

**Nonsubstantive Change Request
for
10 CFR 50, “Domestic Licensing of Production and Utilization Facilities”
3150-0011**

Updates to Incorporation by Reference of Regulatory Guide, Final Rule
(Amendment to 10 CFR 50.55a, “Codes and Standards,” New Regulatory Guides 1.84, Rev 35;
and Regulatory Guide 1.147, Rev 16, ASME BPV Codes)

In June 2010, OMB approved an insignificant burden determination for the above rule and requested that NRC update the hours on record via a nonsubstantive change request after the final rule was effective. The purpose of this nonsubstantive change request is to adjust the hours for 10 CFR 50 to reflect the insignificant burden change from the rule, which was published on October 5, 2010 and became effective November 4, 2010. Following is a summary of the rule and the burden changes:

Summary of the final rule:

It is NRC’s policy to review code cases developed by the American Society of Mechanical Engineers (ASME) and determine if they are acceptable for use. The code cases are then listed in regulatory guides that are incorporated by reference into 10 CFR 50.55a by rulemaking. This final rule incorporates new code cases by reference to updated regulatory guides. The rule text is simply updated to reflect the new revision numbers of the regulatory guides.

Summary of burden changes:

There is an additional burden of 25 hours (5 hours each for 5 licensees) for licensees who apply a particular code case (N-730) to maintain records. These licensees must maintain repair records of the control drive bottom head penetrations in Boiling Water Reactors (BWRs) for the life of the reactor vessel. Of the 104 reactor licensees, this code case is applicable only to the 35 BWRs.

In addition, 10 CFR 50.55a(f)(5) and 10 CFR 50.55a(g)(5) allow applicants to request relief from ASME Code requirements determined to be impractical. NRC estimates that adoption of Code Cases listed in the Regulatory Guides will reduce burden on all 104 reactors by reducing the number of relief requests submitted. The Code Cases will accommodate situations in which certain inspections or tests cannot be conducted, without requiring the licensee to submit a relief request to the NRC. The NRC estimates that the incorporation of the Regulatory Guides included in this rule will reduce the number of relief requests by 88 requests annually (85% of licensees are estimated to avert the need for a request each year, $104 \text{ plants} \times .85 = 88$ requests). The currently approved NRC burden for relief requests is 4 annually for 104 reactors at 20 hours per relief request ($4 \text{ requests} \times 104 \text{ reactors} \times 20 \text{ hrs per request} = \text{a total of } 8,320 \text{ hours}$). The adoption of the Code Cases in the Regulatory Guides will reduce this by 1,760 hours (reduction of 88 relief requests \times 20 hours = -1,760 hours).

This final rule changes the total annual burden per respondent minimally as compared to the current requirement (the Part 50 clearance 3150-0011 currently has 4,367,160 hours, and we currently have 275,026 hours for section 50.55a alone) and does not expand the universe of respondents. The FRN for this rule was published with a Paperwork Reduction Act statement indicating an insignificant burden for the final rule. The total burden impact for the rule is:

- +25 hours of recordkeeping for Code Case N-730
- 1,760 hours of reporting for reduction in relief requests
- 1,735 hours

The rule decreases the number of responses for Part 50 by 88 responses, due to the decrease in the number of relief requests submitted to NRC. The additional recordkeeping burden does not increase the number of responses, because the respondents have already been counted as recordkeepers for this collection, and their recordkeeping response is already included.

Following is a summary of the change in hours and responses for Part 50:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses for this IC	45,274	0	-88	0	0	45,362
Annual IC Time Burden (Hours)	4,365,425	0	-1,735	0	0	4,367,160
Annual IC Cost Burden (Dollars)	1,810,380	0	0	0	0	1,810,380

Dates:

- Publication of proposed rule 06/02/2009
- Publication of final rule 10/05/2010
- Effective date of final rule: 11/04/2010