submittal. The NRC staff has found the supplement unresponsive to the cited informational needs. Therefore, the NRC staff finds the request for approval of the proposed action to be unacceptable for NRC review pursuant to 10 CFR 2.101. NRC staff activities on the review have ceased and the associated Cost Activity Code number has been closed.]

If you have any questions, please contact the [FACILITY] Project Manager, [NAME], at (301) 415-XXXX.

Sincerely,

[Name], Project Manager
Plant Licensing Branch X-X
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No(s).

cc: Distribution via Listserv
(ADAMS Accession No. ML073240328)

Concurrence is needed by PM, LA, Technical BC(s), and DORL BC, Technical Division Director(s) and DORL Division Director

EXAMPLE 3: WITHDRAWAL ACKNOWLEDGEMENT LETTER

[DATE]

[ADDRESSEE]

SUBJECT: [PLANT NAME, UNIT NO] – WITHDRAWAL OF REQUESTED LICENSING
ACTION RE: [LICENSE AMENDMENT/RELIEF REQUEST] SUBMITTED TO
NRC FOR ACCEPTANCE REVIEW (CAC NO(S).)

Dear [ADDRESSEE]:

By letter dated [DATE], [LICENSEE] submitted a [license amendment/relief request] for [FACILITY]. The proposed [amendment/relief request] would [INSERT DESCRIPTION OF PROPOSED AMENDMENT OR RELIEF REQUEST AS APPLICABLE]. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this [amendment/relief request]. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

[FOR LICENSE AMENDMENT USE THIS PARAGRAPH]

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an application for an amendment to the license (including the Technical Specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

[FOR RELIEF REQUEST USE THIS PARAGRAPH]

Pursuant to Sections 50.55a(z)(1) and 50.55a(z)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

[FOR OTHER RLAs CITE APPLICABLE REGULATORY CRITERIA]

By letter dated [DATE], you requested to withdraw the application from NRC review. The NRC acknowledges your request to withdraw the application. NRC staff activities on the review have ceased and the associated Cost Activity Code number has been closed.

The NRC staff notes that its review to date has identified that your application did not provide the following technical information in sufficient detail to enable the staff to complete its detailed

review. Therefore, should you decide to re-submit the request, it must include the following information:

- LIST INFORMATION NEEDED
-
-
-

If you have any questions, please contact the [FACILITY] Project Manager, [NAME], at (301) 415-XXXX.

Sincerely,

[Name], Project Manager
Plant Licensing Branch X-X
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No(s).

cc: Distribution via Listserv

(ADAMS Accession No. ML080100019)

Concurrence is needed by PM, LA, Technical BC(s), and DORL BC

EXAMPLE 4: ACCEPTANCE LETTER

[DATE]

[ADDRESSEE]

SUBJECT: [PLANT NAME, UNIT NO] – ACCEPTANCE OF REQUESTED LICENSING
ACTION RE: [LICENSE AMENDMENT/RELIEF REQUEST] (CAC NO(S).)

Dear [Addressee]:

By letter dated [DATE], [LICENSEE] submitted a [license amendment/relief request] for [FACILITY]. The proposed [amendment/relief request] would [INSERT DESCRIPTION OF PROPOSED AMENDMENT OR RELIEF REQUEST AS APPLICABLE]. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this [amendment/relief] request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

[FOR LICENSE AMENDMENT USE THIS PARAGRAPH]

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

[FOR RELIEF REQUEST USE THIS PARAGRAPH]

Pursuant to Sections 50.55a(z)(1) and 50.55a(z)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

[FOR OTHER RLAs CITE APPLICABLE REGULATORY CRITERIA]

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

Based on the information provided in your submittal [and discussions during the pre-licensing meeting on <insert date>], the NRC staff has estimated that this licensing request will take approximately <insert forecasted hours here from RPS-Licensing/WM > hours to complete. The NRC staff expects to complete this review in approximately <insert number> months, which is <insert Month, Year>. {Note: Insert forecasted completion date (actual requested date) by licensee (ex. outage date) if we agree; stated metric - most will be 12 months; or actual forecasted completion date based on complexity.} If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

<For LARs use: These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. For Relief Requests and other RLAs use: These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, and unanticipated addition of scope to the review.> Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact the [FACILITY] Project Manager, [NAME], at (301) 415-XXXX.

Sincerely,

[NAME], Project Manager
[BRANCH]
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No(s).

cc: Distribution via Listserv

(ADAMS Accession No. ML073240325)

Concurrence is needed by PM, LA, and DORL BC

EXAMPLE 5: ACCEPTANCE E-MAIL

SUBJECT:

By letter dated [DATE], [LICENSEE] submitted a [license amendment/relief request] for [FACILITY]. The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this [amendment/relief] request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal [and discussions during the pre-licensing meeting on <insert date>], the NRC staff has estimated that this licensing request will take approximately <insert forecasted hours here from RPS-Licensing/WM > hours to complete. The NRC staff expects to complete this review in approximately <insert number> months, which is <insert Month, Year>. {Note: Insert forecasted completion date (actual requested date) by licensee (ex. outage date) if we agree; stated metric - most will be 12 months; or actual forecasted completion date based on complexity.} If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

<For LARs use: These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. For Relief Requests and other RLAs use: These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, and unanticipated addition of scope to the review.> Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact me.

[NAME], Project Manager
[BRANCH]
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

ADAMS Accession No. ML16323A247)

EXAMPLE 6: ACCEPTANCE OF RLA FOR LATE ALTERNATIVE/RELIEF

[DATE]

[ADDRESSEE]

SUBJECT: [PLANT NAME, UNIT NO] – ACCEPTANCE OF REQUESTED LICENSING ACTION FOR [LATE SUBMISSION OF ALTERNATIVE/RELIEF REQUEST] RE: (CAC NO(S).)

Dear [Addressee]:

By letter dated [DATE], [LICENSEE] submitted an alternative/relief request under Section [CITE REQUIREMENT] to Title 10 of the *Code of Federal Regulations* (10 CFR) for [FACILITY]. The proposed [alternative/relief request] would [INSERT DESCRIPTION OF PROPOSED ALTERNATIVE/RELIEF REQUEST]. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Pursuant to Sections [INSERT CITATION] of Title 10 of the *Code of Federal Regulations* (10 CFR), the applicant shall demonstrate that the proposed alternatives/relief requests would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

The NRC staff has reviewed your application and notes that the [proposed alternative/relief request] was submitted [during the current 10-year interval, but after implementation OR after the ten-year interval, but not during the 12-month submittal period as required by [INSERT CITATION]]. While the NRC staff concludes that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment. The NRC staff will not be able to approve the [alternative/relief request] as requested. However, the NRC staff will assess the technical justification provided in terms of regulatory requirements and the protection of public health and safety and the environment to support enforcement related activities. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

Based on the information provided in your submittal [and discussions during the pre-licensing meeting on <insert date>], the NRC staff has estimated that this licensing request will take approximately <insert forecasted hours here from RPS-Licensing/WM > hours to complete. The NRC staff expects to complete this review in approximately <insert number> months, which is <insert Month, Year>. {Note: Insert forecasted completion date (actual requested date) by licensee (ex. outage date) if we agree; stated metric - most will be 12 months; or actual forecasted completion date based on complexity.} If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, and unanticipated addition of scope to the review. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact the [FACILITY] Project Manager, [NAME], at (301) 415-XXXX.

Sincerely,

[NAME], Project Manager
[BRANCH]
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No(s).

cc: Distribution via Listserv

(ADAMS Accession No. ML16294A058)

Concurrence is needed by PM, LA, Technical BC(s), and DORL BC, Technical Division Director(s) and DORL Division Director

**United States
Nuclear Regulatory Commission**

Appendix D

**Guide for Performing Acceptance
Reviews: Information Insufficiency
Examples**

Office of Nuclear Reactor Regulation

Enclosure 4

Examples of Informational Insufficiencies

The purpose of the examples included in this Appendix is to better delineate the “threshold” where an informational insufficiency would result in a requested licensing action (RLA) being unacceptable for review versus it being more appropriately dealt with via the request for additional information (RAI) process. In each example, the corresponding project manager (PM) or technical staff criteria are identified, whether the insufficiency would cause the RLA to be unacceptable for review, or, 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 13 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 that is currently under review for generic use, for determining the safety limits.

Acceptable for Review?

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

Also, if the licensee has an urgent need for the change to the safety limit and the generic review of the TR would not be complete in time for the licensee's need, using the TR as a plant-specific justification may be acceptable. Again, the licensee would need to provide a full justification and it should be recognized that the approval is specific only to this singular application of the TR.

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:

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 section 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 13 days), the licensee may be able to supplement the application to make it acceptable for the NRC staff's review.

Example 5

Criteria

PM, Use of Approved Guidance; and
Technical Staff, Sufficiency of Information

Situation

A licensee requests an increased ultimate heat sink (UHS) temperature limit based on reducing measurement uncertainty. The RLA indicates that Regulatory Guide (RG) 1.105, Setpoints for Safety-Related Instrumentation, was followed in developing the submittal. RG 1.105 describes a method acceptable to the NRC staff for complying with the NRC's regulations for ensuring that setpoints for safety-related instrumentation are initially within and remain within the technical specification limits. For non-safety instrumentation such as UHS instrumentation, the setpoint methodology can include a graded approach; however, the RG indicates that the grading technique chosen should be consistent with ISA-S67.04-1994, Setpoints for Nuclear Safety-Related Instrumentation, and should consider applicable uncertainties regardless of the setpoint application. The RLA simply references a graded setpoint methodology that has not been approved by the NRC, nor has the RLA addressed treatment of applicable uncertainties.

Acceptable for Review?

No, because the licensee failed to include the setpoint methodology and an evaluation of all applicable uncertainties as indicated by the RG (Use of Approved Guidance). If the licensee had not cited RG 1.105, but still omitted the information, it would likely fail the technical staff sufficiency of information criteria as the NRC staff would still need the information to complete its review.

May be Acceptable for Review If:

The setpoint methodology was provided with justification for its use as well as an evaluation of all applicable uncertainties. Alternately, it may also be acceptable for review if the graded approach had been previously approved for generic use and the licensee used it in accordance with all limitations and conditions of NRC approval.

Example 6

Criteria

Technical Staff, Use of Precedent

Situation

The licensee for a multi-unit site previously received NRC approval to add 3 months to the 5-year extension already in place for the containment integrated leak rate test (ILRT) for Unit 1. Subsequently, the licensee requests to add 8 months to the 5-year extension already in place for the containment ILRT for Unit 2, referencing the approval of an extension for the Unit 1 ILRT as precedent.

Acceptable for Review?

No, because the precedent for the extension, by itself, is not sufficient justification for the change.

May be Acceptable for Review If:

If the licensee's RLA for Unit 2 had provided a full justification for the extension to the containment ILRT. The use of precedent in this case may provide a time and resource savings, however, if the licensee addressed previous NRC staff questions associated with the Unit 1 review and reconciled any salient technical differences between the construction and/or operation of the units.

Additional Considerations

Situation

Operating experience, gained subsequent to having approved the extension for Unit 1, showed that extension beyond 5 years was potentially inappropriate in certain circumstances.

Result

The NRC staff should (in addition to evaluating backfit actions for previously approved extensions) ensure that the RLA for Unit 2 addresses and appropriately resolves the concerns generated by the emergent operating experience. The magnitude of the operating experience would dictate whether the issue should result in immediate non-acceptance, allowing the licensee to supplement during the acceptance review, or RAIs during the full technical review (see Appendix B, Section 3.2).

**United States
Nuclear Regulatory Commission**

Appendix E

**Guide for Performing Acceptance
Review: Acceptance Review Milestones**

Office of Nuclear Reactor Regulation

Enclosure 5

GENERIC ACCEPTANCE REVIEW MILESTONES

T = Time from date when requested licensing action (RLA) is available in ADAMS (in working days)

A. RLA is Acceptable for Review

	MILESTONES	Schedule
1	PM distribute RLA to technical staff	T = 0
2	PM review for information sufficiency	< T = 15 days
3	Technical staff provide results of technical sufficiency review to PM	< T = 20 days
4	PM notify licensee or applicant (e.g., via call, e-mail or letter) that RLA is acceptable	< T = 25 days
5	PM provide DPR with date of acceptance for the Acceptance Review Weekly Report	< T = 25 days

B. RLA is Unacceptable for Review with Opportunity to Supplement

	MILESTONES	Schedule
1	PM distribute RLA to technical staff	T = 0
2	PM review for information sufficiency	< T = 15 days
3	Technical staff provide results of technical sufficiency review to PM	< T = 20 days
4	PM coordinate discussion with technical staff and raise issue to appropriate management	< T = 25 days
5	PM notify licensee or applicant (e.g., via call, e-mail or letter) that RLA is insufficient and schedule call to discuss results	< T = 25 days
6	PM provide DPR with date and status for the Acceptance Review Weekly Report (e.g., Need Response)	< T = 25 days
7	Conference call held with the licensee/applicant and the NRC staff regarding RLA insufficiencies; response date established	< T = 30 days
8	Licensee or applicant provide requested information to address information insufficiency	< T = 43 days
9	NRC staff review supplemental information	< T = 48 days
10	PM notify licensee or applicant (e.g., via call, e-mail or letter) that RLA is acceptable	< T = 53 days
11	PM provide DPR with date of acceptance for the Acceptance review Weekly Report (e.g., Accepted following Supplement)	< T = 53 days

C. RLA is Unacceptable for Review with Opportunity to Supplement, and Supplement is Unresponsive

	MILESTONES	Schedule
1	RLA is available in ADAMS	T = 0
2	PM review for information sufficiency	< T = 15 days
3	Technical staff provide results of technical sufficiency review to PM	< T = 20 days
4	PM coordinate discussion with technical staff and raise issue to appropriate management	< T = 20 days
5	PM notify licensee or applicant (e.g., via call, e-mail or letter) that RLA is insufficient and schedule call to discuss results	< T = 25 days
6	PM provide DPR with date and status for the Acceptance Review Weekly Report (e.g., Need Response)	< T = 25 days
7	Conference call held with the licensee/applicant and the NRC staff regarding RLA insufficiencies; response date established	< T = 30 days
8	Licensee or applicant provide requested information to address information insufficiency	< T = 43 days
9	NRC staff review supplemental information	< T = 48 days
10	Supplement is unresponsive, PM coordinate further discussion with technical staff and appropriate management (e.g., Division Directors, NRR ET, and/or EDO, as appropriate)	< T = 53 days
11	PM notify licensee or applicant (via letter) that RLA is unacceptable	< T = 53 days
12	PM provide DPR with date of non-acceptance for the Acceptance Review Weekly Report and closes TAC	< T = 53 days

D. RLA is Unacceptable for Review Without Opportunity to Supplement

	MILESTONES	Schedule
1	RLA is available in ADAMS	T = 0
2	PM review for information sufficiency	< T = 15 days
3	Technical staff provide results of technical sufficiency review to PM	< T = 20 days
4	PM coordinate discussion with technical staff and receive concurrence from appropriate Division management; brief OGC on situation and proposed action	< T = 24 days
5	PM/BC to communicate decision to ET and notify EDO via daily note	< T = 24 days
6	PM notify licensee or applicant (e.g., via call or e-mail, followed by letter) that RLA is insufficient and schedule call to discuss results, if appropriate	< T = 25 days
7	PM provide DPR with date of non-acceptance for the Acceptance Review Weekly Report and close TAC	< T = 25 days