

DRAFT OMB SUPPORTING STATEMENT FOR 10 CFR PART 50

“DOMESTIC LICENSING OF PRODUCTION
AND UTILIZATION FACILITIES”

(OMB CLEARANCE NO. 3150-0011)

EXTENSION

ABSTRACT

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 reporting, recordkeeping, third-party notification, and application requirements that are key components in the NRC’s licensing and regulatory processes. Guidance on acceptable means of complying with 10 CFR 50 is provided through a number of NRC publications including Regulatory Guides, the NUREG-series, Inspection Manual Chapters, and Interim Staff Guidance documents.

The information collection requirements in 10 CFR Part 50 apply to several types of facilities discussed in the rule, including nuclear power plants and non-power production and utilization facilities; moreover, 10 CFR Part 50 covers the lifecycle of facilities from initial licensing to decommissioning. The number of respondents to the information collections in the rule varies due to a number of factors including the number of licensing requests initiated and/or completed and the number of regulatory reports required by operating events and/or conditions. The NRC estimates the average number of potential respondents during this clearance period will be:

Part 50 Respondents

- 94 - Operating Power Reactors
- 29 - Power Reactor Licensees
- 54 - Power Reactor Sites
- 25 - Power Reactors Being Decommissioned
- 31 - Licensed Non-Power Production and Utilization Facilities
 - 1 - Early Site Permit, Light Water Reactor
 - 10 - Construction Permit, non-Light Water Reactor/adv Reactor
 - 1 - Construction Permit, Light Water Reactor
 - 7 - Operating License, non-Light Water Reactor/adv Reactor
 - 1 - Operating License, Light Water Reactor

Part 52 Respondents (applicants/holders)

- 6 - Early Site Permit Holders
- 8 - Combined License Holders
- 0 - Manufacturing Holders
- 1 - Early Site Permit Applicants
- 1 - Standard Design Certification Applicant
- 6 - Combined License Applicant
- 2-Standard Design Approval applicant

2 - Manufacturing License Applicant

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. To avoid confusion, the term “respondents” will be used throughout this supporting statement to report burden.

It is important to note that 10 CFR 50 is related to 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” provide for issuance of early site permits (ESPs), standard design approvals (SDAs) and certifications, manufacturing licenses (MLs), and combined licensees (COLs), for commercial nuclear power reactors. These licensing procedures are options to the two-step licensing process in 10 CFR Part 50, which provides for a construction permit (CP) and an operating license (OL). Part 52 can reduce the overall paperwork burden borne by applicants for CPs and OLs because Part 52 only requires a single application and provides options for referencing standardized designs. The licensing processes in 10 CFR Part 52 apply to light-water reactors (LWR) and non-light water reactors (NLWR).

The NRC information collection in Part 52 includes applications for ESPs, design certifications (DCs), COLs, SDAs and MLs. The applicants submit updated reports, applications for renewals, exemption requests and maintain records of changes to the facility and records of detailed design related information.

In January 2023, OMB approved the information collections contained in the final rule amending Part 52 to certify the NuScale standard design (88 FR 3287). Applicants or licensees intending to construct and operate a NuScale design may do so by referencing this design certification (DC) rule and need not demonstrate in their applications the safety of the certified design as amended. Because the NuScale design certification is contained in 10 CFR Part 52, the burden for this design certification is in the 10 CFR Part 52 clearance (3150-0151).

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 for information is needed to demonstrate compliance with the regulations or for event assessment.

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 10 CFR 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.

Additional Requirements

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

- Emergency Preparedness for Small Modular Reactors and Other New, approved Emergency Preparedness (EP) for Small Modular Reactors (SMR) and Other New Technologies (ONT) Final Rule, approved by OMB on October 13, 2023.

In addition, in 2023, the NRC staff submitted a request for a new clearance to cover information collections contained in 10 CFR 50.55a, “Codes and Standards.” These information collections pertain to voluntary consensus standards developed by the American Society of Mechanical Engineers (ASME), a voluntary consensus body. The standards are regularly updated by rulemaking; therefore, having a stand-alone information collection allows for more timely processing of these rules. These information collections were previously included in Section 5 of the Part 50 renewal but now are contained in their own clearance, “10 CFR 50.55a, Codes and Standards” (3150-0264). The burden for these requirements has been removed from the part 50 in the current submission.

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. 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 the 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 facility is licensed, the NRC continues to regulate its licensed activities. Licensees must comply with the reporting and recordkeeping requirements in 10 CFR Part 50 so that the 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, operating license, combined 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 Supplementary Documents).

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.

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), or by e-mail. It is estimated that approximately 55% of the potential 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

See each section (Supplementary Documents) for information specific to the consequences to the Federal program if the collection is not conducted or is conducted less frequently.

7. Circumstances which Justify Variation from OMB Guidelines

See each section (Supplementary Documents) for information specific to any variance from OMB's 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).

11. Justification for Sensitive Questions

The provisions of 10 CFR 50 regulations generally do not require sensitive information. However, personally identifiable information (e.g., telephone numbers) provided in Emergency Plans is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.790(b).

12. Estimate of Industry Burden and Burden Hour Cost¹

Below is a summary burden table by section.

Section	Annual Reporting Burden	Annual Recordkeeping Burden	Annual 3 rd Party Disclosure Burden	Total Burden	Total Cost at \$300/hr
2	735,449	242,107	0	977,556	\$293,266,740
3	4,167	8,619	0	12,786	\$3,835,800
4	78,661	48,264	0	126,925	\$38,077,598
5	70,056	1,405,251	0	1,475,307	\$442,592,100
6	9,720	1,080	0	10,800	\$3,240,000
7	716,106	381,622	0	1,097,727	\$329,318,190
Total	1,614,159	2,086,942	0	3,701,101	\$1,110,330,428

The \$300 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 2019 (85 FR 37250, June 19, 2020).

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 storage cost for this clearance is estimated to be \$250,433 (2,086,942 recordkeeping hours x \$300 x .0004).

14. Estimated Annualized Cost to the Federal Government

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

¹ Items 12, 13 and 14 are covered in the section-specific statements (see Supplementary Document 2, Sections 2 through 7).

review, analyze, and process the collected information and any relevant operational expenses.

The estimated annualized cost to the Federal government by section is in the table below. The overall annual cost to the Federal government is \$72,124,200.

Section	Annual Cost to Federal Government at \$300/hr
2	\$30,585,900
3	\$457,800
4	\$12,388,500
5	\$21,934,500
6	\$675,000
7	\$6,082,500
Total	\$72,124,200

15. Reasons for Changes in Burden or Cost

The burden and number of responses have changed as described in the tables below:

Burden change

	Previous total	Current submission	Change
Reporting	1,184,556	1,614,159	+429,604
Recordkeeping	2,448,598	2,086,942	-361,656
Third Party Disclosure	200	0	-200
Total	3,633,353.6	3,701,101	+67,748

Change in Responses

	Previous total	Current submission	Change
Reporting	42,025	42,692	+667
Recordkeeping	164	169	+5
Third Party Disclosure	2	0	-2
Total	42,191	42,861	+670

The reasons for the estimated burden changes (reflecting an overall burden increase of 67,748 hours, from 3.6M hours to 3.7M hours) are primarily related to external programs which are contributing to the progression of advanced reactor designs, causing an influx of applications during this clearance cycle. Due to these programs, ongoing robust pre-application engagements (i.e., topical report reviews), meetings, discussions and continuous contact with prospective stakeholders, the agency is

expected to receive applications for, construction permits (CP), early site permits (ESP), standard design approvals (SDAs) and certifications, manufacturing license (MLs), combined licensees (COLs), for commercial nuclear power reactors, as well as operating licenses (OLs) related to the licensing processes that apply to light-water reactors (LWR) and non-light water reactors (NLWR). The section-specific supporting statements (Supplementary Documents, Sections 2 through 7) has the detail on the burden changes for that section. The 67,748-hour change in burden was calculated by summing the burden from the individual sections and comparing the total to the burden from currently in ROCIS (the burden from the previous clearance plus the burden from the previously mentioned EPSMR final rule).

The decrease in recordkeeping burden is primarily due to a review of data associated with 50.65, described in section 5, through NRC staff and industry interactions, program efficiencies have been achieved fostering the reduction in burden.

In addition, in 2023, the NRC staff submitted a request for a new clearance to cover information collections contained in 10 CFR 50.55a, "Codes and Standards." These information collections pertain to voluntary consensus standards developed by the American Society of Mechanical Engineers (ASME), a voluntary consensus body. The standards are regularly updated by rulemaking; therefore, having a stand-alone information collection allows for more timely processing of these rules. These information collections were previously included in Section 5 of the Part 50 renewal but now are contained in their own clearance, "10 CFR 50.55a, Codes and Standards" (3150-0264). The burden for these requirements has been removed from the part 50 in the current submission.

This submission contains the full scope of the 10 CFR Part 50 information collections that were last approved by OMB in 2021. In the interim there have been a number of updates to the 10 CFR Part 50 burden that reflect changes to selected sections of the rule. All approved information collections associated with Part 50 are reflected in the current submission.

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The recordkeeping and reporting requirement 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.

Supplementary Documents:

1. Table 1 - Burden spreadsheet
2. Supporting Statement Section 2 – “Applications for Licenses, Certifications, and Regulatory Approvals”
3. Supporting Statement Section 3 – “Decommissioning”
4. Supporting Statement Section 4 – “Inspections, Records, Reports, Notifications”
5. Supporting Statement Section 5 – “Issuance, Limitations, and Conditions of Licenses and Construction Permits”
6. Supporting Statement Section 6 - “License Requirements”
7. Supporting Statement Section 7 – “Standards for Licenses, Certifications, and Regulatory Approvals”