

DRAFT SUPPORTING STATEMENT FOR 10 CFR PART 50

“DOMESTIC LICENSING OF PRODUCTION
AND UTILIZATION FACILITIES”

(OMB CLEARANCE NO. 3150-0011)

Extension Request with Revised Burden Estimate

GENERAL* DESCRIPTION OF THE INFORMATION COLLECTION

The regulations in 10 CFR Part 50, “Domestic Licensing of Production and Utilization Facilities,” are promulgated by the U.S. Nuclear Regulatory Commission (NRC) pursuant to the Atomic Energy Act of 1954, as amended (the Act), to provide for the licensing and regulation of production and utilization facilities. They contain the reporting, recordkeeping and application requirements that are generally applied in the NRC’s licensing and regulatory process. Specific requirements for each licensee are contained in documents called “Technical Specifications” that are issued for every utilization facility licensed to operate. (See 10 CFR 50.36 and Section 2 of this submittal.) Guidance on acceptable means of complying with 10 CFR 50 is provided through publications called NRC “Regulatory Guides.” These guides often cite standards and other requirements established by national standards bodies such as the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME).

The provisions encompassed within 10 CFR 50 affect various types of facilities, including nuclear power plants and non-power reactors (research and test), at various stages in the licensing process, including application, construction, operation, amendment, suspension, renewal and shutdown. Therefore, the number of respondents actually affected by each requirement varies depending on the number of licensing requests initiated and/or completed and the number of regulatory reports required by operating events and/or conditions.

Reporting requirements are directed toward licensees or applicants. However, reporting requirements may not be reactor specific, but they may be of a type that applies to a site which is occupied by one or more reactors that have different licenses. Other requirements may be utility specific and, thus, refer to several reactors at more than one site. These considerations may cause apparent conflicts in the use of the terms: licensees, reactor sites, facilities, or plants in our individual estimates of burden.

* Specific discussions pertinent to the various sections of Part 50 are included in Sections 1-34 enclosed with this transmittal portion of the 10 CFR Part 50 Supporting Statement.

For estimating purposes, NRC has assumed the following annual average number of respondents:

- 104 - Operating Power Reactors
 - 0 - Nuclear Power Reactor Under Construction
- 65 - Power Reactor Sites
- 36 - Operating Non-Power Reactors
- 13 - Permanently Shutdown Power Reactor Sites
- 19 - Permanently Shutdown Power Reactors
- 15 - Permanently Shutdown Non-Power Reactors

Recordkeeping Requirements

The recordkeeping requirements mandated by 10 CFR Part 50 are of two broad types. The first type is the simple filing of copies of reports, letters, and other written documentation that already exist because of a reporting requirement found elsewhere in the regulations or in the license and technical specifications. The second type of recordkeeping is the generation, updating and filing of records because the information in the records may need to be referred to for assessments or subsequent evaluation of occurrences at the facility.

The large volume of records which are kept for 10 CFR Part 50 is required primarily by the technical specifications, the quality assurance program, reports of changes specified in 50.59(b), environmental qualification of equipment, decommissioning, monitoring the effectiveness of maintenance at nuclear power plants, training and qualification of plant personnel, for highly enriched uranium, and for primary reactor containment leakage testing.

Thus, a specific recordkeeping burden has been calculated for each of these technical areas. For all other technical areas, the recordkeeping burden was estimated to be 10 percent of the total burden (recordkeeping plus reporting).

Records Retention Periods

The NRC's codified recordkeeping rule establishes four basic retention periods for all records that must be retained to meet the recordkeeping requirements the NRC imposes on its licensees and applicants. All proposed rules containing recordkeeping requirements must specify one of these four standardized retention periods. Further, the agency has established a policy that all information collection requirements imposed upon licensees and applicants must be contained in its regulations. Therefore, the NRC's technical, licensing, generic requirements, and information resources management staffs carefully scrutinize guidance documents to identify information collections that are being imposed on the licensees to determine if they are mandatory or voluntary and if they are necessary. Where appropriate, procedures are implemented to ensure that the data required to be submitted or retained is clear to the licensees and applicants.

Additional Requirements

This submittal incorporates all finalized information collection requirements contained in 10 CFR 50 that have been approved by OMB since our last extension request for 10 CFR Part 50 dated August 31, 2000. These rulemakings are itemized below and the information collections are described in detail in the applicable supporting statements.

Final Amended Rules

- 10 CFR 50, Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for Power Reactors
- 10 CFR 50, Decommissioning Trust Provisions
- 10 CFR 50.55a, Codes and Standards, Amended Requirements (Endorses 1997 to 2000 Addenda and Editions)
- 10 CFR 50 Combustible Gas Control in a Containment
- 10 CFR 50.55a, Incorporation by Reference of ASME BPV and OM Code Cases
- 10 CFR 50.69, Risk-Informed Categorization and Treatment of Structures, Systems and Components
- 10 CFR 50 and Appendix E, Emergency Planning and Preparedness for Production and Utilization Facilities, NRC Approval of Changes to Emergency Action Levels (EALs) and Exercise Requirements for Co-located Licensees
- 10 CFR 50, Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before NRC Approves the License Termination Plan
- 10 CFR 50.48, Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative

In addition, listed below are areas where we have incorporated burdens where we have determined Part 50 is not capturing all required burden. They are as follows:

- Sections 4 and 11 now incorporate burden for Orders being issued during this 3-year period.
- Section 34 is a new section which incorporates burden under 10 CFR 50.70, Team Inspections of Power Reactor Licensees

This submittal does not address the information collection requirements specified in 10 CFR 50.73, "Licensee Event Reporting System." The burden associated with this regulation is encompassed within OMB Clearance No. 3150-0104, NRC Form 366, Licensee Event Report.

In submitting this request for approval of a revision to the OMB clearance for 10 CFR 50, the NRC realizes its importance and complexity are such that our staff must work closely with yours. Ms. Brenda Jo. Shelton (301-415-7232), NRC Clearance Officer, is available to arrange for the participation of any NRC staff or legal representative if needed by OMB.

A. JUSTIFICATION

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

Pursuant to the Atomic Energy Act of 1954, as amended, NRC has the responsibility and authority for licensing and regulating nuclear power plants, non-power reactors (research and test facilities), fuel reprocessing plants and other utilization and production facilities. Before a company can build a nuclear reactor at a particular site, it must obtain a construction permit from the NRC. Subsequently, the company must obtain an operating license from the NRC before it can operate the plant. The decision by NRC to approve a company's application for a construction permit or an operating license is based largely on the staff's detailed review of the information provided by the company as part of its application. This review responsibility also encompasses applications for approval of design certifications. Information provided by the applicant as part of the application is crucial to the licensing process as it provides NRC with the information it needs to make a decision with regard to the proposed plant's impact on the health and safety of the public. Once a plant is licensed to operate, the NRC continues to regulate its licensed activities. Licensees must comply with the reporting and recordkeeping requirements in 10 CFR Part 50 so that NRC will have the information it needs to ensure that licensed activities are being conducted without endangering the health and safety of the public. Detailed information required by the NRC to be included in each application for a construction permit or an operating license, or required to monitor and ensure safe operation is addressed in the following Supporting Statements specific to the 10 CFR Part 50 Sections (see Enclosure 2).

2. Agency Use of Information

The NRC conducts a detailed review of all applications for licenses to construct and operate utilization and production facilities, in addition to applications for approval of design certifications. The purpose of the detailed review is to ensure that the proposed facilities can be built and operated safely at the proposed locations, and that all structures, systems, and components important to safety will be designed to withstand the effects of postulated accident conditions without undue risk to the health and safety of the public. A detailed review of operating reports and records continues during the lifetime of the licensed plant until it is decommissioned and its license terminated. Applicants and licensees are required by the Act to provide such technical information and data that the NRC may determine necessary to ensure the public health and safety.

Part 50 affects various types of facilities at various stages in the licensing process. The requested information is reviewed and acted upon consistent with the governing NRC regulation or the Act, whichever is appropriate. For example, when a submittal can be completed without adjudication, the collected information can usually be acted upon within 1 to 6 months. However, submittals which result in litigation may not be completed for 2 years or more.

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, fewer than 50% of responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

The information required by 10 CFR 50 does not duplicate other information collections required by other government agencies. The Information Requirements Control Automated System (IRCAS) was searched for agency duplication, and none was found. This information is available only from the licensees and applicants of utilization and production facilities.

5. Effort to Reduce Small Business Burden

Certain provisions of 10 CFR 50 affect 36 non-power reactors (critical facilities and research and test reactors) operated by colleges and universities and 15 non-power reactors being decommissioned or with "possession only" licenses. However, most of the provisions affect only nuclear power plant licensees and applicants. This item is addressed in each Supporting Statement enclosed as Sections 1 through 33 (Enclosure 2).

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

This item is addressed in each Supporting Statement enclosed as Sections 1 through 33 (Enclosure 2).

7. Circumstances which Justify Variation from OMB Guidelines

See each section (Enclosure 2) for information specific to any variance from OMB's guidelines.

8. Consultations Outside the NRC

Requirements of 10 CFR 50 are usually the subject of rulemaking proceedings, during which NRC receives public comments. These comments are considered during the promulgation of all applicable final rules. In addition, the NRC has published a Federal Register Notice requesting public comment on this information collection.

Further, because the NRC staff has a continuing interest in reducing burden on applicants and licensees, the assessment of NRC information gathering needs has been the subject of several staff reviews. These reviews have involved, among other initiatives, seeking public comments to determine whether regulatory burdens can be reduced without reducing the protection for public health and safety.

Notice of 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

Information that is identified as proprietary or confidential, which is defined as information that, if disclosed, could do substantial harm with respect to (1) an organization's competitive positions; (2) private and personal information; or (3) physical protection of safeguards information would be withheld from public disclosure pursuant to the provisions of 10 CFR 2.790 and 10 CFR 9.17.

11. Justification for Sensitive Questions

The provisions of 10 CFR 50 regulations generally do not require sensitive information. However, private information (e.g., telephone numbers) provided in Emergency Plans are protected in accordance with the provisions of 10 CFR 2.790 and 10 CFR 9.17.

12. Estimate of Industry Burden and Burden Hour Cost*

13. Estimate of Other Additional Costs*

14. Estimated Annualized Cost to the Federal Government*

15. Reasons for Changes in Burden or Cost

The reasons for the estimated burden changes (reflecting an overall burden increase for 10 CFR Part 50 from 4.7M to 5.2M hours) is covered in the section-specific statements (Enclosure 2, Sections 1 through 34).

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

* Items 12, 13 and 14 are covered in the section-specific statements (see Enclosure 2, Sections 1 through 34).

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.

Enclosures:

1. Table - Summary of Supporting Statements
2. Supporting Statements (Parts 1-34)
3. Reference Publications