

FINAL 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:

- 89 - Operating Power Reactors
- 29 - Power Reactor Licensees
- 51 - Power Reactor Sites
- 29 - Power Reactors Being Decommissioned
- 31 - Licensed Non-Power Production and Utilization Facilities
- 15 - Combined Operating License Holders/applicants

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 52, “Early Site Permits (ESPs); Standard Design Certifications (SDCs); Standard Design Approvals (SDAs); 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 1 application each for these SDCS and SDAs 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 CFR 52 is included in this submittal and is excluded from the 10 CFR 52 submittal.

### 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.

### Information collections contained in Final Rules

- Mitigation of Beyond Design Basis Events (MBDBE) Final Rule, approved August 2019.
- Approval of American Society of Mechanical Engineers Code Cases, approved March 2020.
- Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases, approved May 2020.
- Appendix H to 10 CFR Part 50, Reactor Vessel Surveillance Program, approved December 2020

## 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), by facsimile or by e-mail. It is estimated that overall approximately 55% 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

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 was published in the Federal Register on February 19, 2021, (86 FR 10360). Additionally, NRC staff contacted five stakeholders via email. The stakeholders were new, operating and research and test reactor owner licensee representatives and interested stakeholders from Duke Energy Progress, LLC, Kairos Power, Southern Nuclear Operating Co., Washington State University and X-Energy.

The NRC received one out-of-scope comment as a result of the FRN. No additional responses or comments were received as a result of the FRN or the staff's direct solicitation of comment.

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 Cost\*

Below is a summary burden table by section.

| Section      | Annual Reporting Burden | Annual Recordkeeping Burden | Annual 3 <sup>rd</sup> Party Disclosure Burden | Total Burden     | Total Cost at \$279/hr |
|--------------|-------------------------|-----------------------------|--|------------------|------------------------|
| 2            | 457,342                 | 225,633                     |  | 682,975          | \$190,550,025          |
| 3            | 4,045                   | 10,877                      |  | 14,922           | \$4,163,238            |
| 4            | 70,036                  | 28,690                      |  | 98,726           | \$27,544,442           |
| 5            | 231,328                 | 1,770,363                   | 200  | 2,001,891        | \$558,527,589          |
| 6            | 10,800                  | 1,200                       |  | 12,000           | \$3,348,000            |
| 7            | 423,951                 | 413,701                     |  | 837,652          | \$233,704,908          |
| <b>Total</b> | <b>1,197,502</b>        | <b>2,450,464</b>            | 200  | <b>3,648,166</b> | <b>\$1,017,838,202</b> |

The \$279 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 \$273,471 (2,450,464 recordkeeping hours x \$279 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 review, analyze, and process the collected information and any relevant operational expenses.

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

The estimated annualized cost to the Federal government by section is in the table below. The overall annual cost to the Federal government is \$67,075,506.

| Section      | Annual Cost to Federal Government at \$279/hr |
|--------------|---|
| 2            | \$28,444,887                                  |
| 3            | \$425,754                                     |
| 4            | \$11,521,305                                  |
| 5            | \$20,399,085                                  |
| 6            | \$627,750                                     |
| 7            | \$5,656,725                                   |
| <b>Total</b> | <b>\$67,075,506</b>                           |

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              | 1,148,086        | 1,197,502          | 49,416         |
| Recordkeeping          | 2,562,696        | 2,450,464          | -112,232       |
| Third Party Disclosure | 100              | 200                | 100            |
| <b>Total</b>           | <b>3,710,882</b> | <b>3,648,166</b>   | <b>-62,716</b> |

**Change in Responses**

|                        | Previous total | Current submission | Change        |
|------------------------|----------------|--------------------|---------------|
| Reporting              | 43,467         | 42,078             | -1,389        |
| Recordkeeping          | 149            | 164                | 15            |
| Third Party Disclosure | 1              | 2                  | 1             |
| <b>Total</b>           | <b>43,617</b>  | <b>42,244</b>      | <b>-1,373</b> |

The reasons for the estimated burden changes (reflecting an overall burden decrease of 62,716 hours, from 3,710,882 hours to 3,648,166 hours) are primarily related to the decrease in operating reactors. In the last renewal, the NRC staff-based estimates on 94 operating reactors. The current submission estimates 89 operating reactors, due to an increase in owner/operators not renewing their operating license. The section-specific supporting statements (Supplementary Documents, Sections 2 through 7) has the detail on the burden changes for that section. The 62,716 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 four previously mentioned final rules). The overall decrease in burden due to the decrease in operating reactors is not linear as not all requirements are reactor specific but may apply to an entire multi-unit site or a utility.

The increase in reporting burden is primarily due to the anticipated submission of a design certification and the burden associated with the earthquake engineering criteria for this submission, described in section 7. The decrease in recordkeeping burden is primarily due to a review of data associated with 50.69, described in section 5. A sample of recent reports for 25 licensees showed that licensees were performing far fewer evaluations than previously estimated (approximately 3 per plant/ year rather than 95 per plant/year), which led staff to reduce the associated recordkeeping burden for this requirement.

This submission contains the full scope of the 10 CFR Part 50 information collections that were last approved by OMB in 2018. 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. The last change to the burden in a section of the 10 CFR Part 50 information collections due to a modification to the rule was approved in December 2020.

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”