

FINAL SUPPORTING STATEMENT
FOR
VOLUNTARY REPORTING OF PLANNED
NEW REACTOR APPLICATIONS

(3150-0228)

EXTENSION

Description of the Information Collection

This voluntary information collection assists the Nuclear Regulatory Commission (NRC) in determining resource and budget needs as well as aligning the proper allocation and utilization of resources to support applicant submittals, future construction-related activities, and other anticipated 10 CFR Part 50 and/or Part 52 licensing and design certification rulemaking actions. In addition, information provided to NRC staff is intended to promote early communications between the NRC and the respective addressees about potential 10 CFR Part 50 and/or Part 52 licensing actions and related activities, submission dates, and plans for construction and inspection activities. This information collection facilitates more effective and efficient planning, scheduling, and allocation of NRC resources so that activities and reviews for both applicants and licensees are implemented and conducted in a manner that is altogether timely, consistent, and respective of scope, schedule, and budget constraints.

Annually, the NRC issues a Regulatory Issue Summary (RIS) requesting potential respondents submit the needed information. The RIS provides guidance on how potential respondents can provide the requested information. The information requested in the RIS is intended to promote early communications between the NRC and addressees about potential 10 CFR Part 50 and/or Part 52 licensing actions and related activities, submission dates, and plans for construction and inspection activities prior to the preapplication process (information covered under approved OMB Clearance 3150-0151) that includes the submission of plans and schedules, which may include preliminary design information and a regulatory engagement plan, (a plan that describes a potential applicant's plan to engage with the NRC during the development and review of an application for a license).

A. JUSTIFICATION

1. Need For and Practical Utility of the Collection of Information¹

The NRC is developing pre-application, licensing, and project plans for all new reactor licensing and design certification applications, to include those applications and activities relating to the advanced reactor program. The status of a variety of design-related activities for both large light water reactors and small modular reactors are factored into this justification. To support this resource and budget planning effort, the NRC is seeking voluntary responses from all holders of, and applicants or potential applicants for, an early site permit (ESP), limited work

¹ AEA sec. 161c., which authorizes the Commission to “make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder.”

authorization (LWA), standard design certification (DC), construction permit (CP), operating license (OL) or combined license (COL) for construction and operation of a nuclear power plant requests (under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants)," as well as all holders of, and applicants or potential applicants for, a power reactor construction permit (CP) referencing a Small Modular Reactor (SMR)² design under 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

This voluntary collection applies to new and/or updated information on schedules for submitting a CP, ESP, an amendment to, or transfer of, an ESP, an OL, a COL, a DC, amendments to a DC, a DC renewal, LWA, standard design approval (SDA), and manufacturing license (ML) applications. In addition, NRC staff is seeking notification on the number and the degree of complexity of ESP, LWA, DC, OL, and COL applications, and any other licensing requests that applicants or potential applicants expect to submit in fiscal years (FYs) 2021 through 2023. The information collected helps facilitate more effective and efficient planning, scheduling, and allocation of NRC resources so that activities and reviews for both applicants and licensees are implemented and conducted in a manner that is altogether timely, consistent, and respective of scope, schedule, and budget constraints.

2. Agency Use of Information

This information assists the NRC in determining resource requirements, aids in optimizing resource allocations, as well as informing future budget needs with respect to the aforementioned submittals, future construction-related activities, and other anticipated 10 CFR Part 50 and/or Part 52 licensing and design certification rulemaking actions. As well, this information is intended to promote early communications between the NRC and addressees about potential 10 CFR Part 50 and/or Part 52 licensing actions and related activities, submission dates, and plans for construction and inspection activities. It is also the intended goal of these communications to assist NRC staff more effectively and efficiently plan, schedule, coordinate, and implement, activities and complete reviews in a timely manner.

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 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 approximately 80% of the potential responses are filed electronically.

² SMRs are defined using the International Atomic Energy Agency definition of small- and medium-sized reactors with an electrical output of less than 700 megawatts.

4. Effort to Identify Duplication and Use Similar Information

This RIS represents one of several means that facilitates the collection of the requested information. Respondents can provide the information during pre-application activities whose burden is captured in 3150-0151. Methods used by respondents during pre-application include drop-in meetings and regulatory engagement plans. These methods are purely discretionary and are employed by respondents that desire to provide more information than is requested in the RIS. This RIS provides an additional avenue for respondents to provide the requested information.

5. Effort to Reduce Small Business Burden

Not Applicable.

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

Applicants, licensees, and potential applicants report this information on a strictly voluntary basis. This information, in turn, aids NRC staff in determining resource and budget needs to support various activities and reviews so that NRC staff is able to maximize and best utilize existing budget and staff resources as well as plan effectively for future resource and budget needs, coordinate activities, and facilitate more efficient reviews.

If such information is not collected, the potential to assess the need for various resources and support capabilities, as well as enable NRC staff to efficiently and effectively plan and prepare budgets, align resources, remedy potential skill gaps, and prepare for incoming review and inspection activities, can be significantly impeded. This has the potential to result in significant program and project scope creep, schedule slip, and budget overruns that adversely affect the mission readiness of NRC staff as well as the objectives of potential new applicants, current applicants, and current licensees.

7. Circumstances Which Justify Variation from OMB Guidelines

Not Applicable.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on December 1, 2020 (85 FR 77279). Additionally, NRC staff contacted eight stakeholders via email. The stakeholders were new reactor owner licensee representatives from General Electric Company, Kairos Power, NuScale Power, Oklo Power, LLC, TerraPower, Terrestrial Energy, Westinghouse Electric Company and X-energy.

One comment was received from Peter Gaillard of TerraPower as a result of the published FRN.

The agency requested input on the following questions:

Question 1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

TerraPower agrees with Question 1.

Question 2. Is the burden estimate accurate?

TerraPower agrees with Question 2.

Question 3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

TerraPower comment:

Each potential applicant may have unique circumstances for their potential 10 CFR Part 50 and/or Part 52 licensing activities, submission dates and plans for construction and inspection activities. The RIS should encourage applicants to communicate and discuss questions with the NRC prior to submittal of their information. Early communication could enhance the quality, utility, and clarity of the information to be collected.

NRC Response:

The following will be incorporated into the RIS:

Potential applicants have the option to engage with the NRC even before submitting their RIS response to discuss their unique circumstances for their projected licensing activities. Early communication will enhance the quality, utility, and clarity of the information to be collected.

Question 4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

TerraPower comment:

There may be circumstances where a response to the request for voluntary reporting of planned new reactor applications is redundant. An example is when an applicant might instead develop and submit a Regulatory Engagement Plan or similar document that provides essentially the same information as the proposed RIS. In circumstances such as this, the applicants should communicate to the NRC that the requested information will be provided in a separate submittal and identify the submittal to the NRC.

NRC Response:

The following will be incorporated into the RIS:

The response to this voluntary reporting request is one option to provide to the NRC the potential applicant information. The potential applicants may choose other ways

to provide the information such as a submittal of a Regulatory Engagement Plan, or as the option to engage with the NRC. If an applicant chooses to do so, they should communicate to the NRC that the requested information will be provided in a separate submittal and identify the submittal to the NRC.

No additional responses or comments were received as a result of the FRN or the staff's direct solicitation of comment.

9. Payment or Gift 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 information is requested.

12. Estimated Burden and Burden Hour Cost

The NRC staff estimates that both applicants and licensees will submit approximately 20 responses (7 new + 3 updated + 10 declaration letters = 20 responses) to this annual voluntary information collection, and that each new or updated submittal will require approximately 60 hours on average to prepare and submit. Declaration letters will require an estimated one hour on average to prepare and submit.

To ensure that the NRC can effectively schedule resources and facilitate the achievement of an acceptance review of an application in 60 calendar days, the NRC staff requests that, 90 days before the expected submission date, an applicant, licensee, or potential applicant (as applicable) declare the expected submission date (month, day, and year) and estimate the degree of complexity of each of its submittals to the NRC, to the extent practicable. The NRC staff estimates the burden to prepare and submit these declarations would be approximately 1 hour per response for a total of 10 hours for this clearance cycle (7 new declarations x 1 hr + 3 updated declarations x 1 hr. = 10 hours).

The total licensee and applicant burden for this voluntary information collection is (7 new responses x 60 hrs. = 420 hrs. + 3 updated responses x 60 hrs. = 180 hrs. + 10 declaration letters x 1 hr. = 10) = 610 hours, see Table 1, at a cost of \$170,190 (610 hours x \$279/hr.).

There are no recordkeeping requirements imposed on these submissions, any/all recordkeeping associated with these responses are included in 10 CFR Part 52 approved by OMB under Clearance 3150-0151.

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 Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020 (85 FR 37250, June 19, 2020).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The annual cost to the NRC including staff hours and contractual support:

Staff hours = 60 hours per year @ \$279/hr. = \$16,740

Contractual Support = \$0 per year

TOTAL COST = \$16,740

15. Reasons for Change in Burden or Cost

There has been an increase in the cost of the hourly rate from \$263/hr. to \$279/hr. for this cycle. The projected increase in the expected number of respondents from 5 in the previous cycle to 10 in this cycle is due to the interest from industry in the new and advanced reactor programs; two new submissions are expected, increasing the burden total by 120 hours; along with including in this cycle submissions for updating previously submitted information which increases the burden by 180 hours as well as the burden and responses for 90-day declaration letters which adds an additional 10 hours; in total, increasing the total burden from 300 hours in the previous cycle to 610 hours in this cycle.

16. Publication for Statistical Use

This information is not published for statistical use.

17. Reason for Not Displaying the 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

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.

TABLE 1
ANNUALIZED REPORTING BURDEN (Voluntary)

| Section | No. Of Respondents | Responses per Respondent | Total No. of Responses | Burden Hours per Response | Total Annual Reporting Burden (Hrs) |
|--|--------------------|--------------------------|------------------------|---------------------------|-------------------------------------|
| Voluntary Response to Annual Regulatory Issue Summary request for information – New Submissions 90-Day Declaration Letter Submissions | 7 | 1 | 7 | 60 | 420 |
| | | 1 | 7 | 1 | 7 |
| Voluntary Response to Annual Regulatory Issue Summary request for information – Updated Submissions 90-Day Declaration Letter Submissions | 3 | 1 | 3 | 60 | 180 |
| | | 1 | 3 | 1 | 3 |
| Total | 10 | | 20 | | 610 |

| | |
|--------------------------------|---|
| TOTAL BURDEN HOURS: | 610 hours (610 hours reporting + 0 hours third party notification + 0 hours recordkeeping) |
| TOTAL BURDEN HOUR COST: | \$170,190 (610 hrs x \$279/hr) |
| ANNUAL RESPONDENTS: | 10 respondents |
| RESPONSES: | 20 responses (10 RIS responses + 10 declaration letters + 0 third party responses + 0 record keepers) |