

FINAL OFFICE OF MANAGEMENT AND BUDGET (OMB)
SUPPORTING STATEMENT FOR FINAL RULE, 10 CFR PART 52,
APPENDIX D
DESIGN CERTIFICATION RULE FOR THE AP1000 DESIGN
(3150-0151)

REVISION

Description of the Information Collection

The Nuclear Regulatory Commission (NRC) added 10 CFR Part 52 to its regulations to provide for the issuance of early site permits (ESPs), standard design certifications, and combined licenses (COLs) for nuclear power plants. Subpart B of 10 CFR Part 52 established the process for obtaining design certifications. The addition of Appendix D to 10 CFR Part 52 allows interested parties to reference the AP1000 design in an application for a COL. This proposed design certification rule (DCR) is nearly identical to the AP600 in the current regulation. The information collection requirements of Part 52 were based largely on the requirements for licensing nuclear facilities under 10 CFR Part 50. Therefore, the burden for Part 52 resulting from the addition of a design certification is minimal.

On May 17, 2005, OMB issued a comment on the supporting statement for the AP1000 proposed rule. OMB withheld approval of the information collection and requested that prior to publication of the final rule, the agency should provide a copy of all the comments related to the information collection to OMB and an explanation of any changes made in response to those comments. No comments on the information collection were received, therefore the supporting statement remains unchanged.

A. JUSTIFICATION

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

This appendix to 10 CFR Part 52 constitutes design certification for the AP1000 standard plant design, under Subpart B of Part 52, and allows interested parties to reference this design in an application for a COL. In general, there are no new information collection requirements in this appendix that are not already covered in the OMB clearances for 10 CFR Parts 50 and 52, but the timing of some burdens have changed.

Section IV.A.2.a requires a plant-specific design control document (DCD) as part of a COL application. This section partially fulfills the requirements for contents of applications for a COL (§ 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 X.B of Appendix D, in COL application. This section ensures that the COL application is up-to-date.

Section IV.A.2.c requires plant-specific technical specifications (§§ 50.36 and 50.36a). This information collection is the same as for § 50.36, but the timing of the burden is earlier.

- Section IV.A.2.d requires information demonstrating compliance with site parameters and interface requirements. This section fulfills part of the requirements for a COL (§ 52.79).
- Section IV.A.2.e requires the COL applicant to address action items or information items in the generic DCD. This section fulfills part of the requirements for a COL (§ 52.79).
- Section IV.A.2.f requires information required by § 52.47(a) that is not within the scope of this design certification. This section fulfills part of the requirements for a COL (§ 52.79).
- Section IV.A.3 requires the applicant to physically include the proprietary and safeguards information in the COL application 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 (§ 52.79).
- Section IX.A.2 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 requires the applicant for this design certification to maintain the generic DCD and the proprietary 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 § 50.71(e).
- Section X.A.2 requires an applicant or licensee who references this design certification to maintain an up-to-date version of the plant-specific DCD throughout the period of the application and the term of the license. This section is similar to the requirements in § 50.71(e).
- Section X.A.3 requires an applicant or licensee 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 § 50.59(d).
- Section X.B.1 requires 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 § 50.59(d)(2).
- Section X.B.2 requires applicants or licensees who reference this design certification to submit updates to its DCD. This section is similar to the requirements in § 50.71(e).

- Section X.B.3 specifies the timing for the submittals required by paragraphs X.B.1 and X.B.2.
- 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 § 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 §§ 50.59 and 50.71, respectively.

2. Agency Use of Information

In general, the information collections required by the above sections partially fulfill 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) which 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 proposed rule does not prescribe the manner in which the information is reported. The licensee is at liberty to utilize advanced information technology to reduce the burden. The NRC encourages respondents to use new automated information technology when it would be beneficial to them. NRC issued a regulation (68 FR 58792), 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. It is estimated that approximately 90 percent of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

In general, 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. This information is not available from any source other than the applicants or licensees involved. However, in the applications and reports described herein, the applicant may incorporate by reference earlier submissions where appropriate. Indeed, one of the two principal aims of design certification is to make it unnecessary to collect the same information from multiple applicants for COLs.

5. Effort to Reduce Small Business Burden

The proposed rule will not have a significant economic impact upon a substantial number of small entities. The rule will affect only large nuclear power plant applicants and licensees that choose to reference the AP1000 design certification in the future. Companies that own or operate such facilities do not fall within the definition of “small entities.”

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 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 OMB guidelines contained in 5 CFR 1320.6.

8. Consultations Outside the NRC

The NRC coordinated this effort with Westinghouse Electric Company (the applicant) for this certification, as well as the Nuclear Energy Institute (NEI). The NRC also held public workshops on issues pertinent to design certification rules and the procedures under which such rules will be promulgated. An opportunity to comment on the proposed collection was published on April 18, 2005, in the Federal Register (70 FR 20062). No comments on the information collection were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

There are no confidential information collections in this rule.

11. Justification for Sensitive Questions

No sensitive questions are asked in this rule.

12. Estimate of Industry Burden and Burden Hour Cost

See the attached tables. 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 NRC currently anticipates 3 COL applications within the next 3 years and expects that 1 of those applications will reference this proposed rule. The COL application review period is estimated to be ~ 2.5 years and the construction period is estimated to be ~ 4 years in duration. Therefore, the only burden associated with this rule will be for reporting under X.B.1 and X.B.2 and recordkeeping under X.A.1. Although the frequency of reporting can be as often as 4 times that required by 10 CFR 50.59(d) (2)(once every 24 months) vs. semi-annually, the information to be reported is unchanged. The remaining burden is associated with the operations phase of the license and will be captured under the Part 50 clearance.

13. Estimate of Other Additional Costs

No other additional costs are anticipated.

14. Estimated Annualized Cost to the Federal Government

The NRC anticipates that 1 COL applicant 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. The NRC's review of the information collected under this proposed rule would be a portion of those estimates and the cost would be fully recovered through fee assessments to the applicant under 10 CFR Parts 170 and 171.

15. Reasons for Change in Burden or Cost

The addition of Appendix D results in the addition of 1 respondent and 5 burden hours for reporting and 1 respondent and 34 burden hours for recordkeeping. There is a corresponding cost increase of \$7,995 (39 hours x \$205/hr).

16. Publication for Statistical Use

This information is not published for statistical use.

17. Reason for Not Displaying Expiration Date

The requirement will be 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

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the information collection.

ANNUAL REPORTING BURDEN FOR APPENDIX D TO PART 52

Section	Respondts	Responses / Respondt	Total Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$205/Hr
IV.A.2.a (Burden covered 10 CFR 52.79)						
IV.A.2.b (Burden included in X.B below)						
IV.A.2.c (Burden covered 10 CFR 52.79)						
IV.A.2.d (Burden covered 10 CFR 52.79)						
IV.A.2.e (Burden covered 10 CFR 52.79)						
IV.A.2.f (Burden covered 10 CFR 52.79)						
IV.A.3 (Burden covered 10 CFR 52.79)						
IX.A.2	0	0	0	8	0	0
X.B.1	1	2	2	8	16*	\$ 3280
X.B.2	0	0	0	500	0	
X.B.3.a (Burden covered 10 CFR 52.79)						
X.B.3.b (Burden covered in X.B.1 and X.B.2)						
X.B.3.c(Burden in § 50.59(d) + § 50.71(e))						
Total	1		2		5	\$ 3280

*1 respondent submitting 2 responses over a period of three years at 16 hours is annualized at 5 hours.

ANNUAL RECORDKEEPING BURDEN FOR APPENDIX D TO PART 52

Section	# Record keepers	Burden Hours Per Record keeper	Total Annual Burden Hours	Cost @ \$205/Hr
X.A.1(similar burden to 10 CFR 50.71(e))	1	100	100*	\$20,500
X.A.2 (Burden covered under § 50.71(e))				
X.A.3 (Burden covered under § 50.59(d))				
Total	1		100	\$20,500

*1 recordkeeper incurring 100 burden hours over a period of three years, annualized at 34 hours.

TOTAL BURDEN HOURS: 39 hours (5 hours reporting plus 34 hours recordkeeping)
 TOTAL RESPONSES: 2 (1 response + 1 recordkeeper)
 TOTAL RESPONDENTS: 1