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

MMM DD, 202X

NRC FINAL REGULATORY ISSUE SUMMARY 202X-XX
PROCESS FOR SCHEDULING AND ALLOCATING RESOURCES FOR FISCAL YEARS 2026-2028 FOR THE REVIEW OF NEW LICENSING APPLICATIONS AND OVERSIGHT OF CONSTRUCTION FOR LIGHT WATER REACTORS AND NON-LIGHT WATER REACTORS

ADDRESSEES

All holders of, applicants for, or potential applicants for a construction permit (CP) or limited work authorization (LWA) for a power reactor or nonpower production and utilization facility, or applicants or potential applicants for an operating license (OL) for a power reactor or nonpower production and utilization facility under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities."

All holders of, applicants for, or potential applicants for an early site permit (ESP), standard design certification (DC), standard design approval (SDA), or manufacturing license (ML), or applicants or potential applicants for a combined license (COL) under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) for the following three purposes:

(1) to assist the NRC in determining resource and budget needs for fiscal years (FYs) 2026 through 2028 with respect to future construction-related activities and other anticipated 10 CFR Part 50 and 10 CFR Part 52 licensing and DC rulemaking actions and other regulatory and preapplication activities for large light water reactors (LWRs), light water cooled small modular reactors (SMRs), non-LWRs, and nonpower production and utilization facilities

(2) to communicate to stakeholders the agency's process for scheduling its reviews

(3) to encourage preapplication engagements with the NRC

This RIS is intended for holders and applicants or potential applicants for LWRs, SMRs, non-LWRs, and nonpower production and utilization facilities. Non-LWRs are reactors designed to use material other than light water for neutron moderation.

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This RIS is intended to promote early communication between the NRC and potential applicants about planned licensing and construction activities under 10 CFR Part 50 and 10 CFR Part 52. This information will assist the NRC in allocating its resources for FY 2026 through 2028 for preapplication reviews, acceptance reviews, licensing and regulatory reviews, and inspection support. This RIS updates RIS 2020-02, "Process for Scheduling and Allocating Resources for Fiscal Years 2023–2025 for the Review of New Licensing Applications for Light -Water Reactors and Non-Light Water Reactors," dated August 31, 2020 (Agencywide Document Access and Management System Accession No. ML20202A496). This RIS does not transmit or imply any new or changed requirements or staff positions. Although no specific action or written response is required, submission of the requested information will enable the NRC to more efficiently and effectively plan its licensing and inspection activities.

BACKGROUND INFORMATION

Potential applicants are encouraged to engage early with the NRC. The NRC formulates its budget by predicting up to 3 years beyond the current FY in which it is operating. To help the NRC plan its resources appropriately, anyone intending to submit an application or a technical review paper (topical reports, white papers) that will support a future application during FYs 2026 through 2028 should consider initiating interactions with the NRC staff as early as possible.

The NRC encourages early notification of intent to submit an application and preapplication activities. These preapplication interactions permit the NRC staff to become familiar with the proposed design and approaches to be used by the potential applicant, to identify and resolve potential policy issues before an application is submitted, and to help the NRC plan the necessary resources and schedules in preparation for the review once the application is formally submitted.

DANU-ISG-2022-01, "Review of Risk-Informed, Technology-Inclusive Advanced Reactor Applications-Roadmap," issued March 2024 (ML23277A139), provides guidance to facilitate the preparation of non-LWR applications for CPs or OLs under 10 CFR Part 50, or COLs, MLs, SDAs, and DCs under 10 CFR Part 52. Appendix A to DANU-ISG-2022-01 provides guidance on preapplication engagement that could be used by any type of proposed reactor. The NRC strongly encourages applicants and potential applicants to review the above document and familiarize themselves with the guidance.

SUMMARY OF THE ISSUE

The NRC encourages potential applicants to provide design, licensing, construction, and preapplication plans and schedules for FYs 2026 through 2028. This information will allow the NRC to coordinate preapplication activities and take appropriate actions (such as conducting meetings, white paper or topical report reviews, readiness assessments, audits, or any combination of these activities, as necessary) before submission of the actual application. This will result in more efficient application reviews.

<u>Declaration of the Expected Application Submission Date</u>

The NRC encourages applicants to declare, in writing, their anticipated application date no later than 90 days before the submission date. Declarations of anticipated applications will receive a

higher priority than other preapplication interactions because they are the best available tool to help the NRC staff allocate resources for application acceptance reviews. Declaration of desired preapplication interaction timeframes and issues to be addressed during preapplication would also be helpful in allocating the NRC's resources. The NRC's "A Regulatory Review Roadmap for Non-Light Water Reactors," issued December 2017 (ML17312B567), discusses the various options for performing regulatory reviews of new designs for nuclear power plants. It is intended to provide the reader with a "regulatory review roadmap" of the options available for NRC review of preapplication information and formal applications.

Declarations such as those described above can be submitted in the form of a regulatory engagement plan (REP). The REP defines desired outcomes from various interactions between the designer and the NRC, considering factors such as the resources available to the designer and the NRC and the coordination of regulatory issues with other aspects of the overall program for developing and deploying LWR, SMR, and non-LWR designs, or nonpower production and utilization facilities.

Schedule Changes

The NRC will allocate resources to accomplish its review, based on future applicants' declarations of expected applications. The NRC staff will work with applicants and future applications to the extent practical to accommodate emergent notices of submittals or schedule changes.

VOLUNTARY RESPONSE

The NRC develops its workload for budget cycles up to 3 years in advance. In addition, the NRC continuously updates its preapplication, licensing, and project plans for its program for licensing new reactors. To support this effort and help the NRC plan its resources appropriately for FYs 2026 through 2028, the NRC is seeking new or updated information on schedules for submitting an application for a CP, ESP, LWA, license amendment request (LAR), OL, COL, DC, SDA, or ML and on the interest and intent for preapplication design-related activities for all types of reactors and nuclear power plant designs. In addition to initial responses, the NRC requests respondents to this RIS to update the NRC on major schedule changes. The agency also welcomes information on intentions or schedules for submitting these applications beyond the timeframe of FYs 2026 through 2028.

The NRC may share the planned application schedules with other Federal agencies to support its planning efforts on the licensing of new plants. If a prospective applicant deems this information proprietary, a request to withhold information from public disclosure must accompany the information, in accordance with 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 (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 they currently treat as proprietary and to provide, where necessary, the proprietary information in designated attachments to their response to this RIS.

Addressees that choose to provide a voluntary response should answer the questions below, as applicable to their specific reactor designs and to the best of their ability, providing as much detail as possible.

Question for LWA, ESP, and CP holders:

(1) How many licensing actions (e.g., LARs, exemption requests, relief requests) do you expect to submit to the NRC during FYs 2026 through 2028? Please provide details.

Technical and licensing process questions for all potential/future applicants:

(1) What types of NRC interactions do you plan to seek (e.g., preapplication, focused review, permit, license, design approval, amendment, renewal, certification)? This may be in the form of a white paper, topical report, CP, DC, ESP, LWA, COL, OL, SDA, ML, or LAR.

(2) In which month and year do you expect to submit your applications or other documents?

(3) If applicable, is there a designated reference application? If so, please provide details.

(4) What class of license do you intend to apply for: class 103 or 104?

(5) (a) Do you plan to engage in preapplication activities? When do you intend to engage with NRC staff and to what extent will you engage in preapplication activities?

(b) Do you plan to submit white papers or technical and topical reports related to the features of your design or for the resolution of policy or technical issues? If so, please provide details.

(c) Do you have a schedule for submitting such papers or reports? If so, please provide details.

(6) Do you plan to submit an REP? If so, when do you intend to submit the REP?

(7) (a) What type of reactor design will be used? Large LWR, light water-cooled SMR, or non-LWR?

(b) What type of coolant and fuel will be used?

(c) What will be the rated power and thermal level?

(8) Is your facility a nonpower production and utilization facility? If so, please describe the purpose of the facility.

(9) What is the status of the development of the facility design (e.g., conceptual, preliminary, or final)?

(10) (a) Are the U.S. Department of Energy, national laboratories, universities, or other institutions assisting you in developing the design or preparing the application?

(b) If so, please describe their roles and responsibilities for the design and licensing activities.

(11) Have you established a schedule for qualifying fuel and other major systems and components? If so, please provide details.

Question for LWA, ESP, and CP holders and all current, potential, and future applicants:

(1) Provide an estimated construction schedule.

As stated above, the NRC will use this information to formulate its resource request to support activities relating to the new reactor program.

To ensure that the NRC can effectively schedule resources and facilitate the achievement of an acceptance review of an application in 60 calendar days, the NRC staff requests that, 90 days before the expected submission date, the applicant, licensee, or potential applicant (as applicable) declare the expected license application submission date (month, day, and year) and estimate the degree of complexity of each of its submittals to the NRC, to the extent practicable.

Addressees that choose to provide a response to this RIS should send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001.

BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS requests the addressees to inform the NRC of scheduling information for the submission of any planned application or other types of interaction with the NRC, and the status of design-related activities for large and small reactors. This 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 represent backfitting as defined in 10 CFR 50.109(a)(1), nor is it otherwise inconsistent with any issue finality provision in 10 CFR Part 52. Consequently, the NRC staff did not perform a backfit analysis for this RIS or further address the issue finality criteria in 10 CFR Part 52.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this RIS is not a rule, as defined in the Congressional Review Act (5 U.S.C. 801–808).

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 3150-0228). The NRC estimates that the burden to the public for these voluntary information collections will average 60 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection, or 160 hours per response for those respondents that choose to submit an REP. 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 email to Infocollects.Resource@nrc.gov and to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150-0228), 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, an information collection unless the requesting document displays a currently valid OMB control number.

CONTACT

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

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

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

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