

### **C.III.4. Combined License Action or Information Items**

#### **C.III.4.1 Background**

Appendices A–D to 10 CFR Part 52 set forth the design certification rules that specify the NRC’s requirements for the certified reactor designs (i.e., the U.S. Advanced BWR, System 80+, AP600, and AP1000, respectively). Section II.E of each design certification appendix defines “Tier 2” information, which includes COL action or information items, defined as follows in Section II.E.3:

COL action items (COL license information), which identify certain matters that must be addressed in the site-specific portion of the FSAR by an applicant who references this appendix. These items constitute information requirements but are not the only acceptable set of information in the FSAR. An applicant may depart from or omit these items, provided that the departure or omission is identified and justified in the FSAR. After issuance of a construction permit or COL, these items are not requirements for the licensee unless such items are restated in the FSAR.

The DCDs for each certified design contain COL information items, which the design certification vendor has deferred to the COL applicant to address in its application. The NRC staff’s FSER for each certified design also contains a set of COL action items, which are cross-referenced with the COL information items in the related DCD. In addition, at the ESP stage, the NRC staff adds COL action items to the ESP to ensure that particular site-related issues are considered during the review of later applications referencing the ESP. The NRC staff has determined that these COL action items do not affect its regulatory findings at the ESP stage and are more appropriately addressed during later stages in the licensing process.

Section C.III.1 of this guide provides both generic and comprehensive sets of information that a COL applicant should provide in the FSAR portion of its COL application that references a certified design. This section provides guidance on how COL applicants should address the COL action or information items associated with the certified design referenced in its COL application.

#### **C.III.4.2 Addressing Combined License Action or Information Items**

As previously noted, the DCDs specify the COL information items that the applicant is required to address. The COL applicant referencing a certified design should address all COL information items in its application. COL applicants should review the COL information items to identify those items that can be resolved as part of the COL application and those items that cannot be resolved as part of the COL application. Regardless of the disposition of these information items, each COL applicant should provide a cross-reference identifying the section in the COL application that addresses each COL information item from the referenced certified design. The NRC staff recommends that the applicant include this cross-reference information in Chapter 1 of the FSAR portion of the COL application.

Similarly, COL applicants referencing an ESP should review each COL action item identified in the ESP and determine those items that can be resolved as part of the COL application and those items that cannot be resolved as part of the COL application. The COL applicant should provide a cross-reference identifying the section in the COL application that addresses each COL action item from the referenced ESP. The NRC staff recommends that the applicant include this cross-reference information in Chapter 1 of the FSAR portion of the COL application.

As previously noted, the FSER for each design certification contains a set of COL action items, which are cross-referenced with COL information items in the related DCD. In addressing the COL information items in the DCD, the COL applicant should ensure that it has also addressed the issues described by the COL action items listed in the related FSER. The staff intends to review the FSER list of COL action items during its review of each COL application and may request additional information from the COL applicant to address issues described by the listed action items that the COL application did not adequately consider. In accordance with Section III.D of the applicable design certification rule, if the generic DCD and the corresponding FSER for the certified design conflict, then the generic DCD controls.

#### **C.III.4.3 Combined License Information Items That Cannot Be Resolved Before the Issuance of a License**

For each COL action or information item that is not resolved, whether it is derived from the design certification or an ESP, the COL application should justify why that item is not resolved. For example, items that require plant walkdowns cannot be completed because the plant has not been constructed at the time the application is submitted. The COL applicant should identify, in Chapter 1 of the FSAR portion of the COL application, the COL information items that cannot be resolved completely before the COL is issued. The COL applicant should provide sufficient information on these items to support the NRC licensing decision and also propose a method for ensuring the final closure of the item following issuance of the COL. The following four situations could support issuance of the COL before the complete resolution of a COL information item:

- (1) The COL information is found to be completely redundant to an ITAAC from the referenced certified design that will be included in the COL.
- (2) The COL applicant proposes new ITAAC to resolve the COL information item.
- (3) The COL applicant proposes a condition to the license or identifies an existing license condition (e.g., TS) for COL information items (e.g., the operational programs discussed in Section C.IV.4). The license condition should include implementation schedules to allow the coordination of activities with the NRC construction inspection program.
- (4) The COL applicant describes in its application (e.g., within the appropriate section of the FSAR) the proposed approach to addressing a COL information item in sufficient detail to support the NRC licensing finding and includes the requirements for updating the affected document (e.g., the FSAR update process) or otherwise informing the NRC staff of the final disposition of the COL information item. The descriptions provided should include implementation schedules to allow the coordination of activities with the NRC construction inspection program.

COL applicants should carefully review COL information items that cannot be resolved completely until after the issuance of a COL. The COL applicant should consider approaches such as those listed above to ensure all COL information items can be resolved sufficiently to support issuance of the COL. The applicant's ultimate closure of the COL information item, either through ITAAC or another approach, would be subject to the NRC's construction inspection program.