

Section 18

DRAFT SUPPORTING STATEMENT
FOR
REPORTS AND RECORDS FOR CHANGES, TESTS AND EXPERIMENTS

10 CFR 50.59(a) and (b)

DESCRIPTION OF THE INFORMATION COLLECTION

Section 10 CFR 50.59(a) allows a holder of a license authorizing operation of a production or utilization facility to (i) make changes in the facility as described in the Safety Analysis Report, (ii) make changes in procedures as described in the Safety Analysis Report, and (iii) conduct tests or experiments not described in the Safety Analysis Report, without prior Commission approval, unless the proposed change, test or experiment involves a change to the technical specifications incorporated in the license or an unreviewed safety question, in which case prior Commission approval is required prior to making the change (50.59(c)).

Section 50.59(b) requires the facility licensee (104 operating power reactor and 37 operating nonpower (research/test) reactor licensees and 19 nuclear power reactor licensees and 15 nonpower reactor licensees covered by 50.59(d) and (e)) to maintain records of changes in the facility and of changes in procedures and records of tests and experiments and to submit a report containing a brief description of any changes, tests, and experiments, including a summary of the safety evaluation of each. The report may be submitted annually or along with the Final Safety Analysis Report (FSAR) updates as required by 10 CFR 50.71(e), or at such shorter intervals as may be specified in the license. This report generally consists of a few pages. The records of changes in the facility shall be maintained until the date of termination of the license, and records of changes in procedures and records of tests and experiments shall be maintained for a period of 5 years.

Section 50.59(c) is covered in the Part 1 Supporting Statement.

Section 50.59(d) states that all provisions of 50.59 apply to each nuclear power reactor licensee that has submitted the certification of permanent cessation of operations required under 50 CFR 50.82(a)(1).

Section 50.59(e) states that the provisions of 50.59(a) through (c) apply to each nonpower reactor licensee whose license no longer authorizes operation of the reactor.

A. JUSTIFICATION

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

The records and reports required by 50.59(b) assist the NRC staff in evaluating the potential effects of changes made pursuant to 50.59(a) and in ensuring that the changes do not involve an unreviewed safety question, or a change in the technical specifications. The ultimate value is received in the form of ensuring the health and safety of the public.

2. Agency Use of Information

The records are used by licensees to interrelate subsequent changes and to prepare reports concerning changes, tests or experiments as required by this section of the regulations. These records are also frequently used by NRC inspectors. The records provide background information needed by the NRC inspector during his or her visit to a licensed facility. The inspector uses these records to confirm the appropriateness of changes, tests or experiments, or during evaluation of abnormal occurrences. Also, the inspector uses these records to ensure that changes and modifications to the plant do not compromise the licensing basis of the plant.

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

The information is not required by any other Federal regulation. The Information Requirements Control Automated System (IRCAS) was searched, and no duplication was found. This information can only be obtained from licensees of power and nonpower (research/test) reactors.

5. Effort to Reduce Small Business Burden

The burden on small businesses affects 52 licensees of nonpower reactors. This burden only occurs when licensees choose to make changes, tests, or experiments and cannot be further reduced without endangering the health and safety of the public.

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

The NRC would not be able to ensure the health and safety of the public with respect to changes made to the facility without prior NRC approval.

7. Circumstances which Justify Variation from OMB Guidelines

The information reported pursuant to 10 CFR 50.59 is submitted annually or along with the FSAR updates, or at shorter intervals as may be specified in the license and, therefore, does not vary from OMB guidelines. The record retention periods specified in 50.59(b) (5 years, and until termination of the license) are required because these records provide the NRC with vital information about reactor facility changes, tests, and experiments made without prior Commission approval. Without these records, NRC's ability to protect the health and safety of the public would be reduced.

8. Consultations Outside the NRC

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

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

No confidential information is generally received. However, proprietary or confidential information is handled in accordance with 10 CFR 2.790 of the NRC regulations.

11. Justification for Sensitive Questions

This information collection does not require sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

Estimation of Recordkeeping Requirements

Based on the staff's experience and in light of the extensive records which have to be maintained on site to meet the requirements specified in 10 CFR 50.59(b), the staff estimates that licensees for 175 facility licensees (104 operating power reactors; 37 operating nonpower reactors; 19 permanently shutdown power reactors; and 15 permanently shutdown nonpower reactors) evaluate an average of approximately 100 changes a year. It is also estimated that approximately 16 hours of burden each is required for records associated with the analysis of 100 changes annually. Thus, recordkeeping burden encompassed within 50.59(b) is estimated to be 280,000 hours (16 hours x 100 changes x 175 facility licensees). Accordingly, annual recordkeeping cost to industry will be (\$141 x 280,000) \$39,480,000.

Estimation of Respondent Reporting Burden

Since the report may be submitted annually or with the FSAR update (refueling outage basis or about every 18 months), we estimate that annually 141 facility licensees will submit a summary report of the changes that have been evaluated annually. It is expected that approximately 4 hours each are required to summarize and prepare reports for approximately 100 changes per year. Thus, the reporting burden for this provision of the regulation is expected to involve 56,400 hours annually (4 hrs x 100 changes x 141 facility licensees). The annual cost to industry is, therefore, expected to be \$7,952,400 (56,400 x \$141).

Total annual industry burden is thus 336,400 hours; total annual cost is \$47,432,400 (\$141 x 334,400).

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

It is estimated that cost to the Federal government encompasses approximately 80 hours per facility licensee (104 operating and 19 permanently shutdown power reactors; 37 operating and 15 permanently shutdown nonpower reactors); 175 facility licensees x 80 = 14,000 staff hours. Therefore, the cost to the government is expected to be \$1,974,000 (\$141 x 14,000).

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

15. Reasons for Changes in Burden or Cost

Estimated overall burden has decreased due to fewer reactors being affected. However, the cost has increased to reflect increased hourly rates.

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.