

DRAFT SUPPORTING STATEMENT FOR INFORMATION COLLECTIONS CONTAINED IN
THE REGULATORY IMPROVEMENTS FOR PRODUCTION AND UTILIZATION FACILITIES
TRANSITIONING TO DECOMMISSIONING PROPOSED RULE

10 CFR PART 52
LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

DESCRIPTION OF INFORMATION COLLECTION

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern production and utilization facility licensee activities during decommissioning. The NRC's goals in amending these regulations are to provide for an efficient decommissioning process; reduce the need for exemptions from existing regulations and license amendment requests; address other decommissioning issues deemed relevant by the NRC; and support the principles of good regulation, including openness, clarity, and reliability. The proposed rule covers a wide range of topics, including the following that would result in incremental changes in recordkeeping and reporting requirements relative to existing rules:

- Emergency preparedness,
- Physical security,
- Cyber security,
- Fitness for duty,
- Training requirements for a fuel handler program,
- Decommissioning funding assurance,
- Offsite and onsite financial protection requirements and indemnity agreements, and
- Current regulatory approaches to decommissioning.

This supporting statement describes how the proposed rule will impact the information collections in 10 CFR Part 52 (3150-0151). The supporting statements describing changes to 10 CFR Part 20 (3150-0014), 10 CFR Part 26 (3150-0146), 10 CFR Part 50 (3150-0011), 10 CFR Part 72 (3150-0132), and 10 CFR Part 73 (3150-0002) have been submitted under the respective clearances.

Affected Entities

The proposed revisions to Part 52 would impact only Part 52 licensees after the NRC has docketed their Section 52.110(a) certification of permanent cessation of operations and permanent removal of fuel from the reactor vessel. The NRC staff does not expect any Part 52 licensees to permanently cease operations during the period of this clearance.

Information Collections

The Part 52 information collection requirements that are impacted by the proposed rule are identified below by rulemaking topic. A more detailed description of the proposed rule changes

is provided at the end of this supporting statement in “Description of Information Collection Requirements.”

Decommissioning funding assurance

- 52.110(h) – Decommissioning funding reports
- 52.110(i) – License termination plan

Environmental impacts

- 52.110(d)(1) – Post-shutdown decommissioning activities report (PSDAR)

A. JUSTIFICATION

1. Need for the Collection of Information

The proposed decommissioning funding reporting requirements in Section 52.110(h)(5) – (7) are needed to alert NRC to the ongoing adequacy of financial assurance to cover required decommissioning activities.

The license termination plan required under Section 52.110(i) is needed to inform the NRC of the status of decommissioning activities and the licensee’s proposed license termination activities. The proposed changes to Section 52.110(i)(2)(vi) would require licensees to identify within the license termination plan the specific sources of funds for remaining decommissioning costs, including sources of funds for license termination, spent fuel management, and independent spent fuel storage installation (ISFSI) decommissioning. This information is needed to inform the NRC of the anticipated adequacy of funding to cover remaining decommissioning activities.

The proposed changes to Section 52.110(d)(1) would clarify that the PSDAR needs to document whether the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate federally issued environmental review documents and include a description in the PSDAR of any activities that will not be bounded, but that an analysis to determine how to address unbounded environmental impacts is not needed at the PSDAR stage. The documentation is needed to alert the NRC of any potentially unbounded environmental impacts associated with planned site-specific decommissioning activities.

2. Agency Use and Practical Utility of Information

Applicants or licensees requesting approval to construct or operate utilization or production facilities are required by the Atomic Energy Act of 1954, as amended (the Act), to provide information and data that the NRC may determine necessary to ensure the health and safety of the public.

The proposed new paragraphs in Section 52.110(h)(5) – (7) would require power reactor licensees to submit annual decommissioning funding reports describing

the status of decommissioning financial assurance. The information collected from power reactors would be used by the NRC to assess the ongoing adequacy of financial assurance to cover required decommissioning activities.

The license termination plan required under Section 52.110(i) is used by the NRC to assess the status of decommissioning activities and the licensee's proposed license termination activities. The source of decommissioning funding information collected under Section 52.110(i)(2)(vi) would be used by the NRC to assess the adequacy of funding to cover remaining decommissioning activities.

The environmental impact information collected from power reactors under Section 52.110(d)(1) would be used by the NRC to identify any potentially unbounded environmental impacts associated with planned site-specific decommissioning activities.

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 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 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

Conduct of decommissioning activities and collection of information concerning decommissioning funding on an annual basis is essential to provide the assurance of protection for the health and safety of the workers and the public.

A license termination plan needs to be submitted only once at least 2 years before termination of the license. The NRC cannot collect information any less frequently or it would compromise its ability to make appropriate regulatory decisions related to terminating licenses.

PSDARs are collected and evaluated when power reactor licensee's transition from operating to decommissioning. The PSDAR must provide the reasons for concluding that appropriate federally issued environmental review documents will bound the environmental impacts associated with site-specific decommissioning

activities. Each PSDAR needs to be submitted only once before a licensee transitions to decommissioning. The NRC cannot collect information any less frequently or it would compromise its ability to make appropriate regulatory decisions, and would adversely affect the administration of the duties of the Commission to protect the environment.

7. Circumstances which Justify Variations from OMB Guidelines

The proposed revisions to Part 52 would not conflict with 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 Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This proposed rule would not request sensitive information.

12. Estimated Burden and Burden Hour Cost

Detailed burden estimates are included in the supplemental burden Excel spreadsheet titled, "Part 52 Burden Tables for the Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning Proposed Rule."

Because there are no expected Part 52 licensees permanently ceasing operations during the period of this clearance, the proposed rule would not impact the recordkeeping or reporting burden in Part 52.

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Because the proposed rule's changes to Part 52 would not affect any entities during the 3-year period covered by this supporting statement, there is no annualized cost to the NRC. However, the following table identifies the anticipated burden hours per action for the NRC should future Part 52 licensees be affected by the proposed rule.

Annualized NRC Cost

NRC Action	Rule Text Provision	No. Actions/Year	Burden Hours/Action	Total Hours	Total Cost
Review decommissioning funding reports	52.110(h)(5)-(7)	0	6	0	\$0.00

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

15. Reasons for Changes in Burden or Cost

Because the proposed rule's changes to Part 52 would not affect any Part 52 decommissioning licensees during the period of this clearance, there is no change in burden or cost from the proposed rule. However, the proposed rule would add a new reporting burden in Section 52.110(h)(5)-(7). As shown in the supplemental burden Excel spreadsheet titled, "Part 52 Burden Tables for the Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning Proposed Rule," this new line item would impose an 8-hour burden on future, affected licensees.

16. Publication for Statistical Use

The information being collected is not expected to be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The reporting requirement for this information collection is 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.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN THE
REGULATORY IMPROVEMENTS FOR PRODUCTION AND UTILIZATION FACILITIES
TRANSITIONING TO DECOMMISSIONING PROPOSED RULE
10 CFR PART 52

The Part 52 information collection requirements that would be impacted by the proposed rule are discussed below.

Decommissioning Funding Assurance

Section 52.110(h) describes allowable uses of decommissioning trust funds and decommissioning funding reporting requirements. The proposed rule would add paragraphs (h)(5) through (h)(7) to require site-specific decommissioning cost estimate report requirements. Proposed Section 52.110(h)(5) would require licensees, after submitting a site-specific decommissioning cost estimate required by Section 52.110(d)(1) and until the licensee has completed its final radiation survey and demonstrated that residual radioactivity has been reduced to a level that permits termination of its license, to annually submit to the NRC a financial assurance status report. Proposed Section 52.110(h)(6) would require that, if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2 percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete decommissioning, the financial assurance status report must include additional financial assurance to cover the estimated cost of completion. Proposed Section 52.110(h)(7) would require that after submitting its site-specific cost estimate required by Section 52.110(d)(1), the licensee must annually submit to the NRC a report on the status of its funding for managing irradiated fuel. There would be a reporting burden imposed by these provisions. However, because there are no expected Part 52 licensees permanently ceasing operations during the period of this clearance, the proposed rule would not impact the recordkeeping or reporting burden in the existing Part 52 Clearance (3150-0151). (New)

Section 52.110(i) requires that all power reactor licensees must submit an application for termination of license. The application must be accompanied or preceded by a license termination plan and be submitted at least 2 years before termination of the license. Section 52.110(i)(2)(i)-(viii) describes the content of the license termination plan. Items (i), (iii), and (iv) require the licensee to evaluate the site for radiological hazards, perform suitable decontamination (remediation) activities, and perform a suitable final radiation survey after site decontamination. Item (ii) requires the licensee to identify any residual dismantlement activity that remains at the time of license termination plan submittal. Item (v) requires the licensee to identify the end use of the site, if a restricted release is sought by the licensee. Item (vi) requires the licensee to provide an updated site-specific estimate of remaining decommissioning costs. Item (vii) requires the licensee to submit a supplement to the environmental report that describes any new or significant environmental change associated with the licensee's proposed termination activities. Item (viii) requires identification of parts, if any, of the facility site released before approval of the license termination plan. The proposed rule would revise item (vi) to require licensees to identify the specific sources of funds for remaining decommissioning costs, including sources of funds for license termination, spent fuel management, and ISFSI decommissioning. The new information to be included in the license termination plan would impose no additional information collection burden beyond what is currently required of licensees. (Amended)

The existing Part 52 Clearance (3150-0151) does not account for the reporting burden associated with the Section 52.110(i) license termination plan requirements. Although this proposed rule does not impose the collection under Section 52.110(i), this supporting statement updates the information collection burden estimate for Part 52 to reflect the reporting burden under Section 52.110(i).

Environmental impacts

Section 52.110(d)(1) requires that a licensee, prior to or within two years following permanent cessation of operations, submit a post-shutdown decommissioning activities report (PSDAR) to the NRC. Proposed revisions to Section 52.110(d)(1) would clarify that the PSDAR needs to document whether the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate federally issued environmental review documents and include a description in the PSDAR of any activities that will not be bounded, but that an analysis to determine how to address unbounded environmental impacts is not needed at the PSDAR stage. The proposed revision clarifies the intent to consider all appropriate federally issued environmental documents prepared under all federal environmental resource protection statutes, and not just those prepared under NEPA. These proposed requirements would not change existing recordkeeping or reporting burdens. (Amended)