

**U.S. Nuclear Regulatory Commission Comments
on the U.S. Government Accountability Office Draft Report GAO-17-344, “Nuclear
Regulatory Commission: Efforts Intended to Improve Procedures for Requesting
Additional Information for Licensing Actions are Underway”**

The U.S. Nuclear Regulatory Commission’s (NRC’s) comments on the draft report for the U.S. Government Accountability Office (GAO) consideration, are as follows:

1. The report references Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-101, Revision 4, dated May 25, 2012, in a number of places. The NRC understands that this was the revision of LIC-101 that GAO reviewed during the audit. Page 7 of the report states, “An NRC official told us that management incorporated changes contained in the April 2016 expectations memorandum into a new edition – version five – of LIC-101 in January 2017.” This comment is to confirm that LIC-101, Revision 5, was issued on January 9, 2017, and does incorporate changes regarding the request for additional information (RAI) process from the expectations memorandum. LIC-101, Revision 5, is publicly available in the NRC’s Agencywide Documents Access and Management System (ADAMS) at Accession No. [ML16061A451](#).
2. The first sentence in the second paragraph on page 1 of the report currently reads as follows: “NRC offices that issue RAIs do not track the number of RAIs that they have issued and do not have a comprehensive accounting for the last 5 years, but information from NRC officials and licensees GAO interviewed suggests that certain activities and circumstances often elicit RAIs.” Since the Office of New Reactors’ tracking system (i.e., eRAI) has the capability to track the numbers of RAIs, it is suggested that the sentence be revised to read as follows: “NRC offices that issue RAIs do not **specifically** track the number of RAIs that they have issued and do not have a comprehensive accounting for the last 5 years, **although one office does have a system capable of tracking the number of RAIs (as discussed later in the report)**, ~~but information~~ **Information** from NRC officials and licensees GAO interviewed suggests that certain activities and circumstances often elicit RAIs.”
3. Figure 1 on page 5 of the report contains a graphic on the RAI process. The first step, “NRC and licensee communicate pre-application,” is shown with a green background indicating it is an “additional step.” As correctly noted on page 8 of the report, not all applications include this step. As such, GAO should consider changing the background color to gray to indicate this is an “optional step.” This figure is also shown on page 1 of the report.
4. The last sentence in the first paragraph on page 6 currently reads as follows: “If it is found during acceptance review that the application does not contain sufficient information, the application may be returned to the applicant or denied.” It is suggested that this sentence be revised to read as follows: “If it is found during acceptance review that the application does not contain sufficient information, the application may **remain tendered while be-** ~~returned to the applicant~~ **submits supplemental information, or may be** denied.”
5. The second paragraph on page 6 discusses the steps associated with the RAI process. This paragraph states, in part, that, “After management review, NRC issues RAIs to licensees.” The NRC staff notes that, prior to formally issuing RAIs to the licensee, the staff will often send the RAIs to the licensee in draft form, and a clarification call is held with the licensee to make sure the information needs are understood and to make sure that the RAI language is clear. In cases where a draft RAI is issued, the NRC would issue the formal RAI after the call. The NRC requests that the report be revised to add discussion regarding draft RAIs and clarification calls.

Enclosure

6. The second to last sentence in the first paragraph on page 8 currently reads as follows: “This memorandum accompanied an updated RAI job aid to replace the earlier version, as well as two other job aids focused on carrying out audits and confirmatory analysis, in which staff conduct an independent assessment of a licensee’s calculation or research.” It is suggested that the words “or research” be deleted from this sentence.
7. The third sentence in the second full paragraph on page 9 currently reads as follows: “For example, officials from the Office of New Reactors told us there are plans to reexamine the process to develop and issue RAIs throughout upcoming license reviews.” It is suggested that this sentence be revised to read as follows: “For example, officials from the Office of New Reactors told us there are plans to ~~reexamine~~ **assess** the **revised** process ~~to for~~ **developing** and **issue** **issuing** RAIs throughout upcoming license reviews **to look for additional opportunities for improvement.**”
8. The second to last sentence in the second paragraph on page 10 currently reads as follows: “The Office of New Reactors’ guidance for RAIs states that applicants will be encouraged to respond to questions once they have prepared their responses, rather than respond to packages of multiple questions on a set date.” It is suggested that this sentence be revised to read as follows: “The Office of New Reactors’ guidance for RAIs **expects that applicants’ responses are provided within 30 days and also** states that applicants will be encouraged to respond to questions once they have prepared their responses, rather than respond to packages of multiple questions on a set date.”
9. The first sentence in the last paragraph on page 11 currently reads as follows: “NRC offices that issue RAIs do not track the number of RAIs that they issue, and there is no legal requirement for the agency to track the number of RAIs.” Since the Office of New Reactors’ tracking system (i.e., eRAI) has the capability to track the numbers of RAIs, it is suggested that this sentence be revised to read as follows: “**Several of the** NRC offices that issue RAIs do not track the number of RAIs that they issue, and there is no legal requirement for the agency to track the number of RAIs.”
10. The first sentence in the first paragraph on page 12 currently reads as follows: “Officials also said the number of RAIs per year depends on how many license applications the office receives; it can take 5 years or more to review a combined license application and officials said they typically review 20 to 25 license amendments per year.” It is suggested that this sentence be revised to read as follows: “Officials also said the number of RAIs per year depends on how many license applications the office receives; it can take 5 years or more to review **and make a decision on** a combined license application and, **in contrast, for plants that are licensed,** ~~officials said they~~ **the NRC** typically reviews 20 to 25 license amendments per year.”
11. The last two sentences in the second paragraph on page 12 currently read as follows: “However, according to an official, the office does not use eRAI to track the number of RAIs. Instead, the Office of New Reactors uses eRAI to monitor RAIs associated with applications that can be up to 12,000 pages long, identify related questions, and track RAIs by regulatory issue area.” It is suggested that this text be revised to read as follows: “However, according to an official, the office does not **just** use eRAI to track the number of RAIs. ~~Instead,~~ the Office of New Reactors **also** uses eRAI to monitor RAIs associated with applications that can be up to 12,000 pages long, identify related questions, and track RAIs by regulatory issue area.”
12. The last paragraph on page 12 discusses the “Reactor Replacement Program System.” The name of the system should be shown as the “Replacement Reactor Program System.”