

C.IV.12. Applicability of Industry Guidance

Prior to the development of this guide, the Nuclear Energy Institute (NEI) formed a combined license (COL) task force to address issues related to preparing, filing, reviewing, and issuing COLs for nuclear power plants in accordance with Title 10, Part 52, of the *Code of Federal Regulations* (10 CFR Part 52). One product of this task force was Draft NEI 04-01, Revision D, “Draft Industry Guideline for Combined License Applicants under 10 CFR Part 52,” which NEI submitted for NRC review and comment in December 2004. The NRC has noted on several occasions that the industry deserves recognition for taking the first step to develop guidelines for submitting COL applications.

The NRC staff met with the NEI COL task force in seven public meetings in 2005 to discuss portions of NEI 04-01, Revision D, and provided approximately 250 comments to NEI in five separate letters between March and August 2005. Overall, the NRC reached two conclusions concerning the draft industry guideline. Specifically, (1) the document was not sufficiently generic and, in fact, relied heavily on the experience of one vendor, and (2) the guideline was targeted toward COL applicants referencing a certified design and an early site permit, although none of the current COL applicants plan to submit applications under that scenario. After addressing the staff’s comments and incorporating related responses, NEI provided the NRC with Revision E of NEI 04-01 in October 2005.

The seven public meetings with the NEI COL task force in 2005 also included discussions regarding the information needed to fully describe operational programs and their implementation in a COL application. The NRC staff subsequently used information gleaned from those discussions to inform SECY-05-0197, “Review of Operational Programs in a Combined License Application and Generic Emergency Planning Inspections, Tests, Analyses, and Acceptance Criteria.” That paper formed the basis for the guidance regarding operational programs in Section C.IV.4 of this guide.

Based on the industry input and interactions described above, the NRC subsequently decided to draft its own COL application guide based, in part, on Revision 3 of Regulatory Guide (RG) 1.70, “Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants (LWR Edition),” which the NRC issued in November 1978. However, because RG 1.70 is strictly a form and content guide for Part 50 licenses, this guide needed to include guidance for Part 52 licenses.

In developing the following sections of this guide, the staff used suitable guidance drawn from Revision E of Draft NEI 04-01:

- C.I.12, “Radiation Protection”
- C.I.17, “Quality Assurance
- C.I.19, “Probabilistic Risk Assessment Information and Severe Accidents”
- C.II.1, “Probabilistic Risk Assessment”
- C.II.2, “Inspections, Tests, Analyses, and Acceptance Criteria”
- C.IV.5, “General and Financial Information”

Because NEI 04-01 remains in draft form, the NRC does not plan to consider endorsing any portion of that industry guideline. However, if the NEI COL task force finalizes NEI 04-01 in the future, the NRC may consider reviewing the industry guideline for endorsement.