

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

10 CFR PART 72  
LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR  
FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN  
CLASS C WASTE

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 would impact the information collections in 10 CFR Part 72 (3150-0132). 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 52 (3150-0151), and 10 CFR Part 73 (3150-0002) have been submitted under the respective clearances.

*Affected Entities*

Under the proposed rule, changes to information collection requirements would be triggered by specified actions, all of which would occur after a nuclear power reactor licensee formally begins the decommissioning process by certifying its permanent cessation of operations and permanent removal of fuel from the reactor vessel under 10 CFR 50.82(a)(1) or 52.110(a). The NRC staff estimates that three nuclear power reactors will permanently shutdown during the 3-year period covered by this supporting statement.

Although the proposed rule largely focuses on establishing a regulatory framework for the transition from the operation of a nuclear reactor to the decommissioning of a nuclear reactor, the proposed rule also would affect spent fuel storage record retention requirements. The

changes to the spent fuel storage record retention requirements in Section 72.72(d) would affect 78 licensees to which the NRC or an Agreement State has granted a general license or specific license to construct or operate a nuclear facility, or to receive, possess, use, transfer, or dispose of source material, byproduct material, or special nuclear material.

### *Information Collections*

The Part 72 information collection requirements that would be impacted by the proposed rule are identified below by rulemaking topic. A more detailed description of each is provided at the end of this supporting statement in “Description of Information Collection Requirements.”

#### Spent Fuel Management

- 72.218 – Termination of licenses

#### Record Retention

- 72.7 – Specific exemptions
- 72.72(d) – Material balance, inventory, and records requirements for stored materials

### A. JUSTIFICATION

#### 1. Need for the Collection of Information

The regulations in 10 CFR Part 72 are issued pursuant to the Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974, as amended, and the Nuclear Waste Policy Act of 1982, as amended. In order to obtain a license under 10 CFR Part 72, an applicant must submit financial, safeguards, technical, and environmental information. Such information is needed both to provide safety assurance and to comply with complementary NRC regulations for environmental protection (10 CFR Part 51) and safeguards requirements (10 CFR Part 73).

#### 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 information collected from power reactors under Section 72.7 is used by the NRC to assess a licensee’s request for exemption from selected requirements in Part 72. The NRC determines if the exemption is authorized by law and otherwise in the best interest of the public.

Under Section 72.72(d), records must be stored in a facility that meets specific requirements to ensure that they are not destroyed. Records of material transferred out of the facility must be preserved for 5 years after the date of transfer. The material control and accounting procedures are used by the licensee to carry out its material control and accounting operations and are reviewed by NRC inspectors to ensure the adequacy of the licensee’s programs and compliance with NRC

regulations. The records are reviewed by the inspection staff to detect diversion of material and to initiate prompt action in the event of a diversion.

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.

The proposed rule would not impact the proportion of documents 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

Not applicable.

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

Section 72.7 exemption requests are collected and evaluated when licensees are seeking relief from the requirements of Part 72. Each exemption request needs to be submitted only once. The schedule for collecting the information is the minimum frequency necessary to assure that licensees are complying with the law and are not creating undue hazard to life or property. If the information were not collected, then licensees could be required to comply with unnecessary requirements.

Section 72.72(d) imposes record retention requirements for records related to spent fuel and high-level radioactive waste (HLW). If the information were not collected, then NRC inspectors would not have access to the information needed to evaluate the adequacy of licensee's programs and compliance with NRC regulations. The records are reviewed by the inspection staff to detect diversion of material and to initiate prompt action in the event of a diversion.

7. Circumstances which Justify Variations from OMB Guidelines

The proposed revisions to Part 72 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 does not request sensitive information.

12. Estimated Burden and Burden Hour Cost

Detailed burden estimates are included in the supplemental burden Excel spreadsheet titled, "Part 72 Burden Tables for the Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning Proposed Rule."

The proposed rule would result in an estimated reduction of 20 annual respondents.

The overall estimated annual burden reduction is 436 hours at an estimated annual cost reduction of \$125,568.00 (436 hrs x \$288/hr). This includes 46 hours for reporting and 390 hours for recordkeeping.

**Total Burden Summary**

<b>Title</b>	<b>Responses</b>	<b>Hours</b>	<b>Cost</b>
Annual Reporting	1	-46	-\$13,248.00
Annual Recordkeeping	20	-390	-\$112,320.00
<b>TOTAL</b>	21	-436	-\$125,568.00

\*Each recordkeeper is counted as a single response. All one-time recordkeepers are included in the annual recordkeeping total.

Note: The respondents affected by the proposed rule's 10 CFR part 72 information collections are not new respondents; they are affected by other information collections identified in the existing 10 CFR part 72 clearance.

The \$288 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 2021 (86 FR 32146; June 16, 2021).

13. Estimate of Other Additional Costs

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 .0004 times the

recordkeeping burden cost. Therefore the records storage cost savings for this clearance is estimated to be \$44.93(390 recordkeeping hours x \$288/hour x .0004). The current records storage cost is \$4,855. The new total record storage cost including the proposed rule requirements would be \$4,810.07.

14. Estimated Annualized Cost to the Federal Government

The annualized cost reduction for the NRC is estimated to be \$8,640.00 (30 hours x \$288/hour).

**Annualized NRC Cost Reduction**

NRC Action	Rule Text Provision	No. Actions/ Year	Reduced Burden Hours/Action	Total Reduced Hours	Total Cost Reduction
Process exemption requests	72.7	1	30	30	\$8,640.00

This cost reduction is the result of NRC not having to process and review exemption requests associated with record retention requirements.

The current cost to the Federal government is \$11,291,991. The new cost to the Federal government including the proposed rule requirements would be \$11,283,351.

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

The estimated incremental burden reduction from the proposed rule is 436 hours.

The proposed rule would decrease the recordkeeping burden for licensees opting to store records related to spent fuel and HLW in a single location that meets the requirements of an NRC-approved quality assurance program, as opposed to two separate locations. This proposed revision also would reduce the number of licensees submitting exemption requests.

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 recordkeeping and 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.

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REGULATORY IMPROVEMENTS FOR PRODUCTION AND UTILIZATION FACILITIES  
TRANSITIONING TO DECOMMISSIONING PROPOSED RULE  
10 CFR PART 72

The Part 72 information collection requirements that would be impacted by the proposed rule are discussed below by rulemaking topic.

Spent Fuel Management

Section 72.218 requires that there be notification regarding the program for the management of spent fuel at the reactor under Section 50.54(bb), including notification of a plan for removal of the spent fuel stored under the general license for the reactor site. Currently, requirements in Section 50.54(bb) focus primarily on reporting on the planned funding for storing and managing spent nuclear fuel, while the corresponding requirements in existing Section 72.218 focus on reporting on the planned management. The proposed rulemaking would eliminate this discrepancy by removing the spent fuel management requirements under Section 72.218 and clarifying them under Section 50.54(bb). This proposed revision would not impact the paperwork burden for decommissioning licensees. Additionally, Paragraph c of 72.218 requires that reactor licensees send a copy of any notification regarding spent fuel management at the reactor and any application for termination of the reactor operating license to the appropriate NRC Regional Office. The proposed rule would eliminate Paragraph c. As a result, licensees entering decommissioning would no longer submit the reports to the NRC. No licensee would be affected by this requirement during the period of this clearance. Therefore, the proposed rule would not change the reporting burden in the existing Part 72 Clearance (3150-0132). (Amended)

Record Retention

Section 72.7 specifies that the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in Part 72 if the Commission determines an exemption is authorized by law and otherwise in the best interest of the public. Section 72.72(d) requires that records of spent fuel and HLW in storage be kept in duplicate, at separate sites, to ensure that a single event cannot destroy both sets of records. Records of materials transferred out of the facility must be preserved for five years after the date of transfer. Currently, to decrease the burden associated with long-term record storage and increase the overall efficiency of the decommissioning process, licensees that are transitioning to decommissioning frequently request exemptions from these requirements. Proposed revisions to Section 72.72(d) allow for the storage of records in a single location if a storage facility is available that meets the requirements of an NRC-approved quality assurance program for the storage of records. This proposed revision to Section 72.72(d) would result in a reduction to the exemption request related reporting burden for licensees transitioning to decommissioning because fewer licensees would be expected to submit exemption requests to NRC. (Change in Respondents)

Section 72.72(d) requires that records of spent fuel and HLW in storage be kept in duplicate, at separate sites, to ensure that a single event cannot destroy both sets of records. Records of materials transferred out of the facility must be preserved for five years after the date of transfer. Proposed revisions to Section 72.72(d) allow for the storage of records in a single location if a storage facility is available that meets the requirements of an NRC-approved quality assurance program for the storage of records. The proposed revision would also result in a reduction in the recordkeeping burden for licensees. (Amended)