

Section 3

DRAFT SUPPORTING STATEMENT FOR DECOMMISSIONING REQUIREMENTS

10 CFR 50.33(k)(1) AND (2), 50.75, AND 50.82

DESCRIPTION OF THE INFORMATION COLLECTION

The decommissioning regulations specify requirements for financial assurance, recordkeeping and planning and termination procedures. These regulations ensure that decommissioning of production and utilization facilities will be handled by the licensee in a way that will result in minimal or negligible impact on public health and safety and the environment. These regulations affect 104 licensees for operating nuclear power plants, and 37 licensees for operating non-power reactors. It also affects licensees for 19 power plants and 8 non-power reactors that are currently being decommissioned, and 7 non-power reactors that currently have possession only licenses.

A. JUSTIFICATION

1. Need and Practical Utility for the Collection of Information

The provisions of the decommissioning regulations encompass requirements with respect to maintenance of records, submittal and updating as necessary of financial information, either as a certification or plan, and submittal of decommissioning plans.

Section 50.33(k)(1) requires that an application for an operating license include information on how reasonable assurance will be provided that funds will be available to decommission the facility. No applications are expected during this clearance period.

Section 50.33(k)(2) required holders of operating licenses to provide the above information by July 26, 1990. This information has been supplied.

Section 50.75 establishes detailed information on what the NRC will accept as reasonable assurance that decommissioning funds will be available when needed. This section also specifies requirements for reporting and recordkeeping for decommissioning planning. Specifically:

Section 50.75(b) requires each electric utility applicant for or holder of an operating license to submit a decommissioning report, as required by 50.33(k), containing a cost estimate for decommissioning and certification that financial assurance for decommissioning will be provided and adjusted annually. As part of the certification, a copy of the financial instrument is to be submitted to NRC.

Section 50.75(d) requires each non-electric utility applicant for or holder of an operating license to submit a decommissioning report as required by 50.33(k) containing a cost estimate for decommissioning, an indication of the method(s) to be used to provide decommissioning funds, and a description of the means of adjusting the cost estimate over the life of the facility.

50.75(f)(1) requires each power reactor license to report to the NRC every 2 years the status of decommissioning funding for each reactor that it owns and any modifications to its method of providing financial assurance. Any plant within 5 years of end of operations or any plant involved in mergers or acquisitions must submit this report annually. No plants are expected to be submitting the annual report during this clearance period.

Section 50.75(f)(2) requires that each power reactor licensee submit, at or about 5 years prior to the projected end of operation, a preliminary decommissioning cost estimate which includes an up-to-date assessment of the major factors that could affect the cost to decommission.

Section 50.75(f)(3) requires that each non-power reactor licensee submit, at or about 2 years prior to the projected end of operation, a preliminary decommissioning plan containing a cost estimate for decommissioning and an up-to-date assessment of the major factors that could affect planning for decommissioning.

Section 50.75(f)(4) requires, if necessary, the cost estimate for power and non-power reactors to include plans for adjusting funding levels.

Section 50.75(g) requires each licensee to keep records of information important to safe and effective decommissioning until the license is terminated. This information consists of records of spills, as-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and of the funding method used.

Section 50.82 defines the decommissioning process and information collection requirements for power and non-power reactors. Specifically:

Section 50.82(a)(1)(i) and (ii) requires that a power reactor licensee submit written certifications to the NRC after determination to permanently cease operation and once fuel has been permanently removed from the reactor vessel.

Section 50.82(a)(4)(i) requires that a power reactor licensee submit prior to or within 2 years following permanent cessation of operations a post-shutdown decommissioning activities report (PSDAR). The PSDAR is sent to the NRC with a copy to the affected State(s) and provides a description of the planned decommissioning activities along with a schedule for their accomplishment, an estimate of expected costs, and a discussion of whether environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued documents.

Section 50.82(a)(7) requires that a nuclear power licensee notify the NRC, in writing and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the PSDAR, including changes that significantly increase the decommissioning cost. This notification is necessary to keep the NRC informed of changes in the licensee's planned activities.

Section 50.82(a)(8)(ii) requires that a nuclear power licensee submit to the NRC a site-specific decommissioning cost estimate prior to using any funding in excess of the amounts specified in this section. This submittal is necessary to ensure that the licensee will have enough funding for future decommissioning actions.

Section 50.82(a)(8)(iii) requires that within 2 years following permanent cessation of operations, if not already submitted, a nuclear power licensee submit a site-specific decommissioning cost estimate.

Section 50.82(a)(8)(iv) requires licensees to provide a means of adjusting cost estimates and funding levels during decommissioning delays or periods of plant storage.

Section 50.82(a)(9) requires that a power reactor licensee 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 50.82(a)(9)(ii)(A)-(G) prescribes the content of the license termination plan. Items (A), (C), and (D) 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 (B) requires the licensee to identify any residual dismantlement activity that remains at the time of license termination plan submittal. Item (E) requires the licensee to identify the end use of the site, if a restricted release is sought by the licensee. Item (F) requires the licensee to provide an updated site-specific estimate of remaining decommissioning costs. Item (G) 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.

50.82(b)(1) requires that a non-power reactor licensee that permanently ceases operations must make application for license termination within 2 years following permanent cessation of operations, and in no case later than 1 year prior to expiration of the operating license. Each application must be accompanied or preceded by a proposed decommissioning plan. The contents of the decommissioning plan are specified in 50.82(b)(4).

50.82(b)(2) states for decommissioning plans in which the major dismantlement activities are delayed by first placing the facility in storage, planning for these delayed activities may be less detailed. Updated detailed plans must be submitted and approved prior to the start of these activities.

50.82(b)(4) prescribes the content of decommissioning plans for non-power reactors. This includes (i) the choice of the alternative for decommissioning with a description of activities involved; (ii) a description of the controls and limits on procedures and equipment to protect occupational and public health and safety; (iii) a description of the planned final radiation survey; (iv) an updated cost estimate for the chosen alternative for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and plan for assuring the availability of adequate funds for completion of decommissioning; and (v) a description of technical specifications, quality assurance provisions and physical security plan provisions in place during decommissioning.

2. Agency Use of Information

The NRC uses this information to determine if proposed decommissioning activities will be performed in accordance with the Commission's regulations, will not be inimical to the common defense and security or to the health and safety of the public, and will not have a significant effect on the quality of the environment.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use; however, at the current time, no responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

Licensees of production and utilization facilities are the only source for this information. The Information Requirements Control Automated System (IRCAS) was searched for duplication, and none was found. There is no similar information available to the NRC.

5. Effort to Reduce Small Business Burden

Approximately one university will be required to submit a decommissioning plan during the next three years. There is no way to obtain the necessary information and yet reduce the small business burden.

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

Conduct of decommissioning activities and collection of information concerning them at the required frequency is essential to provide the assurance of protection for the health and safety of the workers and the public.

7. Circumstances which Justify Variation from OMB Guidelines

To assure the protection of public health and safety, each licensee must keep records of information important to the safe and effective decommissioning of the facility in an identified location until NRC terminates the license.

8. Consultations Outside the NRC

Proposed rulemakings affecting this information collection during the current clearance period were published for comment in the Federal Register. Comments received were considered prior to final rulemaking. Moreover, State radiological health agencies are asked for their comments prior to approval of decommissioning plans and associated license amendments.

Opportunity for public comment on this information collection has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential submittals are not anticipated. However, confidential or proprietary information would be handled in accordance with 10 CFR 2.790 of NRC's regulations.

11. Justification for Sensitive Questions

The provisions of decommissioning regulations do not require sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

See the enclosed table.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

See the enclosed table. This cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

An increase of 346 hours is due to new regulations effective in November, 1998, which require power reactors to report decommissioning trust fund status to NRC at least every 2 years and annually when the reactor is within 5 years of end of operations. The increase is partially offset by a reduction in burden of 119 hours because of a reduction in the number of reactors. Therefore, the total burden increase is 227 hours.

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations 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.

Burden for Licensees and the NRC - Decommissioning Reports, Records and Plans

Requirement	Type	Reactor	Licensee hrs. each	Licensee average annual burden (Responses x hrs)	NRC hrs. each	NRC average annual burden (responses x hrs)	(Notes)
50.33(k)(1)	Report	Power	200 hrs.	0	24 hrs.	0	note 1
50.33(k)(1)	Report	Research	72 hrs.	0	32 hrs.	0	note 2
50.33(k)(2)	Report	Power	Complete				note 3
50.75(b)	Record	Power	20 hrs	104 x 20 = 2,080 hrs	0	0	note 4
50.75(d)	Record	Research	2	37 x 2 = 74 hrs	0	0	note 5
50.75(f)(1)	Report	Power	5 hrs	69 x 5 hrs = 346 hrs	1 hr	69 x 1 hour = 69 hrs	note 11
50.75(f)(2)&(4)	Report	Power	250 hrs	0	16 hrs	0	note 6
50.75(f)(3)&(4)	Report	Research	16 hrs	1 x 1/3 x 16 = 5.30 hrs	2 hrs	1 x 1/3 x 2 = .66 hrs	note 7
50.75(g)	Record	Power	23	123 x 23 = 2,829	0	0	
50.75(g)	Record	Research	2.5	53 x 2.5 = 132.5 hrs	0	0	
50.82a(1-8)	Report	Power	1,000 hrs	1 x 1000 = 1,000 hrs	400 hrs	1 x 400= 400 hrs	note 8
50.82a(9)	Report	Power	500 hrs	1 x 500 = 500 hrs	200 hrs	1 x 200 = 200 hrs	note 9
50.82(b)(1)-(4)	Report	Research	400 hrs	1 x 400 = 400 hrs	200 hrs	1 x 200 = 200 hrs	note 10

Total Annual Burden: (Licensee) 7,367 hours; (NRC) 870 hours

Total Annual Cost: (Licensee) \$1,038,747; (NRC) \$122,670 (hours x \$141)

note 1: Assumes no power reactor operating licenses issued during 3-year period 7/97 - 6/2000.

note 2: Assumes no new research reactor license applications.

note 3: Completed in 1990 for all power and research reactors.

note 4: Annual updating of decommissioning costs for all power reactors.

note 5: Annual updating of decommissioning costs for all research reactors.

note 6: Assumes no power reactor licenses will expire requiring preliminary decommissioning cost estimate in the 3-year period.

note 7: Assumes 1 research reactor license expires during 3-year period.

note 8: Assumes 3 power reactor PSDARs during the 3-year period.

note 9: Assumes 1 partial site license termination plan (i.e., reduction in the licensed site area) per year during the 3-year period.

note 10: Assumes 1 research reactor decommissioning plan per year during 3-year period.

note 11: Reporting decommissioning trust fund status every 2 years; assume 5 hrs for each licensee to prepare and 1 hr for NRC to review.