

Application of Forward Fitting Policy to Initial Licensing Actions for New Light-Water Reactor Facilities

In U.S. Nuclear Regulatory Commission (NRC) Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests," Directive Handbook (DH) Section I.B.2(e) discusses the application of the forward fitting policy to initial licensing actions for new light-water reactor facilities. This section states the following:

Forward fits generally do not include instances when an applicant files an initial licensing action for a new facility. For light-water reactor (LWR) facilities, § 50.34(h), § 52.17(a)(1)(xii), § 52.47(a)(9), § 52.79(a)(41), § 52.137(a)(9), and § 52.157(f)(30) establish the version of NUREG-0800, "Standard Review Plan [SRP] for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," that applicants should be anticipated to reasonably rely upon in the development of their applications. Any change in requirements or regulatory staff positions from that version of the SRP interpreting the Commission's requirements should follow the same reasoned decision-making process as a forward fit.

The regulations cited in DH 8.4, Section I.B.2(e) require an applicant for a new light-water reactor license or approval to include in its application an evaluation of conformance with the SRP in effect 6 months before docketing of its application. Among other things, compliance with this requirement informs the NRC as to the version of the SRP that the applicant used to develop its application. The Parts 50 and 52 Alignment and Lessons Learned proposed rule includes regulatory changes that would eliminate the requirement that an applicant include in its application an evaluation of conformance with the SRP in effect 6 months before docketing of its application. Applicants would likely use a recent version of the SRP to develop new reactor applications. The staff would continue the use of the timeframe from the deleted regulations to set the versions of the SRP for potential forward fit assessments during the review of the application.

The staff also proposes to address the concern that DH 8.4, Section I.B.2(e) could be interpreted to require the staff to perform a forward fit assessment of the use of certain design-specific review standards (DSRS). The NRC staff may develop a DSRS to provide more design specific review guidance to support the staff's license application review. A DSRS tailors the SRP to a specific design. The DSRS may reference a corresponding section of the SRP, modify it, or exclude it if the SRP section is not applicable to the design, or entirely new DSRS sections may be created. To ensure that the staff appropriately applies the forward fitting policy in future application reviews that use a DSRS, the staff would use the timeframe from the deleted regulations to set the versions of the DSRS for potential forward fit assessments during the review of the application.

The staff is proposing to revise Regulatory Guide 1.206, "Applications for Nuclear Power Plants," to include guidance for license applicants on the staff's implementation of the Commission's forward fitting policy in light of the proposed removal of the regulations cited in DH 8.4, Section I.B.2(e). The regulatory guide would recommend that applicants indicate in their applications whether they used the SRP or DSRS in developing their applications and, if so, the date of the version of the SRP or DSRS used. Otherwise, the NRC staff will review LWR license applications using the version of the SRP or DSRS in effect 6 months before docketing of the application.