

FINAL SUPPORTING STATEMENT  
FOR  
PRE-APPLICATION COMMUNICATION AND SCHEDULING FOR ACCIDENT TOLERANT  
FUEL SUBMITTALS

(3150-XXXX)

NEW

Abstract

Accident tolerant fuel (ATF) development is a joint effort between the U.S. nuclear industry and the U.S. Department of Energy to design and pursue approval of various fuel types with enhanced accident tolerance. In preparing the U.S. Nuclear Regulatory Commission (NRC) to review these advanced fuel designs, the agency is conducting advanced planning, reviewing the existing regulatory infrastructure, and identifying needs for additional analysis capabilities. The intent of this information collection is to help inform the NRC's budget and resource planning for the eventual review of ATF-related applications. Specifically, the NRC seeks ATF scheduling information for pre-application activities, topical report submittals, and other licensing submittals from all respondents. This information will allow the NRC to better allocate its resources to support the activities leading up to and including the review of an ATF submittal. The proper allocation of resources promotes the efficient completion of the NRC's review responsibilities.

A. JUSTIFICATION

1. Need For the Collection of Information

ATF presents new and unique technical issues that may not be readily addressed with the guidance, review plans, and regulatory criteria for currently utilized fuel (i.e., uranium dioxide pellets clad in zirconium alloys). Given the expected volume of applications for regulatory review, the ATF effort depends on early and frequent communication between the NRC and the nuclear industry. However, while the industry is aggressively targeting batch deployment of ATF concepts by 2023, few fuel vendors have actively engaged the NRC on their plan for batch deployment of an ATF concept. The NRC needs additional information on industry plans for developing the technical basis and application schedule for ATF in order to better allocate resources to support the industry's efforts.

NRC has the authority to request this information under Section 161c of the Atomic Energy Act of 1954, which states, "In the performance of its functions the Commission is authorized 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.”

2. Agency Use and Practical Utility of Information

The information gathered by this request will allow the NRC to better allocate its resources to support the activities leading up to and including the review of an ATF submittal. Additionally, this information collection seeks to promote early and frequent communication between the NRC and respondents on topics such as ATF experimental testing programs, data collection, and industry schedules. Communication between both parties promotes the submission of high quality and complete applications. Incomplete or insufficient applications increase the risk of schedule delays in deployment of ATF designs.

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 100% 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

None of the potential applicants responding to this collection are small businesses.

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

If the information is not collected, the NRC will be unable to inform its budget and resource planning for the review of ATF-related applications. Since most ATF development is in its initial stage, the NRC staff recommends an annual schedule for collecting the information. This schedule is the minimum frequency necessary for the NRC to update its budget and resource planning as applicants' ATF submittal

schedules change.

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 February 13, 2019 (84 FR 3831). Additionally, the NRC contacted, via email, five potential respondents in the areas of fuel and cask vendors. These representatives were from Framatome, General Electric, Holtec International, NAC International, Inc., and Westinghouse. Of the five potential respondents contacted, only Westinghouse provided comments. Westinghouse believes that this information collection is beneficial to both the NRC and the industry and agrees that providing this information will help ensure that NRC resources are available to review ATF-related licensing submittals. In addition, the NRC received one out-of-scope comment from an anonymous commenter.

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

Frequency of response: Annual

Number of respondents: 9

Burden hours per response: 120 hours

Total annual burden hours: 1,080 hours

Total annual burden cost (at \$275/hr): \$297,000

The estimated 120 burden hours per response is based on the projected amount of time it will take a respondent to prepare, review, and approve the answers to the questions in the information collection.

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).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The NRC estimates that the NRC staff will spend approximately 270 hours annually to review the expected submissions (30 hrs/response x 9 responses). The cost to the NRC for reviewing these submissions will be \$74,250 (270 hrs x \$275/hr). These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information.

15. Reasons for Change in Burden or Cost

Since the information collection requires a new OMB clearance, this item is not applicable.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

Not applicable. The information collection displays the expiration date.

18. Exceptions to the Certification Statement

None.