



# **COLA FSAR Update**

October 8, 2009

## Regulations

- 10 CFR 52.3 (b)(6) *Updated FSAR*
  - “An updated final safety analysis report (FSAR) or replacement pages under § 50.71(e) of this chapter, or the regulations in this part must be submitted to the NRC's Document Control Desk..”
- 10 CFR 50.71(e)
  - “..each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e) (3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, to assure that the information included in the report contains the latest information developed.”

## Regulations

- 10 CFR 50.71(e)(3)(iii)
  - “During the period from the docketing of an application for a combined license under subpart C of part 52 of this chapter until the Commission makes the finding under § 52.103(g) of this chapter, the update to the FSAR must be submitted annually.”

- 10 CFR 50.71(e)(3)(iii) applies to COL applications from the date of docketing until the 52.103(g) finding.
  - *Example:* Because the NMP3 COLA is clearly within this period, the FSAR updating requirement of § 50.71(e)(3)(iii) applies to NMP3.

- **Timing**

10 CFR 50.71(e)(3)(iii) states that the update must be submitted "annually." "Annually" means once every calendar year, and not "12 months since the preceding revision."

– *Example:* Because Rev 1 of the NMP3 FSAR was submitted in 2009, the next update is due sometime in 2010.

## Scenario 1

- Last FSAR Rev submitted some time in 2009
- Review Resumes on October 1, 2010
- The FSAR update must be submitted in 2010, but it can be submitted anytime in 2010, e.g., Jan 2010, March 2010, December 2010, etc. Therefore, the applicant has the option of submitting the FSAR revision around the time that the review resumes. The applicant has this right under the regulations and need not submit a letter to do so.

## **Scenario 2**

- Last FSAR Rev submitted some time in 2009
- Review Resumes on July 1, 2011
- The FSAR update must be submitted in 2010; it can be submitted anytime in 2010, but definitely by December 31, 2010, at the latest, even though the review will not resume until mid-2011. Another FSAR update must be submitted some time in 2011