C.III.6 Combined License Application Timing

The regulations in 10 CFR Part 52, allow submission of COL applications that reference a certified design, an ESP, both, or neither. The optimal use of the 10 CFR Part 52 licensing process is to reference both a certified design (i.e., a design that the NRC has incorporated into the regulations after completing the rulemaking process) and an ESP (i.e., one that the NRC has issued after completing the hearing process). Referencing both a certified design and an ESP will maximize finality while minimizing the remaining issues that must be reviewed in the COL application.

Alternatively, under 10 CFR Part 52, a COL applicant may, at its own risk, submit a COL application that references either a design certification application or an ESP application that has been docketed and is under review by the NRC staff, as follows:

•   An applicant for a COL may, at its own risk, reference in its application a site for which an ESP application has been docketed, but not granted (10 CFR 52.27(c)).

•   An applicant for a COL may, at its own risk, reference in its application a design for which a design certification application has been docketed, but not granted (10 CFR 52.55(c)).

Sections C.III.1 and C.III.2 of this guide do not explicitly address application timing. Rather, these sections assume that the COL application references a certified design and a certified design and granted ESP, respectively. Thus, it is important that the applicant ensure that the information contained in the COL application is synchronized with the information contained in both the design certification and ESP applications in case they are revised and supplemented during the review process.

The following sections provide guidance for applicants that submit COL applications referencing a docketed design certification application and/or a docketed ESP application under review at the time the COL application is submitted. The information contained in all COL applications falls into the following four categories:

(1)   FSAR, including the TS
(2)   ITAAC
(3)   environmental report
(4)   general and financial information

C.III.6.1 COL Applications Referencing a Design Certification Application Under Review

Design certification applications have included the following four types of documents:

(1)   DCD, which contains both Tier 1 and Tier 2 information

(2)   topical reports, which are referenced in Tier 2 of the DCD and are either already approved or will be reviewed and approved as part of the design certification review

(3)   PRA

(4)   safeguards information (SGI)

The applicant submits the DCD, PRA, and SGI to the NRC as part of the design certification application. The NRC performs an acceptance review of the application, in accordance with the requirements of 10 CFR 2.101, "Filing of Application." The staff also anticipates that the design certification applicant will update all three of these documents during the course of the design certification review.

The NRC also anticipates that applicants will reference topical reports in their COL applications. Applicants should generally submit these reports for NRC review prior to submission of the COL application. If, for some reason, a COL applicant cannot provide a referenced topical report, the application should provide a summary of the report as well as its completion schedule to enable the staff to assess the impacts of the missing information with regard to docketing the application and establishing the review schedule.

The staff also recommends that the COL application reference and include specific revisions of the DCD that is currently under review by the staff. Section C.IV.2 of this guide provides additional submittal guidance.

The staff will likely limit its review of the COL application to the topics not covered in the ongoing design certification review. Thus, the applicant is responsible for ensuring that it updates its COL application to reflect all changes that have been necessitated by findings in the design certification review. The staff also recommends that subsequent updates to the COL application reference and include specific versions of the DCD. In addition, the applicant should update references to topical reports and SGI as appropriate.

The agency anticipates that the staff will issue a SER with open items for a given design certification review. The staff plans to document closure of the open items in one or more supplemental SERs. The staff will initiate rulemaking after issuance of the final supplemental SER. For COL applications that are submitted after the staff issues the SER with open items, the applicant may choose to reference in its FSAR the specific versions of the DCD that are referenced in that SER. Doing so ensures coordination with the COL review as well as a specific set of open issues in the design certification review.

C.III.6.2 **COL Applications Referencing an Early Site Permit Application Under Review**

The ESP application consists of the following four types of documents:

(1)   SSAR

(2)   topical reports, which are either already approved or are reviewed and approved as part of the ESP review

(3)   environmental report

(4)   site redress plan, which is included in the environmental report

The NRC staff will perform an acceptance review of the ESP application under the requirements of 10 CFR 2.101. The staff also anticipates that the applicant will update both the SSAR and many of the referenced topical reports during the ESP review. For that reason, the staff recommends that the COL application reference and include a specific revision of the SSAR that is currently under review by the staff.

The information that is included in the COL application is dependent on the scope of the ESP. The applicant is responsible for ensuring that its COL application reflects all changes that have been necessitated by ESP review findings. Toward that end, the staff recommends that subsequent updates to the COL application reference and include a specific version of the SSAR, topical reports, and ER.

The agency anticipates that the staff will issue an SER with open items for a given ESP review prior to issuing the FSER and the subsequent permit. For COL applications that are submitted after the staff issues the SER with open items, the applicant may choose to reference in its safety analysis report

the specific versions of the SSAR that are referenced in that SER. Doing so ensures coordination with the COL review as well as a specific set of open issues in the ESP review.