

## Section 4

# DRAFT SUPPORTING STATEMENT FOR PHYSICAL SECURITY AND SAFEGUARDS CONTINGENCY PLANS

10 CFR 50.34(c) & (d) & 50.54(p)

## DESCRIPTION OF THE INFORMATION COLLECTION

Section 10 CFR 50.34(c) requires that each application for a license to operate a production or utilization facility must include a physical security plan. The plan must describe how the applicant will meet the requirements of 10 CFR Part 73 (and 10 CFR Part 11, if applicable, including the identification and description of jobs as required by 10 CFR 11.11(a), at the proposed facility). The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with the requirements of 10 CFR Parts 11 and 73, if applicable. Part 73 prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for the protection of special nuclear material (SNM) at fixed sites and in transit and of plants in which SNM is used. Part 11 prescribes criteria and procedures for determining eligibility for access to or control over certain quantities of SNM.

Section 10 CFR 50.34(d) requires that each application for a license to operate a production or utilization facility that will be subject to 10 CFR 73.50, 73.55, or 73.60 must include a licensee safeguards contingency plan (SCP) in accordance with Appendix C to 10 CFR Part 73. The SCP shall include plans for dealing with threats, thefts, and radiological sabotage as defined in 10 CFR Part 73. Four categories of information must be included in the applicant's SCP. These categories are specified in Appendix C to 10 CFR Part 73. First, the "Background" must identify and define the perceived dangers and incidents with which the plan will deal and the general way it will handle them. Second, the "Generic Planning Base" must define the criteria for initiation and termination of responses to safeguards contingencies together with the specific decisions, actions, and supporting information needed to bring about such responses. Third, the "Licensee Planning Base" must include the factors affecting contingency planning that are specific to the facility. The fourth category relates to a "Responsibility Matrix" that must include a detailed identification of the organizational entities responsible for each decision and action associated with specific responses to safeguards contingencies.

Section 10 CFR 50.54(p)(1) requires that each licensee prepare and maintain SCP procedures in accordance with Appendix C of 10 CFR Part 73. Procedures must be established in order to aid execution of the detailed plan as developed in the "Responsibility Matrix" section of the SCP. The procedures must detail the actions to be taken and decisions to be made by each member or unit of the organization as planned in the "Responsibility Matrix." The procedures need not be submitted to the Commission for approval, but are inspected by NRC staff on a periodic basis.

10 CFR 50.54(p)(1) also specifies that a licensee may make no change which would decrease the effectiveness of a security plan, or guard training and qualification plan (required by §73.55) prepared pursuant to 10 CFR 50.34(c) or 10 CFR Part 73 or of the first four categories of information contained in the SCP prepared pursuant 10 CFR 50.34(d) or 10 CFR Part 73, as applicable, without prior approval of the Commission. A licensee desiring to make such a change must submit an application for an amendment to the licensee's license pursuant 10 CFR 50.90.

10 CFR 50.54(p)(2) specifies that a licensee may make changes to the plans referenced in 10 CFR 50.54(p)(1) without prior approval if the changes do not decrease the overall effectiveness of the safeguards plan. The licensee, however, must maintain records of changes to the plans for a period of three years from the date of the change and must submit a report containing a description of each change within two months after the change is made.

10 CFR 50.54(p)(3) requires the licensee to provide for the development, revision, implementation, and maintenance of its safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review must include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards systems along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of three years.

#### A. JUSTIFICATION

##### 1. Need for and Practical Utility of the Collection of Information

The reporting and recordkeeping requirements cited above are for the purpose of assuring the physical protection of plants and materials.

##### 2. Agency Use of Information

Physical security regulations include general performance requirements which recognize explicitly the need to provide protection from potential threats originating externally, from within a licensed facility, or both. The NRC staff continually reviews licensee security plans and amendments to ensure that there is a comprehensive physical protection system that is capable of protecting against certain adversarial threats.

This continual review of the reactor safeguards program provides a high level of assurance to the NRC and the public that malevolent acts against operating nuclear power plants and research and test facilities will not result in undue risk to public health and safety.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use; however, at the current time, no responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

This information is only available from licensees and does not duplicate nor overlap other information collections by NRC or other government agencies. The Information Requirements Control Automated System (IRCAS) was searched, and no duplication was found.

5. Effort to Reduce Small Business Burden

This information collection does not affect small business.

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

This information is required when an application for a license to operate a production or utilization facility is filed with NRC. There are no applications scheduled at this time. Requests for changes to current security and safeguards contingency plans are submitted on an as-needed basis. Additionally, 50.54(p)(2) reports, required within two months after making changes to the plan, and 50.54(p)(3) annual reviews are required so that the Commission and the licensee may evaluate the continued effectiveness of the plan. Less frequent notification and review could result in failure to adequately protect nuclear facilities from malevolent acts.

7. Circumstances which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Notice of opportunity for public comment on this information collection has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The plans get a very limited distribution and are stored in secured containers. They are protected and withheld from public disclosure pursuant to 10 CFR Part 2 (Proprietary Information), 10 CFR Part 73 (Safeguards Information), and 10 CFR Part 95 (National Security Information), as applicable.

11. Justification for Sensitive Questions

The plans are sensitive because they detail the measures and methods used to counter potential acts of sabotage and thefts of special nuclear material.

12. Estimated Industry Burden and Burden Hour Cost

No new applications are expected; thus, no burden is estimated for information required by 10 CFR 50.34(c) and (d). Currently, there are 78 licensed nuclear power plant sites (includes 13 sites with permanently shutdown power plants) and 52 non-power reactors (includes 15 permanently shutdown reactors) for a total of 130 reactor sites subject to the information collection requirements of 10 CFR 50.54(p).

Based on staff experience, the NRC estimates that approximately 273 (241 operating power reactors + 7 operating non-power reactors + 23 permanently shutdown power reactors + 2 permanently shutdown non-power reactors) notifications under 50.54(p) will be made annually to the NRC by power reactor (3.7 per operating power reactor site and 1.8 per shutdown site), operating non-power reactor (.20 each) and shutdown non-power reactor (.10 each) licensees. It is estimated that, on the average, 200 hours per power reactor and 100 hours per non-power reactor are required to prepare the notifications to the NRC, maintain records of reviews and changes, and file each 50.54(p) amendment for a current industry burden of 53,700 hours per year (241 + 23 x 200/hours + 7 + 2 x 100/hours). At \$141 per hour, industry cost is expected to be \$7,571,700.

13. Estimate of Other Additional Costs

None.

14. Estimate of the Cost to the Federal Government

The annual cost to the government is associated with analyzing and assessing the 50.54(p) amendment reports and reviews. As stated above, approximately 241 changes are expected annually from the nuclear power industry for operating power reactors (3.7 per site), 23 changes for permanently shutdown power reactors (1.8 per site) and .20 changes per operating non-power reactor and .10 changes per permanently shutdown non-power reactor. The NRC has determined that

accomplishing these activities require 8 to 40 hours each depending on the complexity of the issues raised. On the average, approximately 30 hours per power plant site and 15 hours per non-power reactor are required. Therefore, the estimated Federal burden is expected to be as follows:

Power plant sites

65 operating sites x 3.7 changes/year = 241 changes  
13 permanently shutdown sites x 1.8 changes/year = 23 changes  
264 changes x 30 hours = 7,920 hours

Nonpower reactors

37 operating x .20 changes = 7 changes  
15 permanently shutdown x .10 changes = 2 changes  
9 changes x 15 hours = 135 hours

Thus, the total Federal burden is expected to be 8,055 hours (7,920 + 135) at a cost of \$1,135,755 (8,055 hours x \$141).

This cost is fully recovered by fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

Although the burden was reduced as some operating power reactors and non-power reactors shifted from operating to shutdown status, the total industry and Federal cost increased due to the use of a higher value for hourly costs (\$141 per hour).

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations 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.