

RULEMAKING ISSUE INFORMATION

January 30, 2009

SECY-09-0018

FOR: The Commissioners

FROM: R. W. Borchardt
Executive Director for Operations

SUBJECT: STREAMLINING DESIGN CERTIFICATION RULEMAKINGS

PURPOSE:

To inform the Commission of staff actions that are being implemented in order to streamline the design certification rule (DCR) rulemaking process for new reactor designs. This paper does not address new commitments.

BACKGROUND:

Recently the nuclear industry has shown significant interest in licensing new reactors. The Nuclear Regulatory Commission (NRC) has docketed one combined license (COL) application incorporating by reference the U.S. Advanced Boiling-Water Reactor, a previously certified design (Appendix A, "Design Certification Rule for the U.S. Advanced Boiling-Water Reactor," to 10 CFR Part 52). Currently, 10 COL applications docketed by the NRC incorporate by reference designs that have been recently submitted to the NRC for certification, such as the U.S. Evolutionary Power Reactor, the U.S. Advanced Pressurized-Water Reactor, and the Economic Simplified Boiling-Water Reactor. In addition, six COL applications reference an amendment to the Advanced Passive 1000 (AP1000) design (Appendix D, "Design Certification Rule for the AP1000," to 10 CFR Part 52). As a result, the staff is reviewing COL applications in parallel with the NRC review of the design certification (DC) applications being referenced.

The referenced DCR must be completed (i.e., the final rule published in the *Federal Register*) before the NRC can make a decision on the COL application referencing that DC. The DC schedule consists of: (1) the design review and issuance of a final safety evaluation report documenting the NRC's safety conclusions related to the design; and (2) a rulemaking approved by the Commission that codifies that DC in the agency's regulations. The review schedules for

CONTACT: George M. Tartal, NRO/DNRL
(301) 415-0016

certain DCs and their reference COLs are projected to be nearly parallel, with the DCR being completed just before the completion of the COL hearing process and subsequent licensing decision. If the DCR is not issued by the time that the NRC is ready to make a decision on the COL application, the COL decision may, under certain circumstances, have to await the issuance of the final DCR.¹ Based on this background the staff concluded that a rulemaking schedule shorter than the typical 24-month NRC rulemaking schedule would be of value for DCR rulemakings.

DISCUSSION:

The staff recognized the potential for the DCR to become part of the critical path for a COL application decision and proceeded to look for schedule improvements to the DCR process. The Office of the Executive Director for Operations (OEDO) approved a request by the Office of New Reactors (NRO) to conduct a Lean Six Sigma (LSS) review of the DCR process. A team of NRC subject matter experts (the team) joined with an OEDO LSS black-belt trainee and the OEDO LSS contractor to undertake a Kaizen (rapid improvement) event. The overall goal of the Kaizen event was to identify improvements that would aid completion of the final rule before the scheduled date for a decision on the COL application. Before conducting the review, the team identified two subgoals in achieving the overall goal — (1) reduce the overall duration of the rulemaking process to 12 months or less; and (2) start the rulemaking earlier in the DC process.

During the Kaizen event, the team first thoroughly examined the rulemaking process by breaking down the proposed and final rule phases into several steps and substeps. Time frames for each of the steps and substeps were estimated based on the team's experience with previous rulemakings, including those of the four currently certified designs. The team's evaluation shows that, when applying the current rulemaking process, completion of a DCR could take 19-23 months (this paper subsequently uses 19.5 months as a best estimate). This conforms to the expectation for an average NRC rulemaking (1 year for the proposed rule and 1 year for the final rule). The team then identified several staff-initiated process changes that could be implemented to streamline the rulemaking process specifically for DCRs. The staff is currently implementing those changes, which do not involve policy issues. The team, initially, did not include stakeholders, such as representatives from the Advisory Committee on Reactor Safeguards (ACRS), during the Kaizen event. Upon further consideration, the team discussed its proposal to streamline the DCR rulemaking process with the ACRS and considered other potential opportunities as described in the enclosure. The staff-initiated process changes being implemented and other changes considered but not being pursued by the staff are described further in the enclosure. The durations of the nine rulemaking process phases before and after implementing the process changes are also described.

Each staff-initiated process change is intended to enhance the NRC's ability to promulgate DCRs efficiently and effectively and contribute to the NRC's successful execution of its Strategic Plan. More specifically, these process changes will aid the NRC in meeting the Strategic Plan organizational excellence objectives of openness, effectiveness, and operational excellence. The openness goal is met by maintaining an adequate public comment period for the proposed rule and using a standard communications plan to promptly inform internal and external

¹ The COL applicant could voluntarily amend its application in a manner in which the plant's design would be regarded as a "custom" design and would not necessitate a rulemaking. This would be a significant change to the application and is unlikely to be considered a practical alternative to the DCR process.

stakeholders of the NRC's rulemaking activities. The effectiveness goal is met by ensuring that DCRs are published within the scheduled COL time frame while still meeting all NRC policy and legal requirements. The operational excellence goal is met by optimizing business processes (e.g., concurrence and intra-agency reviews) and using standardized document templates and procedures to streamline the rulemaking process.

The staff-initiated process changes will reduce the DCR schedule by approximately 7 months (from 19.5 months to 12.5 months). Meeting the subgoal of an earlier start of rulemaking activities complements other process changes in meeting the overall project goal. Therefore, as a result of these process changes, the NRC should be able to meet the overall goal of coordinating the DCR and COL schedules such that the final rule is completed to support a decision on the first COL application referencing each DC application.

RESOURCES:

Resources for the planned process changes are included in the Fiscal Year (FY) 2009 budget. NRO has requested 2.2 full-time equivalents in its FY 2010 budget to work on NRO's highest priority rulemakings. Resources for FY 2011 and beyond will be requested through the Planning, Budget, and Performance Management process.

COORDINATION:

The staff has discussed its proposed focused scope of review as described in the enclosure with ACRS. This paper has been coordinated with the Office of General Counsel (OGC), the Office of Nuclear Reactor Regulation and the Office of Administration (ADM). OGC has no legal objection to this paper. The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objections. The NRC's Rulemaking Coordinating Committee has been informed of those identified process changes that could be applied generically to other rulemakings.

OGC and ADM will review the document templates, procedures, and other products as they are developed to ensure that the DCR rulemaking process continues to conform to the NRC's rulemaking policies and procedures and all applicable statutes and regulations.

/RA/

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Enclosure:
LSS Methodological Approach to Determine
Actions Needed to Streamline DCRs

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OFFICE	NRO/DNRL	NRO/DNRL	TECH EDITOR	NRO/DNRL	NRO/DNRL	NRR
NAME	GTartal	RRobinson	KAzariah-Kribbs (via email)	WReckley	DMatthews	ELeeds (BBoger for)
DATE	10/9/2008	10/9/2008	10/6/2008	10/16/2008	10/17/2008	10/31/2008
OFFICE	ADM	OIS	OCFO	OGC	NRO	EDO
NAME	MLesar	GTrussell	JDyer (via email) (RMitchell for)	KCyr (BJones for)	MJohnson	RWBorchardt (BMallett for)
DATE	10/31/2008	10/27/2008	10/28/2008	01/09/2009	01/21/2009	01/30/2009

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LEAN SIX SIGMA METHODOLOGICAL APPROACH TO DETERMINE ACTIONS NEEDED TO STREAMLINE DESIGN CERTIFICATION RULEMAKINGS

Approach

Lean Six Sigma (LSS) is a highly structured methodology used to accomplish sustained improvements to processes, transactions, and services. It combines two improvement approaches: making work faster (using Lean principles) and making work better (using Six Sigma). Following LSS methodology, a team, comprised of subject matter experts and process stakeholders, defines the processes, identifies opportunities for improvements, and brainstorms potential solutions. LSS requires close cooperation and communications among team members and their representative stakeholders to maximize the likelihood that: (i) the ultimate decision maker will approve of the LSS process improvement recommendations, and (ii) the LSS process improvements will be successfully implemented. LSS involves systematic identification of *all* potential opportunities for reduction in time and resources necessary to achieve the desired product – in this LSS project, to issue a final design certification (DC) rule in time to support, without delay, a decision on a referencing COL.

LSS eliminates “non-value added” steps thereby reducing time and resources needed to achieve the project goals. In LSS terminology, “non-value added” refers to activities that add no value from the customer’s perspective and are not required for legal, financial, or other business reasons. Examples of non-value added activities include overproduction, over processing, rework, duplicative work, and waiting/idle time. In the context of DC rulemaking, non-value added activities also include process steps which are not necessary to meet the needs of the COL applicant referencing (or considering referencing) the DC.¹

Design Certification Rulemaking Kaizen Event

Due to the small amount of historical data and the need for improvement, the team decided to perform its LSS review using the LSS Kaizen (rapid improvement) event methodology. A Kaizen event is a focused, intense, short-term event to improve a process within the scope of the process participants. It usually includes training followed by process analysis, solution brainstorming, and implementation design. A Kaizen event normally takes 5 days and the results are intended to be immediate, dramatic and satisfying. The overall goal of the design certification rule (DCR) streamlining Kaizen event was to identify improvements that would ensure completion of the final rule before the scheduled date for a decision on the COL application. Before conducting the review, the team identified two subgoals in achieving the overall goal—(1) reduce the overall duration of the rulemaking process to 12 months or less and (2) start the rulemaking earlier in the DC process.

During the Kaizen event, the team first thoroughly examined the rulemaking process by breaking down the proposed and final rule phases into several steps and substeps. Time frames for each of the steps and substeps were estimated based on the team’s experience with previous rulemakings, including those of the four currently certified designs. The team’s evaluation showed that, when applying the current rulemaking process, completion of a DCR could take

¹ Although elimination of non-value added activities could also benefit a design certification applicant, the staff believes that the design certification was not an end in itself but was adopted by the Commission as a more effective regulatory approach for licensing nuclear power plants.

19-23 months (this paper subsequently uses 19.5 months² as a best estimate). This conforms to the expectation for an average U.S. Nuclear Regulatory Commission (NRC or the Commission) rulemaking (1 year for the proposed rule and 1 year for the final rule). The team then identified several staff-initiated process changes that could be implemented to streamline the rulemaking process specifically for DCRs. The staff is currently implementing those changes, which do not involve policy issues. The team, initially, did not include stakeholders such as representatives from the Advisory Committee on Reactor Safeguards (ACRS), during the Kaizen event. Upon further consideration, the team discussed its proposal to streamline the DCR rulemaking process with the ACRS and considered other potential opportunities. The staff-initiated process changes being implemented and other changes considered are described below.

Staff-Initiated Design Certification Rulemaking Process Changes

1. *Dedicate a rulemaking project manager (PM) from the Office of New Reactors (NRO) to each DC rulemaking*

In past DCRs one of the PMs for that DC was assigned to manage the review of the design control document (DCD) and issue the final safety evaluation report (FSER), as well as manage the DCR. To manage each of these projects (FSER and DCR) more efficiently and effectively, this process change will assign a separate and dedicated PM to work under the direction of NRO management and manage one DCR. The term “dedicated,” as used in this context, means that the DCR is the highest priority activity for that PM. Only during periods in the DCR schedule when the rulemaking PM is not actively working on the DCR would that individual be available to work on other tasks. This change provides its greatest benefit during the package preparation phases of the rulemaking process.

2. *Develop standard document templates, procedures, and training*

As discussed in the body of this paper, by the time the NRC issued the fourth existing DC, the regulatory text and Statement of Considerations had become largely standardized. This process change will improve upon that concept by developing standardized DCR-specific templates for all documents required for, and to support concurrence on, the rulemaking package. These templates will highlight those parts of the documents that are design specific, thus enabling the PM and other reviewers to focus on those areas and ensure standardization for all future DCRs. Procedures will be developed to guide the PMs through each phase of the rulemaking processes and focus other concurring/interfaces offices on specific parts of the package that are more relevant to that office. Training will be developed for and provided to the PMs on how to use the templates and procedures. This change provides its greatest benefit during the package preparation and concurrence phases of the rulemaking process.

² This includes a total of 3.0 months for Commission review of the proposed and final rules based on historical data of Commission review times for the previous four DCRs. This is discussed further under “Other Streamlining Considerations” later in this enclosure.

3. *Start the rulemaking when the advanced FSER for the design is under review by the ACRS*

Under the current DC project schedule, DCRs are scheduled to start 3 months before the FSER is issued. This process change will start the DCR when the ACRS begins its review of the advanced FSER, currently 2 to 5 months earlier than under the current schedule. The staff's review of the design is nearly complete at this phase of the FSER development, and significant FSER or design changes are not expected. However, as the design review progresses, this earlier start time continues to change and varies between DC schedules. While this change provides no schedule reduction benefit, it provides additional margin between the final rule publication and the COL issuance dates, thus supporting the second subgoal of this effort.

4. *Optimize the concurrence process*

Under the current concurrence process, all of the branch-, division-, and office-level reviews are performed sequentially. That is, branches complete their review before the divisions, and the divisions complete their reviews before the offices. Several entities at each level of management may review the package in parallel, but not in parallel with different levels of management. This process change includes a number of actions to facilitate timely concurrence on DCRs. A DCR steering committee will be established to focus management attention on the allocation of resources and the resolution of issues that may impact concurrence on that rulemaking(s) (see process change number 5). All branch, division, and office concurrences will be performed in parallel to facilitate the concurrence process. In a concurrence meeting, all concurring branches, divisions, and offices will meet to discuss and resolve comments and to provide their concurrence at the end of the meeting. The staff will also eliminate any unnecessary concurrences from offices that might typically be asked to concur on rulemakings (e.g., the Office of Enforcement), but only with prior agreement of those offices. The concurrence of the Executive Director for Operations (EDO) will be completed within 2 weeks. This change provides benefits during the concurrence phases of the rulemaking process.

5. *Initiate a working group and steering committee*

Working groups are currently used on many NRC rulemakings and provide the benefits of involving key staff members in the rulemaking and helping to streamline concurrence through the staff's branch, division, and/or office management. Under this process change, NRO will establish a working group for each DCR that is composed of staff from key concurring offices. Working group members will help identify and resolve any issues that could delay preparation of or concurrence on the DCR package. The working group will present issues that it cannot resolve to a steering committee, which will be responsible for timely and independently resolving any interoffice or technical/policy issues. The steering committee will be comprised of division-level management from NRO and other NRC offices as appropriate, and may be the same committee that oversees similar issues for DCs and COLs. This change provides benefits during the concurrence and comment resolution phases of the rulemaking process.

6. *Manage the impact of the information collection approval process*

Currently, the NRC policy is to withhold the publication of the final rule until after receiving the Office of Management and Budget's (OMB's) approval of the information collection requirements contained in the final rule. Within 60 days OMB may approve, instruct the NRC to make a

substantive change to, or disapprove, the collection of information contained in the final rule. The staff will examine options for streamlining OMB approval of information collections contained in DCRs with the goal of minimizing the potential for delay in the issuance of the final rule. The staff will review the criteria for what constitutes an insignificant information collection burden and determine if these rulemakings qualify for processing as an insignificant change in burden. The staff will also evaluate whether it is possible to obtain a generic approval for DCRs, with the understanding that the minimal increases in burden will be reflected in the information collection budget. This change may provide, in certain cases, benefits during the OMB clearance phase of the rulemaking process.

7. *Inform applicants of the consequences of late design changes*

The vendors for each of the four currently certified designs made changes to those designs during the rulemaking phase of DC. As a result, the staff was required to review the changes and provide a supplement to the issued FSER. With the currently submitted license applications referencing designs under review for certification, late design changes could cause significant delays in the rulemaking schedule and adversely affect the NRC's ability to support the reference COL, and possibly subsequent COL, schedules. The staff will discuss the consequences of late design changes by a DC applicant with each of the new reactor design centers. The staff will determine the DC schedule milestone that would constitute a "late" change. The staff then plans to write a letter to the DC applicants to formally inform them of the NRC staff's position on late design changes and their consequences. While this change may not provide a schedule reduction benefit, it reduces the risk that any late design changes would necessitate a DCR schedule revision.

8. *Proposed rule need not reference the FSER as a published NUREG*

In past DC rulemakings, the staff has converted the FSER document into a published NUREG before the proposed rule's publication. The Office of General Counsel (OGC) has determined that a DCR proposed rule can be published without the FSER being converted into and published as a NUREG. Instead, under this process change, the FSER can be placed into the Agencywide Documents Access and Management System (ADAMS) and made publicly available with no reduction in the public availability of that information. During the final rule phase, the FSER will be converted to a NUREG and the DCR reference to the FSER will be revised to reflect the NUREG number assigned to it. In its initial assessment, the team assumed that the ADAMS version would be sufficient. However, without it, the DCR process for publishing the proposed rule could be delayed by approximately 2 months.

9. *Management review of changes to staff requirements memorandum (SRM)*

Management should be informed of any SRM requirements imposed on DCRs. However, the team decided that management could be informed using informal communications (e-mail, meetings, briefings, etc.), rather than requiring a formal concurrence on the DCR. The staff will resolve and incorporate all comments from the Commission and use informal communications to inform management of SRM-related changes to the final rule. The team assumed this change when estimating schedule durations. However, without it, the concurrence process during both the proposed and final rule phases could be delayed by approximately 1–2 weeks.

10. *Optimize ACRS review time*

The provisions of 10 CFR 52.53 require ACRS to report to the Commission on its safety review of each DC application. The team believed that ACRS fulfills this requirement during its review of the staff's FSER and the DC application (including the DCD), and that ACRS need not separately review the proposed or final DCR. The team noted that ACRS waived its review of the Advanced Passive 600 (AP600) and Advanced Passive 1000 (AP1000) final rules.

The team decided that optimizing the review of DCRs by ACRS was appropriate. Because of the standardized rule language for DCRs, and because ACRS has previously reviewed the technical basis (DC application and associated FSER) for the rulemaking, the team decided that the ACRS review could be optimized by focusing on technical comments made on the proposed rule. As a result, the staff proposed to send all technical comments on the rule and the staff's resolution of those comments to ACRS for its review instead of the entire rulemaking package. Furthermore, because ACRS briefings would not be expected for these focused scope reviews, they would not be scheduled but provided upon request. Because the ACRS waived its review of the AP600 and AP1000 final rules, the team assumed ACRS briefings would not be needed on subsequent DCR final rules. If a briefing is requested, the DCR process for publishing the final rule could be delayed by 0.5 to 2 months, depending on the timing of the fixed ACRS briefing dates with the concurrence process on the final rule.

During the 556th meeting of ACRS, October 2–4, 2008, the team discussed with ACRS its proposal to optimize ACRS review of DCRs. The ACRS expressed concern with the team's proposal because, should ACRS agree to this proposal and subsequently request a staff briefing, they would be viewed as forcing their way back into the process and thus be responsible for delaying the DCR. The ACRS suggested the staff use the normal process for requesting a waiver of ACRS' review of a rulemaking. The ACRS would consider the individual proposal, expedite its decision, and not further delay the DCR process. The ACRS recommended that the staff not change this part of the rulemaking process for DCRs, but rather plan for an ACRS review and briefing as part of the generic DCR schedule. If ACRS agrees with the staff's proposal, it could waive its review. However, this should be considered on a case-by-case basis. Based on this input, the staff will not propose a change at this time, but will continue to evaluate its process and procedures for seeking ACRS review of DCRs, with the goal of optimizing the ACRS review process.

Table 1. Time Savings (Months) Resulting from Staff-Implemented Process Changes

Process Change	Time Savings
Dedicate an NRO rulemaking PM to each DCR	1.5
Develop standard document templates, procedures, and training	2.75
Start the rulemaking when the design FSER is under review by the ACRS	0 ³
Optimize the concurrence process	1
Initiate a working group and steering committee	0.25
Manage the impact of the information collection approval process	1
Inform applicants of the consequences of late design changes	0 ⁴
Proposed rule need not reference the FSER as a published NUREG	0 ⁴
Management review of SRM changes	0.5
Optimize ACRS review time	0 ⁴
TOTAL SAVINGS	7.0

Schedule Improvements

As a result of the 10 improvements described above and in Table 1, the staff estimates that the DCR rulemaking process can be shortened from 19.5 months to 12.5 months. The results of streamlining each phase of the DCR rulemaking process are shown in Figure 1 and Table 2 below.

³ Although this change shows no net time savings, it contributes to the subgoal of starting the rulemaking earlier in the DC process to minimize the impact on COL schedules. The amount of contribution varies between designs because each DC schedule is unique and changes as the design review progresses.

⁴ The team assumed these changes in its initial assessment of rulemaking process durations. Although these changes show no net time savings, they could further extend the rulemaking process if they are not adhered to or are not implemented.

Figure 1. DCR Rulemaking Schedules Before and After Streamlining

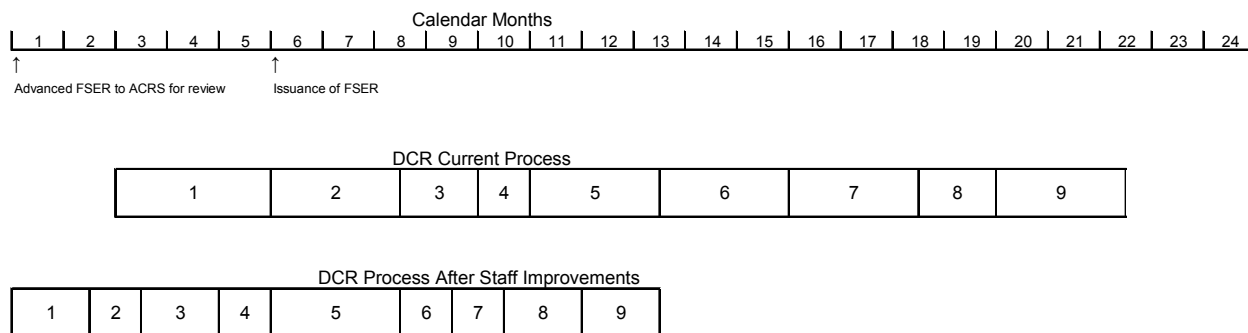


Table 2. DCR Rulemaking Phase Durations (Months) Before and After Streamlining

Phase	Description	Current Duration	New Duration
1	Prepare proposed rule	3.0	1.5
2	Proposed rule concurrence	2.5	1.0
3	Proposed rule Commission review / SRM	1.5	1.5
4	Publish proposed rule	1.0	1.0
5	Public comment period	2.5	2.5
6	Prepare final rule	2.5	1.0
7	Final rule concurrence	2.5	1.0
8	Final rule Commission review / SRM	1.5	1.5
9	OMB & Office of the Federal Register approvals; Publish final rule	2.5	1.5
TOTALS		19.5	12.5

Other Streamlining Considerations

The team considered two other possible opportunities for streamlining the DCR rulemaking process: 1) Reducing the public comment period to 60 days, and 2) Streamlining the Commission’s review and approval. As described below, when weighing the potential benefits against their drawbacks, the staff has decided to not further consider either opportunity.

1. Reduce the public comment period to 60 days

The team considered whether the 75-day comment period could be reduced, consistent with legal requirements. Neither the Administrative Procedure Act nor the Atomic Energy Act of 1954, as amended, requires a specific amount of time for a public comment period on rulemaking. The NRC staff’s current practice of either recommending (in a rulemaking that the Commission acts on) or using (in a rulemaking where the Commission has delegated rulemaking authority to the EDO) a 75-day comment period is derived from Executive Order (EO) 12889, “Implementation of the North American Free Trade Agreement” (NAFTA), dated December 27, 1993. For each of the four existing DCRs, the staff determined that 75 days should be the minimum duration provided for submission of public comments, consistent with EO 12889 and NAFTA. For the first two DCRs (the U.S. Advanced Boiling-Water Reactor (ABWR) and the System 80+), however, the NRC provided a 120-day public comment period;

supplemental proposed rules were published for 30-day comment periods with 60-day extensions granted. For the third and fourth DCRs (the AP600 and the AP1000), the NRC provided a 75-day public comment period. Although the NRC received more comment letters for the first two DCRs, which resulted in the need to resolve policy issues for DCRs, the NRC received only one comment letter during the AP600 comment period and four comment letters during the AP1000 comment period. In light of the small number of stakeholder comments in the last two DCRs, the standardized nature of the rule language and the DCD form and content, and the Commission's authority to grant an extension to the public comment period upon request of an external stakeholder, the staff considered the use of a 60-day public comment period for a future proposed DCR. During its consideration of this process change, the staff determined that a reduction in the public comment period could be negatively perceived as emphasizing the licensing schedule over public participation in the DC rulemaking. In addition, if a shorter public comment period were provided, it is possible that a member of the public would request an extension of the comment period such that the comment period would exceed the 75-day period that the NRC would have ordinarily provided. If granted, the extension of the public comment period would likely exceed 15 days and negate any benefit this change could have provided. That is, the schedule risk (i.e., receiving and granting an extension of the public comment period) in implementing this change far outweighs the small benefit it would have provided. Therefore, the staff did not recommend implementing a reduced public comment period.

2. *Optimize Commission review time*

During the Kaizen event, the team identified possible ways to optimize the Commission review time and voting on DCRs. The team considered the possible schedule improvements if the Commission were to delegate to the EDO the authority to issue the proposed rule for public comment, the final rule following resolution of public comments, or both the proposed and final rules. Of these three options, the team considered the delegation of the proposed rule to be the most viable option given the standardized nature of DCR rulemakings, the sharing of information with the Commission regarding the staff's review of each design, and the Commission's role as the ultimate decision-making body in the final rulemaking. However, following discussions with the team and with OGC and NRO, the staff determined that such delegation raises a number of concerns, regardless if such delegation is done generically or on a case-by-case basis. These concerns include: (i) the fairness of the adjudicatory process for COL applications referencing DC applications; (ii) the possibility that some external stakeholders may have reduced confidence in the NRC's regulatory process where DC applications are referenced by COL applications – regardless of whether there is an adjudicatory hearing on the referencing COL application; and (iii) the perceived (if not actual) reduction in effective Commission oversight over DC rulemakings. The staff has decided that no changes to current process are necessary.

Conclusion

The staff-initiated process changes will reduce the DCR schedule by approximately 7 months (from 19.5 months to 12.5 months). Although the modified schedule falls short by 0.5 month of the subgoal of this project to complete the rulemaking in 12 months (or as quickly as possible), meeting the subgoal of an earlier start of rulemaking activities complements other process changes in meeting the overall project goal. Therefore, as a result of these process changes, the NRC should be able to meet the overall goal of coordinating the DCR and COL schedules

such that the final rule is completed to support a decision on the first COL application referencing each DC application.

The staff will use existing briefings and updates to inform the Commission about the various aspects of new reactor licensing, including schedules and relationships between specific DCRs and their related licensing proceedings. In order to minimize schedule issues and ensure that information is provided to the Commission in a timely manner and decisions are not unnecessarily deferred to the rulemaking process, the staff will continue its practices from previous DCRs by:

- (1) Seeking early Commission direction on policy and regulatory issues during the design review and inform the Commission of significant technical issues contained in the original DC application and responses to requests for additional information.⁵
- (2) Providing an information copy of each design review advanced FSER to the Commission when it is provided to the ACRS.

⁵ It would be difficult to seek Commission guidance in advance of the proposed DCR package on technical or regulatory issues that result from amendments to the DCR application filed near the end of the staff's technical review. The staff also notes that previous DCR applicants have filed amendments to their DCD *after* the close of the public comment period on the proposed DCR, but that the staff, in consultation with OGC, determined that those DCD changes did not require renoticing of the DCR in the *Federal Register* for public comment.