NEW OMB SUPPORTING STATEMENT FOR FINAL RULE TO UPDATE 10 CFR PART 52, LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS (3150-0151); AND REVISED SUPPORTING STATEMENTS FOR 10 CFR PART 21 (3150-0035); 10 CFR PART 25 (3150-0046); 10 CFR PART 50 (3150-0011); AND 10 CFR PART 54 (3150-0155) AND FINAL RULE FOR 10 CFR PARTS 2, 50, 51, AND 52 LIMITED WORK AUTHORIZATIONS FOR NUCLEAR POWER PLANTS

New Collection/Revision

Introduction

This Office of Management and Budget (OMB) Supporting Statement treats the information collection requirements in the revised Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 52) as new requirements and the information collection requirements for several other Parts of Title 10 as revised requirements. This is because the breadth of the proposed changes to Part 52 warrant an entirely new submission. The changes to Parts 21, 25, 50, and 54 are minor in nature and are treated as revisions to the OMB information collection approvals for those parts. In the regulatory analysis for this rulemaking, the staff assumed that there would be 19 applications for combined licenses (COL) over the next three years. The analysis further assumed that all of these COL applications would reference a design certification and four of these COL applications would also reference an early site permit (ESP). This supporting statement uses these estimates as well.

In addition, this supporting statement captures information collection requirements associated with the final rule for Limited Work Authorizations, RIN 3150-AI05, 10 CFR Parts 2, 50, 51, and 52, “Limited Work Authorizations for Nuclear Power Plants.”

Description of the Information Collection

The licensing processes in 10 CFR Part 52 provide for issuance of early site permits, standard design approvals and certifications, manufacturing licenses, and licenses which combine construction permits and conditional operating licenses (combined licenses) for commercial nuclear power reactors. These licensing procedures are options to the two-step licensing process in 10 CFR Part 50, which provides for a construction permit and an operating license. Part 52 contains a number of information collection requirements. For the most part, it does not impose new burdens but instead transfers the burden for early site permits, standard design certifications, and combined licenses to Part 52. This placed procedural requirements in Part 52 and technical requirements in Part 50. It is expected that, even with the few new burdens which Part 52 imposes, Part 52 actually reduces the overall paperwork burden borne by applicants for construction permits and operating licenses because Part 52 only requires a single application and relies on standardized designs.

The modifications to 10 CFR 50.34 and 10 CFR 50.34a remove reporting and recordkeeping requirements related to the technical content of applications for early site permits, design certifications, and combined licenses. These requirements have been moved to 10 CFR Part 52.

The modification to 10 CFR 21.2 adds requirements for reporting of defects and noncompliances contained in 10 CFR Part 21 for applicants for early site permits and design approvals and certifications.

The modification to 10 CFR 25.35 extends the requirement for advanced notification and approval for classified visits to applicants for a standard design certification and to applicants for or holders of a standard design approval.
The modification to 10 CFR Part 51 creates a new Section 51.51 containing requirements for design certification applicants and applicants for amendments to design certifications to submit environmental reports.

The modification to 10 CFR Part 54 extends the requirements for obtaining a renewed operating license to include combined license holders.

Limited Work Authorization Rule

The NRC is amending its regulations applicable to limited work authorizations (LWAs), which allow certain construction activities on production and utilization facilities to commence before a construction permit or combined license is issued. The final rule modifies the scope of activities that are considered construction for which a construction permit, combined license or LWA is necessary, specifies the scope of construction activities that may be performed under a LWA, and changes the review and approval process for LWA requests. The NRC is adopting these changes to enhance the efficiency of its licensing and approval process for production and utilization facilities, including new nuclear power reactors.

The NRC is adopting the LWA rule as a separate final rule, rather than incorporating its provisions into the final Part 52 rule. Incorporating the provisions of the final LWA rule into the final Part 52 rulemaking would have resulted in a delay in publication of the final Part 52 rule, because of the additional time needed for NRC consideration and resolution of the substantial issues raised in the public comments on the supplemental proposed LWA rule.

A. JUSTIFICATION

The NRC is seeking clearance with respect to changes to 10 CFR Part 52 as well as modifications to the regulations in Parts 21, 25, 50, 51, and 54. The information collections other than those discussed below remain unchanged. As mentioned above, the NRC is also seeking clearance with respect to the LWA final rule, which will affect information collections in 10 CFR Parts 50, 51, and 52. The information collection requirements will be described at the end of Item 1, under “LWA Amendments”.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974, the Commission issues licenses for the use of nuclear material in commercial power plants. These licenses are issued in accordance with such conditions as the NRC may by rule or regulation establish to effectuate the purposes and provisions of the statutes. Prior to the issuance of Part 52, the regulations provided for a two-step process of licensing in Part 50. Under this process, an applicant first applied for a construction permit, providing only preliminary design information. Then, as construction neared completion and design information became final, the applicant applied for an operating license. This process, involving as it did two separate

applications and two submittals of design information, was cumbersome. The burden on both the applicant and the agency was compounded by the fact that most of the plants brought forward for licensing were custom-designed. Thus, information already in the possession of the agency was frequently resubmitted for agency review.

The regulations in 10 CFR Part 52 reduced these licensing burdens in principally two ways: first, by providing for the certification by rulemaking of standardized reactor designs, thus making it possible to use the same design information for the licensing of several plants; second, by providing for the issuance of a single license for both operation and construction, thus doing away with the necessity for two applications and two submittals of design information. The principal aim of Part 52 is to enhance safety through the use of standardized designs. Such designs focus the review and allow the industry to more easily transfer experience in maintenance and operation from one plant to another. A secondary objective was to reduce the licensing burdens on both the industry and the agency. Thus, the information collection requirements in Part 52 will in most cases reduce the information collection burden borne by the industry.

The revised rule retitles and reconfigures Part 52 and its constituent sections so that each of the licensing processes in Part 52 are contained in a separate subpart. The reconfiguration results in a change to many of the section numbers in the updated § 52.11, “Information collection requirements: OMB approval.”

Section 21.2 of Part 21 is being revised to add requirements for reporting of defects and noncompliances for applicants for early site permits, design approvals, or design certifications.

Section 25.35 of Part 25 is being revised to add applicants for standard design certifications and applicants for or holders of standard design approvals to those who must determine the need for and authorize classified site visits.

In 10 CFR Part 50, requirements pertaining to early site permits, standard design certifications, and combined licenses were moved to Part 52. This action was necessary in order to place all procedural requirements in Part 52 and all technical requirements in Part 50. In addition, the NRC added new requirements in §§ 50.71(e) and (h). The new requirement in § 50.71(e)(3)(iii) requires that combined license applicants and holders submit the update to the FSAR annually during the period from the docketing of an application until the Commission makes the finding under § 52.103(g). The new requirement in § 50.71(h) requires combined license holders to maintain and upgrade a probabilistic risk assessment (PRA) that meets endorsed standards over the lifetime of the facility.

In 10 CFR Part 51, a new section was added containing requirements for design certification applicants and applicants for amendments to design certifications to submit an environmental report.

Also, Part 54 adds licensees who obtain renewed combined licenses to entities that must submit information in a license renewal application and retain all information required to document compliance with the provisions of Part 54.

1. Need for and Practical Utility of the Collection of Information

Part 52 Amendments

In what follows, each major Part 52 process which requires information collection is discussed. Part 52, as noted above, for the most part does not add to burdens but reallocates those burdens to earlier stages in the licensing process, or reduces them through the use of standardized designs. Thus, Part 52 often incorporates by reference information collection requirements set forth in 10 CFR Part 50 and other Parts of Title 10, Chapter I, of the CFR.

General Provisions

The General Provisions of Part 52 include provisions on the scope of Part 52 requirements; definitions used in Part 52; interpretations of Part 52 requirements; written communications required by Part 52; deliberate misconduct by applicants or licensees; protection of applicant or licensee employees from discrimination for engaging in certain protected activities; completeness and accuracy of applicant and licensee information; exemptions to Part 52 requirements; NRC's ability to combine licenses; jurisdictional limits regarding Part 52 licenses, certifications, and approvals; protection against the effects of attacks and destructive acts; and information collection requirements contained in Part 52.

Section 52.7. This section allows interested persons to apply to the Commission for specific exemptions from the requirements of Part 52. The Commission may grant these exemptions from the requirements of this part upon application or upon its own initiative.

Subpart A - Early Site Permits

Subpart A of 10 CFR Part 52 sets forth the requirements for early site permits (ESPs), which represent Commission approval of sites for use for commercial nuclear power plants. These approvals are available to applicants in advance of submittal of the preliminary design information which 10 CFR Part 50 requires of applicants for construction permits.

Sections 52.15(b), 52.16, and 52.17. These sections set forth the requirements for the contents of applications for ESPs.

Section 52.15(b). This section states that any person who may apply for a construction permit under 10 CFR Part 50, or for a combined license under Part 52, may file an application for an ESP. An ESP application may be filed notwithstanding the fact that an application for a construction permit or a combined license has not been filed in connection with the site for which a permit is sought. ESP applicants will submit the information required by 10 CFR 50.30 according to the criterial listed in 10 CFR 52.3.

Section 52.16. This section requires that the application contain all of the information required by 10 CFR 50.33(a) through (d) and (j); i.e., the name, address of the applicant, a description of the business or occupation of applicant,

if the applicant is an individual, their citizenship, and if the applicant is a partnership, the name, citizenship and address of each partner and the principal location where the partnership does business.

Section 52.17. This section requires from ESP applicants much of the technical information which 10 CFR Part 50 requires of applicants for construction permits.

Section 52.17(a)(1). This section requires the applicant to submit a site safety analysis report that includes information about the site location and proposed facilities for which the site may be used.

The site safety analysis report must contain information such as the number, type, and thermal power level of the facilities for which the site may be used; anticipated maximum levels of radiological and thermal effluents each facility will produce; type of cooling systems associated with each facility; boundaries of the site; proposed general location of each facility on the site; seismic, meteorological, hydrologic, and geologic characteristics of the proposed site; location of nearby industrial, military, or transportation facilities and routes; existing and projected population profiles of the area around the site; and description and safety assessment of the site. The assessment must also contain an analysis and evaluation of the major structures, systems, and components of the facility that bear significantly on the acceptability of the site.

Section 52.17(a)(2). This section requires ESP applicants to submit an environmental report in accordance with 10 CFR 51.50(b).

Section 52.17(b)(1). This section requires an ESP applicant to identify physical characteristics of the proposed site that could pose a significant impediment to the development of emergency plans. This section also requires that, if such physical characteristics are identified, the applicant identifies measures that would, when implemented, mitigate or eliminate the significant impediment.

Sections 52.17(b)(2)(i) and 52.17(b)(3). These sections allow an applicant to propose major features of the emergency plans in the site safety analysis report, in accordance with the pertinent standards of 10 CFR 50.47, and the requirements of appendix E to 10 CFR Part 50. If the applicant chooses to submit this information, Section 52.17(b)(3) requires that it may also include the proposed inspections, tests, and analyses that the holder of a combined license referencing the early site permit shall perform, and the acceptance criteria that are necessary and sufficient to provide reasonable assurance that, if the inspections, tests, and analyses are performed and the acceptance criteria met, the facility has been constructed and will operate in conformity with the license, the provisions of the Atomic Energy Act, and the NRC's regulations.

Sections 52.17(b)(2)(ii) and 52.17(b)(3). Alternatively, these sections allow an ESP applicant to propose complete and integrated emergency plans in the site safety analysis report for review and approval by the NRC, in consultation with the Department of Homeland Security, in accordance with the applicable standards of 10 CFR 50.47, and the requirements of appendix E to 10 CFR Part 50. To the extent approval of emergency plans is sought, the application must

contain the information required by §§ 50.33(g) and (j).

If the applicant chooses to submit this information, Section 52.17(b)(3) requires that it must also include the proposed inspections, tests, and analyses that the holder of a combined license referencing the early site permit shall perform, and the acceptance criteria that are necessary and sufficient to provide reasonable assurance that, if the inspections, tests, and analyses are performed and the acceptance criteria met, the facility has been constructed and will operate in conformity with the license, the provisions of the Atomic Energy Act, and the NRC's regulations.

Section 52.17(b)(4). This section requires that, under Sections 52.17(b)(1) and (b)(2)(i), the application must include a description of contacts and arrangements made with Federal, State, and local governmental agencies with emergency planning responsibilities. This section also requires that, under Section 52.17(b)(2)(ii), the applicant make good faith efforts to obtain from the same governmental agencies certifications that: (i) the proposed emergency plans are practicable; (ii) these agencies are committed to participating in any further development of the plans, including any required field demonstrations, and (iii) that these agencies are committed to executing their responsibilities under the plans in the event of an emergency.

Section 52.17(c). This section requires that, if the applicant requests authorization to perform activities at the site which are identified in 10 CFR 50.10(e)(1), after issuance of the early site permit and without a separate authorization under 10 CFR 50.10(e)(1), the applicant must identify and describe the activities that are requested, and propose a plan for redress of the site in the event that the activities are performed and the early site permit expires before it is referenced in an application for a construction permit or a combined license.

The information required by Sections 52.15(b), 52.16, and 52.17 is needed by the Commission to perform its statutory duty of assessing and ensuring an acceptable environmental effect of the nuclear power plant at the site, the suitability of the subject site from a safety standpoint, and the adequacy of emergency planning and preparedness, in accordance with the applicable standards set forth in 10 CFR Parts 50 and 100, and the Appendices thereto.

Section 52.29(a). This section contains requirements for a renewal application of any early site permit previously issued by the Commission. It requires the updating of information contained in the original application. This information is needed for the same reasons and purposes set out above with respect to the applicant's original filing under Sections 52.15, 52.16, and 52.17.

Section 52.35. This section, while permitting the holder of an early site permit to put the site to non-nuclear use during the term of the permit, requires the holder to notify the agency of the non-nuclear use. This information is necessary so that the NRC may determine whether the non-nuclear use is consistent with the terms of the permit.

Section 52.39(b). This section requires applicants for a construction permit, operating license, or combined license who have filed an application referencing an early site permit to update their emergency preparedness information provided under § 52.17(b), and discuss whether the updated information materially changes the bases for compliance with applicable NRC requirements. This information is needed to ensure that any changes to emergency planning information approved at the early site permit stage would not affect the conclusions drawn by the NRC regarding the suitability of the site from an emergency preparedness standpoint.

Section 52.39(d). This section states that an applicant referencing an early site permit may include in its application a request for a variance from one or more site characteristics, design parameters, or terms and conditions of the early site permit, or from the site safety analysis report. A variance will not be issued once the construction permit, operating license, or combined license is issued. The NRC would use the information in an applicant's request for a variance to determine if the information that did not conform to the ESP was in conformance with the NRC's regulations.

Section 52.39(e). This section states that the holder of an early site permit may not make changes to the early site permit, including the site analysis safety report, without prior Commission approval. The request for an ESP change must be in the form of an application for a license amendment, and must meet the requirements of sections 50.90 and 50.92.

Subpart B - Certifications of Standard Designs

Subpart B of Part 52 provides for certification of a standardized design without specifying a particular site, the goal of which is to resolve all design issues that are technically relevant and not site-specific. Once certified, the design can be referenced in any number of applications for construction permits or combined licenses, thus making one submittal of design information serve for several licensing reviews.

Section 52.45. This section states that an application for design certification may be filed even if an application for a construction permit or combined license for such a facility has not been filed. The application must comply with the applicable filing requirements of §§ 52.3 and §§ 2.811 through 2.819.

Sections 52.46 and 52.47. These sections set forth the requirements for the contents of applications for the certification of a standard plant design. The information required is generally the same design information required of applicants for operating licenses under 10 CFR Parts 20, 50, 73, and 100, plus some additional information. Until the Commission makes its final decision on all safety questions associated with the design, procurement specifications and construction and installation specifications must be retained.

Section 52.46. This section requires design certification applicants to submit the information required by 10 CFR 50.33, which includes information of a general

nature such as name of and address of the applicant, a description of the business, whether the applicant is an individual, partnership, or corporation, and the citizenship of the individual, the members of the partnership, or the owners of the corporation.

Section 52.47. The introductory paragraph to Section 52.47 requires that information normally contained in certain procurement specifications and construction and installation specifications be completed and available for audit if the information is necessary for the Commission to make its safety determination.

Section 52.47(a). This section requires that a design certification application contain a final safety analysis report that describes the facility; presents the design bases and the limits on its operation; presents a safety analysis of the structures, systems, and components and of the facility as a whole; and contains the interface requirements to be met by those portions of the plant for which the application does not seek certification, including justification that compliance with the interface requirements is verifiable through inspection, testing, or analysis. Section 52.47(a)(27) accounts for the majority of the burden under 10 CFR 52.47. It requires a design certification application to contain a final safety analysis report that describes the design-specific PRA and its results.

Section 52.47(b). This section requires that a design certification application contain: (1) the proposed inspections, tests, analyses, and acceptance criteria (ITAAC) that are necessary and sufficient to provide reasonable assurance that, if the inspections, tests, and analyses are performed and the acceptance criteria met, a plant that incorporates the design certification is built and will operate in accordance with the design certification, the provisions of the Act, and the Commission's regulations; and (2) an environmental report as required by 10 CFR 51.55.

Section 52.47(c)(1). This section requires that an application for certification of a nuclear power reactor design that is an evolutionary change from light-water reactor designs of plants must provide an essentially complete nuclear power plant design except for site-specific elements.

Section 52.47(c)(2). This section requires that an application for certification of a nuclear power reactor design that differs significantly from the light-water reactor designs described in paragraph (c)(1) or uses simplified, inherent, passive, or other innovative means to accomplish its safety functions must provide an essentially complete nuclear power reactor design except for site-specific elements and meet the requirements of 10 CFR 50.43(e).

Section 52.47(c)(3). This section requires that an application for certification of a modular nuclear power reactor design describe the various options for the configuration of the plant and site, including variations in, or sharing of, common systems, interface requirements, and system interactions. This section also requires that the final safety analysis account for differences among the various options, including any restrictions that will be necessary during the construction

and startup of a given module to ensure the safe operation of any module already operating.

The information required by Sections 52.45, 52.46, and 52.47 is needed by the Commission to perform its statutory duty of reaching a final conclusion on all safety questions associated with the design before the certification is granted and assessing the applicant's proposed means of assuring that construction conforms to the design, in accordance with the standards set out in 10 CFR Parts 20, 50 and its appendices, 51, 73, and 100. The information is also needed to ensure the NRC meets its obligations under NEPA.

Section 52.51. The requirement in the current information collection under this section that applicants for design certification must submit a design control document (DCD) prior to completing a proposed rule for certifying a standard design by rulemaking is essentially the same requirement of Section 52.47(a). The burden for submitting a DCD is now covered under Section 52.47(a).

Section 52.57(a). This section provides a procedure for application for renewal of a design certification. The regulation requires updating any of the information that was submitted under Sections 52.46 and 52.47. The Commission will require, before renewal of certification, that information normally contained in certain procurement specification and construction and installation specifications be completed and available for audit if the information is necessary for the Commission to make its safety determination. This updating of information is required by the Commission staff to make the determinations under Section 52.48.

Section 52.63(b)(1). This sections states that an applicant or licensee who references a standard design certification rule may request an exemption from one or more elements of the design certification information. Information submitted with an exemption request would be used to determine if the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security, or if other special circumstances are present requiring consideration of the exemption request.

Section 52.63(b)(2). This section requires that licensees who reference a standard design certification must maintain records of all changes to the facility, and these records must be available for audit until the date of termination of the license. Retention of this information is necessary to ensure that the NRC has the opportunity to review any changes to the referenced certified design made after NRC's review and approval of the license referencing the certified design.

Section 52.63(c). This section requires applicants for construction permits, operating licenses, or combined licenses who reference standard design certifications to acquire or complete, and make available for audit, detailed design-related information normally contained in procurement, construction, and installation specifications. This information must be retained until the Commission makes its safety determination. This information is necessary to provide the NRC with access to more detailed design information that it may need in order to make its safety determination during the review of the design certification application.

Subpart C - Combined Licenses

Subpart C of Part 52 sets forth requirements for combined licenses, which Section 161h of the Atomic Energy Act makes available. Section 161h says that the Commission may combine in a single license activities licensed separately; Part 52 does so for construction permits and operating licenses. It thus requires that the design information normally not submitted until construction is complete be submitted before construction begins. Once submitted and approved, this design information does not have to be reconsidered when construction is nearing completion. Ideally, the applicant for this combined license would incorporate by reference both an early site permit and a certified design and thus have to submit only a fraction of the information submitted for a construction permit and operating license under Part 50.

Section 52.73(b). This section requires applicants for a combined license who reference standard design certifications, standard design approvals, or manufacturing licenses to acquire or complete, and make available for audit, detailed design-related information normally contained in procurement, construction, and installation specifications. This information must be retained until the Commission makes its safety determination.

Sections 52.75, 52.77, 52.79, and 52.80. These sections set forth requirements for content of applications for COLs.

Section 52.75. This section requires COL applicants to submit the information required by 10 CFR 50.30 according to the criteria listed in 10 CFR 52.3.

Section 52.77. This section requires COL applicants to submit the information required by 10 CFR 50.33.

Section 52.79(a). This section addresses a COL application that does not reference any other type of Part 52 license, certification, or approval. It requires that a COL application contain a final safety analysis report that describes the

facility; presents the design bases and the limits on its operation; and presents a safety analysis of the structures, systems, and components of the facility as a whole. Section 52.79(a)(46) accounts for the majority of the burden under 10 CFR 52.79. It requires a COL application to contain a final safety analysis report that describes the plant-specific PRA and its results. Section 52.79(a) requires that the final safety analysis report shall include a level of information sufficient to enable the Commission to reach a final conclusion on all safety matters that must be resolved by the Commission before issuance of a COL.

Section 52.79(b). This section addresses a COL application that references an ESP and states that the final safety analysis report need not contain information or analyses submitted to the Commission in connection with the ESP, provided, however, that the final safety analysis report must either include or incorporate by reference the ESP site safety analysis report and must contain, in addition to the information and analyses otherwise required, information sufficient to demonstrate that the design of the facility falls within the site characteristics and design parameters specified in the ESP.

Section 52.79(c). This section addresses a COL application that references a design approval and states that the final safety analysis report need not contain information or analyses submitted to the Commission in connection with the design approval, provided, however, that the final safety analysis report must either include or incorporate by reference the standard design approval final safety analysis report and must contain, in addition to the information and analyses otherwise required, information sufficient to demonstrate that the characteristics of the site fall within the site parameters specified in the design approval.

Section 52.79(d). This section addresses a COL application that references a design certification and states that the final safety analysis report need not contain information or analyses submitted to the Commission in connection with the design certification, provided, however, that the final safety analysis report must either include or incorporate by reference the standard design certification final safety analysis report and must contain, in addition to the information and analyses otherwise required, information sufficient to demonstrate that the characteristics of the site fall within the site parameters specified in the design certification.

Section 52.79(e). This section addresses a COL application that references a manufactured reactor licensed under Subpart F of 10 CFR Part 52 and states that the final safety analysis report need not contain information or analyses submitted to the Commission in connection with the manufacturing license provided, however, that the final safety analysis report must either include or incorporate by reference the manufacturing license final safety analysis report and must contain, in addition to the information and analyses otherwise required, information sufficient to demonstrate that the site parameters for the manufactured reactor are bounded by the site where the manufactured reactor is to be installed and used.

Section 52.80(a). This section requires that a COL application contain the

proposed inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria which are necessary and sufficient to provide reasonable assurance that, if the inspections, tests, and analyses are performed and the acceptance criteria met, the facility has been constructed and will operate in conformity with the combined license, the provisions of the Atomic Energy Act, and the NRC's regulations.

Section 52.80(b). This section requires a COL application to contain a complete environmental report as required under 10 CFR 51.50(c).

Section 52.80(c). This section requires a COL application that wishes to be able to perform the activities at the site allowed by 10 CFR 50.10(e) before issuance of the combined license to identify and describe the activities that are requested and propose a plan for redress of the site in the event that the activities are performed and either construction is abandoned or the combined license is revoked. The application must also demonstrate that there is reasonable assurance that redress carried out under the plan will achieve an environmentally stable and aesthetically acceptable site suitable for whatever non-nuclear use may conform with local zoning laws.

The information required by Sections 52.75, 52.77, and 52.79, and 52.80 is needed by the Commission to perform its statutory duty of assessing and ensuring an acceptable environmental effect of the nuclear power plant at the site, the suitability of the subject site from a safety standpoint, the adequacy of emergency planning and preparedness, the adequacy of the proposed design, and the acceptability of the proposed design at the selected site in accordance with the applicable standards set forth in 10 CFR Parts 20, 50, 51, 73, and 100, and the Appendices thereto.

Section 52.93(a). This section allows applicants for a combined license under this subpart, or any amendment to a combined license, to include in the application a request for an exemption from one or more of the Commission's regulations. Information submitted with an exemption request would be used to determine if the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security, or if other special circumstances are present requiring consideration of the exemption request.

Section 52.93(b). This section allows applicants for a combined license referencing an early site permit to include in the application a request for a variance from one or more site characteristics, design parameters, or terms and conditions of the permit, or from the site safety analysis report. The NRC would use the information in an applicant's request for a variance to determine if the information that did not conform to the ESP was in conformance with the NRC's regulations.

Section 52.93(c). This section allows applicants for a combined license referencing a nuclear power reactor manufactured under a manufacturing license to include in the application a request for a departure from one or more design characteristics, site parameters, terms and conditions, or approved design of the

manufactured reactor. The NRC would use the information in an applicant's request for a departure to determine if the information that did not conform to the manufacturing license or apporved design of the manufactured reactor was in conformance with the NRC's regulations.

Section 52.99(a). This section requires licensees to submit to the NRC, no later than 1 year after issuance of a combined license, a detailed schedule for completing the inspections, tests, or analyses in the ITAAC. Licensees are required to submit updates to the ITAAC schedule every 6 months thereafter and, within 1 year of their scheduled date for initial loading of fuel, licensee must submit updates to the ITAAC schedule every 30 days until the final ITAAC is completed or until the final notification is provided to the NRC under paragraph § 52.99(c). Submittal of the schedule and updates required by this section is necessary to ensure the NRC has sufficient information to plan all of the activities necessary for the NRC to support the Commission's finding whether all of the ITAAC have been met prior to the licensee's scheduled date for fuel load.

Section 52.99(c). Paragraph (c)(1) of this section requires that, after issuance of the combined license, the licensee notify the NRC that the inspections, tests, or analyses in the ITAAC have been successfully completed and that the corresponding acceptance criteria have been met. Paragraph (c)(2) requires that, if the licensee has not provided, by the date 225 days before the scheduled date for initial loading of fuel, the notification required by paragraph (c)(1) of this section for all ITAAC, then the licensee mus notify the NRC that the inspections, tests, or analyses for all uncompleted ITAAC will be successfully completed and all acceptance criteria will be met prior to operation. The notification must provide sufficient information to demonstrate that the inspections, tests, or analyses will be successfully completed and the acceptance criteria for the uncompleted ITAAC will be met, including, but not limited to, a description of the specific procedures and analytical methods to be used for performing the inspections, tests, and analyses and determining that the acceptance criteria have been met. The information required by this section is needed so that the NRC can determine what activities it will need to undertake to determine if the acceptance criteria for each of the ITAAC have been met. In addition, the requirements in paragraphs (c)(1) and (c)(2) are needed to ensure that interested persons will be able to meet the Atomic Energy Act, Section 189.a(1), threshold for requesting a hearing with respect to both completed and as-yet uncompleted ITAAC.

Sections 52.99 (d)(1) and (d)(2). These sections states that in the event that an activity is subject to an ITAAC derived from a referenced early site permit or standard design certification and the licensee has not demonstrated that the ITAAC has been met, the licensee may take corrective actions to successfully complete that ITAAC, request a variance from the early site permit ITAAC, or request an exemption from the standard design certification ITAAC, as applicable. In the event that an activity is subject to an ITAAC not derived from a referenced early site permit or standard design certification and the licensee has not demonstrated that the ITAAC has been met, the licensee may take corrective actions to successfully complete that ITAAC or request a license amendment under § 52.98(f). The information submitted under this section would be used by the NRC to determine if the applicant met the NRC's requirements related to the

particular ITAAC that had not been successfully completed.

Section 52.103(a). This section requires that the licensee shall notify the NRC of its scheduled date for initial loading of fuel no later than 270 days before the scheduled date and shall notify the NRC of updates to its schedule every 30 days thereafter. This information is necessary to facilitate timely NRC publication of the hearing notice required under Section 52.103(a) and NRC staff scheduling of inspection and audit activities to support NRC staff determinations of the successful completion of ITAAC under Section 52.99.

Section 52.110(a). This section requires that, when a licensee has determined to permanently cease operations, the licensee, within 30 days, must submit a written certification to the NRC consistent with the requirements of section 52.3(b)(8). In addition, once fuel has been permanently removed from the reactor vessel, the licensee shall submit a written certification to the NRC that meets the requirements of section 52.3(b)(9). This information is necessary to alert the NRC to a licensee's intention to stop operating so that the NRC can prepare for decommissioning of the facility.

Section 52.110(d). This section requires that, before or within 2 years following permanent cessation of operations, the licensee submit a post-shutdown decommissioning activities report (PSDAR) to the NRC, and a copy to the affected State(s). This information is needed for the NRC to assess the adequacy of the licensees decommissioning activities.

Section 52.110(g). This section requires that, in taking actions permitted under 10 CFR 50.59 (changes, tests, and experiments) following submittal of the PSDAR, the licensee shall notify the NRC in writing and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the PSDAR, including changes that significantly increase the decommissioning cost. This information is necessary for the NRC to assess the adequacy of any proposed changes to its decommissioning plans.

Section 52.110(h)(3). This section requires that within 2 years following permanent cessation of operations, if not already submitted, the licensee shall submit a site-specific decommissioning cost estimate. This information is necessary for the NRC to assess the adequacy of the decommissioning plan cost estimate.

Section 52.110(h)(4). This section requires that for decommissioning activities that delay completion of decommissioning by including a period of storage or surveillance, the licensee shall provide a means of adjusting cost estimates and associated funding levels over the storage or surveillance period. This information is necessary to allow the NRC to assess the adequacy of the revised decommissioning plan cost estimate.

Subpart E - Standard Design Approvals

Subpart E of 10 CFR Part 52 provides for NRC staff approval of a standardized

design for a nuclear power reactor without specifying a particular site. An applicant for a construction permit or combined license may reference a standard design approval.

Sections 52.135, 52.136, and 52.137. These sections set forth the requirements for the contents of applications for standard design approvals.

Section 52.135. This section states that any person may submit a proposed standard design for a nuclear power reactor of the type described in 10 CFR 50.22 to the NRC staff for its review. The submittal may consist of either the final design for the entire facility or the final design of major portions thereof, and must be made in the same manner as provided in 10 CFR 50.30 and 52.3 for license applications.

Section 52.136. This section requires design approval applicants to submit the information required by 10 CFR 50.33(a) through (d) and (j).

Section 52.137(a). This section requires that a design approval application contain a final safety analysis report that describes the facility; presents the design bases and the limits on its operation; and presents a safety analysis of the structures, systems, and components and of the facility as a whole. This section also requires a description, analysis, and evaluation of the interfaces between the standard design and the balance of the nuclear power plant. Section 52.137(a)(25) accounts for the majority of the burden under 10 CFR 52.137.# It requires a design approval application to contain a final safety analysis report that describes the design-specific PRA and its results.

The information required by Sections 52.135, 52.136, and 52.137 is needed by the NRC staff to reach a final conclusion on all safety questions associated with the design before the approval is granted, in accordance with the standards set out in 10 CFR Parts 20, 50 and its appendices, 73, and 100.

Subpart F - Manufacturing Licenses

Subpart F of 10 CFR Part 52 sets out the requirements and procedures applicable to Commission issuance of a license authorizing manufacture of nuclear power reactors to be installed at sites not identified in the manufacturing license application. A nuclear power reactor manufactured under a manufacturing license issued may only be transported to and installed at a site for which either a construction permit under 10 CFR Part 50 or a combined license under 10 CFR Part 52 has been issued.

Sections 52.155, 52.156, 52.157, and 52.158. These sections set forth the requirements for the contents of applications for manufacturing licenses.

Section 52.155. This section requires manufacturing license applicants to submit the information required by 10 CFR Parts 52.3 and 50.30.

Section 52.156. This section requires manufacturing license applicants to submit the information required by 10 CFR 50.33(a) through (d), and (j),

Section 52.157. This section requires that a manufacturing license application contain a final safety analysis report containing a level of design information sufficient to enable the Commission to judge the applicant's proposed means of assuring that the manufacturing conforms to the design and to reach a final conclusion on all safety questions associated with the design, permit the preparation of construction and installation specifications by an applicant who seeks to use the manufactured reactor, and permit the preparation of acceptance and inspection requirements by the NRC. Section 52.157(f)(31) accounts for the majority of the burden under 10 CFR 52.157. It requires a manufacturing license application to contain a final safety analysis report that describes the design-specific PRA and its results.

Sections 52.158(a). These sections require that a manufacturing license application contain the proposed inspections, tests and analyses that the licensee who will be operating the reactor shall perform, and the acceptance criteria which are necessary and sufficient to provide reasonable assurance that: (1) if the inspections, tests, and analyses are performed and the acceptance criteria met the reactor has been manufactured in conformance with the manufacturing license, the provisions of the Atomic Energy Act, and the NRC's regulations; and (2) the reactor will operate in conformity with design characteristics in the manufacturing license, any license authorizing operation of the reactor as part of a nuclear power plant, the provisions of the Act, and the NRC's regulations.

The information required by Sections 52.155, 52.156, and 52.157 is needed by the NRC staff to reach a final conclusion on all safety questions associated with the design and manufacturing process before the manufacturing license is granted, in accordance with the standards set out in 10 CFR Parts 20, 50 and its appendices, 73, and 100.

Section 52.158(b). This section requires that a manufacturing license application contain an environmental report as required by 10 CFR 51.54. This information is needed to ensure the NRC meets its obligations under NEPA.

Section 52.171(b). This section requires that a change to the design must be in the form of an application for a license amendment, and must meet the requirements of 10 CFR 50.90 through 50.92. An applicant or licensee who references or uses a nuclear power reactor manufactured under a manufacturing license under this subpart may also request a departure from the design characteristics, site parameters, terms and conditions, or approved design of the manufactured reactor. The NRC would use the information in an applicant's request for a departure to determine if the information that did not conform to the manufacturing license or approved design of the manufactured reactor was in conformance with the NRC's regulations.

Section 52.177. This section contains requirements for renewal of an application for a manufacturing license previously issued by the NRC. An application for renewal requires the updating of information contained in the original application. The need for the information is a renewal application is the same as the need for

the information in the original application.

Appendices A, B, C, & D - Design Certification Rules

These appendices to 10 CFR Part 52 constitute the standard design certifications for the U.S. Advanced Boiling Water Reactor (ABWR), System 80+, AP600 and AP1000 designs, in accordance with Part 52, Subpart B, and allow interested parties to reference either of these designs in an application for a combined license.

Section IX.A.2. This section requires the licensee who references this design certification to notify the NRC when inspections, tests, or analyses have been successfully completed and the corresponding acceptance criteria have been met. The NRC needs this information in order to fulfill its obligations under § 52.99.

Section X.A.1. Section X.A.1 of each of the design certification rules requires that the applicant for the design certification maintain a copy of the generic design control document (DCD) and maintain the proprietary and safeguards information referenced in the generic DCD for the period that the appendix may be referenced. This requirement is necessary to ensure that the DCD and other certification information is available to any applicant that wants to reference the design certification.

Section X.A.2. Section X.A.2 of each of the design certification rules requires that an applicant or licensee who references the appendix maintain the plant-specific DCD to accurately reflect both generic changes to the generic DCD and plant specific departures made pursuant to Section VIII of the appendix, throughout the period of application and for the term of the license (including any period of renewal). This requirement is necessary to ensure there is an accurate record of any changes made to the certified design so that the NRC can review those records if needed.

Section X.A.3. Section X.A.3 of each of the design certification rules requires that an applicant or licensee who references the appendix prepare and maintain written evaluations which provide the bases for the determinations required by Section VIII of the appendix, and the evaluations must be retained throughout the period of application and for the term of the license (including any period of renewal). This requirements is necessary to ensure there is an accurate record of the bases for any changes made to the certified design so that the NRC can review those records if needed.

Section X.B.1. This section requires applicants or licensees who reference the design certification to submit reports on plant-specific departures from the DCD. This information is necessary for the NRC to determine if any plant-specific departures from the DCD continue to meet NRC requirements.

Section X.B.2. This section requires applicants or licensees who reference this design certification to submit updates to its DCD. This section is similar to the filing requirements applicable to final safety analysis reports in 10 CFR 52.3 and

50.71(e). The volume of written information in DCD is large. By the time a power reactor has been in operation for a few years, much of the information in the original DCD may be modified, supplemented or superseded. This comes about by the applicant's submittal of designs and analyses supporting requested license amendments, replies to regulatory requests, incident reports, and reports describing design changes. Consequently, without an updated DCD, it would be difficult for anyone, including an NRC staff member, the licensee, or the public to be certain of the current status of a facility's design and supporting analyses. To properly execute their respective responsibilities, the NRC staff and the licensee must work with accurate information. The updated DCD is a reference document used in recurring safety analyses performed by the licensee, the Commission, and other interested parties. Thus, it is essential that supplements and amendments to the original information be appropriately incorporated into the original DCD.

Section X.B.3. Section X.B.3 of each of the design certification rules in Appendix A, B, C, and D requires that the reports and updates required by paragraphs X.B.1 and X.B.2 must be submitted as follows: (a) on the date that an application for a license referencing this appendix is submitted, the application must include the report and any updates to the generic DCD; (b) during the interval from the date of application for a license to the date the Commission makes the finding required by 10 CFR 52.103(g), the report must be submitted semi-annually; and (c) after the Commission makes the finding required by 10 CFR 52.103(g), the reports and updates to the plant-specific DCD must be submitted, along with updates to the site-specific portion of the final safety analysis report for the facility, at the intervals required by 10 CFR 50.59(d)(2) and 50.71(e)(4), respectively, or at shorter intervals as specified in the license.

Appendix N – Standardization of Nuclear Power Plant Designs: Combined Licenses to Construct and Operate Nuclear Power Reactors of Identical Design at Multiple Sites

This appendix sets out requirements applicable to situations in which applications for combined licenses under subpart C of Part 52 are filed by one or more applicants for licenses to construct and operate nuclear power reactors of identical design ("common design") to be located at multiple sites. The information required by paragraphs 2, 3, and 4, is necessary for the NRC staff to assess the adequacy of the applicants' safety and environmental evaluations in support of their application to construct and operate plants of identical design at multiple sites.

Paragraph 2. This paragraph requires that each combined license application submitted pursuant to this appendix be submitted as specified in § 52.75 and 10 CFR 2.101. It also requires that each application state that the applicant wishes to have the application considered under 10 CFR part 52, appendix N, and list each of the applications to be treated together under this appendix.

Paragraph 3. This paragraph requires that each application include the information required by §§ 52.77, 52.79, and 52.80(a) and that the application must identify the common design, and, if applicable, reference a standard design certification under subpart B of this part, or the use of a reactor manufactured under subpart F of this part. This section also requires that the final safety analysis report for each application either incorporate by reference or include the final safety analysis of the common design, including, if applicable, the final safety analysis report for the referenced design certification or the manufactured reactor.

Paragraph 4. This paragraph requires that each combined license application submitted pursuant to this appendix contain an environmental report as required by § 52.80(b), and which complies with the applicable provisions of 10 CFR part 51 and states that the application may incorporate by reference a single environmental report on the environmental impacts of the common design.

Part 21, Section 21.2, Amendment

Part 21, "Reporting of Defects and Noncompliance," implements Section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846). Section 206 requires individual directors and responsible officers of firms constructing, owning, operating, or supplying the basic components of any facility or activity licensed under the Atomic Energy Act to report immediately to the Commission the discovery of defects in basic components or failures to comply that could create an SSH. In addition to imposing obligations on the individual directors and responsible officers of NRC licensees, Section 206 also imposes obligations on the directors and responsible officers of non-licensees that construct facilities for or supply basic components to licensed facilities or activities. Therefore, any information required under Part 21 is needed to ensure the NRC meets its obligations under Section 206.

The Part 52 rule requires that Section 206 reporting be extended to early site permits, standard design certifications, and standard design approvals. Specifically, 10 CFR 21.2 is amended to ensure that the reporting requirements currently in this part are expanded to include early site permit, design certification, and design approval applicants.

Section 21.21(d)(1). This section requires a director or responsible officer subject to the regulations of this part or a person designated under § 21.21(d)(5) to notify the Commission when he or she obtains information reasonably indicating a failure to comply or a defect affecting the construction or operation of a facility or an activity within the United States within his or her organization's responsibility; or a basic component that is within his or her organization's responsibility and is supplied for a facility or an activity within the United States that is subject to the licensing requirements under parts 30, 40, 50, 52, 60, 61, 63, 70, 71, or 72 of this chapter.

Section 21.51(a)(4). This section states that applicants for standard design certification under subpart B of 10 CFR Part 52 and others providing a design which is the subject of a design certification, during and following Commission adoption of a final design certification rule for that design, shall retain any notifications sent to purchasers and affected licensees for a minimum of 5 years after the date of the notification, and retain a record of the purchasers for 15 years after delivery of the design which is the subject of the design certification rule or service associated with the design. This information is required by the Commission to assist in any future inspections and audits of the vendors or licensees referencing the design.

Section 21.51(a)(5). This section requires applicants for or holders of a standard design approval under subpart E of 10 CFR Part 52 and others providing a design which is the subject of a design approval shall retain any notifications sent to purchasers and affected licensees for a minimum of 5 years after the date of the notification, and retain a record of the purchasers for 15 years after delivery of the design which is the subject of the design approval or service associated with the design. This information is required by the Commission to assist in any future inspections and audits of the vendors or licensees referencing the design.

Part 25, Section 25.35, Amendment

Under Part 25, licensees are required to determine that all classified visits are necessary and that the purpose of the visit cannot be achieved without access to, or disclosure of, classified information. These visits require advance written notification to, and approval of, the organization to be visited. These procedures are in place to ensure that only authorized individuals, who require access to classified matter as a part of their official duties, are granted classified visits. Specifically, this rule amends Section 25.35(a) to expand upon the entities that must minimize the number of classified visits to their facilities to include design certification applicants and applicants for or holders of standard design approvals.

Section 25.35(a). This section states that all classified visits require advance notification to, and approval of, the organization to be visited. In urgent cases, visit information may be furnished by telephone and confirmed in writing.

Part 50 Amendment

In 10 CFR Part 50, provisions pertaining to early site permits, standard design certifications, and combined licenses were amended to move these requirements to Part 52. The burden associated with these provisions was captured under the information collection renewal for 10 CFR Part 50 (OMB Clearance Number 3150-0011), which is currently awaiting OMB approval. This action was necessary in order to place all procedural requirements in Part 52 and all technical requirements in Part 50. The modifications to10 CFR 50.34, 50.43a, and Appendices B & E remove reporting and recordkeeping requirements related to the technical content of applications for early site permits, design certifications, and combined licenses. These requirements have been moved to 10 CFR Part 52.

In addition, the NRC added new requirements in §§ 50.71(e) and (h).

Section 50.71(e)(3)(iii). This section requires that combined license applicants and holders submit the update to the FSAR annually during the period from the docketing of an application until the Commission makes the finding under § 52.103(g).

The new requirement in § 50.71(h) requires combined license holders to maintain and upgrade a probabilistic risk assessment (PRA) that meets endorsed standards over the lifetime of the facility.

Section 50.71(h). Paragraph (h)(1) requires each holder of a combined license, by the time of the scheduled fuel load date for the facility, to develop a plant-specific PRA that meets NRC-endorsed consensus standards in effect one year prior to that date. The PRA is to be both level 1 and level 2 and must include those modes of operation and initiating events for which these standards exist. Note that this provision does not require that this PRA be submitted to the NRC for review and approval.

Paragraph (h)(2) requires the COL holder to maintain the PRA until permanent cessation of operations under §52.110(a). The Commission intends PRA maintenance to be consistent with how it is defined in the American Society of Mechanical Engineers (ASME) Standard, that is "the update of the PRA models to reflect plant changes, such as modifications, procedure changes or plant performance." No specific frequency is defined in the rule for such maintenance; the Commission expects licensees to follow the ASME (or other consensus body) guidance on this aspect.

The paragraph further provides that the PRA must be upgraded every four years, to meet and utilize initiating events and operational modes contained in NRC-endorsed consensus standards in effect one year prior to each required upgrade. The Commission intends PRA upgrade to be consistent with how it is defined in consensus standards, such as the ASME internal events standard, that is, "the incorporation into a PRA model of a new methodology or significant changes in scope or capability.

Finally, paragraph (h)(3) specifies that each holder of a combined license shall, no later than the date which the licensee submits an application for a renewed license, upgrade the PRA to be an all-mode, all-initiating event level 1 and level 2 PRA.

Part 51 Amendment

10 CFR Part 51contains environmental protection regulations applicable to NRC's domestic licensing and related regulatory functions.

Section 51.55. This amendment adds new 10 CFR 51.55 requiring design certification applicants and applicants for amendments to design certifications to submit an environmental report. The environmental report in a design certification application must address the costs and benefits of Severe Accident Design Mitigation Alternatives (SAMDAs), and the bases for not incorporating SAMDAs in the design to be certified. The environmental report in an application

for an amendment to a design certification must address whether the design change which is the subject of the proposed amendment either renders a SAMDA previously rejected in an environmental assessment to become cost beneficial, or results in the identification of new SAMDAs that may be reasonably incorporated into the design certification. The information required under Part 51 is needed to ensure the NRC meets its obligations under NEPA.

Part 54 Amendment

10 CFR Part 54 establishes the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, the application procedures, and recordkeeping requirements. This amendment extends these requirements to licensees who are granted a combined license (COL) under Part 52 in the event that they apply for a renewed combined license in the future. The extension of requirements to combined licensees will affect all sections of Part 54 but, because a renewed COL may not be applied for until 20 years after the COL is granted, the changes to this part will not affect burden at this time.

Limited Work Authorization (LWA) Amendments

The LWA final rule decreases the burden on applicants who submit applications for LWAs by eliminating the requirement to obtain NRC permission to engage in site preparation activities that do not have a direct impact on radiological health and safety or common defense and security at sites where new nuclear power plants are to be constructed. The burden associated with the preparation of applications for permission to engage in these activities as well as the burden of responding to requests for additional information associated with LWA applications is eliminated. The LWA rule also contains a new information collection requirement in § 51.49; however, this new information collection is not expected to result in a net increase in the burden for LWA applicants because the information to be submitted under this new requirement was formerly submitted by LWA applicants as part of a complete environmental report for the underlying construction permit or combined license under § 51.50, or for the Early Site Permit application (or amendment) under Part 52. The primary effect is to delay submission of most of the environmental information to the time that the underlying construction permit of combined license application and environmental report is submitted. The sections affected by the LWA rule are as follows:

Section 50.10(d)(3), which is substantially modified from the former § 50.10(e), addresses the need for, nature, and contents of an application for a LWA. Paragraph (d)(3) establishes the requirements for the content of an LWA application, which include a safety analysis report, an environmental report, and a redress plan. The safety analysis report is required by 10 CFR Parts 50.34, 52.17, or 52.79, and contains a description of the activities to be performed and the design and construction information limited to portions of the facility that are within the scope of the LWA. It must demonstrate that activities conducted under the LWA will be conducted in compliance with the technically relevant Commission requirements of 10 CFR Chapter 1 applicable to the design of those portions of the facility within the scope of the LWA.

The environmental report must be in accordance with Section 51.49. The redress plan must describe activities that would be implemented by the LWA holder if construction is terminated by the holder, the LWA is revoked by the NRC, or upon the effect of the

Commission's final decision denying the associated operating license or underlying combined license, as applicable.

The information in this paragraph is needed by the NRC to evaluate the safety and environmental aspects of the proposed LWA activities.

Section 51.45(c) adds a new requirement requiring environmental reports for ESPs, construction permits, and combined licenses to include a description of impacts of the applicant's preconstruction activities at the proposed site that are necessary to support the construction and operation of the facility which is the subject of the LWA, construction permit, or combined license application. This section also requires an analysis of the cumulative impacts of the activities to be authorized by the LWA, construction permit, or combined license in light of the preconstruction impacts. This information is needed by the NRC to access the cumulative environmental impact of an LWA on the site.

Section 51.49 is a new section that requires the LWA applicant to submit an environmental report containing certain specified information. Paragraphs (a) and (b), which apply to applicants submitting a complete or two-part application, require the applicants to submit an environmental report describing activities conducted under the LWA, need to conduct those activities, description of environmental impacts, mitigation measures imposed, and a discussion of reasons for rejecting other mitigation measures which could further reduce environmental impacts. Paragraph (c) describes the contents of the environmental report when the request for the LWA is part of an ESP application. Paragraph (d) describes the contents of the environmental report when the LWA request is submitted by an ESP holder, and paragraph (e) establishes a limited exception from the information required by paragraphs (a) and (b) to be submitted in the environmental report. Paragraph (f) requires for all applications containing a LWA request, that the environmental report separately evaluate the environmental impacts and the proposed alternatives to the activities proposed to be conducted under the LWA. This information is needed by the NRC to prepare in parallel the Environmental Impact Statement (EIS) for the LWA activities and a supplemental EIS for the underlying construction permit or combined license, or a complete EIS at the LWA stage.

Section 52.17(c) is revised by removing proposed language with respect to LWAs, and specifying that if the applicant wishes to obtain a LWA, then the information required by Section 50.10(d)(3) must be included in the ESP application. ESPs submitted prior to the effective date of the final LWA rule are to follow requirements udner the former Section 52.17(c). This information is needed by the NRC in its determination of whether to issue the LWA.

Section 52.27 has been added to allow an ESP holder to request a LWA in accordance with Section 50.10. This section clarifies how an ESP holder would request a LWA, a matter which was not clear under former provisions of Part 52.

Sections 52.80(b) & (c) describes additional technical information needed for an LWA application. Paragraph (b) states that an environmental report is required in accordance with 10 CFR 51.50(c) if a LWA is not requrested in conjunction with a COL application, or in accordance with Sections 51.49 and 51.50(c) if a LWA is requested in conjunction with a COL application. Paragraph (c) states that if the applicant is requesting that the LWA

be issued before issuance of a COL, the LWA application must include the information otherwise required by 10 CFR 50.10. The information in paragraph (b) is needed by the NRC to assess the environmental impacts associated with the combined license application. The information in paragraph (c) is needed by the NRC to evaluate the safety and environmental aspects of the proposed LWA activities.

2. Agency Use of Information

In general, the information submitted pursuant to the sections enumerated above is reviewed by various NRC offices charged with the responsibility of ensuring that licensed activities are conducted in accordance with the Atomic Energy Act, the Energy Reorganization Act and the National Environmental Policy Act. The information collected is used to assess the adequacy and suitability of the applicant's site, plant design, construction, training and experience, and plans and procedures for the protection of public health and safety. The NRC review of such information, and the findings derived from that information, will form the basis for Commission decisions and actions concerning the issuance, modification, or revocation of licenses, certifications, and approvals for nuclear power reactor plants.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. Part 52 does not prescribe the manner in which the information is recorded or reported. An applicant or licensee is at liberty to utilize advanced information technology to reduce the burden. However, the NRC encourages respondents to use any innovative technology that would reduce the information collection burden. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. NRC staff has estimated that approximately 50% of the applications will be submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements, and this information is not available from any source other than the applicants or licensees involved. The information required by the NRC in applications, reports, or records concerning the licensing of nuclear power plants does not duplicate other Federal information collection requirements. For example, to avoid duplication, the applicant may incorporate by reference earlier submissions where appropriate in the applications and reports described herein. One of the two principal aims of design certification is to make it unnecessary to collect the same information from multiple license applicants. NRC has in place an on-going program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

The information collections required by this regulation will not be a burden to small businesses because only large companies have the technical and financial resources to support the large capital investment required to design and construct nuclear power

plants. Therefore, small businesses will not be seeking the permits, certifications, and licenses made available by this regulation.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently

This information is not collected on a repetitive basis from a single applicant. Applications are required only when licensing action is sought. The NRC cannot collect the information any less frequently than provided in this rule or it would compromise its ability to make appropriate licensing decisions, and would adversely affect the administration of the duties of the Commission to protect public health and safety.

7. Circumstances Which Justify Variation from OMB Guidelines

None.

8. Consultation Outside the Agency

Opportunity for public comment for the complete revision to 10 CFR Part 52 was published in the *Federal Register* on March 13, 2006 (71 FR 12781). Several comments were received that affect information collections and are discussed below. The NRC closely coordinated this effort with the nuclear industry when the rule was promulgated in 1989. Since then, the NRC coordinated the design certification of four applications under Part 52 with the nuclear industry. The NRC has held public workshops on issues pertinent to this regulation. In addition, the NRC issued a paper on the combined license review process for public comment in May 1998. On September 27, 2001, the NRC staff added draft rule language for Part 52 to the NRC's rulemaking Web site. The NRC staff has considered comments on the draft rule language that were submitted in November 2001 by the General Electric Company, Entergy, Nuclear Energy Institute, Westinghouse Electric Company, and Exelon Generation Company. The NRC has also considered public comments on an earlier proposal to amend Part 52 (68 FR 40026; July 3, 2003). The staff added revised draft rule language for Part 52 to NRC's rulemaking Web site in August 2005. In addition, the staff consulted with outside stakeholders representing the nuclear industry in early 2005, for the 3-year renewal of the Part 52 clearance on the staff's burden estimate. The staff again consulted with nuclear industry representatives in January 2006 on the additional burden estimates associated with the version of this proposed rule which was sent to the Commission for approval and was a matter of public record. The nuclear industry representatives commented that the burden associated with Section 10 CFR 52.80 - Plant Specific PRA for "full scope, all modes" PRAs was too low, and felt that the estimates could have been low by a factor of 5 or more. The nuclear industry representative noted that it was very hard to estimate the burden associated with a full scope, all mode PRA, since one has never been done, and thought that the cost to maintain the Plant Specific PRA for the life of the plant would be substantial. The proposed revision to that section of the rule requiring submittal of full scope, all mode PRAs has since been removed based on Commission direction. During the public comment period, the NRC staff held two public workshops on the proposed Part 52 rule on March 14 and April 18, 2006. In addition, after the close of the public comment period and the NRC staff's resolution of public comments, the staff published draft final rule language on the NRC web page on September 27, 2006. The staff held public workshops on the draft final rule on October 25, 2006, and November 17, 2006, at

the request of external stakeholders.

The NRC received several comments affecting information collections during the public comment period on the Part 52 proposed rule. These comments and their resolutions are discussed below.

Part 19. **Comment 007-41:** Several commenters recommended deletion of 10 CFR 19.11(b)(2), which would require various applicants to post "The operating procedures applicable to the activities regulated by the NRC which are being conducted by the applicant or holder." The commenters pointed out that applicants and holders may have volumes of operating procedures and posting them all would be impractical.

The NRC did not agree that proposed 10 CFR 19.11(b)(2) should be deleted. Proposed 10 CFR 19.11(d) states that, if posting of a document is not practicable, the licensee or regulated entity may post a notice which describes the document and states where it may be examined.

Part 21. **Comments 007-3 and 007-5:** Some commenters opposed the proposed changes to Part 21, which would require applicants in general, and design certification applicants in particular, and holders of early site permits to report defects. These commenters argued that the NRC's regulatory interests would be met if reporting under Part 21 were limited to the referencing applicant/licensee, and that there should be no ongoing Part 21 reporting obligation imposed on the early site permit holder, original applicant for a standard design certification, or holder of a Part 52 regulatory approval. Under this proposal the referencing applicant and licensee would satisfy its obligation by an appropriate contractual provision between the referencing applicant/licensee and the entity "supplying" the referenced license or regulatory approval. Although this could be a viable alternative for some combined licenses, early site permits, and standard design approvals, the approach would not be effective in the following contexts. This approach would not result in reporting of defects to the NRC by the applicant of the early site permit or standard design certification, which violates the NRC's principle that the requirements should ensure that the NRC, its licensees, and license applicants receive information on defects at the time when the information would be most useful to the NRC in carrying out its regulatory responsibilities under the AEA, and to the licensee or applicant when engaging in activities regulated by the NRC. In addition, this approach would not result in reporting where there is no contractual relationship between the combined license applicant/licensee and the original applicant of the standard design certification. Because the approach suggested by these commenters does not satisfy the NRC's regulatory objectives, it was not adopted.

Commenters also objected to proposed provisions in Part 21 that would impose reporting obligations on ESP holders, holders of standard design approvals, and design certification applicant during the period from issuance of the NRC approval to the time of reference of the approval in a COL application. Commenters believed that such an extension of the reporting is inappropriate and inconsistent with prior NRC positions.

The Commission partially agreed with commenters on this issue and has decided that immediate reporting of subsequently-discovered defects is not necessary in certain circumstances. For those part 52 processes which do not authorize continuing activities required to be licensed under the Atomic Energy Act (AEA), but are intended solely to

provide early identification and resolution of issues in subsequent licensing or regulatory approvals, the reporting of defects or failures to comply associated with substantial safety hazards may be delayed until the time that the Part 52 process is first referenced. The Commission's view is based upon its determination that a defect with respect to Part 52 processes should not be regarded as a "substantial safety hazard," because the possibility of a substantial safety hazard becomes a tangible possibility necessitating NRC regulatory interest only when those Part 52 processes are referenced in an application for a license, early site permit, design approval, or design certification.

Part 50. **Comments 007-54:** Some commenters noted that proposed 10 CFR 50.36a would require a COL holder to submit an annual report of effluent releases during the construction period. The commenters recommended that the regulation be amended to require the annual reporting only after the 10 CFR 52.103(g) finding and commencement of operation of the plant. The commenters argued that this would make 10 CFR 50.36a consistent with the current Part 50 regulatory scheme, in which the annual reporting requirement is effective only after an operating license is issued.

The NRC agreed that additional changes were needed to 10 CFR 50.36a to indicate that a COL holder is not required to submit an annual report of effluent releases until after the Commission has made the finding under 10 CFR 52.103(g). The final rule contains a change to the reporting provision in 10 CFR 50.36a(a)(2) to address COL holders.

Comments 005-15 and 007-25: Some commenters objected to proposed changes to 10 CFR 50.46(a)(3) that would impose the reporting requirements of 10 CFR 50.46 on design certification and standard design approval applicants, during both the application process and following issuance of the design certification rule or standard design approval. The commenters argued that there is no reason for the NRC to be made aware of changes or errors unless and until a design certification or a standard design approval is referenced in a COL, operating license, or manufacturing license application. The basis for their position was, if the design certification or design approval is never referenced in a license application, no regulatory action is warranted to change or modify the standard design. The commenters argued that the proposed changes to 10 CFR 50.46(a)(3) would create an unnecessary burden on both the NRC and the industry, since a license applicant referencing a design certification will be required to identify any change to or error in an accepted evaluation model upon submittal of an application that references a design certification or design approval. Therefore, the necessary notification (and remedial action if warranted) will be taken at that time. Commenters stated that requiring the applicant for design certification or design approval to make a similar notification would be redundant and unnecessary.

The NRC agreed with the commenters statement that the NRC does not need to be aware of changes or errors unless and until a design approval or design certification is referenced. As a result, the rule language for § 50.46(a)(3) has been revised to state that the applicant or holder of a design approval or the applicant for a design certification does not need to report the change or error until the design approval or design certification has been referenced in a license application.

Comment 007-56: Some commenters objected to proposed which§ 50.49(d) would require a license applicant or holder to have an environmental qualification file for electrical equipment important to safety. Currently, such requirements are only

applicable to an applicant or holder of an operating license. Similarly, proposed §§52.47(a)(11), 52.137(a)(11), and 52.157(e)(6) would require applicants for design certification, design approval, and manufacturing licenses to include the information required by § 50.49(d). The commenters found that at the time of submission of the applications, and during construction or manufacturing under a COL or manufacturing license, the applicant/licensee may not have identified the specific electrical components to be installed in the plant, and therefore will not be able to establish qualification files for all applicable components. Commenters suggested that, to be consistent with the intent of the existing rule (which is not applicable during construction), the proposed rule should be modified to indicate that the requirement for qualification files applies only after the NRC has made the finding under 10 CFR 52.103(g). For the same reason, the commenters recommended that applicants for design certification, design approval, and manufacturing licenses should not be required to establish qualification files, since those applicants may not yet have identified the specific electrical equipment (i.e., make and model) to be installed in the plant.

The NRC agreed that applicants may not be able to establish qualification files, but stated that applicants can provide the electric equipment list required by 10 CFR 50.49(d). Therefore, the requirements in 10 CFR 52.47, 52.137, and 52.157 were revised to only require a list of the electric equipment that is important to safety.

Comment 007-57: Some commenters stated that the proposed rule would make 10 CFR 50.54 applicable to COLs. Currently, 10 CFR 50.54 applies only to plants in operation, and is not applicable to plants under construction. To be consistent with this regulatory intent, the provisions in 10 CFR 50.54(z)_which establish reporting requirements should not be applicable to COLs during construction. The commenters recommended that 10 CFR 50.54(z) should not be applicable to a COL prior to the time of the NRC's finding under 10 CFR 52.103(g) allowing operation.

The NRC agreed with the commenters that the provisions in 10 CFR 50.54(z) should not be applicable to COLs during construction and modified the requirements in the final rule accordingly.

Comment 007-97: Several commenters noted the NRC had stated that PRA scope and methods should be addressed in guidance, not in regulations (SRM on SECY-05-0203). Commenters supported the notion that PRA update frequency be addressed in guidance rather than regulations. Commenters indicated a frequency of once every two operating cycles would be reasonable and consistent with existing requirements in 10 CFR 50.69(e).

Additionally, commenters stated the plant-specific PRA used to support a COL application that references a design certification would essentially be the design certification PRA. Commenters expressed the belief that the plant-specific PRA would be updated to be consistent with the PRA scope and quality standards 6 months before the COL was issued as plant-specific design and as-built information was developed during construction. Commenters argued that this would allow (1) an updated plant-specific PRA that was representative of the as-built plant to be completed, and (2) an updated plant-specific PRA would be available prior to fuel load for NRC audit and to support plant operations. Commenters suggested that the update of the plant-specific PRA during construction was a matter suitable to guidance.

Commenters expressed confusion over the NRC proposal to require PRA updates to reflect safety analyses and evaluations performed by the licensee, and analyses of new safety issues performed by or on behalf of the licensee at the NRC's request. The commenters stated that new analyses and evaluations were often performed using design-basis assumptions that may not be appropriate for a PRA. Commenters suggested that only new analyses that impact the PRA warrant consideration, and requested guidance and examples be developed regarding the information that should be considered when updating the plant-specific PRA.

After considering the comments received, the NRC decided to require combined license holders to maintain and upgrade a PRA to meets endorsed standards over the lifetime of the facility. To implement this decision, new requirements are being placed in section 50.71(h) for COL holders to maintain and upgrade the PRA periodically throughout the plant life. These new requirements are a culmination of the Commission's interest in use of risk-informed processes as articulated in its 1995 Policy Statement ("Use of Probabilistic Risk Assessment Methods in Nuclear Activities: Final Policy Statement," *Federal Register*, Vol. 60 (60 FR 42622), August 16, 1995). The Commission has been engaged in an effort to improve PRA quality through support and endorsement of consensus standards on PRA methods.

Comment 007-59: Some commenters noted that given the other changes in the proposed rule, 10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," could now be construed as applying to a COL upon its issuance. Therefore, commenters suggested that the proposed rule should be modified to indicate that 10 CFR 50.72 applies to a COL only after the NRC makes its finding under 10 CFR 52.103(g) allowing operation.

The NRC agreed with the commenter and included changes to 10 CFR 50.72 in the final rule to indicate that it is applicable to COLs only after the NRC makes the finding under 10 CFR 52.103(g).

Comment 007-36: Some commenters noted that, under the proposed rule, the COL holder is required to submit a decommissioning funding report in its application, explaining how it will fund decommissioning. Commenters argued that the annual update during the construction period would serve no purpose and is unnecessary and unduly burdensome. Commenters also pointed out that such a reporting requirement is not imposed on construction permit holders and stated that the licensee should be allowed to adjust the funding certification at the time construction is complete and the plant is ready to begin operation. Therefore, commenters concluded that the annual update under 10 CFR 50.75(e)(3) should not be required prior to the date that the NRC makes the finding under 10 CFR 52.103(g).

The commenter is correct that a decommissioning reporting requirement is not imposed on construction permit holders. However, under the current rule, an operating license applicant must submit to the NRC a copy of the financial instrument obtained as part of the certification contained in the applicant's required decommissioning report. Also, the amount of decommissioning funding assurance to be provided must be adjusted annually by an operating license applicant. The result is that the NRC will have adequate time to evaluate the financial instrument, which must cover adjusted funding

amounts. The NRC believes that for combined licenses, a certain amount of time is also necessary prior to the time the plant is ready to begin operation to allow the NRC to confirm that any significant escalation in decommissioning costs is accounted for by the licensee, and to evaluate the financial instrument the applicant is planning to obtain to satisfy decommissioning funding assurance requirements, particularly non-routine financial instruments that could be used with unconventional funding assurance mechanisms. Therefore, the NRC concluded that updated annual certifications including a copy of the financial instrument to be used are necessary beginning two years prior to the scheduled date for fuel load. Accordingly, in the final amendment to 10 CFR 50.75, the NRC has eliminated the need for an annual update to the required decommissioning report during the entire time prior to the making of the finding under 10 CFR 52.103(g), and instead required only updates two years and one year before the scheduled date for fuel load. The final amendment also clarified that a copy of the financial instrument to be obtained, i.e., unexecuted, will be required to be part of the certification contained in the updates of the decommissioning reports to be submitted. The final rule retains the requirement in the proposed rule that an updated decommissioning report, containing a certification that financial assurance for decommissioning is being provided in an amount specified in the licensee's most recent updated certification and containing as part of the certification a copy of the financial instrument obtained, must be submitted no later than 30 days after the Commission publishes notice in the *Federal Register* under 10 CFR 52.103(a).

Part 51. **Comments 005-6, 007-40, and 012-2:** Several commenters believed that the requirements for an evaluation of SAMDAs in proposed 10 CFR 51.54 and 51.55 should be deleted. Instead, commenters suggested that the NRC initiate a rulemaking to generically determine that severe accidents in new nuclear plants are "remote and speculative" and that SAMDA evaluations are not required for new nuclear plants.

The NRC disagreed with this comment. The NRC has required SAMDA evaluations for previous applications for design certification in order to achieve greater finality for the design features that are resolved in design certification rulemakings. Further, the initiation of a rulemaking or policy statement for SAMDAs is outside the scope of the Part 52 update rulemaking. As for the perspective that SAMDA evaluations need not be performed for new nuclear plants because the severe accident risk for such designs is too remote and speculative. The NRC has already addressed this issue in other contexts. The NRC has considered petitions to eliminate the consideration of SAMDAs previously. The NRC position, both then and now is that it is not prepared to reach the conclusion that the risks of all severe accidents are so unlikely as to warrant their elimination from consideration in our reviews.

Comment 005-7: Some commenters suggested that the requirement in 10 CFR 51.55 for an applicant for an amendment to a DC to file a supplemental environmental report (ER) addressing changes in the outcome to a SAMDA assessment was far beyond the requirements that must be met for a licensee who wants to make changes to a plant licensed under 10 CFR Part 50. These commenters stated that it would be preferable for this provision to be dropped altogether, but as a minimum, such an assessment should only be required if the requested changes would cause a significant increase in risk.

The NRC did not agree that the proposed provision in 10 CFR 51.55 should be deleted

or modified to limit the need to prepare an environmental assessment (EA) only if the requested changes would cause a significant increase in risk. An amendment to a design certification is a new rulemaking and, therefore, is a Federal activity or action under the NEPA. In implementing this provision of the rule, the Commission is limiting the environmental inquiry for a design certification rulemaking to an EA because the design certification rulemaking would not have a significant impact on the environment, and, furthermore, that the EA would be focused in scope to the consideration of SAMDAs. As stated in 10 CFR 51.55, an applicant for a proposed amendment to a design certification must submit an environmental report that addresses SAMDAs. If the proposed amendment does not make changes to any portion of the design and the bases for the previous SAMDA analyses did not change, then the EA associated with the amendment to the design, which is a new design certification rule, can rely upon the earlier analyses (using tiering and incorporation-by-reference principles) and the staff will disclose that in its EA.

Part 52. **Comment 007-20:** Several commenters noted that proposed 10 CFR 52.17(a)(1)(x) would require ESP applicants to address impacts on operating units of constructing new units on existing sites. The commenters stated that this provision in the proposed rule is contrary to the industry-NRC understanding on this matter, as documented in correspondence in 2003 regarding ESP Topic ESP-19. The commenters believed that the requirement proposed in § 52.17(a)(1)(x) is both unnecessary and potentially impossible for an ESP applicant to implement, and suggested that therefore, this provision should be deleted. The commenters stated that, consistent with the resolution of ESP-19, the COL applicant (and not the ESP applicant) should have the obligation to identify the impacts of construction on existing operating plants.

The NRC agreed that proposed 10 CFR 52.17(a)(1)(x) was contrary to the industry-NRC understanding on this matter, as documented in correspondence in 2003 regarding ESP Topic ESP-19 (see NEI Letter dated May 14, 2003 (ML031920246), and NRC Letter dated August 11, 2003 (ML031490478)) and that the COL applicant is in the best position to provide such information, since it will have final information regarding the design and construction plans. The NRC is considering whether to include a condition in early site permits that would require the permit holder to notify the operating plant licensee prior to conducting any activities authorized under § 52.25. These controls should be sufficient to evaluate construction activities at a site with an existing operating unit and the NRC has deleted this provision from subpart A in the final rule.

Comment 012-8: A commenter noted that proposed 52.17(c) would require the proposed preconstruction activities to be identified and described in the site safety analysis report (SSAR). The commenter stated that, alternately, 10 CFR 50.10(e)(1) allows these activities to be authorized if the staff has completed its EIS and if the Licensing Board has made its NEPA and site suitability findings. The commenter stated that there is no requirement for an NRC safety review in 50.10(e)(1), and therefore there is no basis for the current proposal to require preconstruction activities to be discussed in the SSAR.

After consideration of the public comments on limited work authorizations (LWAs), the Commission has proposed to substantially revise provisions on LWAs, as described in a supplementary proposed rule published on October 17, 2006 (71 FR 61330). The commenters' concerns have been largely addressed by these proposed revisions.

Comment 007-23: Several commenters noted that proposed 10 CFR 52.47(a)(24) and 52.137(a)(24) would specify that applications for a design certification or standard design approval must describe the design features needed to satisfy Part 73 regarding security. The commenters recommended that the Commission remove these proposed paragraphs from the current rulemaking and include appropriate provisions in a separate rulemaking specific to security design expectations. The commenters stated that the proposed requirement is too broad and cannot be implemented as written. The commenters noted that many of the security design features required by Part 73 are outside the scope of the standard design and cannot be satisfied by a design certification applicant or an applicant for design approval.

The NRC agreed with the comments. The provisions in the paragraphs mentioned have been deleted.

Comment 007-42: Several commenters noted that proposed 10 CFR 52.99(c) would require the COL holder to notify the NRC within 10 days of successful ITAAC completion for ITAAC completed within the last 180 days before fuel load. The commenters stated that this requirement is unnecessary and recommended that it should be deleted. The commenters noted that the licensee will be highly motivated to notify the NRC of successful ITAAC completion as quickly as possible so as to trigger the NRC's ITAAC verification process. The commenters stated that processes for expediting ITAAC verification during the critical last 6 months before fuel load should be considered in an integrated and comprehensive way outside the rulemaking context

The NRC agreed, in part, with this comment. The NRC has decided that it does not need to specify a time period for the licensee to notify the NRC of the successful completion of ITAAC and the proposed requirement for a 10-day notification was deleted from § 52.99(c).

Comment 007-34: Several commenters noted that proposed 10 CFR 52.137(a)(22) would require that an applicant for a standard design approval include design information on coping with emergencies. The commenters recommend that the NRC delete proposed § 52.137(a)(22). The commenters asserted that this requirement, taken literally, cannot be satisfied. The commenters stated that the standard design approval applicant will not be responsible for certain emergency planning design features, including the Emergency Operations Facility and other offsite emergency design features (such as sirens). The commenters noted that such design features will be the responsibility of the COL applicant.

The NRC disagreed with this comment. The requirement to address design features that affect plans for coping with emergencies in the operation of the reactor facility is not a new requirement. This requirement has existed in the former Appendix O to Part 52 (see the last sentence of item #3) for decades and has been adequately addressed in previous final design approval applications. The proposed rule did not discuss this requirement because it was in the former rule. Furthermore, the commenters are misinterpreting this requirement. It does not apply to offsite emergency design features, i.e., sirens.

Comment 007-1: Several commenters stated that the proposed rule does not justify the

requirements listed in proposed 52.47(b)(1), 52.80(a), 52.137(b)(1), and 52.158(a), which would require applicants to submit a probabilistic risk assessment (PRA) as part of their applications. The commenters suggested that applicants should not be required to submit their complete design-specific or plant-specific PRA. Instead applicants should only be required to provide a summary description of results, insights, and methodologies of their PRA in their final safety analysis report (FSAR). The complete PRA (e.g., codes) would be available for NRC inspection at the applicant's offices.

The NRC agreed that applicants should not be required to submit their complete design-specific or plant-specific PRA and that, instead, applicants should only be required to provide a summary description of the PRA and its results (PRA information) in their FSAR with the understanding that the complete PRA would be available for NRC inspection at the applicant's offices. The NRC has modified the final rule in several places to reflect this understanding, namely in 10 CFR 52.47, 52.79, 52.80, 52.137, 52.157, and 52.158.

Comment 005-10: One commenter pointed out that in several places in Part 52 an applicant is required to provide "information necessary to demonstrate technical resolutions of those unresolved safety issues and medium- and high- priority generic safety issues." This evaluation has been interpreted to include medium/high priority generic safety issues (GSIs), regardless of whether they have been resolved or not. The requirement to address "resolved" GSIs imposes a burden on an applicant with no associated benefit. Since new plant designs must comply with applicable regulatory requirements, they will, by definition, comply with the bases for resolution of previous GSIs. The commenter suggested that this requirement should be changed to cover only unresolved GSIs that are applicable to the design.

The NRC did not agree with this comment. The resolution of GSIs was determined based on current operating plants and those resolutions may not apply to future plants with new and different design features. The future applicants need to address how their plant design resolves each of the medium and high priority GSIs.

Comment 007-12 and 005-11: Several commenters noted that proposed 10 CFR 52.47(a)(19), 52.79(a)(37), 52.137(a)(19), and 52.157(p) would impose new requirements for applicants for a design certification, COL, manufacturing license, or standard design approval to address generic letters and bulletins issued up to six months before the docket date of the application, and comparable international operating experience. The commenters recommended that the NRC delete these proposed provisions because they are unnecessary and unduly burdensome. The commenters noted that the NRC's regulations already require an applicant to address the Standard Review Plan (SRP) in effect six months prior to submission of the application. The NRC is currently engaged in an extensive effort to revise and update the SRP, and the commenters understand and expect that update will include lessons learned from operating experience to the extent appropriate. Furthermore, the commenters stated that 10 CFR 52.47 already requires design certification applicants to address unresolved safety issues and high and medium priority generic safety issues in NUREG-0933, and proposed 10 CFR 52.79(a)(20) would require COL applicants to do the same. In sum, the commenters stated that the intent of the proposed new requirements to ensure consideration of operating experience, as appropriate, is already achieved by other proposed and existing NRC requirements

The NRC agreed in part with this comment. The NRC's requirement to address operating experience insights is not new. This requirement was developed for future plants (see SRM on SECY-90-377 dated February 15, 1991) and it has been implemented in past design certification reviews by addressing NRC's generic letters and bulletins. This past experience provides the necessary guidance for future applicants. However, the NRC agrees that insights from generic letters and bulletins should be incorporated into the latest revision of the standard review plan and has revised the guidance for this provision to indicate that applicants need only address operating experience insights from generic letters and bulletins issued after the most recent revision of the applicable standard review plan. Finally, regarding the requirement to address comparable international operating experience, the NRC understands that some future applications may be for designs that are not based on or are not evolutions of plants that are operating in the United States. The NRC's generic letters and bulletins may not provide operational insights for those non-U.S. designs. Therefore, the NRC expects those applications to address how insights from any relevant international operating experience have been incorporated into their plant design.

LWA Rule

LWA Supplement to the Proposed Rule

NRC published a supplemental proposed rule on October 17, 2006 (71 FR 61330) to the comprehensive rewrite of 10 CFR Part 52 proposed rule (published on March 13, 2006 [71 FR 12782]). The NRC proposed to supplement that proposed rule by amending the regulations applicable to limited work authorizations (LWA), which allow limited construction activities on nuclear power plants to commence before a construction permit or combined license is issued. This supplemental proposed rule would modify the scope of activities that are considered construction requiring a LWA and would also make changes to the review and approval process for LWA requests to enhance the efficiency of NRC's licensing and approval process for new nuclear reactors. Several comments were received that affect information collections and are discussed below.

Comment LWA-01: Section 51.49(a)(2) should be revised to delete the requirement for an LWA applicant to state the need for an LWA. (Progress Energy 5)

NRC Response: The NRC disagrees with the commenter's proposal. An EIS should state the purpose and need for a proposed action (see 10 CFR Part 51, appendix A, paragraph 4; 40 CFR 1502.13). Inasmuch as the NRC is acting on a private entity's request in a licensing action, the purpose and need should be, in the first instance, determined by the applicant and be adopted by the NRC. No change was made to the final rule as a result of this comment.

Comment LWA-02: The supplemental proposed rule does not appear to allow an applicant to use both a phased LWA process and the hearing process for early partial decision on site suitability issues, thereby allowing an applicant who wishes to apply for an LWA to also submit the environmental information under § 2.101(a)(5) and proceed with an accelerated hearing on the full scope of environmental matters. The Commission should adopt changes in § 50.10(c)(2) and 2.101(a)(5) to allow an applicant

to use both processes simultaneously. (NEI 5; Unistar 1)

NRC Response: The NRC believes that the commenters misunderstand the provisions of the supplemental proposed rule, inasmuch as it was - and continues to be - the NRC's intent that:

- Applicants may submit a two-part (phased) application for an LWA in advance of the application for the underlying combined license or construction permit, see § 2.101(a)(9).
- The environmental information submitted in the LWA portion of the application may either be limited to the LWA activities requested, or the full scope of construction and operation impacts, see § 51.49(b) and (f)).
- An LWA applicant may seek an early decision on siting and environmental matters. If the LWA is submitted in advance of the underlying construction permit or combined license application, the procedures in 10 CFR Part 2, subpart F, §§ 2.641 through 2.649 apply. If the LWA is submitted as part of (or after) the construction permit or combined license application, then the procedures in subpart F, §§ 2.601-2.629 would apply inasmuch as this is the ordinary procedure for obtaining an early decision on siting and environmental matters under the existing provisions of subpart F.

The NRC does not believe the specific language changes to the proposed rule described by the commenters are necessary to accomplish these three objectives. Accordingly, the NRC declines to adopt the changes proposed by the commenters, and no change from the supplemental proposed LWA rule was made in response to this comment.

Comment LWA-03: Proposed § 50.10(c)(3)(i) requires the LWA application to: (i) describe the design and construction information otherwise required to be submitted for a combined license, but limited to the portions of the facility that are within the scope of the limited work authorization; and (ii) demonstrate compliance with "technically relevant Commission requirements in 10 CFR Chapter I" applicable to the design of those portions of the facility within the scope of the limited work authorization, is unduly vague. If specific technical requirements are deemed applicable, they should be justified and identified in the rule. (Dominion 3)

NRC Response: The NRC disagrees with the commenter that the language of § 50.10(c)(3)(i) (§ 50.10(d)(3)(i) in the final LWA rule) is unnecessarily vague, or that it would be practical for the rule language to specify the technical requirements which are deemed applicable. The technical requirements that are applicable will depend upon the scope and nature of LWA activities requested. Furthermore, this regulatory requirement is modeled on the provisions of former § 50.10(e)(2), (e)(3)(i) and (e)(3)(ii), for which the NRC and the nuclear power industry has had decades of experience. The commenter did not present either alternative language that would address its concern with vagueness, or otherwise present of list of NRC technical requirements that should be specified as applicable. The original commenter whose submission led to this rulemaking did not identify this aspect of the former rule as presenting a problem which should be addressed as part of the reformulated rule. To modify the rule language to include a list of technically relevant requirements would likely require renoticing of this aspect of the rule for public comment, which would delay issuance of the rule with little benefit, given the 30+ years of experience in implementing analogous rule language in the former versions of § 50.10. Accordingly, the NRC declines to adopt the commenter's proposal, and no change from the supplemental proposed LWA rule was made in

response to this comment.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The collection of information required by the regulation comports with the guidelines set out in 5 CFR 1320.5 with the exception of requiring respondents to submit proprietary information to the extent necessary for a complete application under Part 52 (see 5 CFR 1320.5(d)(2)(viii)). This requirement is necessary to satisfy statutory requirements that the Commission must be able to investigate and analyze the prospective operation of the plant in question as well as follow any paper trail through the siting and construction process (see Section 182 of the Atomic Energy Act). The Commission's regulations and case law provide adequate protection for an applicant's proprietary information.

11. Justification for Sensitive Questions

No sensitive questions are asked in 10 CFR Part 52.

12. Estimate of Industry Burden and Burden Hour Cost

Part 52 Amendments

The total annual burden for the reporting and recordkeeping requirements in Part 52 is 462,372 hours (461,705 reporting, 667 recordkeeping), as reflected below (see Tables 1 and 2.)

Part 50 Amendments

This rulemaking adds one new reporting requirement to Part 50 and transfers some reporting requirements from Part 50 to Part 52. The reduction to the burden in Part 50 is estimated to be 172,333 hours. The burden reduction is being captured in Part 50's information collection renewal package (OMB Clearance Number 3150-0011), which is currently awaiting approval by OMB. This rulemaking also adds new provisions with recordkeeping burden to Part 50, and minimal recordkeeping burden is expected to be incurred under the new provisions during this clearance period.

Part 21 Amendments

Part 21 describes the reporting and recordkeeping requirements for licensee noncompliance. Prior to this rulemaking, the total burden to respondents for reporting and recordkeeping in accordance with 10 CFR Part 21 was estimated to be 7,790 hours. This estimate included 5,112 hours for reporting and 2,678 hours for recordkeeping. This rulemaking is expected to increase these burden estimates by 284 hours for reporting and 149 hours for recordkeeping. Details of the increases in reporting and recordkeeping requirements are described under

"Reasons for Change in Burden."

Part 25 Amendment

Section 25.35 expands the scope of the requirement to provide advance notification and approval of classified visits to applicants for design certifications and standard design approvals. No requests for classified visits are expected during the three year clearance period. However, NRC estimates the burden to respond to send a request to be no more than .25 hours per response, the same estimate as used in the clearance for Part 25 (OMB Clearance Number 3150-0046.)

Part 51 Amendment

10 CFR Part 51 contains environmental protection regulations applicable to NRC's domestic licensing and related regulatory functions. This amendment adds a new section, 10 CFR 51.55, requiring design certification applicants and applicants for amendments to design certifications to submit an environmental report. Prior to this rulemaking, the burden for design certification applicants to submit an environmental report was captured under 10 CFR 51.50 and estimated to be 600 hours per response. The requirement for applicants for an amendment to a design certification to submit an environmental report is a new requirement that was not captured under previous burden estimates and is estimated at 300 hours per response. Previously, the total annual burden to respondents for reporting in accordance with 10 CFR Part 51 was estimated to be 113,596 hours. This rulemaking is expected to increase this burden estimate by 100 hours annually. Details of the increases in reporting requirements are described under "Reasons for Change in Burden."

Part 54 Amendment

10 CFR Part 54 establishes the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, the application procedures, and recordkeeping requirements. No requests for a renewed COL are expected during the three year clearance period because a renewed COL may not be applied for until 20 years after the COL is granted. However, NRC estimates the recordkeeping burden to in 54.37(a) to be 1,000 hours each, the same estimate as used in the clearance for Part 54 (OMB Clearance Number 3150-0155.)

LWA Amendments

The total annual burden for the reporting requirements related to the LWA amendments affect 10 CFR Part 50. All of the burden for the other new sections is captured elsewhere. See Table 5 for a complete description of the burden associated with the LWA amendments.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

This is a complete revision of 10 CFR Part 52. The burden has increased by 3,424 hours from 35,000 to 38,424 since the last time this collection package was approved by the OMB. The NRC estimates that the NRC staff will spend approximately 35,989 hours annually over the next 3 years to review the 24 expected submissions (8 submissions annually) associated with the requirements of the revised Part 52 rule. The cost to the NRC for reviewing these submissions will be $7,866,670, which is NRC's cost per hour for reactors ($205) times the number of hours (38,374). These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Part 170 and/or 171.

This new estimate is based on: (1) staff experience with the 4 evolutionary standard designs certified by the NRC under Subpart B of Part 52 and 3 ESP applications under Subpart A of Part 52; and (2) current planning and budgeting estimates for reviewing COL applications. This estimate is only for costs for review of Part 52 requirements and does not include estimates for reviews covered under other regulations, including 10 CFR Parts 20, 50, 51, 73, and 100. Other requirements to report to the NRC include the Part 21 requirements for reporting defects and noncompliances. These reports are expected to be short and the need for the NRC to review and evaluate them is expected to be very infrequent.

The additions to 10 CFR Part 51 requiring applicants for design certifications to design certifications to submit an environmental report are not expected to increase the NRC's review burden. This requirement in the final rule is in conformance with the Commission direction in a staff requirements memorandum (SRM) on SECY-91-229, dated October 25, 1991, where the Commission approved the staff's recommendation to address SAMDAs for certified designs. Based on this Commission guidance, the NRC has required SAMDA evaluations for previous applications for design certification in order to achieve greater finality for the design features that are resolved in design certification rulemakings. Regarding the new requirement for applicants for amendments to design certifications to submit an environmental report, the NRC's burden to review such an environmental report is estimated to be 300 hours per report. One application for an amendment to a design certification is expected in the next three years. Therefore, the increased annual burden to the NRC for this new requirement is 100 hours.

15. Reasons for Change in Burden

This is a complete revision of 10 CFR Part 52. The estimated annual burden for Part 52 will increase by 277,152 hours from 185,220 hours to 462,372 hours.

The estimated annual burden for 10 CFR Part 21 will increase by 433 hours, from 7,790 hours to 8,223 hours.

The estimated burden for 10 CFR Part 51 will increase by 100 hours.

(The estimated burden for 10 CFR Part 50 will decrease by 172,333 hours, from 5,317,017 to 5,144,684. This change in burden is being captured in the existing information collection renewal for 10 CFR Part 50 - OMB Clearance Number 3150-0011, which is currently awaiting OMB approval.)

The burden which would be imposed upon the approval of the LWA amendments (10 CFR Parts 2, 50, 51, and 52; RIN 3150-AI05; Limited Work Authorizations for Nuclear Power Plants; Final Rule) are discussed at the end of this section.

The changes to 10 CFR Part 52, and corresponding changes to 10 CFR Parts 21, 50, and 51 are as follows:

Part 52 Amendments - 277,152 hour - Increase

The estimated annual burden for 10 CFR Part 52 is projected to increase by 277,152 hours for the following reasons:

- Increase to Part 52 Based on Current Burden Estimates
  - 52.7, Exemptions (1 response) **360 hours**

  (*Expectation of at least one new exemption request per year from licensees*)

  - Subpart A
    52.17 & 52.39, Early Site Permits **3,391 hours**
    (Respondents/hours decreased in § 52.29 by 0.333 and -632 hours. Remainder of Subpart A added 0.333 respondents x 12,080 hours = 4,023 hours. 4,023 - 632 = 3,391 burden hour difference)

  (*This change resulted from transfer of burden [100 hours] from Part 50, a decrease of number of ESP requests, and an increase in the number of reports to be filed due to change in COL requirement*)

  - Subpart B **34,658 hours**
    52.47, Standard Design Certifications 39,990 hours
    (Number of total responses decreased from 5 to 4 but average burden per response increased from 24,995 to 42,000 hours. Also, recordkeeping burden for 1.333 recordkeepers increased by 667 hours/recordkeeper)

  - 52.51, Administrative review of applications -5,332 hours
    (This burden is already captured under section 52.47(a))

  (These changes are a result of transfer of burden from Part 50, a re-estimation of the number of reporting and recordkeeping which will be completed during this term, and a change in the PRA requirement. Also, the burden for § 52.51 is included in § 52.47(a))

  - Subpart C
    52.79 & 52.80, Combined Operating Licenses **236,118 hours**

Explanation of Subpart C Burden (236,118 hours)
* Applications referencing Early Site Permits only -43,956 hours

(Reduction in no. of annual responses from 0.666 to 0
and failure to count burden for ITAAC under former 52.79(c))

* Applications Referencing Design Certifications and Early Site Permits 42,077 hours

(Increase in number of annual responses from 0.666 to 1.333 and increase in burden per response from 10,000 to 36,560 hours, partially due to movement of burden from Part 50)

* Applications ref. only Design Certifications 232,297 hours

(Increase in number of annual responses from 0 to 5)

*Addition of new 52.80(c) 5,700 hours

- Appendices
  Appendices A, B, & C, Design Certifications **508 hours**
  (Increase in annual responses from 0 to 1)

  Appendix D, AP1000 Design Certification **1,316 hours**

  (Estimate of 1 respondent for Appendix A and the addition of the new Appendix D with 2.667 annual responses @ 508 hours per response)

  Appendices N & Q **134 hours**
  (No burden estimated previously for these appendices)

Part 21 Amendment - 433 hours, Increase

- *21.21(d)(1), requirements expanded to included applicants for Early Site Permits, Design Certifications, or Design Approvals to report defects and noncompliances associated with significant safety hazards*
  - Initial notifications 280 hours
    (2 initial notifications @140 burden hours per response)
  - Follow up reports 4 hours
    2 follow up reports @ 2 burden hours per response)
  - Recordkeeping 149 hours
    (2 recordkeepers @ 74.5 hours each)

Part 51 Amendment - 100 hours, Increase

Estimated annual burden increase for the new provisions in 10 CFR 51.51(b) requiring an applicant for an amendment to a design certification to submit an environmental report is 100 hours (300 hours per response x 0.333 respondents annually). Also note that the burden for the requirement for design certification applicants to submit an environmental report was previously captured under 10 CFR 51.50 but is now captured under 10 CFR 51.55(a).

Part 50 Amendments - 172,333 hours, Reduction

94,421 burden hours are being transferred from 10 CFR Part 50 to 10 CFR Part 52, and are included in the total burden changes for 10 CFR Part 52 Subparts A, B, and C. 79,246 burden hours are being eliminated for 10 CFR Part 50, and 1,334 hours have been added to 10 CFR 50.71(e)(3)(iii).

- **Burden removed from Part 50 - 173,667 hour reduction**
  - 50.34, Early Site Permits - 333 hours
    (1 ESP application @ 333 hours per response)
  - 50.34a, Standard Design Certifications - 130,000 hours
    (3 SDC applications @ 43,334 hours per response)
  - Appendices B & E, Combined Operating License - 43,334 hours
    (1 COL application @ 43,334 hours per response)

- Burden Transferred from Part 50 to Part 52 - 94,421 hour reduction
  - 52.17, Early Site Permits (Subpart A) - 100 hours
    (0.333 responses @ 300 hours per response)
  - 52.47, Std Design Certifications (Subparts B & C) - 55,321 hours
    (1.333 responses @ 41,500 hours per response)
  - 52.79, Combined Operating Licenses (Subpart C) - 39,000 hours
    (1 response @ 39,000 hours per response)

- Burden eliminated from Part 50 - 79,246 hour reduction
  - Elimination of Hours - 79,249 hours

- Burden added to 50.71(e)(3)(iii) - 1,334 hours addition
  - Hours added to 50.71(e)(3)(iii) + 1,334 hours

  (94,421 burden hours will be transferred to Part 52 , 79,246 burden hours will be eliminated, and 1,334 hours will be added to Part 50.)

Part 25 Amendment - No Burden Change
Estimated burden in section 25.35(a), classified visits, is .25 hours per response. No increase in the number of respondents is expected as a result of the rule change during the next 3 years.

Part 54 Amendment - No Burden Change
Estimated burden in 10 CFR 54.37(a) is 1,000 hours per recordkeeper. No increase in the number of renewed operating licensee respondents is expected as a result of the rule change during the next three years.

LWA Amendments - No Burden Change.
Movement of Limited Work Authorization (LWA) burden (6,333 hours) in § 52.17(c) and § 52.80(c) from 10 CFR Part 52 to 10 CFR Part 50. The LWA rule affects the following sections:

- 50.10(d)(3): Requirements for the safety analysis report and environmental report are covered under other sections. Requirements for the redress plan are 6,333 hours (See Table 5).
- 51.45(c): General requirements of LWA applicant's Environmental Reports (ER)

are covered under specific ER requirements (e.g., 51.50).

- 51.49(a): Burden is covered under 10 CFR 51.50(a), (b), or (c).
- 51.49(b): Burden is covered under 10 CFR 51.50(a) or 51.50(c).
- 51.49(c): Burden is covered under 10 CFR 51.50(b)
- 51.49(d): Burden is covered under 10 CFR 51.50(c).
- 51.49(e): Burden is covered under 10 CFR 51.49(a), (b), (c), or (d).
- 51.49(f): Burden is covered under 10 CFR 51.49(a), (b), (c), or (d).
- 52.17(c): Burden is covered under 10 CFR 50.10(d)(3).
- 52.27: Burden is covered under 10 CFR 50.10(d)(3).
- 52.80(b): Burden is covered under 10 CFR 51.50.
- 52.80(c): Burden is covered under 10 CFR 50.10(d)(3).

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this information collection.

General Provisions					
52.7 (Respondent is same as in Subpart C below. Only one exemption is expected to be requested annually)	1	1	1	360	360
Subtotal: General Provisions	**1**		**1**		**360**
Subpart A: Early Site Permits NRC expects 1 ESP Application in the next 3 years (1/3 = 0.333 responses/year)					
52.15(b) - Burden covered under 10 CFR 50.30(a), (b), and (f), approved by OMB under Clearance No. 3150-0011					
52.16- Burden covered under 10 CFR 50.33(a) - (d) and 50.33(j),					

approved by OMB under Clearance No. 3150-0011					
52.17(a)(1)	0.333	1	0.333	9900	
52.17(a)(2) - Burden covered under 10 CFR 51.50, approved by OMB under Clearance No. 3150-0021					
52.17(b)(1)	0.333	1	0.333	20	
52.17(b)(2)(i) and 52.17(b)(3) w/o ITAAC	0	0	0	1,000	
52.17(b)(2)(i) and 52.17(b)(3) w/ITAAC	0	0	0	2,667	
52.17(b)(2)(ii) and 52.17(b)(3)	0.333	1	0.333	2,000	
52.17(b)(4)	0.333	1	0.333	40	
52.17(c)	0.333	1	0.333	1,900	
52.29(a)	0	0	0	6,000	
52.35	0	0	0	40	
52.39(b) - Burden covered under § 52.79(b)					
52.39(d)	0.333	1	0.333	120	
52.39(e) - burden covered under 10 CFR 50.90, approved by OMB under Clearance no. 3150-0011					
Subtotal: Subpart A	**0.333**		**2.00**		
Subpart B: Standard Design Certifications NRC expects 4 design certification applications over the next 3 years (4/3 = 1.333 responses/year)					
52.45 - Burden covered under §§ 52.46 & 52.47					
52.46 - Burden covered under 10 CFR 50.33(a)-(c)and 50.33(j), approved by OMB under Clearance No. 3150-0011					
52.47(a), except (a)(6) &(a)(27)	1.333	1	1.333	42,000	
52.47(a)(6) - Burden covered under 10 CFR 20.1406, approved by OMB under Clearance no. 3150-0014					
52.47(a)(27)	1.333	1	1.333	54,000	
52.47(b)(1)	1.333	1	1.333	30,000	
52.47(b)(2) - Burden covered under 10 CFR 51.55, approved by OMB under Clearance No. 3150-0021					
52.47(c)(1) - Burden covered under §§ 52.47(a) & 52.47(b)					
52.47(c)(2) - Burden covered under §§ 52.47(a) & 52.47(b)					

52.47(c)(3)	0	0	0	150	
52.51 - Burden covered under § 52.47(a)					
52.57(a)	0	0	0	10,000	
52.63(b)(1) - Burden covered under §52.7					
Subtotal: Subpart B	**1.333**		**4.00**		**1**
Subpart C: Combined Licenses NRC expects 19 COL applications in the next 3 years (19/3 = 6.333 responses/year), 19 referencing design certifications (6.333 responses/year) and 4 referencing ESPs (1.333 respons					
52.75 - Burden covered under 10 CFR 50.30, approved by OMB under Clearance No. 3150-0011					
52.77 - Burden covered under 10 CFR 50.33, approved by OMB under Clearance No. 3150-0011					
52.79(a), except (a)(45) & (a)(46) COL that doesn't reference any other Part 52 product	0	0	0	58,420	
52.79(a)(45) - Burden coverend under 10 CFR 20.1406, approved by OMB under Clearance No. 3150-0014					
52.79(a)(46)	0	0	0	54,000	
52.79(b) COL that references an ESP	0	0	0	102,368	
52.79(c) COL that references a design approval	0	0	0	46,460	
52.79(d) COL that references a design certification	5	1	5	36,460	1
52.79(e) COL that references use of a manufactured reactor	0	0	0	36,460	
52.79(b) & (d) COL that references both an ESP and a design certification	1.333	1	1.333	26,560	
52.80(a) 40,000 hours for applications which do not reference a design certification	0	0	0	40,000	
10,000 hours for applications that do reference a certified design	6.333	1	6.333	10,000	
52.80(b) - Burden covered under 10 CFR 51.50, approved by OMB under Clearance No. 3150-0021					
52.80(c)	3	1	3	1,900	
52.93(a) - Burden covered under § 52.7					
52.93(b) -Burden covered under § 52.39					
52.93(c) -Burden covered under § 52.171					
52.99(a)	0	0	0	20	

52.99(c)(1)	0	0	0	40	
52.99(c)(2)	0	0	0	2000	
52.99(d)(1) & 52.99(d)(2) - Burden covered under §§ 52.39 (variances) & 52.7 (exemptions)					
52.103(a)	0	0	0	10	
52.110(a)	0	0	0	20	
52.110(d)	0	0	0	3,000	
52.110(g)	0	0	0	20	
52.110(h)(3)	0	0	0	20	
52.110(h)(4)	0	0	0	20	
Subtotal: Subpart C	**6.333**		**16.00**		**2**
Subpart D: Reserved					
Subpart E: Standard Design Approvals NRC expects no design approval applications over the next 3 years					
52.135 - Burden covered under 10 CFR 50.30, approved by OMB under Clearance No. 3150-0011					
52.136 - Burden covered under 10 CFR 50.33(a)-(d) and 50.33(j), approved by OMB under Clearance No. 3150-0011					
52.137(a), except (a)(6) & (a)(25)	0	0	0	42,000	
52.137(a)(6) - Burden covered under 10 CFR 20.1406, approved by OMB under Clearance No. 3150-14					
52.137(a)(25)	0	0	0	54,000	
Subtotal: Subpart E	**0**		**0**		
Subpart F: Manufacturing Licenses NRC expects no manufacturing license applications over the next 3 years					
52.155 - Burden covered under 10 CFR 50.30, approved by OMB under Clearance No. 3150-0011					
52.156 - Burden covered under 10 CFR 50.33(a)-(d) and 50.33(j), approved by OMB under Clearance No. 3150-0011					
52.157, except 52.157(f)(9) & (f)(31)	0	0	0	50,000	
52.157(f)(9) - Burden covered under 10 CFR 20.1406, approved by OMB under Clearance No. 3150-0014					

52.157(f)(31)	0	0	0	54,000	
52.158(a)	0	0	0	30,000	
52.158(b) - Burden covered under 10 CFR 51.54, approved by OMB under Clearance No. 3150-0021					
52.171(b) - Burden covered under 10 CFR 50.90 & 50.91, approved by OMB under Clearance No. 3150-0011					
52.177	0	0	0	10,000	
Subtotal: Subpart F	**0**		**0**		
Appendix A: ABWR Design Certification Rule NRC expects 3 applicants to reference the ABWR Design Certification Rule over the next 3 years					
IX.A.2 - Burden covered under 10 CFR 52.99					
X.B.1	1	1	1	8	
X.B.2	1	1	1	500	
X.B.3.c - Burden covered under X.B.1 & X.B.2					
Appendix B: System 80+ Design Certification Rule NRC expects no applicant to reference the 80+ Design Certification Rule over the next 3 years					
IX.A.2 - Burden covered under 10 CFR 52.99					
X.B.1	0	0	0	8	
X.B.2	0	0	0	500	
X.B.3.c - Burden covered under X.B.1 & X.B.2					
Appendix C: AP600 Design Certification Rule NRC expects no applicant to reference the AP600 Design Certification Rule over the next 3 years					
IX.A.2 - Burden covered under 10 CFR 52.99					
X.B.1	0	0	0	8	
X.B.2	0	0	0	500	
X.B.3.c - Burden covered under X.B.1 & X.B.2					
Appendix D: AP1000 Design Certification Rule NRC expects 8 applicants to reference the AP1000 Design Certification Rule over the next 3 years					
IX.A.2 - Burden covered under 10 CFR 52.99					
X.B.1	2.667	1	2.667	8	
X.B.2	2.667	1	2.667	500	

X.B.3.c - Burden covered under X.B.1 & X.B.2					
Subtotal: Appendix A, B, C, & D	**3.667**		**7.00**		
Appendix N: Standardization of Nuclear Power Plant Designs: Combined Licenses to Construct and Operate Nuc of Identical Design at Multiple Sites NRC expects 8 combined license applicants to use Appendix N over the next 3 years					
Paragraph 2	2.667	1	2.667	10	
Paragraph 3	2.667	1	2.667	40	
Paragraph 4 - Burden covered under 10 CFR 52.80(c)					
Subtotal: Appendix N	**2.667**		**5.00**		
Total Part 52 Reporting Burden	**15.00**		**35.00**		**4**

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden

TABLE 2
ANNUAL RECORDKEEPING BURDEN
10 CFR PART 52

Section	Number of Recordkeepers	Burden Hrs. per Recordkeeper	Total Annual Burden Hours	Estimated Annual Cost @$205/Hr.
52.47	1.333	500	667	$136,735
52.57(a)	0	500	0	$0
52.63(b)(2)	0	1500	0	0
52.63(c) & 52.73(b)	0	500	0	0
Appendix A: ABWR Design Certification Rule NRC expects 1 licensee to maintain records for the ABWR Design Certification Rule over a 3 years period, but does not expect any recordkeepers during this clearance cycle.				
X.A.1	0	34	0	0
X.A.2 - Burden covered under § 50.71(e)				
X.A.3 - Burden covered under § 50.59(d)				
Appendix B: System 80+ Design Certification Rule NRC does not expect any licensees to maintain records for the System 80+ Design Certification Rule.				
X.A.1		34	0	0
X.A.2 - Burden covered under § 50.71(e)				
X.A.3 - Burden covered under § 50.59(d)				
Appendix C: AP600 Design Certification Rule NRC expects no licensees to maintain records for the AP600 Design Certification Rule over the next 3 years				
X.A.1	0	34	0	0
X.A.2 - Burden covered under § 50.71(e)				
X.A.3 - Burden covered under § 50.59(d)				
Appendix D: AP1000 Design Certification Rule NRC expects 8 licensees to maintain records for the Ap1000 Design Certification Rule over a 3 years period, but does not expect any recordkeepers during this clearance cycle.				
X.A.1	0	34	0	0
X.A.2 - Burden covered under § 50.71(e)				
X.A.3 - Burden covered under § 50.59(d)				
Total Part 52 Recordkeeping Burden	**1**		**667**	**$136,735**

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden

10 CFR Part 52 Burden

Number of Responses: 36 (35 + 1 Recordkeeper)
Number of Respondents: 15
Total Burden Hours: 462,372 (461,705 hours reporting and 667 hours recordkeeping)
Total Burden Hour Cost: $94,786,260 ($94,649,525 reporting and $136,735 recordkeeping)

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden
50.34, 50.34a, and Appendices B & E - Filing Application content - Technical					
ESPs	1	1	1	-333	
SDCs	3	1	3	-43,334	-1
COLs	1	1	1	-43,334	-
50.71(e)(3)(iii) - FSAR updates					
COL applicants & COL holders, prior to operation, not referencing Appendices A-D of 10 CFR Part 52	2.667	1	2.667	500	
COL applicants & COL holders, prior to operation, referencing Appendices A-D of 10 CFR Part 52 - Burden covered under 10 CFR 52, Appendices A-D, Section X.B, approved by OMB under Clearance No. 3150-0151					
Total Part 50 Reporting Burden	**8**		**8**		**-1**

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden

TABLE 4
ANNUAL RECORDKEEPING BURDEN
10 CFR PART 50

Section	Number of Recordkeepers	Burden Hrs. per Recordkeeper	Total Annual Burden Hours	Estimated Annual Cost @$205/Hr.
50.71(h)(2)	0	720	0	$0
50.71(h)(3)-one time burden at license renewal	0	2400	0	0
Total Part 50 Recordkeeping Burden	**0**		**0**	**$0**

10 CFR Part 50 Burden

Number of Responses: 8
Number of Respondents: 8
Total Burden Hours: -172,333
Total Burden Hour Cost: -$35,328,265

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden
10 CFR Part 50					
50.10(d)(3)(i)-safety analysis report - Burden covered under 10 CFR 50.34, 52.17, or 52.79					
50.10(d)(3)(ii)-environmental report - Burden covered under 10 CFR 51.49					
50.10(d)(3)(iii)-redress plan	3.333	1	3.333	1,900	
Total Part 50 Reporting Burden	**3.333**	**1**	**3.333**	**1,900**	
10 CFR Part 51					
51.45(c)-Establishes general requirements of applicants' Environmental Reports (ER). Burden and cost included under the specific ER requirements (e.g., 51.50).					
51.49(a)-Burden covered under 10 CFR 51.50(a), (b), or (c)					
51.49(b) - Burden covered under 10 CFR 51.50(a) or 51.50(c)					
51.49(c) - Burden covered under 10 CFR 51.50(b)					
51.49(d) - Burden covered under 10 CFR 51.50(c)					
51.49(e)-Burden covered by 51.49(a), (b), (c), or (d)					
51.49(f)-Burden covered under 10 CFR 51.49(a),(b), (c), or (d)					
Total Part 51 Reporting Burden	**0**	**0**	**0**	**0**	
10 CFR Part 52					
52.17(c)-Burden covered under 10 CFR 50.10(d)(3)					
52.27 -Burden covered under 10 CFR 50.10(d)(3)					
52.80(b) - Burden covered under 10 CFR 51.50					
52.80(c)-Burden covered under 10 CFR 50.10(d)(3)					
Total Part 52 Reporting Burden	0	0	0	0	

10 CFR Parts 50, and 52 Burden (This burden is a transfer from Part 52 to Part 50 under

TABLE 1
ANNUAL REPORTING BURDEN
10 CFR PART 52

Section	Number of Respondents Annually	Responses per Respondent Annually	Total Responses Annually	Burden Per Response	Total An Burden

the LWA rule)

Number of Responses: 3.333 (1 response x 3.333 annual respondents)
Number of Respondents: 3.333
Total Burden Hours: 6,333 (3.333 responses x 1,900 hours per response)