

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden, to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to [INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV); and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0151, 3150-0011, and 3150-0039), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the information collections or on the above issues should be submitted by August 4, 2003. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

#### *Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

#### **X. Regulatory Analysis**

The Commission has prepared the following draft regulatory analysis on the substantive changes in this proposed regulation that could impose regulatory burdens. The majority of the changes in this proposed rule involve formatting, reorganization, or process changes that do not affect regulatory burden. These types of changes are not addressed in this regulatory analysis, as they would not affect the burden on future applicants.

The proposed rule contains two amendments that appear to impose regulatory burdens on future applicants for construction permits, combined licenses, and duplicate design licenses who may file an application referencing an early site permit or a certified design. There are no current applicants who would be burdened by the proposed amendments.

The first of these changes requires applicants who reference an early site permit to update and correct emergency planning information and discuss whether the new information materially alters the bases for compliance with the applicable requirements. The second change requires applicants who reference a certified design to include a plant-specific probabilistic risk assessment (PRA) that uses the design-specific PRA and is updated to account for site-specific design information and any design changes.

The Commission believes that, practically speaking, there would be no change in the burden on future applicants resulting from these amendments. This is because the information required by the proposed rule would, in all likelihood, be requested by the NRC staff during the review of the application if these requirements were not adopted. The staff could not perform an adequate review of an application referencing an early site permit without reviewing the most up-to-date emergency planning information. Therefore, if this updated information was not required in the application, the staff would be compelled to request the information from the applicant in order to make a finding that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Likewise, if the Commission did not require an updated PRA in an application for a combined license referencing a certified design, the staff would be compelled to request the information from the applicant. The Commission would need this information in order to assist it in finding that the applicable requirements of 10 CFR part 50 have been met, and in reviewing the licensee's proposed inspections, tests, and analyses that the licensee must perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's rules and regulations.

For these reasons, the Commission believes it is prudent to proceed with this proposed rulemaking. The addition of these requirements for applicants for construction permits, combined licenses, and duplicate design licenses is necessary to ensure the NRC staff can meet its regulatory obligations. In addition, giving future applicants notification up front that the staff requires this information in the application will relieve them of a larger burden of having to compile the information during the application review process when the Commission requests the information to complete its review. The need to compile the information during the review process could impact the review schedule and result in other unnecessary burdens on the applicant.

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC

as indicated under the **ADDRESSES** heading.

#### **XI. Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing of nuclear power plants. The companies that will apply for an approval, certification, permit, site report, or license in accordance with the regulations affected by this proposed rule do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

#### **XII. Backfit Analysis**

The NRC has determined that the backfit rule does not apply to this proposed rule; therefore, a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109. The proposed rule would revise the requirements for early site permits, standard design certifications, and combined licenses for nuclear power plants, so it would affect a potential applicant who might, in the future, apply for an early site permit, design certification, or combined license. However, the backfit rule does not apply because the proposed rule would not impose any modifications on a current holder of an early site permit, certified design, or combined license.

#### **List of Subjects**

##### *10 CFR Part 2*

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

##### *10 CFR Part 20*

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and record keeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

##### *10 CFR Part 21*

Nuclear power plants and reactors, Penalties, Radiation protection,