

Date: June 3, 2002

## SUMMARY OF INFORMATION COLLECTION REQUEST

Title: Notice of Enforcement Discretion (NOEDs) for Operating Power Reactors and Gaseous Diffusion Plants (GDP) formerly Exercise of Discretion for an Operating Facility, NRC Enforcement Policy (NUREG-1600)

Current Burden/Responses: 2,280 hours/38 responses

Proposed Burden/Responses: 2,550 hours/17 responses

Frequency of Response: On occasion

Number of Respondents: 17

Reasons for Changes in Burden/Responses: Although the number of responses has decreased from 38 to 17 based on actual NOED's received annually during the past 3 years, the overall burden has increased from 2,280 to 2,550 hours because the estimated time per request has increased from 60 to 150 hours to provide a more detailed justification which is now necessary to obtain NOED approvals. The revised estimate is based on the need for licensees to provide further technical justification for the NOEDs to include documenting the bases and nature of the emergency, potential consequences to the plant and emergency situation, potential challenges to off-site and on-site power sources, demonstrated actions taken to avert and/or alleviate the emergency situation, including steps taken to avoid being in noncompliance, as well as efforts to minimize grid instabilities, etc.

The title of this clearance has been changed to better define what is actually covered.

Level of Concurrence: Director  
Division of Licensing and Project Management  
Office of Nuclear Reactor Regulation

Recordkeeping Requirements in Accordance with the Retention Periods for Records/Rule: NA

Search of the Information Requirements Control Automated System (IRCAS):  
IRCAS was searched, no duplication was found.

Abstract: The NRC's Enforcement Policy addresses circumstances in which the NRC may exercise enforcement discretion. A specific type of enforcement discretion is designated as a Notice of Enforcement Discretion (NOED) and relates to circumstances which may arise where a nuclear power plant licensee's compliance with a Technical Specification Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or shutdown or performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement or other condition would unnecessarily call for a total plant shutdown, or, notwithstanding that a safety, safeguards or security feature was degraded or inoperable, compliance would unnecessarily place the plant in a transient or condition where those features could be required. A licensee or certificate holder seeking the issuance of an NOED must provide a written justification, in accordance with guidance provided in NRC Inspection Manual, Part 9900, which documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to

exercise discretion.

cc: B. St. Mary