

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

10 CFR PART 50
DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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 50 (3150-0011). The supporting statements describing changes to 10 CFR Part 20 (3150-0014), 10 CFR Part 26 (3150-0146), 10 CFR Part 52 (3150-0151), 10 CFR Part 72 (3150-0132), and 10 CFR Part 73 (3150-0002) have been submitted under the respective clearances.

Affected Entities

Under the proposed rule, changes to the information collection requirements would be triggered by specific 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 Sections 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 would address other topics, including reporting on changes to physical security plans and decommissioning funding. For the proposed reporting requirements related to physical security plans in Section 50.54(p)(3), the proposed rule would affect approximately

71 facilities, including 57 operating power reactor sites and 14 decommissioned/shutdown power reactor sites. For the decommissioning funding reporting requirements in Section 50.75(f)(1), the proposed rule would affect 57 operating power reactor sites.

Information Collections

The Part 50 information collection requirements that would be 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.”

Emergency preparedness

- 50.12 – Exemption requests
- 50.47(b) – Post-shutdown emergency plans
- 50.54(q)(7)(ii)(A) – Spent fuel decay period analysis
- 50.54(q)(7)(iii) – Emergency plans after spent fuel is in dry cask storage
- 50.54(q)(7)(iv) – Emergency plans after spent fuel has been removed from site
- 50.54(q)(8)(i) – Changes to emergency plans
- 50.54(t)(2) – Emergency preparedness program review
- 50.90 – License amendments
- 50.200(b) – Permanently defueled emergency plan
- 50.200(c)(1)(vi) – Training and exercise requirements

Physical security

- 50.54(p)(3) – Changes to security plans
- 50.90 – License amendments

Cyber security

- 50.90 – License amendments

Training requirements for certified fuel handlers (CFH)

- 50.120(b) – Training and qualification requirements of nuclear power plant personnel

Decommissioning funding assurance

- 50.75(f)(1) – Decommissioning funding status updates
- 50.82(a)(9)(ii) – License termination plan

Onsite financial protection requirements

- 50.12 – Exemption requests
- 50.54(w)(6) – Notification of material change in proof of insurance or other financial security information

Spent fuel management

- 50.54(bb) – Irradiated fuel management plan

Record retention

- 50.12 – Exemption requests
- 50.71(c)(1) – Record retention requirements

Environmental impacts

- 50.82(a)(4)(i) – Post shutdown decommissioning activities report

Utilization or production facilities and foreign ownership, control, or domination (FOCD)

- 50.12 – Exemption requests

A. JUSTIFICATION

1. Need for the Collection of Information

The reports and records required by the regulations in Part 50 are necessary for one or more of the following reasons:

- Information regarding license amendments, exemptions, transfers, and other licensing activities must be submitted to the NRC for review in order to ensure the health and safety of the public.
- Emergency plans must be submitted to the NRC in order to allow the NRC to determine that they provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.
- Financial information, such as a certification or decommissioning plan, must be maintained, submitted and updated as necessary to 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.
- Information describing the content and planned operation of the licensee's physical protection system (e.g., Physical Security Plan and Safeguards Contingency Plan) is essential to enable the NRC to make a determination about the adequacy of the licensee's planned system in meeting regulatory requirements.

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 50.12 is used by the NRC to assess a licensee's request for exemption from selected requirements in Part 50. The NRC determines whether (1) the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security and (2) special circumstances are present.

Section 50.90 requires the application for amendment of the license or construction permit to be filed with the Commission, fully describing the changes and following as far as applicable in the form prescribed for original applications. The application for amendment of the license is used by NRC to evaluate any changes made at the facility or any new information concerning the facility that may potentially affect the safety of the facility and consequently the health and safety of the public.

The following section describes, by rulemaking topic, how NRC would use the other information collected as a result of the proposed rule:

Emergency Preparedness

The submission of emergency plans to the NRC is required in order to allow the NRC to determine that the emergency plans provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

The proposed rule would provide licensees the option to submit for NRC approval a site-specific spent fuel decay period analysis to potentially allow licensees to reduce emergency plan information collection requirements more quickly than otherwise provided for under the proposed rule. This information would be used by NRC to evaluate the appropriateness of the alternative spent fuel decay period proposed by the licensee.

A licensee must provide for the development, revision, implementation, and maintenance of its emergency preparedness program. This includes ensuring that all program elements are reviewed by persons who have no direct responsibility for the implementation of the emergency preparedness program. The review must include an evaluation of the adequacy of interfaces with State and local governments, and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and retained for a period of five years. The part of the review involving the evaluation of the adequacy of interface with State and local governments must be made available to the appropriate State and local governments. This information collection is used to assess the ongoing adequacy of the emergency preparedness program.

Physical Security

In the report that the licensee provides to NRC documenting a change to security plans, the proposed rule would require a summary of the analysis completed to determine that the change to the plans does not decrease the safeguards effectiveness of the plans. This information would be used by the NRC to determine whether the licensee has properly adhered to the requirements in

Section 50.54(p)(2) and has not implemented a change that decreased the safeguards effectiveness of its security plans.

Training Requirements for CFHs

The proposed rule would add an alternative definition of CFH that would reduce the frequency by which licensees request NRC approval of a fuel handler training program. Licensee training programs are necessary to provide qualified nuclear power plant personnel.

Decommissioning Funding Assurance

The proposed rule would reduce the frequency by which licensees must submit reports on the status of their decommissioning funding for each reactor. The proposed revisions to this section also would require licensees to include in their report additional financial assurance if the projected balance of any decommissioning fund does not cover the estimated cost of decommissioning. This information would be used by the NRC to ensure that adequate funding will be available to cover decommissioning costs in the future.

The proposed rule 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 would be used by the NRC to assess the adequacy of funding to cover remaining decommissioning activities.

Onsite Financial Protection Requirements

The proposed rule would require prompt notification to the Commission of any material change in proof of insurance or other financial security information filed with the Commission under Part 50. This information would be used by the NRC to assess whether the licensee has made changes to onsite property insurance that could negatively impact a licensee's ability to adequately cover future liabilities at the facility.

Spent Fuel Management

The proposed rule would clarify the required content of the irradiated fuel management plan (IFMP), including specifying that the plan must address both the safety and financial aspects of managing spent fuel before the licensee starts to decommission systems and components needed for moving, unloading, and shipping the spent fuel. This information would be used by NRC to determine that licensees undergoing the decommissioning process are taking adequate actions to maintain the appropriate systems and capabilities for spent fuel management and handling.

Record Retention

The retention of records required by Section § 50.71(c) provides assurance that records associated with structures, systems, and components (SSCs) will be

captured, indexed, and stored in an environmentally suitable and retrievable condition. The records are used to inform decisions related to nuclear safety and security and to ensure maintenance of the safe operation of the SSCs and of conditions that would affect the ongoing health and safety of workers or the public.

Environmental Impacts

The proposed rule would clarify that the post-shutdown decommissioning activities report (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. This information would be used by 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 80% 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

For all but four proposed changes, the NRC anticipates that the proposed rule would result in reduced burden on licensees and NRC staff, and would create a more responsive and efficient decommissioning process that would continue to protect health, safety, and the environment.

With regard to the proposed change to allow licensees to request approval of an alternative spent fuel decay period, if the information were not collected, or collected less frequently, NRC would not be able to approve the use of an alternative spent fuel decay period and would therefore have to enforce NRC requirements potentially longer than needed to protect health, safety, or the environment.

With regard to the proposed requirement that licensees provide a summary of the analysis completed to determine a change to physical security plans does not decrease the safeguards effectiveness of the plans, if the information were not collected, or collected less frequently, the NRC would not be able to confirm that the licensee properly analyzed the changes as required by the regulation to ensure that the changes did not decrease the safeguards effectiveness of their Commission-approved security plan.

With regard to the proposed requirement that licensees promptly notify the Commission of any material change in proof of insurance or other financial security information, if the information were not collected, or collected less frequently, NRC would not be aware of material changes in proof of insurance or other financial security information, which could negatively impact a licensee's ability to adequately cover future liabilities at the facility.

With regard to the proposed clarification to the content of the IFMP, if the information were not collected, or collected less frequently, the NRC would not have the information needed to determine that licensees undergoing the decommissioning process are taking adequate actions to maintain the appropriate systems and capabilities for spent fuel management and handling.

7. Circumstances which Justify Variations from OMB Guidelines

This proposed revisions to Part 50 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 50 Burden Tables for the Regulatory Improvements for

Production and Utilization Facilities Transitioning to Decommissioning Proposed Rule.”

The estimated number of annual respondents is 62.

The overall estimated annual burden reduction is 3,114.5 hours at an estimated annual cost reduction of \$896,976 (3,114.5 hrs x \$288/hr). This includes 1,885.3 hours for reporting and 1,229.2 hours for recordkeeping.

Total Burden Summary

Title	Responses	Hours	Cost
Annual Reporting	97	-1,885.3	-\$542,966.40
Annual Recordkeeping	2	-1,229.2	-\$354,009.60
TOTAL	99	-3,114.5	-\$896,976.00

*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 50 information collections are not new respondents; they are affected by other information collections identified in the existing 10 CFR part 50 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 \$141.60 (1,229.2 recordkeeping hours x \$288/hour x .0004). The current records storage cost is \$273,472. The new records storage cost including the proposed rule requirements would be \$273,330.40

14. Estimated Annualized Cost to the Federal Government

The annualized cost reduction for the NRC is estimated to be \$555,724.80 (1,929.6 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	50.12	4	222.3	889.2	\$256,089.60

NRC Action	Rule Text Provision	No. Actions/ Year	Reduced Burden Hours/Action	Total Reduced Hours	Total Cost Reduction
Process license amendments	50.90	4	185.7	742.8	\$213,926.40
Review decommissioning trust fund report	50.75(f)(1)	19	7	133	\$38,304.00
Approve CFH training program	50.120	1	164.6	164.6	\$47,404.80
Total				1,929.6	\$555,724.80

This cost reduction is the result of NRC not having to:

- process and review exemption requests associated with emergency preparedness, onsite financial protection, record retention, and FOCD after licensees enter decommissioning;
- process and review requests for license amendments or approvals associated with emergency preparedness, physical security, cyber security, and fuel handler training programs after licensees enter decommissioning; and
- review decommissioning trust fund reports biennially.

The current cost to the Federal government is \$66,241,296. The new cost to the Federal government including the proposed rule requirements would be \$65,685,571.

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 3,114.5 hours.

By revising the regulatory frameworks associated with emergency preparedness, physical security, onsite financial protection, record retention, and FOCD related requirements, the proposed rule would reduce the number of exemption requests and license amendments submitted by licensees. In the current Part 50 clearance, the NRC estimates that there will be 30 annual responses associated with exemption requests and 984 annual responses associated with license amendments. After the proposed rule, the NRC estimates that there would be four fewer annual responses associated with exemption requests and four fewer annual responses associated with license amendment requests.

Emergency Preparedness

The proposed rule would decrease the information collection burden for decommissioning power reactor licensees that would be able to revise the scope of emergency plans during decommissioning. This reduction in information collection burden would result from the proposed rule's alternative, graded approach to the current requirements for onsite and offsite radiological emergency preparedness at a nuclear power reactor. This approach would provide four levels of emergency planning standards that coincide with significant milestones in decommissioning that reflect the gradual reduction of the radiological risk during decommissioning. As a licensee transitions through decommissioning milestones, the licensee would no longer need to comply with certain emergency plan requirements that currently imposes information collection burden.

The proposed rule would decrease the information collection burden for certain decommissioning power reactor licensees, allowing them to perform emergency preparedness program reviews every two years, rather than annually, after the NRC's docketing of the licensee's certifications required under Section 50.82(a)(1) or Section 52.110(a).

Physical Security

The proposed rule would increase the information collection burden for operating and decommissioning power reactor licensees by requiring the submission of a summary of the analysis completed to determine that a change to the security plans does not decrease the safeguards effectiveness of the plans in the report that the licensee provides to NRC documenting the change.

Training Requirements for CFH

The proposed rule would decrease the information collection burden for decommissioning power reactor licensees that would no longer need to request approval of a fuel handler training program if the licensee were to choose to rely on the proposed alternative definition of CFH in Section 50.2.

Decommissioning Funding Assurance

The proposed rule would decrease the information collection burden for power reactor licensees that would report on a triennial basis, rather than a biennial basis, the status of their decommissioning funding for each reactor.

Onsite Financial Protection Requirements

The proposed rule would increase the information collection burden on decommissioning power reactor licensees that would be required to notify NRC of material changes in the demonstrated amount of onsite property insurance after the reactor is defueled and permanently shutdown, and spent fuel in the spent fuel pool has decayed and cooled sufficiently that it cannot heat up to clad ignition temperature within 10 hours under adiabatic conditions.

Spent Fuel Management

The proposed rule would increase the information collection burden on decommissioning power reactor licensees that submit an IFMP to the NRC. The proposed rule would clarify the required content of the IFMP, including specifying that the plan must address both the safety and financial aspects of managing spent fuel before the licensee starts to decommission systems and components needed for moving, unloading, and shipping the spent fuel.

Record Retention

The proposed rule would decrease the information collection burden on decommissioning power reactor licensees that retain records associated with SSCs that have been or will be removed from service under the NRC license after the NRC has docketed the certifications required under Sections 50.82(a)(1) or 52.110(a).

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.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN THE
REGULATORY IMPROVEMENTS FOR PRODUCTION AND UTILIZATION FACILITIES
TRANSITIONING TO DECOMMISSIONING PROPOSED RULE
10 CFR PART 50

The Part 50 information collection requirements that would be impacted by the proposed rule are discussed below by rulemaking topic.

Emergency preparedness

Section 50.12 specifies that the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of Part 50 when (1) the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security and (2) when special circumstances are present. The proposed rule would establish a framework for the emergency preparedness requirements applicable to decommissioning power reactors, resulting in a reduction in the expected number of exemption requests submitted by licensees to the NRC. There would be a reduction in the exemption request related recordkeeping and reporting burden for licensees transitioning to decommissioning. (Change in Respondents)

Section 50.47(b) sets forth sixteen standards that must be met in the onsite and offsite emergency plans for a nuclear power reactor. Proposed Section 50.200(a) would require that licensees transitioning to decommissioning and developing post-shutdown emergency plans (PSEPs) meet the planning standards of Section 50.47(b). The proposed rule would allow licensees to adjust the emergency response organization (ERO) staffing levels required by Section 50.47(b)(2) commensurate with a reduced spectrum of credible accidents for a permanently shutdown and defueled power reactor facility. Resulting changes to the emergency plan would impose no additional recordkeeping or reporting burden beyond what is currently required of licensees. (Amended)

Section 50.54(q)(7)(ii)(A) would allow a licensee to submit for NRC approval a spent fuel decay period analysis to justify a spent fuel decay period different than the one provided for in proposed Section 50.54(q)(7)(ii). This proposed analysis would be submitted under Section 50.90 with copies distributed to the appropriate recipients as described under Section 50.4(b)(5). There would be a reporting and recordkeeping burden imposed by this provision. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there would not be a change to the information collection burden in 10 CFR Part 50 (3150-0011). (New)

Section 50.54(q)(7)(iii) would require that a licensee follow and maintain the effectiveness of an emergency plan that meets the requirements of Section 72.32(a) when all spent fuel is in dry cask storage. There would be a recordkeeping requirement imposed by the proposed requirements, and a corresponding recordkeeping requirement avoided where licensees no longer need to comply with the emergency plan requirements under Section 50.47(b) and Appendix E to Part 50. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there would not be a change to the information collection burden in 10 CFR Part 50 (3150-0011). (New)

Section 50.54(q)(7)(iv) would allow decommissioning power reactor licensees that have removed all spent fuel from the site to end their radiological emergency preparedness program

required under Section 50.47(b) and Appendix E to Part 50. This results in a reduction in the expected number of licensees required to comply with 50.47(b) and Appendix E to Part 50 (i.e., licensees that have removed fuel from the site). However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there would not be a change to the information collection burden in 10 CFR Part 50 (3150-0011). (Change in Respondents)

Section 50.54(q)(8)(i) would state that changes to the emergency plan made to comply with the requirements of Sections 50.54(q)(7)(i), (7)(ii), or (7)(iii) are not reductions in effectiveness and do not need to be approved by the NRC. Licensees would need to submit initial plan changes to the NRC at least 60 days prior to implementation. There would be a reporting burden imposed by this provision. (New)

Section 50.54(t) requires licensees to provide for the development, revision, implementation, and maintenance of its emergency preparedness program. The review must include an evaluation of the adequacy of interfaces with State and local governments, and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and retained for a period of five years. The part of the review involving the evaluation of the adequacy of interface with State and local governments must be made available to the appropriate State and local governments. Proposed Section 50.54(t)(1)(iii) would require this review to occur at intervals that do not exceed 24 months after the first required element review following transition to an emergency plan that meets the requirements of Section 50.200(b). Under the existing requirements, licensees must perform this review at intervals that do not exceed 12 months. The proposed provision would result in a reduction in the reporting and recordkeeping requirements for decommissioning power reactor licensees because licensees would be expected to submit emergency preparedness program reviews less frequently. Proposed Section 50.54(t)(3) would state that the emergency preparedness program review is no longer required once all fuel is in the dry cask storage. This provision would result in a reduction in the recordkeeping and reporting requirements for licensees in decommissioning because fewer licensees would be expected to submit emergency preparedness program reviews. However, because no licensees are expected to reach the level of decommissioning associated with moving all fuel into the dry cask storage during the 3-year period covered by this supporting statement, the proposed change to Section 50.54(t)(3) would not change the information collection burden in 10 CFR Part 50 (3150-0011). (Change in Respondents)

Section 50.90 requires licensees to submit to the Commission applications to amend a license or construction permit. The application for amendment of the license enables the staff to evaluate any changes made at the facility or any new information concerning the facility that may potentially affect the safety of the facility and consequently the health and safety of the public. The proposed rule would establish a framework for the emergency preparedness requirements applicable to decommissioning power reactors. Therefore, fewer decommissioning licensees would submit license amendments related to emergency preparedness. This provision would result in a license amendment related recordkeeping and reporting burden reduction for licensees transitioning to decommissioning. (Change in Respondents)

Section 50.200(b) would allow that, after a spent fuel decay period of 10 months (for a boiling water reactor) or 16 months (for a pressurized water reactor), and after the NRC has docketed the licensee's certifications required under Section 50.82(a)(1) or Section 52.110(a), a licensee's onsite emergency response plan may transition to the planning standards described

in proposed Section 50.200(b) and the requirements under Section 50.200(c). Licensees with a permanently defueled emergency plan (PDEP) under Section 50.200(b) would no longer need to comply with the emergency plan requirements in Section 50.47(b) and Appendix E to Part 50. There would be a reporting and recordkeeping burden increase associated with the proposed PDEP requirements, and a corresponding reporting and recordkeeping burden reduction associated with removing the emergency plan requirements under Section 50.47(b) and Appendix E to Part 50. (New)

Section 50.200(c)(1)(vi) would subject licensees to new training and exercise requirements after the NRC's docketing of the licensee's certifications under Section 50.82(a)(1) or Section 52.110(a). After the docketing of the licensee's certification, the licensee would no longer need to follow the training and exercise requirements under Section IV.F of Appendix E to Part 50. The proposed requirements include creating a program to train employees and exercise emergency plans to ensure that employees are familiar with their specific emergency response duties, as well as other persons whose assistance may be needed in the event of an emergency. Section 50.200(c)(1)(vi) also would describe the timeline for conducting periodic drills and exercises. The proposed rule would reflect a smaller suite of potential accidents due to the reduction in risk associated with decommissioning. There are reporting and recordkeeping burdens associated with this provision. There would be a reporting and recordkeeping burden increase associated with the new training and exercise requirements in proposed Section 50.200(c)(1)(vi) and a corresponding reporting and recordkeeping burden reduction associated with the training and exercise requirements under existing Section IV.F of Appendix E to Part 50, which would no longer be applicable to licensees after the docketing of the licensee's certifications under Section 50.82(a)(1) and Section 52.110(a). (New)

Physical security

Section 50.54(p)(3) describes requirements for when a licensee makes changes to security plans that do not decrease the safeguards effectiveness of the plan. The licensee currently maintains records of the changes to the plans made without prior Commission approval for a period of 3 years from the date of change, and must submit a report containing a description of each change within 2 months. The proposed rule would require each licensee to include a summary of the analysis completed to determine that a change to the security plans does not decrease the safeguards effectiveness of the plans. The proposed revision would result in an increase in the reporting burden associated with Section 50.54(p). (New)

Section 50.90 requires licensees to submit to the Commission applications to amend a license or construction permit. The application for amendment of the license enables the staff to evaluate any changes made at the facility or any new information concerning the facility that may potentially affect the safety of the facility and consequently the health and safety of the public. The proposed rule would establish a framework for the physical security requirements applicable to decommissioning power reactors. Therefore, fewer decommissioning licensees would submit license amendments related to physical security. This provision would result in a reduction to the license amendment related recordkeeping and reporting burden for licensees transitioning to decommissioning. (Change in Respondents)

Cyber security

Section 50.90 requires licensees to submit to the Commission applications to amend a license or construction permit. The application for amendment of the license enables the staff to evaluate any changes made at the facility or any new information concerning the facility that

may potentially affect the safety of the facility and consequently the health and safety of the public. The proposed rule would revise the Part 73 cyber security plan requirements, including adding a provision that would remove the cyber security plan license condition at the time all fuel is transferred to dry cask storage. Therefore, fewer decommissioning licensees would submit license amendments related to cyber security plans. This provision would result in a license amendment related recordkeeping and reporting burden reduction for licensees transitioning to decommissioning. (Change in Respondents)

Training requirements for a fuel handler program

Section 50.120(b) specifies the training and qualification requirements of nuclear power plant personnel. The proposed rule would retain the existing definition of a CFH in Section 50.2 and add an alternative definition that would reference Section 50.120 and eliminate the need to request NRC approval of a fuel handler training program. Therefore, fewer decommissioning licensees would request approval of the CFH training program. This provision would result in a reduction to the related recordkeeping burden for licensees transitioning to decommissioning. (Change in Respondents)

Decommissioning funding assurance

Section 50.75(f)(1) would require that licensees report on a triennial basis, rather than a biennial basis, the status of their decommissioning funding for each reactor. The revisions to this section also would require licensees to include in their report additional financial assurance if the projected balance of any decommissioning fund does not cover the estimated cost of decommissioning. The proposed revisions would result in a reduction in the reporting burden because licensees would be required to submit reports less frequently. (Change in Respondents)

Section 50.82(a)(9)(ii)(A)-(H) describes 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. Item (H) requires identification of parts, if any, of the facility site released before approval of the license termination plan. The proposed rule would revise item (F) 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)

Onsite financial protection requirements

Section 50.12 specifies that the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of Part 50 when (1) the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security and (2) when special circumstances are

present. The NRC requires nuclear power reactor licensees to maintain onsite property insurance under Section 50.54(w). Currently, licensees are seeking exemptions from this requirement to demonstrate a reduced amount of onsite property insurance during decommissioning, reduced from \$1.06 billion to \$50 million. The proposed rule would establish a framework that would amend financial protection requirements based on reduced risks throughout decommissioning. As a result, fewer decommissioning licensees would submit exemption requests related to onsite financial protection requirements. These revisions would result in a reduction to the exemption request related recordkeeping and reporting burden for licensees transitioning to decommissioning. (Change in Respondents)

Section 50.54(w)(6) would require prompt notification to the Commission of any material change in the insurance or other financial security information reported to the Commission under Part 50. The proposed rule would increase the reporting burden on decommissioning power reactor licensees that would be required to notify NRC of material changes in the demonstrated amount of onsite property insurance after the reactor is defueled and permanently shutdown, and spent fuel in the spent fuel pool has decayed and cooled sufficiently that it cannot heat up to clad ignition temperature within 10 hours under adiabatic conditions. (New)

Spent fuel management

Section 50.54(bb) requires licensees to submit an irradiated fuel management plan (IFMP) to the NRC. Through revisions to Section 50.54(bb), the proposed rule would clarify the required content of the IFMP, including specifying that the plan must address both the safety and financial aspects of managing spent fuel. The IFMP would describe the licensee's planned actions for managing spent fuel, how those actions would be consistent with the NRC requirements for possession of spent fuel, and any actions related to spent fuel management that would require amendments to the license or certificate of compliance or exemptions from applicable regulations. There is an increase in the reporting burden associated with this provision. (Amended)

Record retention

Section 50.71(c)(1) states that records required by Part 50 or Part 52 must be retained for the period specified by the appropriate regulation, license condition, or technical specification, or, if the retention period is not specified, until the Commission terminates the facility license. Proposed paragraph (c)(2) states that licensees for which the NRC has docketed the certifications required under Sections 50.82(a)(1) or 52.110(a) would not be required to retain records associated with structures, systems and components (SSCs) that have been or will be removed from service under the NRC license. The proposed addition of Section 50.71(c)(2) reduces the recordkeeping burden for decommissioning licensees associated with record retention. Additionally, licensees that are transitioning to decommissioning have historically requested exemptions from these record retention requirements. Therefore, the proposed revision also would result in a reduction in the expected number of exemption requests and the exemption request related recordkeeping and reporting burden for licensees transitioning to decommissioning. (Amended/Change in Respondents)

Environmental impacts

Section 50.82(a)(4)(i) 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 50.82(a)(4)(i) 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 change 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)

Utilization or production facilities and foreign ownership, control, or domination

Section 50.12 specifies that the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of Part 50 when (1) the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security and (2) when special circumstances are present. The proposed rule would specify when the foreign ownership, control, or domination (FOCD) prohibition found in Section 50.38 does not apply to an entity seeking a license for a facility in decommissioning and when a facility is no longer a utilization or production facility. As a result, fewer decommissioning licensees would submit exemption requests related to transfer of the facility to a foreign owner. The revision to § 50.38 would result in a reduction to the exemption request related reporting burden for licensees transitioning to decommissioning. (Change in Respondents)