

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

**NRC FINAL REGULATORY ISSUE SUMMARY 2024-xx
PRE-APPLICATION COMMUNICATION AND SCHEDULING FOR LICENSING ACTIONS
RELATED TO DIGITAL INSTRUMENTATION AND CONTROLS**

ADDRESSEES

All holders of Part 50 operating licenses or Part 52 combined licensees for nuclear power reactors, except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel or combined license holders that have not received authorization to load nuclear fuel and begin operation.

INTENT

The primary purpose of this regulatory issue summary (RIS) is to help inform the U.S. Nuclear Regulatory Commission's (NRC's) budget and resource planning for the eventual review of applications related to analog-to-digital or digital-to-digital instrumentation and controls upgrades (e.g., license amendment requests). Specifically, the NRC seeks scheduling information for preapplication activities and submittal of applications (e.g., license amendment requests) related to digital instrumentation and controls (DI&C) from all addressees.

Additionally, this RIS seeks to promote early and frequent communication between the NRC and addressees for any DI&C upgrade application that a licensee intends to submit within the next 2 years. Frequent communication between the NRC and addressees promotes the submission of high-quality and complete applications.

Providing current scheduling information in response to this RIS is strictly voluntary. Although the agency requires neither specific action nor written response, this information will allow the NRC to better allocate its resources to support the activities leading up to and including the review of an analog-to-digital or digital-to-digital instrumentation and controls upgrade submittal. The proper allocation of resources promotes the efficient completion of the NRC's review responsibilities.

BACKGROUND INFORMATION

The NRC formulates its budget by projecting 2 years beyond the current fiscal year in which it is operating. To help the NRC plan its resources appropriately, information from the licensees regarding their intentions to submit a licensing action will assist the NRC in planning for the necessary resources during the budget process and for any schedule needs in preparation for the review before the submittal of the licensing action. Moreover, early notification of future applicant intent will allow the NRC staff to engage in preapplication activities with the future applicant. These preapplication interactions permit the NRC staff to become familiar with the proposed design and approaches to be used by the potential applicant and enable it to identify and resolve potential policy issues before an application is submitted.

Some reviews of DI&C upgrade submittals require specialized skills and significant resources to complete. The NRC will use the information obtained as a result of this RIS for scheduling and resource allocation.

SUMMARY OF ISSUE

The NRC encourages potential applicants to provide the agency with DI&C-related scheduling information for preapplication activities and licensing submittals. This information will allow the NRC to better allocate its resources, both financial and technical, to perform timely and effective reviews of DI&C upgrade applications.

VOLUNTARY RESPONSE

The NRC staff has developed several questions on the scheduling of DI&C activities. The NRC will use addressees' responses to help determine resource allocation and prioritization for DI&C applications that will be submitted in upcoming fiscal years.

The NRC may share the application schedules with other Federal agencies to support its planning for the DI&C modernization effort. If a prospective applicant deems this information proprietary, it should include with the information a request to withhold the information from public disclosure in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public inspections, exemptions, requests for withholding." RIS 2004-11, "Supporting Information Associated with Requests for Withholding Proprietary Information," dated June 29, 2004 (Agencywide Documents Access and Management System Accession (ADAMS) Accession No. ML041180231), provides additional information about requests for withholding proprietary information from public disclosure. The NRC asks potential applicants to request withholding only for information that is currently treated as proprietary and to provide, where necessary, the proprietary information in designated attachments to their response to this RIS.

If an addressee chooses to provide a voluntary response, the NRC would like to obtain the information within 60 days of the date of this RIS. Respondents should answer the questions below to the best of their ability, providing as much detail as possible.

The NRC staff recognizes that the addressees' ability to respond to these questions depends, in part, on the stage of submittal preparation. In some cases, addressees may not be able to respond to all questions at this time. With this in mind, the staff also encourages voluntary updates to initial responses to this RIS as significant scheduling changes occur.

The NRC seeks voluntary responses to the following questions:

- (1) Do you plan to submit a DI&C upgrade-related license application (e.g., license amendment)? If so, what is the estimated timeframe for such a submittal?
- (2) Do you plan to hold preapplication meetings with the NRC staff? If so, what is the estimated timeframe for the initial preapplication meeting?
- (3) Which systems do you plan to upgrade?
- (4) What platform(s) will be used for the upgrade?

- (5) Do you plan to use DI&C-Interim Staff Guidance (ISG)-06, Revision 2, "Licensing Process," issued December 2018 (ADAMS Accession No. ML18269A259), to prepare your application? If yes, which of the four processes (e.g., Tier 1) described in the ISG do you believe the NRC will use in its evaluation of the application based on the criteria provided in Section C of ISG-06?

Addressees that choose to respond to these questions may mail the responses to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001. Additionally, addressees may submit responses electronically in accordance with 10 CFR 50.4, "Written communications;" 10 CFR 70.5, "Communications;" 10 CFR 71.1, "Communications and records;" and 10 CFR 72.4, "Communications," as appropriate for the submission. Detailed guidance can be found on the NRC's website at <https://www.nrc.gov/site-help/e-submittals.html>.

BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS requests the addressees to inform the NRC of scheduling information for any planned DI&C-related application submittals. The RIS requires no action or written response. Any action on the part of addressees to submit information in accordance with the request contained in this RIS is strictly voluntary. Therefore, this RIS does not constitute backfitting as defined in 10 CFR 50.109(a)(1).

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment on this RIS in the *Federal Register* because the RIS pertains to an administrative aspect of the regulatory process that involves the voluntary submission of information on the part of addressees and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

This RIS is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS contains voluntary information collections that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The Office of Management and Budget (OMB) approved these information collections (approval number 3150-XXXX, expiration MM/DD/YYYY). The burden to the public for these information collections is estimated to average 200 hours per response. Send comments regarding this information collection to the FOIA, Library, and Information Collections Branch, Office of the Chief Information Officer, Mail Stop: T6-A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollects.Resource@nrc.gov, and to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (INSERT CLEARANCE NUMBER), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

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

Russell Felts, Director
Division of Reactor Oversight
Office of Nuclear Reactor Regulation

Bo Pham, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Eric Benner, Director
Division of Engineering and External Hazards
Office of Nuclear Reactor Regulation

Technical Contacts: Carla Roque-Cruz, Project Manager
NRR/DORL/LLPB
301-415-1455
E-mail: Carla.Roque-Cruz@nrc.gov

Michael Marshall, Senior Project
Manager
NRR/DORL/LPL-1
301-415-2871
E-mail: Michael.Marshall@nrc.gov

Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under NRC Library/Document Collections.

NRC DRAFT REGULATORY ISSUE SUMMARY 2024-xx, "PRE-APPLICATION COMMUNICATION AND SCHEDULING FOR LICENSING ACTIONS RELATED TO DIGITAL INSTRUMENTATION AND CONTROLS SUBMITTALS," DATE:

ADAMS Accession Number: ML18269A259

***via e-mail**

EPID: L-2023-GEN-0008

OFFICE	NRR/DORL/LLPB	NRR/DORL/LPL-1	QTE*	NRR/DORL/LPL-1/BC
NAME	CRoqueCruz	MMarshall	JDougherty	HGonzalez
DATE	07/31/2023	07/31/2023	07/ /2023	07/31/2023
OFFICE	NRR/DEX/EEOB/BC(A)	NRR/DEX/D	NRR/DORL/D	NRR/DRMA
NAME	RStattel	EBenner	BPham	LHill
DATE	07/27/2023	07/ /2023	07/ /2023	07/ /2023
OFFICE	OGC (NLO)	OCIO/GEMS/ICT	NRR/DRO/IOEB	NRR/DRO/IOEB/BC
NAME	BVaisey	DCullison	PClark	LRegner
DATE	08/03/2023	07/31/2023	08/24/2023	09/06/2023
OFFICE	NRR/DRO/D			
NAME	RFelts			
DATE	07/ /2023			

OFFICIAL RECORD COPY