

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

August 22, 2001

**NRC REGULATORY ISSUE SUMMARY 2001-18
REQUIREMENTS FOR OATH OR AFFIRMATION**

ADDRESSEES

All holders of construction permits or operating licenses for nuclear power reactors and non-power reactors under Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50), including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, holders of licenses issued under 10 CFR Part 72, and holders of certificates issued under 10 CFR Part 76.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform addressees of another means for complying with the oath or affirmation requirement besides using a notary public. This RIS also clarifies the level of authority for signing documents that require an oath or affirmation.

The guidance herein is only applicable to hard copy (paper) submittals. It does not apply to Electronic Information Exchange submittals.

This RIS does not transmit any new requirements or staff positions. No specific action or written response is required.

BACKGROUND INFORMATION

An oath or affirmation or its alternative, as described in this RIS, is required for any docketed submittal related to a license application, license amendment, supplemental information, or response to a request for additional information (RAI) that will be used by the NRC staff to prepare a safety evaluation that approves or denies a license or license amendment.

The primary purpose of oath or affirmation is to heighten the signer's awareness of the legal obligation to tell the truth. Under the requirements of 10 CFR 50.30(b), 72.16(b), 76.33(b), and 76.45(b) each application for a permit, certificate or license and its subsequent amendments "...must be executed in a signed original by the applicant or a duly authorized officer thereof under oath or affirmation." In addition, 10 CFR 50.54(f), 72.44(b)(3), and 76.70(e) require applicants to submit, under oath or affirmation, any written statements that may "...enable the Commission to determine whether or not the license should be modified, suspended, or revoked."

Currently, submittals that require oath or affirmation are signed by a senior level officer (i.e., site vice president) and are notarized.

SUMMARY OF ISSUE

The NRC staff relies on the accuracy and integrity of information provided by licensees and applicants when reviewing applications, amendment requests and other licensing submittals. Licensees normally use a notary public to authenticate oaths or affirmations and to certify that they have provided correct and true information.

This RIS informs the addressees that, in addition to notarizing, an alternate method for complying with the oath or affirmation requirement is presented in the United States Code, Title 28, Section 1746 (28 USC 1746). This method allows use of the following unsworn declaration to satisfy the oath or affirmation requirement:

I declare [or certify, verify, state] under penalty of perjury that the foregoing is true and correct.

Executed on [date] [Signature]

When applying this declaration, it must be used verbatim and must be signed by a duly authorized officer. Licensing documents accompanied by this unsworn declaration satisfy the Commission's requirement that such documents be submitted under oath or affirmation.

Docketed submittals related to applications, license amendments, supplemental information, and responses to RAIs that will be used by the NRC staff to prepare a safety evaluation and to approve or deny an amendment to a license must be provided under oath or affirmation or an unsworn declaration. Relief requests, exemption requests, and responses to generic communications do not need to be submitted under oath or affirmation unless explicitly requested by the Commission.

The signature authority for permits or license applications, amendment requests, or supplementary information is identified in 10 CFR 50.30(b), 72.16(b), and 76.33(b), as a "duly authorized officer." The NRC recognizes any representative of a corporation or legal entity to be a "duly authorized officer" if the individual has been granted authority to sign official documents. This authorization should be in writing by senior corporate management in accordance with acceptable licensee or applicant procedures and be in place prior to the individual's affirming that the information submitted to the NRC is correct and true. The list of authorized individuals must be available for the NRC staff's inspection to verify the authority of the person signing the application.

BACKFIT DISCUSSION

This RIS provides information regarding an acceptable means for meeting the oath or affirmation requirements in the existing regulation. This RIS neither prescribes a specific way to comply with the regulations, nor does it require any action or written response; therefore, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment was not published in the *Federal Register* because this RIS is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and practice.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not request any information collection.

If you have any question concerning this matter, please contact any of the persons listed below or the appropriate Office of Nuclear Reactor Regulation or Office of Nuclear Material Safety and Safeguards project manager.

/RA/

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Office of Nuclear Material Safety
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Attachment: List of recently issued Regulatory Issue Summaries

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ADAMS ACCESSION NUMBER:ML010990211

Template #: NRR-52

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LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2001-17	Preparation and Scheduling of Operator Licensing Examinations	08/22/2001	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2001-16	Update of Evacuation Time Estimates	08/01/2001	All holders of operating licenses for nuclear power plants
2001-15	Performance of DC-Powered Motor-Operated Valve Actuators	08/01/2001	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2001-14	Position on Reportability Requirements for Reactor Core Isolation Cooling System Failure	07/19/2001	All holders of boiling-water reactor (BWR) operating licenses
2001-13	10 CFR Part 40 Exemptions for Uranium Contained in Aircraft Counterweights	07/20/2001	All holders of licenses authorized to manufacture aircraft counterweights containing uranium, and organizations and end users who may possess such counterweights
2001-12	Nonconservatism in Pressurized Water Reactor Spent Fuel Storage Pool Reactivity Equivalencing Calculations	05/18/2001	All holders of operating licenses for pressurized water reactors