

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

10 CFR PART 20  
STANDARDS FOR PROTECTION AGAINST RADIATION

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 20 (3150-0014). The supporting statements describing changes to 10 CFR Part 26 (3150-0146), 10 CFR Part 50 (3150-0011), 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*

The proposed revision to Part 20 would apply to investigation requirements for low-level radioactive waste (LLW) transportation during both operation and decommissioning at all nuclear facilities under 10 CFR Part 20. Only power reactor licensees transitioning to decommissioning have requested exemptions from the investigation requirement. The NRC staff estimates that three nuclear power reactors will permanently shut down during the 3-year period covered by this supporting statement.

*Information Collections*

The proposed rule would result in decreased reporting burden associated with exemption requests under Section 20.2301. A more detailed description of the proposed rule change is

provided at the end of this supporting statement in “Description of Information Collection Requirements.”

A. JUSTIFICATION

1. Need for the Collection of Information

Information collection under Section 20.2301 is necessary in order to allow licensees to request an exemption from the regulatory requirements in Part 20.

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 20.2301 is used by the NRC to assess a licensee’s request for exemption from selected requirements in Part 20. The NRC determines if the exemption is authorized by law and would not result in undue hazard to life or property.

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.

The proposed rule would not impact the proportion of documents submitted to the NRC 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

Section 20.2301 exemption requests are submitted and evaluated when licensees are seeking relief from the requirements of Part 20. Each exemption request needs to be submitted only once. The schedule for collecting the information is the minimum frequency necessary to assure that licensees are complying with the law and are not creating undue hazard to life or property. If the information were not

collected, then licensees could be required to comply with unnecessary requirements.

7. Circumstances which Justify Variations from OMB Guidelines

The proposed revision to Part 20 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 does not request sensitive information.

12. Estimated Burden and Burden Hour Cost

Detailed burden estimates are included in the supplemental burden Excel spreadsheet titled, "Part 20 Burden Tables for the Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning Proposed Rule."

The proposed rule would result in an estimated reduction of one annual respondent.

The overall estimated annual burden reduction is 77.5 hours at an estimated annual cost reduction of \$22,320.00 (77.5 hours x \$288/hour). This includes 77.5 hours for reporting and 0 hours for recordkeeping.

**Total Burden Summary**

<b>Title</b>	<b>Responses</b>	<b>Hours</b>	<b>Cost</b>
Annual Reporting	1	-77.5	-\$22,320.00
<b>TOTAL</b>	1	-77.5	-\$22,320.00

Note: The respondents affected by the proposed rule's 10 CFR part 20 information collections are not new respondents; they are affected by other information collections identified in the existing 10 CFR part 20 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

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The annualized cost reduction for the NRC is estimated to be \$11,174.40 (38.8 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
Reviewing transportation related exemption requests	20.2301	1	38.8	38.8	\$11,174.40

This cost reduction is the result of the NRC not having to process and review exemption requests associated with extending the receipt of notification period for LLW shipments. The current cost to the Federal government is \$2,525,787. The new Federal government cost including the proposed rule requirements would be \$2,514,612.60.

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 77.5 hours.

By extending the receipt notification window, the proposed rule would reduce the number of exemption requests submitted by licensees.

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 reporting requirement for this information collection is associated with regulations and is 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 20

The Part 20 information collection requirement that would be impacted by the proposed rule is discussed below.

Low Level Waste Transportation

Section 20.2301 specifies that the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of Part 20 if the Commission determines an exemption is authorized by law and would not result in undue hazard to life or property. Section III.E of Appendix G to Part 20 contains requirements for investigating rail shipments of LLW if the shipper has not received notification of receipt within 20 days after transfer. Currently, decommissioning licensees frequently request an exemption from this requirement to extend the notification window to 45 days. The proposed rule would revise Section III.E.1 of Appendix G to Part 20 by extending the notification period from 20 days to 45 days, resulting in a reduction in the expected number of exemption requests submitted by licensees to the NRC. This provision would result in a reduction to the exemption request related reporting burden for licensees transitioning to decommissioning. (Change in Respondents)