

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 040–038415; NRC–2023–0090]

**Rare Element Resources, Inc.; Upton Pilot Project**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued Source Material License No. SUA–1603 to Rare Element Resources, Inc. (RER, the licensee) for its possession, and storage of source material in a pilot project for the recovery of rare earth elements (REE). The pilot project, partially funded by the U.S. Department of Energy, is being conducted at a location in Upton, Wyoming to demonstrate the effectiveness of the licensee’s proprietary process to recover rare earth element such as Neodymium-Praseodymium (NdPr) and other rare earth oxides at high purity levels. The project is scheduled to operate for approximately one year, processing approximately 1000 tons of material. Waste generated as a result of processing will contain greater than 99 percent of the radioactive components and will be treated and solidified onsite and then shipped offsite to a licensed low level waste facility. The site will be decommissioned at the end of the pilot project.

**DATES:** This document was published in the **Federal Register** on August 3, 2023

**ADDRESSES:** Please refer to Docket ID NRC–2023–0090 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0090. Address

questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov*. For technical questions, contact the individual listed in the “**FOR FURTHER INFORMATION CONTACT**” section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Martha Poston-Brown, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 817–200–1181; email: *Martha.Poston-Brown@nrc.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Discussion**

The NRC has issued Source Material License No. SUA–1603 to RER for its possession, and storage of source material in a pilot project for the recovery of REE as a pilot project. RER’s pilot project shall be as specified in its

license and license application documents as amended and modified.

The record of decision for the NRC decision to approve Rare Element Resources, Inc. license application for the Upton Pilot Project and issue Materials License SUA–1603 is available in Section II of this notice.

The NRC considers the entire publicly available record for a license application to constitute the agency’s record of decision. Documents related to the application carry NRC Docket ID NRC–2023–0090. These documents for the Rare Element Resources, Inc. license include the Safety Evaluation Report; and the Environmental Assessment.

Rare Element Resources, Inc.’s request for a source materials license was previously noticed in the **Federal Register** on May 15, 2023, 88 FR 31041, with a notice of an opportunity to request a hearing. No Hearing requests were received. The NRC’s Environmental Assessment and Finding of No Significant Impact were also previously noticed in the **Federal Register** on July 27, 2023 (88 FR 484940).

In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice,” the details with respect to this action, including the safety evaluation report and accompanying documentation and license, are available electronically at the NRC’s Electronic Reading Room at <https://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC’s Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC’s public documents.

**II. Availability of Documents**

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Rare Element Resources Inc, Demonstration License Application, dated May 4, 2022 .....	ML22130A014.
Rare Element Resources, Inc, response to request for supplemental information, dated August 26, 2022 .....	ML22238A107.
Rare Element Resources Inc, resubmittal in response to request for supplemental information, dated September 13, 2022.	ML22258A140.
Rare Element Resources Inc, License Application, Technical Report, and Environmental Report, dated September 30, 2022.	ML22256A319 (Package).
NRC response to request for additional information (RAI) environmental information, dated February 23, 2023 .....	ML23044A097.
NRC response to request additional information (RAI)—technical information, dated March 13, 2023 .....	ML23068A307 (Package).
Rare Element Resources, Inc, response to NRC RAI—environmental information, dated March 21, 2023 .....	ML23082A306.
Rare Element Resources, Inc, response to NRC RAI—safety evaluation, dated April 7, 2023 .....	ML23097A072.
Environmental Assessment for Rare Element Resources, Inc., July 2023 .....	ML23145A039.
Safety Evaluation Report for Rare Element Resources, Inc., July 2023 .....	ML23173A117.
Source Material License for Rare Element Resources, Inc., dated July 27, 2023. ....	ML23173A116.

Dated: July 31, 2023.

For the Nuclear Regulatory Commission.

**Randolph W. Von Till,**

*Chief, Uranium Recovery and Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2023-16538 Filed 8-2-23; 8:45 am]

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**PENSION BENEFIT GUARANTY CORPORATION**

**Proposed Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intent to request extension of OMB approval of an information collection.

**SUMMARY:** The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget extend approval under the Paperwork Reduction Act of a collection of information under its regulation on Payment of Premiums. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments must be received on or before October 2, 2023 to be assured of consideration.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov). Refer to Payment of Premiums and/or OMB Control No. 1212-0009 in the subject line.

- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101.

Commenters are strongly encouraged to submit comments electronically. Commenters who submit comments on paper by mail should allow sufficient time for mailed comments to be received before the close of the comment period.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to Payment of Premiums and/or OMB Control No. 1212-0009. All comments received will be posted without change to PBGC's website, <http://www.pbgc.gov>, including any personal information provided. Do not

submit comments that include any personally identifiable information or confidential business information.

Copies of this information collection may be obtained by writing to Disclosure Division ([disclosure@pbgc.gov](mailto:disclosure@pbgc.gov)), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101, or calling 202-229-4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**FOR FURTHER INFORMATION CONTACT:**

Melissa Rifkin ([rifkin.melissa@pbgc.gov](mailto:rifkin.melissa@pbgc.gov)), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101; 202-326-4400, extension 6563. (If you are deaf or hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.)

**SUPPLEMENTARY INFORMATION:** Section 4007 of title IV of the Employee Retirement Income Security Act of 1974 (ERISA) requires pension plans covered under title IV pension insurance programs to pay premiums to PBGC. All plans covered by title IV pay a flat-rate per-participant premium. An underfunded single-employer plan also pays a variable-rate premium based on the value of the plan's unfunded vested benefits.

Pursuant to section 4007 of ERISA, PBGC has issued its regulation on Payment of Premiums (29 CFR part 4007). Under § 4007.3 of the premium payment regulation, the plan administrator of each pension plan covered by title IV of ERISA is required to file a premium payment and information prescribed by PBGC for each premium payment year. Premium information is filed electronically using "My Plan Administration Account" ("My PAA") through PBGC's website. Under § 4007.10 of the premium payment regulation, plan administrators are required to retain records about premiums and information submitted in premium filings.

Premium filings report (i) the flat-rate premium and related data (all plans), (ii) the variable-rate premium and related data (single-employer plans), and (iii) additional data such as identifying information and miscellaneous plan-related or filing-related data (all plans). PBGC needs this information to identify the plans for which premiums are paid, to verify whether the amounts paid are correct, to help PBGC determine the magnitude of its exposure in the event of plan termination, to help track the

creation of new plans and transfer of participants and plan assets and liabilities among plans, and to keep PBGC's insured-plan inventory up to date. That information and the retained records are also needed for audit purposes.

PBGC is intending to update the premium rates, as required by statute, and make conforming, clarifying, and editorial changes to the premium filing instructions. These changes are non-material.

The collection of information under the regulation has been approved through February 29, 2024, under OMB control number 1212-0009. PBGC intends to request that OMB extend its approval of this collection of information for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that it will receive 31,303 premium filings per year from plan administrators under this collection of information. PBGC further estimates that the annual burden of this collection of information is 13,565 hours and \$21,661,676.

PBGC is soliciting public comments to—

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Issued in Washington, DC.

**Stephanie Cibinic,**

*Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.*

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