

FINAL 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<sup>1</sup> 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 processes. 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 reactors), 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.

It is important to note that 10 CFR 50 is related to 10 CFR 52, “Early Site Permits; Standard Design Certifications; and Combined Operating Licenses (COLs) for Nuclear Power Plants” (3150 - 0151). 10 CFR 52 provides a means for an applicant for a nuclear power facility to obtain a combined construction permit and operating license, independent of the two-step process contained in 10 CFR 50. Up to 19 applications for these COLs are projected during the clearance period. In order to not duplicate regulations, 10 CFR 52 references the applicable provisions of 10 CFR 50. The burden associated with 10 CFR 50 provisions contained in 10

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<sup>1</sup> Specific discussions pertinent to the various sections of 10 CFR 50 are included in Sections 1-35 enclosed with this transmittal portion of the 10 CFR 50 Supporting Statement.

CFR 52 is included in this submittal.

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

- 104 - Operating Power Reactors
  - 0 - Nuclear Power Reactors Under Construction
  - 32 - Power Reactor Licensees
  - 65 - Power Reactor Sites
  - 15 - Power Reactors Being Decommissioned
  - 33 - Licensed Non-Power Reactors
    - 7 - Non-Power Reactors Being Decommissioned
    - 9 - Non-Power Reactors with Possession-Only Licenses
  - 6 - Combined License Applications

#### 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 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.

Thus, a specific recordkeeping burden has been calculated for each of these technical areas. For all other technical areas, the recordkeeping burden is 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 management staffs carefully scrutinize guidance documents to identify information collections that are being imposed on applicants and licensees to determine if they are mandatory or voluntary and if they are necessary. Where appropriate, procedures are implemented to ensure that the information 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 December 18, 2003. These rulemakings are itemized below and the information collections are described in detail in the applicable supporting statements.

### Final Amended Rules

- 10 CFR 50.33(f)(2), Financial Information for Applications to Review or Extend the Term of an Operating License for a Power Reactor.
- 10 CFR 50.48(c), Fire Protection Program based on National Fire Protection Association Standard NFPA 805.
- 10 CFR 50.55a, Incorporation by Reference of 2001 Edition and 2002 and 2003 Addenda of ASME BPV and OM Codes.
- 10 CFR 50.69, Risk-Informed Categorization and Treatment of Structures, Systems, and Components. (New Section 35.)
- 10 CFR 50.76, Financial Information Applications to Review or Extend the Term of an Operating License for a Power Reactor.
- 10 CFR 50, Appendix E, Emergency Planning Exercise Requirements for Co-located 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 Forms 366, 366A, and 366B, 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. Margaret A. Janney (301-415-7245), 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. 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 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 are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. The NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface or other electronic means. It is estimated that 89 percent will be filed electronically.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

Certain provisions of 10 CFR 50 affect non-power reactors (critical facilities and research and test reactors) operated by colleges and universities and 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 35

(Enclosure 2).

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

See each section (Enclosure 2) 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 (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 the NRC solicits public comments. Any comments received 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 the burden imposed 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 comment to determine whether regulatory burdens can be reduced without compromising the public's health and safety.

Notice of Opportunity for Comment was published in the Federal Register on November 24, 2006 (71 FR 67922). No comments were received.

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 is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.790(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 Cost<sup>2</sup>

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 5,317,017 to 6,168,664 hours) is covered in the section-specific statements (Enclosure 2, Sections 1 through 35).

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Enclosures:

1. Table - Summary of Supporting Statements
2. Supporting Statements (Parts 1-35)
3. Reference Publications

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<sup>2</sup> Items 12, 13 and 14 are covered in the section-specific statements (see Enclosure 2, Sections 1 through 35).