

SUPPORTING STATEMENT FOR  
INFORMATION COLLECTIONS CONTAINED IN  
10 CFR PARTS 50 AND 51  
NON-POWER PRODUCTION OR UTILIZATION FACILITY LICENSE RENEWAL  
FINAL RULE

(3150-XXXX)

NEW

DESCRIPTION OF INFORMATION COLLECTION

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern the license renewal process for certain production or utilization facilities. In the final rule, the NRC collectively refers to these facilities as non-power production or utilization facilities (NPUFs). The final rule eliminates license terms for NPUF licenses issued under the authority of Sections 104a or 104c of the Atomic Energy Act of 1954, as amended (AEA), other than for testing facilities; defines the license renewal process for licenses issued to testing facilities or under the authority of Section 103 of the AEA; requires all NPUF licensees to submit an updated final safety analysis report (FSAR) and subsequent FSAR updates to the NRC at intervals not to exceed 5 years; and provides an accident dose criterion of 1 rem (0.01 Sievert (Sv)) total effective dose equivalent (TEDE) for NPUFs other than testing facilities.

This supporting statement describes how the final rule will impact the information collections in 10 CFR Parts 50 and 51.

*Changes to the final rule as a result of public comment*

The staff made some changes to the information collections contained in the proposed rule as a result of public comments. The final rule reflects the following changes, which do not affect the information collection burden estimates:

- The NRC received a public comment on the definition of “testing facility” in Section 50.2 and “research reactor” in Section 171.11(b)(2). The commenter recommended that the NRC revise the definitions of “testing facility” and “research reactor” by removing “the arbitrary 10MW(t) threshold, and apply instead a risk-based approach to its regulation of a testing facility.” The NRC staff agreed that the use of a postulated accident dose is a more risk-informed, performance-based approach than the power level of the reactor to distinguish between types of NPUFs, such as research reactors and testing facilities. As a result of this public comment, the NRC revised the definitions of “testing facility” and “research reactor” to reflect this risk-informed approach.
- The NRC staff also made conforming changes to the definitions of “testing facility,” “research reactor,” and “non-power reactor” wherever these definitions appear throughout 10 CFR Chapter I. Currently, the regulations refer to many types of facilities that are categorized as NPUFs in the final rule, such as non-power reactor, research reactor, training reactor, testing reactor, testing facility, and critical assembly. Additionally, the final rule standardizes the terminology in other parts of the regulations, where appropriate, to modify the intended scope of regulations citing “research and test reactors” to be either “non-power reactors” or “non-power production or utilization facilities.”

- The staff modified the language in Section 50.135, “License renewal for non-power production or utilization facilities licenses issued under Section 50.22 and testing facility licensees,” to make renewed operating licenses effective immediately upon the date of issuance of the renewal, replacing the previous operating license. The immediate effectiveness of the renewed license is a change from the proposed rule, which would have made the renewed license effective 30 days after issuance. The NRC will review and, upon approval, make the implementation schedule a condition of the renewed license. The final rule provides a substantially similar result as the proposed rule and gives licensees potentially greater flexibility in the timing of their implementation of the renewed license.
- The staff modified the language in Section 50.135(e)(2) because the proposed rule could have unnecessarily restricted the license term for a renewed NPUF license to less than 40 years. Section 103 of the AEA allows for license terms of up to 40 years. The final rule will maintain this allowance.
- The staff modified the language in Section 2.109(a) because the proposed rule would have eliminated the timely renewal provision for facilities, other than testing facilities, licensed under Section 50.21(a) or (c), as these facilities will no longer have license expiration dates. However, the final rule includes the timely renewal provision for facilities, other than testing facilities, licensed under Section 50.21(a) or (c) because at least one of these facilities may submit a license renewal application after the final rule is published.
- The staff moved Section 50.34(a)(1)(ii)(D)(2) to Section 50.34(a)(1)(i) and added a new Section 50.34(b)(13). During the development of the final rule, the staff recognized that the accident dose criterion more appropriately belongs in Section 50.34(a)(1)(i) because the requirements in Section 50.34(a)(1)(ii) apply to power reactor construction permit applicants, while the requirements in Section 50.34(a)(1)(i) apply to all other construction permit applicants, such as NPUF applicants. Similarly, proposed Section 50.34(a)(1)(ii)(D)(2) would have imposed a requirement on applications for renewed NPUF operating licenses, which more appropriately belongs in Section 50.34(b). Therefore, the staff added Section 50.34(b)(13) to clarify that an application for an operating license or a renewed operating license for an NPUF must include a final evaluation of the applicable radiological consequences in Section 50.34(a)(1)(i).

This supporting statement includes burden associated with information collection changes to 10 CFR Part 50 (3150-0011). Due to the pending submission of the Part 50 renewal, the information collection changes to Part 50 associated with this final rule are being submitted as a new clearance. The NRC staff intends to transfer the burden associated with these information collections to the Part 50 clearance via nonsubstantive change request.

In addition, due to the submission of another rule affecting Part 51, the clarifying changes to the Part 51 information collections cannot be submitted under the Part 51 clearance (3150-0021). These changes are included in the current submission and will be transferred via nonsubstantive change request.

## A. JUSTIFICATION

### *Affected Regulated Entities*

During the 3-year period covered by this supporting statement, the final rule requires 13 NPUFs to submit an updated FSAR under 10 CFR Part 50. The NRC estimates that the burden incurred will vary depending on the NPUF's power level. Of the 13 NPUFs that will submit updated FSARs during the 3-year period covered by this supporting statement, none have a power level less than 100 kW, eleven have a power level greater than or equal to 100 kW but less than 2,000 kW, and two have a power level greater than or equal to 2,000 kW. The NRC assumes that the burden associated with submitting updated FSARs is greater for NPUFs with higher power levels relative to NPUFs with lower power levels.

In addition, the final rule clarifies existing environmental reporting requirements under Part 51 with respect to NPUF applicants for licensing actions.

#### 1. Need for the Collection of Information

The collections required by the final rule in Part 50 are necessary in order to create a more efficient licensing process that continues to protect public health, safety, and the environment. Specific requirements for reports and records in the amendments to Part 50 are identified below. For many of these provisions, the final rule affects the number of respondents. The final rule causes the following changes to respondents:

- Prior to the final rule, non-power production or utilization facilities incurred information collection burdens to submit financial qualification information at the time of license renewal under Section 50.33(f). Under the final rule, non-power production or utilization facilities will no longer incur information collection burden at the time of license renewal under Section 50.33(f). Under this provision, power reactor and non-power production or utilization facility licensees will continue to incur information collection burden during the operating license application stage.
- Prior to the final rule, power reactor and non-power production or utilization facility licensees incurred information collection burden as a result of Section 50.33. Under the final rule, NPUFs licensed under Section 50.21(a) or (c), other than testing facilities, will no longer incur information collection burden.
- Prior to the final rule, power reactor and non-power production or utilization facility licensees incurred information collection burden under Section 50.59 to make updates to their Final Safety Analysis Reports. Under the final rule, NPUFs that have permanently ceased operations and that no longer have fuel on site also may incur information collection burden.
- Prior to the final rule, non-power reactor licensees incurred information collection burden under Section 50.75 and Section 50.82 for reporting and recordkeeping for decommissioning planning and termination. Under the final rule, all non-power production or utilization facility licensees may incur information collection burden.

Section 50.33(f) eliminates the requirement that NPUF applicants submit in their license renewal application financial information equivalent to what is included at the time of

initial licensing. There is a reduction in reporting burden imposed by this provision. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (Change in Respondents)

Section 50.34(a) establishes an accident dose criterion for NPUFs, other than testing facilities. Resulting changes to accident analyses submitted with license applications do not impose additional recordkeeping or reporting burden beyond what is currently required of licensees. (Amended)

Section 50.51(c) eliminates license terms for NPUFs licensed under Section 50.21(a) or (c), other than testing facilities. These licensees are no longer required to submit license renewal applications under Section 50.33. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (Change in Respondents)

Section 50.59(b) extends the applicability of Section 50.59 to NPUFs that have permanently ceased operations and that no longer have fuel (e.g., they have returned all of their fuel to the U.S. Department of Energy). Prior to the final rule, licensees were required to request a license amendment under Section 50.90 to add a license condition. Because the licensees in these circumstances will submit information under Section 50.59(b) and not Section 50.90, there is an offsetting burden. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (Change in Respondents)

Section 50.71(e) requires all NPUF licensees to submit updated FSAR and subsequent FSAR updates to the NRC at intervals not to exceed five years. Prior to the final rule, NPUF licensees were only required to submit an updated FSAR at the time of license renewal. The final rule results in an increased recordkeeping and reporting burden. (New)

Section 50.75 requires all NPUF licensees to submit a preliminary decommissioning plan at or about 2 years prior to the projected end of operations. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (Change in Respondents)

Section 50.82 requires all NPUF licensees make application for license termination within 2 years following permanent cessation of operations. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (Change in Respondents)

Section 50.135 defines a license renewal process specific to testing facilities licensed under Section 50.21(c) and NPUFs licensed under Section 50.22, consolidating existing requirements for current and future licensees in one section. The final rule does not change the current license renewal process for testing facilities and class 103 NPUFs.

Prior to the final rule, licenses were required to prepare a license renewal application according to the requirements in Section 50.33. Because these licensees will submit information under Section 50.135 and not Section 50.33, there is an offsetting burden. However, because no licensees are expected to trigger these information collection requirements during the 3-year period covered by this supporting statement, there is no change to the information collection burden in 10 CFR Part 50. (New)

The collections required by the final rule in Part 51 are necessary in order to create a more efficient licensing process that continues to protect public health, safety, and the environment. Specific requirements for reports and records in the amendments to Part 51 are identified below.

Section 51.56 clarifies an applicant's existing requirements for meeting the provisions of Section 51.45. This change improves consistency throughout 10 CFR Part 51 with respect to environmental report submissions required from applicants for licensing actions. Prior to the final rule, these licensees were required to report under Section 51.41. Because licensees will submit information under Section 51.56 and not Section 51.45, there is an offsetting burden. (New)

## 2. Agency Use and Practical Utility of the Information

Applicants or licensees requesting approval to construct or operate utilization or production facilities are required by the AEA to provide information and data that the NRC may determine necessary to ensure the health and safety of the public. The information collected under the final rule will allow the NRC to ensure that adequate protection of public health and safety is maintained.

Prior to the final rule, NPUF licensees were not required to submit to the NRC updated FSARs except as part of a license renewal application. Under the license renewal process, the NRC found that licensees were not always able to provide documentation describing the details of their licensing basis, including their design basis calculations, in license renewal applications. The lack of ongoing FSAR updates added burden to the license renewal process for NPUF licensees and the NRC because many facilities' licensing bases had to be re-established. The submittal of updated FSARs and subsequent FSAR updates creates a mechanism for incorporation of design and operational changes into the licensing basis as they occur. This information is used to ensure that licensing bases remain up-to-date and that adequate protection of public health and safety is maintained.

Prior to the final rule, NPUF applicants were required to submit environmental reports to meet the provisions of Section 51.45. The final rule clarifies these existing requirements for NPUFs and improves consistency throughout Part 51. This information is used to ensure that the NRC continues to ensure the protection of the radiological health and safety of the public.

3. Reduction of Burden Through Information Technology

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](#) (ADAMS Accession No. ML13031A056) 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 process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (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

No small entities are expected to be impacted by the final rule.

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

If the information were not collected, or collected less frequently, the NRC would be unaware for extended periods of time whether NPUF licensees have maintained their licensing bases. Prior to the final rule, the NRC found that licensees were not always able to provide documentation describing the details of their licensing basis, including their design basis calculations, in license renewal applications.

7. Circumstances which Justify Variations from OMB Guidelines

The revisions to Part 50 do not conflict with OMB Guidelines.

8. Consultations Outside the NRC

On March 30, 2017, the NRC published a proposed rule, "Non-Power Production or Utilization Facility License Renewal," in the Federal Register (82 FR 15643). The public comment period to review and comment on the proposed rule and associated guidance was 75 days. The NRC requested public comment on the potential impact of the information collections contained in the proposed rule.

The NRC staff prepared a summary and analysis of public comments received on the 2017 proposed rule and draft regulatory guide, which is available in ADAMS under Accession No. ML18031A005 and uploaded as a supplementary document. Section C of the document discusses public comments received on eliminating license renewal for certain NPUFs, Section D addresses public comments on the new 10 CFR 50.135, and Section E discusses public comments received on requiring FSAR submittals from NPUF licensees.

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

The final rule does not request sensitive information.

## 12. Estimated Burden and Burden Hour Cost

### Part 50

Detailed burden estimates are included in the supplemental burden Excel spreadsheet titled, "Part 50 Burden Tables for the Non-Power Production or Utilization Facility License Renewal Final Rule."

The estimated number of annual respondents is 16. Of the 33 NPUFs required to submit an updated FSAR under Section 50.71(e), 13 NPUFs will submit updated FSARs during the 3-year period covered by this supporting statement. On average, NRC estimates that 5 NPUFs will submit updated FSARs each year during the 3-year period. All 33 NPUFs will have a one-time recordkeeping burden associated with reviewing and updating procedures.

The overall estimated annual burden is 1,076 hours at an estimated annual cost of \$341,092 (1,076 hours x \$317/hr). This includes 1,023 hours for recordkeeping and 53 hours for reporting.

### **Total Annual Burden Summary**

<b>Title</b>	<b>Responses</b>	<b>Hours</b>	<b>Cost</b>
One-Time Recordkeeping	11	88	\$27,896
Annual Recordkeeping	5	935	\$296,395
Annual Reporting	5	53	\$16,801
<b>TOTAL</b>	<b>21</b>	<b>1,076</b>	<b>\$341,092</b>

\*Each recordkeeper is counted as a single response. All one-time recordkeepers have been annualized over the 3-year period covered by this supporting statement.

### Part 51

Because the final rule only clarifies existing requirements, the final rule does not impact the recordkeeping or reporting burden in Part 51.

Section	Number of Respondents	Responses per Respondent	Burden Hours per Response	Total Burden Hours
10 CFR 51.56 Clarify environmental report requirements	0	1	20	0
10 CFR 51.41 Requirement to submit environmental information	0	1	-20	0

The \$317 hourly rate used in the burden estimates is based on the NRC’s fee for hourly rates as noted in 10 CFR 170.20, “Average cost per professional staff-hour.” For more information on the hourly rate, see the “Revision of Fee Schedules, Fee Recovery for Fiscal Year 2024” final rule (89 FR 51789, June 20, 2024).

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 0.0004 times the recordkeeping burden cost. Therefore, the records storage cost for this clearance is estimated to be \$136 (0.0004 x 1,076 hours x \$317/hour).

14. Estimated Annualized Cost to the Federal Government

The annualized cost to the NRC for Part 50 requirements is estimated to be \$133,140 (420 hours x \$317/hr). There is no annualized cost to the NRC for changes to Part 51.

<b>Annualized NRC Cost</b>					
NRC Action	Rule Text Provision	No. of Actions per Year	Burden Hours per Action	Total Hours	Total Cost
Reviewing Updated FSAR (<100 kW)	50.71(e)	0	60	0	\$0
Reviewing Updated FSAR (>=100 kW, <2,000kW)	50.71(e)	4	80	320	\$101,440
Reviewing Updated FSAR (>2,000 kW)	50.71(e)	1	100	100	\$31,700
<b>Total</b>		<b>5</b>		<b>420</b>	<b>\$133,140</b>



The staff developed estimates of annualized costs to the Federal Government related to reviewing updated FSARs. 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 final rule would increase the burden for the Part 50 information collection by 1,076 hours. The estimate of 1,076 hours is composed of one-time and annual burdens associated with the final rule. The burden results in an increased burden hour cost of \$341,092 (1,076 hours x \$317/hour).

The final rule would require licensees to update procedures as well as submit an updated FSAR and subsequent FSAR updates to the NRC at intervals not to exceed 5 years. This rule change will result in increases in recordkeeping and reporting burden within the 3-year period covered by this supporting statement.

Because the final rule's changes to Part 51 only clarify existing requirements, there is no change in burden or cost to Part 51 information collections.

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.