

OMB SUPPORTING STATEMENT FOR
Proposed Rule, 10 CFR Part 50.
“Releasing Part of a Power Reactor Site or Facility for
Unrestricted Use Before NRC Approves the License Termination Plan”

(3150-0011 and -0021)

Description of the Information Collection

The Nuclear Regulatory Commission (NRC) is amending its regulations in Part 50 to establish a process for allowing power reactor licensees to release part of their site for unrestricted use before receiving approval of their License Termination Plan (LTP). The proposed rule will impose new record keeping and reporting requirements.

The decommissioning and license termination rules of 10 CFR Parts 2, 20, and 50 provide adequate protection of the public and the environment from radioactivity remaining at a reactor facility or site when the license is terminated. However, the regulations are silent on the process a licensee would follow to sell land to reduce the size of its site before approval of a License Termination Plan (LTP). To address this regulatory issue, the staff has proposed rulemaking to establish a process for allowing a licensee of an operating facility, or a facility which has entered into decommissioning, to release part of its reactor site for unrestricted use prior to LTP approval.

The proposed rule would add Section 50.83 to 10 CFR Part 50 describing the criteria and the regulatory framework that a power reactor licensee must use to request NRC approval for a partial site release. The proposed new section would allow licensees to submit a letter request or, depending on radiological conditions, a license amendment application. In either case, the submittal would document the licensee’s completion of a number of evaluations, surveys, recordkeeping, and reports.

The proposed rule would revise § 50.75(g) to require licensees to maintain records of property line changes and the radiological conditions of partial site releases. These records would clarify what area is included in the site for the purposes of site release and eventual license termination, and would provide the information necessary to assure that any contribution of doses from previous partial releases is adequately accounted for when demonstrating compliance with the radiological release criteria.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

Section 50.75(g)(4) will be added to require licensees to maintain records of property line changes and the radiological conditions associated with partial site releases. In Section 50.75(g)(1) through (3), the NRC already requires the keeping of some records important to decommissioning. There are three categories of records currently required: spills resulting in significant contamination after cleanup; as-built drawings of structures and equipment in restricted areas; and cost estimates and funding methods. The new § 50.75(g)(4) expands the definition of records important to decommissioning by requiring a licensee to maintain records of: (1) the site boundary, as originally

licensed, which must include a site map; (2) any acquisition or use of property outside the originally licensed site boundary for the purpose of receiving, possessing, or using licensed materials; (3) the licensed activities carried out on the acquired or used property; and (4) the disposition of any property recorded in items (1) and (2) above, the historical site assessment performed for the disposition, radiation surveys performed to support release of the property, submittals to the NRC made in accordance with Section 50.83 of the proposed rule, and the methods employed to ensure that the property met the radiological criteria of 10 CFR Part 20, Subpart E, at the time the property was released.

These additional property records are required to ensure adequate protection of public health and safety. Because there is a potential for interactive dose effects occurring between parts of a site released before license termination and the remainder of the site as it exists when the license is terminated, requiring licensees to preserve information about the radiological conditions of any partial site releases ensures that these conditions can be adequately evaluated in the LTP submitted for NRC review and approval.

Section 50.82(a)(9)(ii)(H) will be added to require that the LTP identify parts, if any, of the facility or site that were released for use before approval of the license termination plan. In general, the information submitted in the LTP refers to the "site." Without this additional clarification, it is not clear that a licensee could be required to include areas previously released because they would no longer be part of the "site." Effectively, a partial site release could result in a licensee adopting a piecemeal approach to relinquish responsibility for parts of its site without going through the license termination process.

Section 50.82(a)(11)(ii) will be revised to clarify that the terminal radiation survey and associated documentation described in the LTP specifically address any parts released for use before approval of the license termination plan. This clarification ensures that the necessary information to assure that any contribution of doses from previous, partial releases to demonstrate compliance with the radiological release criteria is adequately accounted for in the LTP. The burden is included in Section 50.83.

Section 50.83 is added to describe the criteria and the regulatory framework that a power reactor licensee must use to request NRC approval of a partial site release. The required documentation allows the NRC to assure that the released property satisfies the radiological criteria for unrestricted use of 10 CFR Part 20, Subpart E, Section 20.1402, and that there is continued compliance with all other applicable regulatory requirements that may be impacted by the release of property and changes to the site boundary. The LTP requires a final site radiological characterization, dose assessment, identification of remaining remediation activities, and a final survey plan for confirming that the site will meet the restricted or unrestricted release criteria of 10 CFR Part 20, Subpart E. The proposed information collection requirements for releasing part of a facility or site closely parallel those required for license termination. In fact, the rule is being proposed to assure that the reporting requirements and level of protection to

individuals from radiological exposure for a partial site release is commensurate with that associated with license termination.

Section 50.83(a)(1) requires that a licensee's submittal for a request of a partial site release include a safety evaluation to assure that the radiation dose limits for individual members of the public are not exceeded, that effluent releases remain within license conditions, and that there is no reduction in the effectiveness of related programs such as security and safeguards, facility siting, emergency planning, and environmental monitoring. The proposed rule specifically requires that the environmental monitoring program and offsite dose calculation manual be revised to account for the changes.

Section 50.83(a)(2) requires a licensee to perform a historical site assessment of the area to be released. This assessment is the same as that performed at license termination for the entire site and identifies potential, likely, or known sources of radioactive material and radioactive contamination based on existing or derived information for the purpose of classifying the release area in terms of the potential for residual radioactivity. A release area is classified as impacted if there exists some potential for residual radioactivity in excess of background or fallout levels. A release area is classified as non-impacted if there is no reasonable potential for residual radioactivity in excess of background or fallout levels.

Section 50.83(a)(3) requires the licensee to perform a radiation survey of the release area if the area is classified as impacted in the historical site assessment. The survey is required to determine whether the area meet the release criteria for unrestricted use.

Section 50.83(b) describes the content of the submittal request for NRC approval of the release if the release area is classified as non-impacted. The submittal would include the results of the safety evaluations performed in accordance with § 50.83(a)(1) and (a)(2); a description of the part of the facility or site to be released; the schedule for release of the property; and a discussion that provides the reasons for concluding that the environmental impacts associated with the proposed release will be bounded by appropriate previously issued environmental impact statements.

Section 50.83(d) requires that the licensee submit an application for amendment of its license for the release of the property if the area is classified as impacted. The amendment application would include the information specified in § 50.83(b), the results obtained from the radiation surveys used to demonstrate compliance with the radiological release criteria, and a supplement to the licensee's environmental report. A license amendment is justified since it preserves the intent of the license termination process. The license termination process was created to deal with the facility or site as a whole, which inevitably involves handling residual radioactivity above background levels, such as that found in plant systems. The proposed rule preserves the license amendment approach for those cases where a reasonable potential exists for radioactive contamination.

Section 51.53(d) requires that an applicant for a license amendment authorizing license termination at power reactors submit copies of a document entitled "Supplement to Applicant's Environmental Report - Post Operating License Stage." Although no changes are being made to § 51.53, the proposed rule requires in § 50.83(d)(3) that a licensee submitting an application for amendment of its license for the release of property include in their application a supplement to the environmental report, pursuant to § 51.53. The supplement is required to reflect any new information or significant environmental change associated with the proposed partial site release.

2. Agency Use of the Information

The documentation and reporting required by the proposed rule provide the specific information necessary for NRC review and approval of a partial site release for unrestricted use prior to NRC approval of the LTP. The NRC approval process assures that the released property satisfies the radiological criteria for unrestricted use, and that there is continued compliance with all other applicable regulatory requirements that may be impacted by the release.

The proposed changes to § 50.75 require identification of parts of the site released for unrestricted use before approval of the LTP to be included in the information listed in the LTP. Requiring licensees to maintain records of property line changes as a result of partial site releases prior to LTP approval directly supports the NRC staff's ability to assess the licensee's LTP submittal.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection requirement through the use of information technology. In fact, the NRC encourages it. However, many licensees typically do not maintain records as required by the regulations on automated equipment. Therefore, the exclusive use of computers for reporting the requested information does not seem practical.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched for duplication, and none was found.

5. Effort to Reduce Small Business Burden

The NRC has determined that the affected entities are not small entities or businesses as those terms are used in the Regulatory Flexibility Act.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently

The information is neither collected nor submitted on any set frequency. Licensees establish and then maintain the records only when performing partial site releases or when submitting the LTP.

If the information is not collected, there would be less assurance that the demonstration of compliance with the radiological release criteria of 10 CFR Part 20, Subpart E presented in the LTP adequately considers any dose contributions from previous releases. Not considering these contributions could adversely impact the health and safety of the public.

7. Circumstances Which Justify Variation From OMB Guidelines

The records of information required by the proposed rule must be maintained until the license is terminated to ensure that necessary information about the radiological conditions of released portions of the originally licensed site is available to include in the LTP when it is submitted prior to license termination so that the NRC can determine that all aspects of site termination are in compliance with health and safety considerations.

8. Consultation Outside The NRC

A generic communication in the form of a Regulatory Issue Summary (RIS) was issued to power reactor licensees in October 2000. The RIS described the proposed reporting and recordkeeping requirements. In addition, in November 2000, a public licensing forum sponsored by the Nuclear Energy Institute (NEI) and a public decommissioning seminar sponsored by NRC's Office of Nuclear Materials Safety and Safeguards (NMSS) were held in which the proposed reporting and recordkeeping requirements were presented. No comments on the reporting and recordkeeping requirements were received in response to any of these communications.

The opportunity for public comment will be published in the *Federal Register* notice associated with the proposed rule.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Not applicable.

11. Justification for Sensitive Questions

None.

12. Estimated Burden and Burden Hour Cost

See the enclosed tables.

The total burden and cost increase for 10 CFR Part 50 is 933 hours and \$134,352 (885 hours record keeping + 48 hours reporting x \$144 per hour).

The total burden and cost increase for 10 CFR Part 51 is 240 hours and \$34,560 (240 hours at \$144 per hour).

13. Estimate of Other Additional Costs

There are no other additional costs.

14. Estimated Annualized Cost to the Federal Government

These records are reviewed as a normal part of the routine inspection process and, therefore, incur minimal incremental cost to the government. This cost is fully recovered through fee assessments to licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

The rule would propose new information collection requirements relating to partial facility or site releases.

16. Publication for Statistical Use

None.

17. Reason for not Displaying the Expiration Date

The requirement will be 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

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.

Table 1 Annual Reporting Requirements - 10 CFR Part 50

<u>Section</u>	<u>Report</u>	<u>Number of Submittals (1)</u>	<u>Licensee Staff Hours Per Submittal</u>	<u>Total Annual Burden Hours</u>	<u>Cost @ \$144/Hr</u>
50.82(a)(9)(ii)(H)	Augment LTP Information From 50.75(g)(4) Records	1	10	10	\$1,440
50.83	Partial Site Release Letter Submittal (Non-impacted area)	1	300	300	\$43,200
50.83	Partial Site Release License Amendment (Impacted area)	1	575	575	\$82,800
Totals:			<u>885</u>	<u>885</u>	<u>\$127,440</u>

1. It is estimated that, on average, one license termination and two partial site releases will be performed each year.

Table 2 Annual Recordkeeping Requirements - 10 CFR Part 50

<u>Section</u>	<u>Record</u>	<u>No. of Recordkeepers (1)</u>	<u>Hours per Recordkeeper</u>	<u>Total Annual Burden Hours</u>	<u>Cost @ \$144/Hr</u>
50.75(g)(4)(i)	Site boundary with map	2	2	4	\$576
50.75(g)(4)(ii)	Acquisition or use of property	2	8	16	\$2,304
50.75(g)(4)(iii)	Licensed activities	2	6	12	\$1,728
50.75(g)(4)(iv)	Property disposition and records supporting submittals	2	8	16	\$2,304
Totals:			<u>24</u>	<u>48</u>	<u>\$6,912</u>

(1) It is estimated that, on average, two partial site releases will be performed each year.

Table 3 Annual Reporting Requirements - 10 CFR Part 51

<u>Section</u>	<u>Report</u>	<u>Number of Submittals (1)</u>	<u>Licensee Staff Hours Per Submittal</u>	<u>Total Annual Burden Hours</u>	<u>Cost @ \$144/Hr</u>
51.53(d)	Supplement to Environmental Report	2	120	240	\$34,560

(1) It is estimated that, on average, two partial site releases will be performed each year.

It is estimated that the total licensee burden for reporting and recordkeeping for partial site releases will average 582 hours per request submittal:

Licensee staff hours (average) for Section 50.83 reporting per submittal (from Table 1)	438 hours
Licensee staff hours for Section 50.75(g)(4) recordkeeping per submittal (from Table 2)	24 hours
Licensee staff hours for Section 51.53 reporting per submittal (from Table 3)	<u>120</u> hours
Total burden	582 hours