

the CP preliminary safety analysis report (PSAR); and discuss the bases for, and safety significance of, the changes from the PSAR. Before issuing an OL, the NRC staff will review the applicant's final design in the FSAR to determine whether all the Commission's safety requirements have been met.

The SRP contains the NRC staff review guidance for light-water power reactor applications submitted under 10 CFR part 50 or 10 CFR part 52. In addition to the CP review guidance in the SRP, RG 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," Revision 3, issued November 1978 (ADAMS Package Accession No. ML011340122), offers some insights on the level of detail that is required for the PSAR in support of the CP application, but these insights may be limited to the degree that the guidance does not account for subsequent requirements, NRC technical positions, or advances in technical knowledge. Regulatory Guide 1.206 provides guidance for 10 CFR part 52 applications, including for early site permits and COLs, and includes insights on the level of detail needed for final design information if the CP applicant chooses to provide such information. The final ISG discusses the use of these guidance documents and supplements the guidance in the SRP.

The NRC recently issued CPs for two nonpower production and utilization facilities—SHINE Medical Technologies, Inc., and Northwest Medical Isotopes, LLC. Some of the lessons learned from these reviews are applicable to the review of power-reactor CP applications, as discussed in the final ISG. The final ISG also discusses other issues pertinent to the safety review of CP applications for light-water power reactors, including the benefits accruing from preapplication engagement, the relationship between the CP and OL reviews, the NRC's approach for reviewing applications incorporating prior NRC approvals, the potential effect of ongoing regulatory activities on CP reviews, and licensing requirements for source, byproduct, and special nuclear material.

The comments received by the NRC on the draft ISG are identified, summarized, and considered in Appendix C, "Analysis of Public Comments on Draft Interim Staff Guidance DNRL-ISG-2022-XX, Safety Review of Light-Water Power-Reactor Construction Permit Applications" (ADAMS Accession No. ML22189A100).

## II. Backfitting, Forward Fitting, and Issue Finality

This ISG provides guidance for the NRC staff review of light-water power reactor construction permit applications. Issuance of this final ISG would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and as described in NRC Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests"; would not affect the issue finality of an approval under 10 CFR part 52; and would not constitute forward fitting as that term is defined and described in Management Directive 8.4. The staff's position is based upon the following considerations:

The final ISG positions would not constitute backfitting or forward fitting or affect issue finality, inasmuch as the ISG would be internal guidance to NRC staff. The ISG provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance, without further NRC action, are not matters that meet the definition of backfitting or forward fitting or affect the issue finality of a Part 52 approval.

Backfitting and issue finality—with certain exceptions discussed in this section—do not apply to current or future CP applicants. CP applicants and potential CP applicants are not, with certain exceptions, the subject of either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions of 10 CFR part 52 were intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle, as applicable to guidance for CP applications, are whenever a 10 CFR part 50 CP applicant references a license (e.g., an early site permit) or an NRC regulatory approval (e.g., a design certification rule) (or both) for which specified issue finality provisions apply. The NRC staff does not currently intend to impose the positions represented in this ISG in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If in the future the NRC staff seeks to impose positions stated in this ISG in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the requisite showing as set forth in the Backfit Rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that

would allow the staff to impose the position.

Forward fitting—The Commission's forward fitting policy generally does not apply when an applicant files an initial licensing action for a new facility. Nevertheless, the staff does not, at this time, intend to impose the positions represented in the final ISG in a manner that would constitute forward fitting.

## III. Congressional Review Act

This ISG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: November 7, 2022.

For the Nuclear Regulatory Commission.

**Bernadine I. Thomson,**

*Deputy Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### 701st Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on November 29–December 2, 2022. The Committee will be conducting meetings that will include some members being physically present at the NRC while other members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301–576–2978, passcode 365869959#. A more detailed agenda including the MS Teams link may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the MS Teams link forwarded to you, please contact the Designated Federal Officer as follows: [Quynh.Nguyen@nrc.gov](mailto:Quynh.Nguyen@nrc.gov), or [Lawrence.Burkhart@nrc.gov](mailto:Lawrence.Burkhart@nrc.gov).

#### Tuesday, November 29, 2022

*1:00 p.m.–1:05 p.m.: Opening Remarks by the ACRS Chairman (Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*1:05 p.m.–2:45 p.m.: Draft Guide (DG)–1374, "Criteria for Use of Computers in Safety Systems at Nuclear*

*Power Plants"/Preparation of Reports/SHINE Topics and Letter Report* (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

2:45 p.m.–3:45 p.m.: *Committee Deliberation on DG-1374, "Criteria for Use of Computers in Safety Systems at Nuclear Power Plants"/Preparation of Reports* (Open)—The Committee will deliberate regarding the subject topic.

3:45 p.m.–5:15 p.m.: *SHINE Operating License Application—Final Safety Evaluation Report* (Open/Closed)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

5:15 p.m.–6:00 p.m.: *Committee Deliberation on SHINE Operating License Application—Final Safety Evaluation Report* (Open/Closed)—The Committee will deliberate regarding the subject topic. [Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

### Wednesday, November 30, 2022

8:30 a.m.–10:30 a.m.: *Kairos Fuel Qualification Methodology Topical Report* (Open/Closed)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

10:30 a.m.–11:30 a.m.: *Committee Deliberation on Kairos Fuel Qualification Methodology Topical Report* (Open/Closed)—The Committee will deliberate regarding the subject topic. [Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–6:00 p.m.: *Preparation of Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

### Thursday, December 1, 2022

8:30 a.m.–6:00 p.m.: *Preparation of Reports* (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [NOTE: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

### Friday, December 2, 2022

8:30 a.m.–1:30 p.m.: *Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports* (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

1:30 p.m.–6:00 p.m.: *Preparation of Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (DFO) (Telephone: 301-415-5844, Email: [Quynh.Nguyen@nrc.gov](mailto:Quynh.Nguyen@nrc.gov)), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: November 7, 2022.

**Brooke P. Clark,**

*Secretary of the Commission.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2022-0001]

### Sunshine Act Meetings

**TIME AND DATE:** Weeks of November 14, 21, 28, December 5, 12, 19, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

**PLACE:** The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at [Anne.Silk@nrc.gov](mailto:Anne.Silk@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

**STATUS:** Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at [Wendy.Moore@nrc.gov](mailto:Wendy.Moore@nrc.gov) or [Tyesha.Bush@nrc.gov](mailto:Tyesha.Bush@nrc.gov).

**MATTERS TO BE CONSIDERED:**

#### Week of November 14, 2022

There are no meetings scheduled for the week of November 14, 2022.

#### Week of November 21, 2022—Tentative

There are no meetings scheduled for the week of November 21, 2022.