

DRAFT SUPPORTING STATEMENT
FOR
PRE-APPLICATION INTERACTIONS WITH PROSPECTIVE PART 52 APPLICANTS
FOR NUCLEAR POWER PLANT LICENSES

(3150-XXXX)

NEW

Description of the information collection

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants” governs the issuance of early site permits, standard design certifications, combined licenses, standard design approvals, and manufacturing licenses for nuclear power facilities licensed under Section 103 of the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat 1242). Regulatory Guide (RG) 1.206, “Applications for Nuclear Power Plants,” provides guidance on the format and content of applications for nuclear power plants submitted to the U.S. Nuclear Regulatory Commission (NRC) under 10 CFR Part 52, which specifies the information to be included in an application. The RG 1.206 also provides guidance on the conduct of pre-application activities.

Pre-application activities encompass all the communications, correspondence, meetings, document submittals/reviews, and other interactions that occur between the NRC staff and a prospective applicant before the tendering of an application under 10 CFR Part 52. The NRC considers pre-application activities to be mutually beneficial to both the staff and prospective applicants and encourages prospective applicants to initiate interactions early in the application planning process. Pre-application activities, although encouraged and recommended by the NRC, are not required and are voluntary by prospective applicants.

Voluntary information collections associated with preapplication activities include:

- Submission of information about schedules, status, plant design, major systems and components, computer codes and models, quality assurance programs, probabilistic risk assessment models, emergency plans, and the status of interactions with other agencies
- Meetings with NRC staff, potentially including public meetings
- Topical reports addressing a technical topic related to nuclear plant safety that may apply to multiple applicants or licensees
- Technical reports addressing application-specific technical safety topics, generally intended to support and augment information contained in the application
- White papers to provide explanatory information to enhance the understanding of the NRC staff
- Documentation of the proposed resolution for application-specific safety and environmental issues

- Information about the environmental report
- A preapplication readiness assessment

A. JUSTIFICATION

1. Need for the Collection of Information

The NRC encourages interactions between the staff and those entities considering the submittal of an application under 10 CFR Part 52. As stated in the Commission's Final Policy Statement on the Regulation of Advanced Reactor (ADAMS Accession No. ML082750370) the Commission encourages the earliest possible interaction with applicants, vendors, and other Government agencies to provide for early identification of regulatory requirements and to provide all interested parties, including the public, with a timely, independent assessment of the safety and security characteristics of the designs. The policy states that in "the absence of a significant history of operating experience on an advanced concept reactor, plans for the innovative use of proven technology and/or new technology development programs should be presented to the NRC for review as early as possible, so that the NRC can assess how the proposed program might influence regulatory requirements."

2. Agency Use and Practical Utility of Information

Pre-application interactions with applicants for combined licenses dramatically increase the efficiency of the staff's review of those applications once they are submitted. Pre-application meetings and audits allow the staff to assess the completeness and level of detail of the information that the applicant proposes to submit. This allows the staff to inform the applicant of potential deficiencies in the application; this, in turn, allows the applicant to submit a more thorough application and facilitates the staff's acceptance review.

Pre-application meetings and audits also allow the staff to identify areas of review which might pose challenges. This allows for planning of resources and results in a more efficient and timely review.

Finally, pre-application interactions allow the staff to prepare a draft review schedule for the application. This means that the staff will have a more accurate timeline for the completion of the review and a better idea of the costs to the applicant than if there were no pre-application interaction.

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 95 percent of the potential responses are filed 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

Not applicable.

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

Not conducting pre-application meetings and audits will likely reduce the efficiency of the staff's review and result in greater overall review costs for the applicant of a combined license. The pre-application review aids the staff in work planning, resource allocation and helps the applicant to improve the quality of their submittal. This allows for a more efficient review of the combined license application and can result in reduced overall costs for the applicant.

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 has been published in the *Federal Register*.

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

Not Applicable

12. Estimated Burden and Burden Hour Cost

Based on historical data, the NRC staff estimates that an average of two respondents will engage in pre-application activities every year (a total of 6 over the three year clearance period.) The burden to a licensee to participate in preapplication activities is estimated by NRC staff to average 25,000 person-hours; therefore, the average annual burden is estimated to be 50,000 hours annually (25,000 hours x 2 potential applicants.) The NRC staff estimates that 90% of this burden is associated with preparing and submitting information and 10% can be attributed to recordkeeping (45,000 hours reporting and 5,000 hours recordkeeping.) The burden hour cost is estimated to be \$13,750,000 (50,000 hours x \$275/hour).

The \$275 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 2018 (83 FR 29622, June 25, 2018).

Staff wishes to note that completing certain activities in the pre-application phase will obviate the need for these activities in the application phase; therefore, the burden to the respondent for the application process (captured under 10 CFR Part 52, OMB clearance 3150-0151) may be less.

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 66 hours, the storage cost for this clearance is \$550 (5,000 hours x 0.0004 x \$275/hour).

14. Estimated Annualized Cost to the Federal Government

Staff expects to expend approximately 1,125 hours on pre-application activities per year. At \$275/hr, the estimated cost is \$309,375 (1,125 hours x \$275/hr). These activities require no equipment, facilities, or personnel beyond those required for normal agency activities.

15. Reasons for Change in Burden or Cost

This is a new information collection that would result in 50,000 hours of annual burden (45,000 hours reporting + 5,000 hours recordkeeping) at a cost of \$13,750,000 for potential applicants who choose to engage in pre-application activities such as the submission of information about schedules, status, plant design, major systems and components, computer codes and models, quality assurance programs, probabilistic risk assessment models, emergency plans, and the status of interactions with other agencies.

Potential applicants who engage in pre-application activities benefit from an early NRC staff assessment of the completeness and level of detail of the information that the applicant proposes to submit and staff identification of potential

deficiencies in the application. Pre-application activities are expected to increase the efficiency of the staff's review of those applications once they are submitted.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The document that provides guidance on pre-application activities (Regulatory Guide (RG) 1.206, "Applications for Nuclear Power Plants") is not updated on a periodic basis. It was first published in 2006 and updated in 2018. Re-publishing the Regulatory Guide every three years for the purpose of updating the expiration date would be unduly burdensome.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.