

FINAL SUPPORTING STATEMENT FOR
10 CFR PART 50
LICENSE REQUIREMENTS
SECTION 6

50.12 - Exemptions

3150-0011

ABSTRACT

The regulations in 10 CFR Part 50 provide the requirements for the licensing of production and utilization facilities, including nuclear power plants and research and test reactors. However, a licensee or applicant may apply to the Commission for an exemption from Part 50 requirements 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. This supporting statement describes the burden associated with exemption requests.

These regulations affect 89 licensees for operating nuclear power plants, 31 non-power production and utilization facilities, 15 combined operating license holders/applicants and 29 power plants that are currently being decommissioned. Licensees may voluntarily submit a request for an exemption to the Commission and maintain a record of that request.

A. JUSTIFICATION

1. Need for the Collection of Information

The information is submitted voluntarily and is needed in order to determine licensee compliance with the regulations set forth in 50.12. Details of these regulations can be found at the end of this supporting statement in "Description of Requirements."

2. Agency Use 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 NRC uses the records and reports required in this part to ascertain that licensees' licensing the design, construction, operation, and decommissioning of commercial nuclear power plants and other nuclear facilities programs are adequate to protect public health and minimize danger to life and property and that licensees' personnel are aware of and follow up on the information and steps needed to perform licensed activities in a safe manner.

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 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

Requests for exemption are submitted on a voluntary basis by applicants and licensees. Because the requests are voluntary, there is no set periodicity for these reports, and they cannot be conducted less frequently. If the information collection were not conducted (if the exemption requests were not submitted) the NRC will not be in a position to assess whether licensees are operating within the specific safety requirements applicable to the licensing and operating activities for existing nuclear power reactors and research and test reactors.

7. Circumstances which Justify Variation From OMB Guidelines

There are no variations from OMB 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). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This regulation does not request sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

The total estimated cost for information collection requirements in this section is 12,000 hours at a cost of \$3,348,000 (12,000 x 279/hr).

Total Burden and Responses		
	Hours	Responses
Reporting	10,800	30
Recordkeeping	1,200	30
TOTAL	12,000	60

Detailed burden estimates are included in the supplemental burden spreadsheet titled, "Table 1 - Summary of Supporting Statements." 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 2020 (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 \$134 (1,200 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. The annualized estimated cost to the government is \$627,750 (2,250 staff hours x \$279) as shown on the attached Summary Table.

15. Reasons for Changes in Burden or Cost

The burden and number of responses have not changed as described in the tables below:

Burden change

	2018 estimates	Current submission	Change
Reporting	10,800.0	10,800.0	0
Recordkeeping	1,200.0	1,200.0	0
Third Party Disclosure			
Total	12,000.0	12,000	0

Change in Responses

	2018 estimates	Current submission	Change
Reporting	30	30	0
Recordkeeping	30	30	0
Third Party Disclosure			
Total	60	60	0

Although the number of operating reactor licensees required to report and maintain records during this clearance period has been reduced; staff does not anticipate a change in the number of submission under 10 CFR 50.12; trends have been constant over the prior cycles and there is no anticipation of increase or decrease in this area.

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.

Appendix A – Description Requirements

License Requirements

10 CFR 50.12. This section of 10 CFR 50 specifies that the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of 10 CFR 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.

Special circumstances exist when:

- (1) Application of the regulation in the particular circumstances conflicts with other Commission rules or requirements, or
- (2) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule, or
- (3) Compliance with the regulation would result in hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated, or
- (4) The exemption would benefit public health and safety and compensates for any decrease in safety, or
- (5) The exemption would provide only temporary relief from the applicable regulation and the applicant or licensee has made good faith efforts to comply with the regulation, or
- (6) There are other material circumstances present that were not considered when the regulation was adopted and for which would be in the public's interest to grant the exemption. If this condition is relied on exclusively to satisfy the criteria of "special circumstances," the exemption may not be granted without consultation with the Commission.