

DRAFT SUPPORTING STATEMENT
FOR INFORMATION COLLECTIONS CONTAINED IN
THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR LICENSING OF NEW
NUCLEAR REACTORS PROPOSED RULE

10 CFR PART 51
ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND
RELATED REGULATORY FUNCTIONS

(3150-0021)
REVISION

DESCRIPTION OF THE INFORMATION COLLECTION

As mandated by the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) is responsible for protecting public health and safety in the civilian use of nuclear power. The NRC Office of Nuclear Reactor Regulation is responsible for ensuring the public health and safety through the licensing and inspection of activities at all commercial nuclear power reactor facilities in the United States.

As a Federal agency, the NRC is subject to the National Environmental Policy Act (NEPA) of 1969, as amended. The NRC's environmental protection regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," identify the issuance of a nuclear power plant operating license as a major Federal action significantly affecting the quality of the human environment. As such, an environmental impact statement is required for a plant license review in accordance with NEPA. To streamline environmental reviews for new nuclear reactors while still fulfilling NRC's responsibilities to protect the environment and comply with NEPA, the NRC has prepared a *Draft NUREG-2249, "Generic Environmental Impact Statement for Licensing of New Nuclear Reactors"* (hereafter referred to as the "NR GEIS"), which has been uploaded as a supplementary document to this submission.

The purpose of the NR GEIS is to present impact analyses for the environmental issues common to many new nuclear reactors that can be addressed generically, thereby eliminating the need to repeatedly reproduce the same analyses each time a licensing application is submitted, allowing applicants and NRC staff to focus future environmental review efforts on issues that can only be resolved once a site is identified. The NR GEIS is intended to improve the efficiency of licensing new nuclear reactors by (1) identifying the possible types of environmental impacts of constructing, operating and decommissioning a new nuclear reactor, (2) assessing impacts that are expected to be generic (the same or similar) for many new nuclear reactors, and (3) defining the environmental issues that will need to be addressed in project-specific supplemental environmental impact statements (SEISs) addressing project-specific information. The NR GEIS will be applicable to new reactor applicants who submit an early site permit (ESP), construction permit (CP), operating license (OL), or combined license (COL).

Category 1 issues are issues that can be generically resolved if the plant and site parameters are met or bounded while Category 2 issues would require a project-specific analysis. The NR GEIS identifies 100 environmental issues as Category 1 issues. Applicants and NRC staff may rely on the generic analysis for each Category 1 issue provided that the relevant values and assumptions are met or bounded and there is no new and significant information that

changes the conclusions in the NR GEIS. Category 1 issues may result in time and cost savings, as an applicant can rely on the generic conclusions in the NR GEIS for these issues and would not need to submit detailed information in the environmental report, and the NRC's review would similarly be streamlined. The NR GEIS identifies 20 environmental issues as Category 2 issues. These are issues for which a generic finding regarding the environmental impacts cannot be reached because the issue requires the consideration of project-specific information that can only be evaluated once the proposed site is identified. This information will be presented by the applicant in a project-specific environmental report and impact findings will be documented by the NRC staff in a SEIS. Because Category 2 issues are not evaluated in the NR GEIS, there is no savings associated with Category 2 issues.

The NRC's regulations specified in 10 CFR 51.45, "Environmental report," require each applicant to prepare and submit an environmental report, which contains a description of the proposed action, a statement of its purposes, a description of the environment affected, and discusses the following considerations:

1. The impact of the proposed action on the environment. Impacts shall be discussed in proportion to their significance.
2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.
3. Alternatives to the proposed action. The discussion of alternatives shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to Section 102(2)(E) of NEPA, "appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." To the extent practicable, the environmental impacts of the proposal and the alternatives should be presented in comparative form.
4. The relationship between local short-term uses of human's environment and the maintenance and enhancement of long-term productivity.
5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The NR GEIS will be published for public comment along with the proposed rule in the *Federal Register*.

A. JUSTIFICATION

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

NEPA directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in NEPA, and (2) all agencies of the Federal government shall comply with the procedures in Section 102(2) of NEPA except where compliance would be inconsistent with other statutory requirements. The regulations in Subpart A of 10 CFR Part 51 implement Section 102(2) of NEPA in a manner that is consistent with the NRC's domestic licensing and related regulatory authority under the Atomic Energy Act, the Energy Reorganization Act of 1974, as amended, the Uranium Mill Tailings Radiation Control Act of 1978, and the Commission's announced policy to take account of the regulations of the Council of Environmental Quality published November 29, 1978 (43 FR 55978-56007). In order to conduct the

environmental (NEPA) review of licensing actions, the NRC requires applicants to collect recent environmental information about their nuclear power plants.

The NRC's regulations specified in 10 CFR 51.45 require each applicant to prepare and submit an environmental report. After accepting the licensing application and environmental report, the NRC would prepare a SEIS to the NR GEIS that would evaluate the environmental impact of project-specific (Category 2) issues along with the consideration of any new and significant information for Category 1 issues (i.e., issues for which a generic analysis is possible) and/or for any newly identified issues.

The proposed rule adds a new Table C-1 in Appendix C to Subpart A of 10 CFR Part 51, "Summary of Findings on NEPA Issues for Permitting and Licensing of New Nuclear Reactors," which presents the categories of issues identified in the NR GEIS.

In addition, the NRC is proposing to add to § 51.53(d) a cross-reference to the license termination provisions under § 52.110, "Termination of license." This change will clarify that NRC's requirements specified in 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants" also include license termination provisions.

2. Agency Use of Information

The NRC evaluates the information provided in the licensing application and environmental report and prepares a draft SEIS to analyze project-specific issues (Category 2), any new and significant information for generic issues (Category 1), and possibly, any previously unidentified issues. After considering public comments, the NRC prepares and issues a final SEIS. The final SEIS and the NR GEIS, together, serve as the requisite NEPA analysis for any given licensing application.

3. Reduction of Burden Through Information Technology

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 Submittals application, 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. The Electronic Submittals application allows electronic transmission of information to the NRC pertaining to licensing actions, associated hearings, and other regulatory matters. The application ensures that information sent to the NRC via the internet is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. The application serves as a secure portal that respondents may use to transmit documents to the NRC.

It is estimated that 100 percent of the new nuclear reactor licensing applications will be submitted to the NRC electronically.

4. Effort to Identify Duplication and Use Similar Information

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

5. Effort to Reduce Small Business Burden

This information collection does not affect small businesses.

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

The environmental information collected by the applicant and included in the environmental report is affected by the proposed rule addition of a new Appendix C to Subpart A to 10 CFR Part 51. The information provided in the environmental report is used by the NRC to conduct an assessment of the environmental impacts that could result from the licensing of the new nuclear reactor. The NRC then completes the environmental review and documents the results in a site-specific SEIS in compliance with NEPA.

Without the information collected as a result of the proposed addition of a new Appendix C to Subpart A to 10 CFR Part 51, the applicant would be required to submit a full environmental report encompassing all Category 1 and Category 2 issues. This would make it more likely that the NRC would have a more extensive review which would take longer and could delay the overall completion of a new nuclear reactor licensing review. Delays in the environmental review process likely would increase the information collection and reporting burden because additional time would be required for the applicant to collect and provide missing information to the NRC and for the NRC to conduct supplemental analyses on the additional information provided.

7. Circumstances That Justify Variation from OMB Guidelines

There is no variation from OMB guidelines.

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. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). Information considered confidential or proprietary is not normally requested.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Industry Burden and Burden Hour Cost

The NRC estimates that it will receive 18 new nuclear reactor applications over the course of the 3 year clearance period, or an average of 6 applications annually. The NR GEIS will be applicable to new reactor applicants who submit an ESP, CP, OL, and COL.

Under the proposed regulations, an applicant for a new nuclear reactor would be required to submit an environmental report addressing all issues, encompassing both Category 1 and Category 2 issues. The current regulations estimate a total burden of 15,000 hours for the applicant to develop an environmental report.

The cost reduction for industry is based upon potential simplifications in the environmental report that an applicant must submit to the NRC associated with a new nuclear reactor licensing application. The applicant's environmental report must contain an assessment of the environmental impacts of constructing and operating a new nuclear reactor and alternatives that meet the purpose and need. The applicant is not required to assess the environmental impacts of NR GEIS Category 1 issues (i.e., issues for which a generic analysis is possible) if (1) the applicant has demonstrated that its project is bounded by the applicable nuclear power plant parameter envelope and site parameter envelope values and assumptions, and (2) the applicant has not identified any new and significant information that would change the conclusions in this NR GEIS. If a value or assumption is not met or bounded, then the applicant may be able to limit its analysis to just the impact of not meeting the value or assumption. Similarly, if the applicant identifies new and significant information that would change the conclusions in this NR GEIS, then the applicant may be able to limit its analysis to just the impact of the new and significant information. The proposed new regulations would reduce burden on applicants to a total of 8,452 hours for the environmental report.

The decrease in annual reporting burden to industry is shown in . The proposed rule is estimated to reduce burden by 6,548 hours per environmental report submitted (15,000 hours under current regulations compared to 8,452 hours for a submission using the NR GEIS). During the course of the clearance period, the proposed rule is estimated to reduce burden by 39,288 hours or \$11,786,400 annually (39,288 hours × \$300/hr)

The \$300 hourly rate used in the burden estimates is based on the NRC'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 2023 (88 FR 39120; June 15, 2023).

In addition, the clarifying change to § 51.53, "Postconstruction environmental reports," which cross-references license termination provisions under § 52.110 will not result in a change in burden. Burdens associated with environmental report submissions under § 51.53 have previously been captured under this clearance (3150-0021).

Table 1. Annual Cost Reduction to Industry (10 CFR Part 51 Annual Reporting Burden Reduction)

Requirement	Description	Type of Application	Respondents Per Year	Responses Per Respondent	Total Responses	Burden Per Response	Total Burden	Annual Cost at \$300/hr
10 CFR 51.45	Establishes general requirements of applicant's Environmental Reports	Current Regulations	6	1	6	15,000	90,000	\$27,000,000
		Proposed Rule with NR GEIS	6	1	6	8,452	50,712	\$15,213,600
REDUCTION IN BURDEN			0	0	0	6,548	39,288	\$11,786,400

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The NRC staff has developed estimates of annualized costs to the Federal government related to the conduct of this collection of information. The NR GEIS will decrease the estimated annualized one-time cost to the NRC to review the environmental report submitted as part of a new nuclear reactor licensing application and conduct the environmental review. These estimates are based on NRC 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 NR GEIS will be applicable to new reactor applicants who submit an ESP, CP, OL, and COL.

The current regulations estimate a total burden of 15,000 hours for the NRC to complete the environmental review for a new nuclear reactor. The new regulations would reduce NRC staff review time to a total of 8,584 hours for the environmental review.

This cost reduction is the result of NRC using the NR GEIS to streamline environmental reviews by referring to the generic analyses in the NR GEIS whenever possible and focusing their review efforts on environmental issues where a consideration of project-specific information is needed to ascertain the potential for significant environmental impacts. Upon receipt of specific new nuclear reactor licensing applications, the NRC will prepare SEISs tiered from the NR GEIS, in accordance with the associated rule, that briefly identify the environmental issues that can be addressed through the NR GEIS. The remaining issues will then be covered in more detail using project-specific information. The NRC expects that use of the NR GEIS along with the SEIS will reduce the time and resources needed to complete environmental reviews, while still providing decision-makers and the public with a complete and robust analysis of potential environmental impacts, meeting all NEPA requirements. The estimate above assumes that all Category 1 issues are applicable to the new nuclear reactor proposed for licensing.

The decrease in annual cost to the Federal government is shown in Table 2. The proposed rule is estimated to reduce burden by 6,416 hours per review, or 38,496 hours annually during the clearance period, a reduction of \$11,548,000 (38,496 hours × \$300/hr). The overall annual cost to the Federal government for the 10 CFR Part 51 information collection will be reduced from \$18,769,824 to \$7,221,824 (current cost of \$18,769,824 – \$11,548,000).

Table 2. Annual Cost Reduction to the Federal Government (10 CFR Part 51 Annual Reduction)

Description	Type of Application	Submissions Per Year	NRC Staff Review Time Per Submission	Total Review Time Per Year	Annual Cost at \$300/hr
	Current Regulations				\$27,000,000

Description	Type of Application	Submissions Per Year	NRC Staff Review Time Per Submission	Total Review Time Per Year	Annual Cost at \$300/hr
Environmental Report for New Reactors		6	15,000	90,000	
	Proposed New Regulations	6	8,584	51,504	\$15,451,200
REDUCTION IN STAFF TIME/COST		0	6,416	38,496	\$11,548,800

15. Reasons for Change in Burden

The NR GEIS and associated rulemaking incorporates text to improve the effectiveness and efficiency of the environmental review for new nuclear reactor applications by codifying the NR GEIS findings in Table C-1 in Appendix C to Subpart A of 10 CFR Part 51. Improving the effectiveness and efficiency of new nuclear reactor environmental reviews will reduce the cost to industry in preparing environmental reports for new nuclear reactor applications and focuses resources on project-specific analyses. Burden for the 10 CFR Part 51 information collection will be reduced by 39,288 hours, from 140,000 to 100,712 hours.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The 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

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Table 3. 10 CFR Part 51 Guidance Documents

Title	Agencywide Documents Access and Management System (ADAMS) Accession Number
Draft Regulatory Guide DG-4032, Preparation of Environmental Reports for Nuclear Power Stations, (<i>Proposed Revision 4 to Regulatory Guide 4.2</i>)	ML24176A228
Draft Interim Staff Guidance, COL-ISG-030, Environmental Considerations Associated with New Nuclear Reactor Applications that Reference the Generic Environmental Impact Statement (NUREG-2249)"	ML24176A231