

SUPPORTING STATEMENT
FOR
INFORMATION COLLECTIONS CONTAINED IN
THE NEW APPENDIX G TO 10 CFR PART 52
DESIGN CERTIFICATION FOR THE NUSCALE DESIGN
PROPOSED RULE

(3150-0151)

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC or Commission) is amending its regulations at Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52 to certify the NuScale standard design. Applicants or licensees intending to construct and operate a NuScale design may do so by referencing this design certification (DC) rule and need not demonstrate in its application the safety of the certified design as amended. Subpart B of 10 CFR Part 52 establishes the process for obtaining design certifications. The addition of Appendix G to 10 CFR Part 52 allows interested parties to reference the NuScale design in an application for a combined license (COL). The information collection requirements of 10 CFR Part 52 were based largely on the requirements for licensing nuclear facilities under 10 CFR Part 50. Therefore, the burden for 10 CFR Part 52 resulting from the addition of a design certification is minimal.

A. JUSTIFICATION

Part 52 of 10 CFR, "Licenses, Certifications, and Approvals for Nuclear Power Plants," Subpart B, presents the process for obtaining standard design certifications. Section 52.63, "Finality of standard design certifications," provides criteria for determining when the Commission may amend the certification information for a previously certified standard design in response to a request for amendment from any person.

On December 31, 2016 (82 FR 11372), NuScale Power, LLC. (NuScale Power) tendered its application for certification of the NuScale standard design with the NRC in accordance with Subpart B of 10 CFR Part 52. The NRC formally accepted and docketed the application on March 23, 2017 (82 FR 15717). The NRC is certifying revision 5 of the design control document (DCD) of the NuScale standard design, as reviewed in the staff's final safety evaluation reports issued between August and December 2019 (ML19192A011).

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

This new Appendix G to 10 CFR Part 52 constitutes design certification for the NuScale standard design, under Subpart B of 10 CFR Part 52, and allows interested parties to reference this design in an application for a COL. This new appendix represents an increase in burden, some of which is covered under 10 CFR Parts 50 and 52, as described below and shown in Tables 1 and 2.

Section IV.A.2.a requires a plant-specific DCD as part of the COL application. This section partially fulfills the requirements for contents of applications for a COL (10 CFR 52.79) and ensures that the COL applicant commits to complying with the DCD.

- Section IV.A.2.b requires reports on departures from and updates to the DCD, under Section X.B of Appendix G, as part of the COL application. This section ensures that the COL application is up-to-date.
- Section IV.A.2.c requires plant-specific technical specifications (10 CFR 50.36 and 50.36a) as part of the COL application. This information collection is the same as for 10 CFR 50.36, but the timing of the burden is earlier (10 CFR 52.79).
- Section IV.A.2.d requires information demonstrating compliance with site parameters and interface requirements as part of the COL application. This section fulfills part of the requirements for a COL (10 CFR 52.79).
- Section IV.A.2.e requires the COL applicant to address COL items in the generic DCD as part of the COL application. This section fulfills part of the requirements for a COL (10 CFR 52.79).
- Section IV.A.2.f requires information required by 10 CFR 52.47(a), that is not within the scope of this design certification, as part of the COL application. This section fulfills part of the requirements for a COL (10 CFR 52.79).
- Section IV.A.2.g requires information required by 10 CFR 52.47(a), that is not within the scope of this design certification, as part of the COL application. This section fulfills part of the requirements for a COL (10 CFR 52.79).
- Section IV.A.2.h requires information required by 10 CFR 52.47(a), that is not within the scope of this design certification, as part of the COL application. This section fulfills part of the requirements for a COL (10 CFR 52.79).
- Section IV.A.3 requires the COL applicant to include, in the plant-specific DCD, the proprietary and safeguards information referenced in the generic DCD to ensure that the applicant has actual notice of these requirements. This section fulfills part of the requirements for contents of applications for a COL (10 CFR 52.79).
- Section IV.A.4 requires the COL applicant to include, as part of the COL application, information demonstrating that an entity other than NuScale Power is qualified to supply the NuScale design, unless NuScale Power supplies the design for the COL applicant's use.
- Section X.A.1 requires the applicant for this design certification to maintain the generic DCD and the sensitive unclassified non-safeguards information (including proprietary information) and safeguards information for the period that this certification may be referenced. This section ensures that the design information will be available to applicants that may reference this design certification and is similar to the requirements in 10 CFR 50.71(e).
- Section X.A.2 requires an applicant or licensee who references this design certification

to maintain the plant-specific DCD throughout the period of the application and for the term of the license. This section is similar to the requirements in 10 CFR 50.71(e).

- Section X.A.3 requires an applicant or licensee who references this design certification to prepare and maintain the bases for its changes to this design certification throughout the period of the application and the term of the license. This section is similar to the requirements in 10 CFR 50.59(d).
- Section X.A.4.a requires the applicant for this design certification to maintain a copy of the aircraft impact assessment (AIA) performed to comply with the requirements of 10 CFR 50.150(a) for the term of the certification (including any period of renewal).
- Section X.A.4.b requires COL applicants or licensees who references this design certification to maintain a copy of the AIA performed to comply with the requirements of 10 CFR 50.150(a) throughout the pendency of the application and for the term of the license (including any period of renewal).
- Section X.B.1 requires COL applicants or licensees who reference this design certification to submit reports on departures from the plant-specific DCD. This section is similar to the requirements in 10 CFR 50.59(d)(2).
- Section X.B.2 requires COL applicants or licensees who reference this design certification to submit updates to its plant-specific DCD that reflect generic changes to and plant-specific departures from the generic DCD. This section is similar to the requirements in 10 CFR 50.71(e).
- Section X.B.3.a requires submittal of reports and updates to the generic DCD with the initial COL application. This requirement ensures that the initial application is up-to-date and partially fulfills the requirements contents of applications in 10 CFR 52.79.
- Section X.B.3.b requires that during the period of review of the application and construction of a facility that references this design certification, summary reports on changes to the design must be submitted semi-annually. These reports are needed to provide timely notification of design changes during the critical period of application review and facility construction.
- Section X.B.3.c states that after the Commission has authorized operation of the nuclear plant, the frequency for submitting reports and updates returns to the frequency required by 10 CFR 50.59 and 50.71, respectively.

2. Agency Use of Information

In general, the information collections required by the above sections partially fulfills the requirements for a COL application that references this design certification and requires

the applicant or licensee to maintain records in the same manner as 10 CFR Part 50. This information is needed by the NRC in order to fulfill its responsibilities in the licensing of nuclear power plants. The requirement to report changes to the certified design, during the interval from the application for a COL until an authorization to operate is issued, is to provide for NRC monitoring of changes to the facility and a common understanding of how the as-built facility conforms to the certified design. In addition, the NRC must make a finding, pursuant to 10 CFR 52.103(g), that the inspections, tests, analyses, and acceptance criteria (ITAAC), that are described in the DCD, are met in the as-built design. To make its finding, the NRC will tailor its inspection program to monitor the construction and initial testing of the facility and will adjust its program to accommodate these changes.

3. Reduction of Burden through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use automated information technology when it would be beneficial to them. The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that 100 percent of the applications will be submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. 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.

5. Effort to Reduce Small Business Burden

The information collection required by this regulation is not expected to be a burden on small business because only large companies appear to have the technical and financial resources to support the large capital investment required to design and construct these nuclear power plants. Therefore, small businesses are not expected to be seeking a design certification, COL, or manufacturing license made available by 10 CFR Part 52. No small entities are expected to be impacted by the proposed rule.

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. Indeed, the idea of design certification is to make it unnecessary to collect the same information from multiple applicants for COLs. Thus, the rule provides for less frequent collection. However, the NRC cannot collect the information any less frequently than provided in

this rule. Less frequent collection of the information required by this regulation would compromise NRC ability to make appropriate licensing decisions and adversely affect the administration of the duties of the NRC under the law. Applications, and thus information collections, are required only when licensing is sought.

7. Circumstances Which Justify Variation from OMB Guidelines

The information collections mentioned in this rule contain no variation from the Office of Management and Budget (OMB) guidelines contained in 5 CFR 1320.6.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register*.

9. Payments or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

No sensitive questions are asked in this rule.

12. Estimate of Annualized Burden and Burden Hour Cost

Most of the information collection requirements for licensing nuclear plants are covered under 10 CFR Part 50 (3150-0011) and 10 CFR Part 52 (3150-0151). The reporting requirements for a design certification, under 10 CFR Part 52, are for the COL applicants who reference this design. There are no reporting requirements for the design certification applicant since this rule certifying the design comes after the design application has been submitted and reviewed. A design certification rule does maintain recordkeeping requirements for both the design certification applicant and the COL applicants who reference this design. Therefore, the only burden associated with this rule will be for the applicant for this design certification regarding recordkeeping under Sections X.A.1 and X.A.4(a) and for the two COL applicants (annualized as one COL respondent per year) regarding reporting and recordkeeping under Sections X.B.1, X.B.2, and X.A.4(b). The remaining burden is associated with the operations phase of the license and will be captured under the 10 CFR Part 50 clearance. The NuScale design certification is anticipated to be referenced by two COL applications¹ during the period of this clearance. See Tables 1 and 2 below.

¹ A COL application review period is estimated to be 2.5 years and the construction period is estimated to be 4 years in duration.

Total Burden and Burden Hour Cost

The burden for the annualized reporting burden is given in Table 1. The burden for the annualized recordkeeping burden is given in Table 2. The total annualized burden for all information collections is 389 hours, broken down as follows:

- 346 hours for annual reporting burden
- 43 hours for annual recordkeeping burden

The annual estimated cost for the collection is \$108,531 (389hours x \$279/hr).

The \$279 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the final rule "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020," (85 FR 37250; June 19, 2020).

13. Estimate of Other Additional Costs

The NRC has determined that the records storage cost is roughly proportional to the recordkeeping burden cost. Based on a typical clearance, the recordkeeping storage cost has been estimated to be equal to .0004 percent of the recordkeeping burden. Therefore, the annual recordkeeping storage cost for this collection is estimated to be \$5 (43 recordkeeping hours x \$279/hr x 0.0004).

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

The NRC anticipates that two COL applicants will reference this design certification over the next 3 years. The information collection requirements for this proposed rule would fulfill a portion of the information collections for a COL, which is covered under OMB Clearance Nos. 3150-0011 and 3150-0151. Therefore, the majority of the cost to the Federal Government is covered under other clearances.

15. Reasons for Change in Burden or Cost

This proposed rulemaking constitutes design certification for the NuScale standard design through the addition of Appendix G to 10 CFR Part 52. This appendix allows interested parties to reference the NuScale design in an application for a COL. One respondent is NuScale Power (the design certification applicant) who will incur 37 hours of recordkeeping burden at a cost of \$10,323 (37 hours x \$279/hr). The other respondents are the two COL applicants, expected to submit COL applications during the period of this clearance, who will, together, incur 346 hours of reporting burden (at time of application) and 6 hours of recordkeeping burden at a cost of \$98,208 ((6 hours + 346 hours) x \$279/hr)).

16. Publication for Statistical Use

This information is not published for statistical use.

17. Reason for Not Displaying Expiration Date

The recordkeeping and reporting requirements for this information collection are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Further, amending the regulatory text of the CFR 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

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

TABLE 1**ANNUALIZED REPORTING BURDEN FOR APPENDIX G TO 10 CFR PART 52**

Section	No. of Respondents	Responses / Respondent	Total No. of Responses	Burden per Response	Total Annual Burden (Hrs)	Cost @ \$279/Hr
IV.A.2.a (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.b (Burden included in X.B below) (COL applicant)						
IV.A.2.c (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.d (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.e (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.f (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.g (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.2.h (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.3 (Burden covered under 10 CFR 52.79) (COL applicant)						
IV.A.4 (Burden covered under 10 CFR 52.79) (COL applicant)						
X.B.1 (COL applicant)	2	0.67*	1.34	8	11	\$3,069
X.B.2 (COL applicant)	2	0.33**	0.67	500	335	\$93,465
X.B.3.a (Burden covered under 10 CFR 52.79)						
X.B.3.b (Burden covered under X.B.1, X.B.2)						

X.B.3.c (Burden covered under 10 CFR 50.59(d) + 10 CFR 50.71(e))					
Total	2***		2		346 \$96,534

*One respondent submitting two responses over a period of three years is annualized to 0.67 responses per year.

**One respondent submitting one response over a period of three years is annualized to 0.33 responses per year.

***The respondents in X.B.1 and X.B.2 are the same entity and should not be double counted in the total.

TABLE 2

ANNUALIZED RECORDKEEPING BURDEN FOR APPENDIX G TO 10 CFR PART 52

Section	No. of Recordkeepers	Burden Hours per Recordkeeper	Total Annual Burden Hours	Cost @ \$279/Hr
X.A.1(similar burden to 10 CFR 50.71(e)) (DCD applicant)	1	34	34*	\$9,486
X.A.2 (Burden covered under 10 CFR 50.71(e)) (COL applicant)				
X.A.3 (Burden covered under 10 CFR 50.59(d)) (DCD & COL applicant)				
X.A.4.a (DCD applicant)	1	3	3	\$837
X.A.4.b (COL applicant)	2	3	6	\$1,674
Total	3**		43	\$11,997

* One recordkeeper incurring 103 burden hours over a period of three years, annualized at 34 hours.

** The recordkeeper in X.A.1 and X.A.4.a are the same entity and should not be double counted in the total.

TOTAL BURDEN HOURS: 389 hours (346 hours reporting + 43 hours recordkeeping)
TOTAL RESPONSES: 5 (2 responses + 3 recordkeeper)
TOTAL RESPONDENTS: 3