

## Section 4

### FINAL 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) in transit, at fixed sites, and protection 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 on site, available for inspection, in accordance with Appendix C of 10 CFR Part 73. The procedures are not submitted to the Commission for approval. The burden is captured under Part 73 (3150-0002). 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."

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. This burden is captured in Section 1 of this submittal.

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. The burden for these requirements is covered under Appendix C of Part 73 (3150-0002).

10 CFR 50.54(p)(4) requires the review of the plan to 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 3 years. The burden for these requirements is covered under Appendix C of Part 73 (3150-0002).

As part of the Commission's comprehensive review of the security measures following the events of September 11, 2001, the Commission assessed information provided by the intelligence community and determined that revisions to the safeguards contingency plan and procedures were required. The burden for the revisions to the plan is captured under Appendix C of 10 CFR Part 73 (OMB Clearance 3150-0002). Additionally, revisions to the Design Basis Threat (DBT), as specified in 10 CFR 73.1(a), were required. On April 29, 2003, NRC issued a revised DBT and Orders to all operating power reactor licensees that modified the facility licenses to require compliance with the revised DBT. The basis for the Orders was the need to take prompt actions, including revision of training and qualification plans required by 10 CFR 73.55(b)(4)(ii), to address the current threat environment.

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 nuclear plants and special nuclear 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. Orders issued to all power reactor licensees on April 29, 2003, include qualification and training requirements necessary for compliance with the revised Design Basis Threat for operating power reactors which reflects the current threat environment. The NRC staff continually reviews licensee security plans and amendments, including qualification and training plans, 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 under 50.34(c) and 50.34(d). 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.

Inadequate revision and implementation of the qualification and training requirements necessary for compliance with the revised Design Basis Threat could result in licensee inability to appropriately recognize, plan for, and protect against the capabilities and characteristics associated with certain adversarial attacks.

7. Circumstances which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

The opportunity for public comment was published in the Federal Register on August 29, 2003 (68 FR 52063). No comments were received.

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

Sensitive information is required to be included in the plans to 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 51 non-power reactors (includes 15 permanently shutdown reactors) for a total of 129 reactor sites subject to the information collection requirements of 10 CFR 50.54(p).

Based on staff experience, the NRC estimates that approximately 273 notifications under 50.54(p) will be made annually to the NRC as reflected below. 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.

Power reactor sites

65 operating sites x 3.7 changes/year = 241 changes  
13 permanently shutdown sites x 1.8 changes/year = 23 changes  
241 changes + 23 changes = 264 changes  
264 changes x 200 hours/change = 52,800 hours  
52,800 hours x \$156/hour = \$8,236,800

Research and Test reactor sites

36 operating sites x .20 changes = 7 changes  
15 permanently shutdown sites x .10 changes = 2 changes  
7 changes + 2 changes = 9 changes  
9 changes x 100 hours/change = 900 hours  
900 hours x \$156/hour = \$140,400

Industry burden and cost for notifications under 50.54(p)

53,700 hours (52,800 + 900 hours for a cost of \$8,377,200 (\$8,236,800 + \$140,400))

Based on staff experience, the NRC estimates that on the average, 150 hours will be expended per operating power reactor site for the one-time preparation, maintenance, and filing of correspondence and review documentation associated with the revision of qualification and training plans required by the Orders issued April 29, 2002, to all operating power reactors.

Power reactor sites (one-time requirements)

65 operating sites x 1 change (training and qualification) = 65 changes  
65 changes x 150 hours/change = 9,750 hours/3 years = 3,250 hours (annualized)  
3,250 hours x \$156/hours = \$507,000

Total annual burden and industry cost

The total annual burden for reporting is 56,950 hours (53,700 + 3,250 hours) for a cost of \$8,884,200 (\$8,377,200 + \$507,000). The burden and cost for all recordkeeping requirements is captured in the clearance for 10 CFR Part 73 (3150-0002).

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, and documenting the 50.54(p) amendment reports and reviews, and the specified, one-time qualification and training plan changes and reviews. As stated above, approximately 241 changes are expected annually from the nuclear power industry for operating power reactors, 23 changes for permanently shutdown power reactors, 7 changes for operating research and test reactors, and 2 changes for permanently shutdown research and test reactors.

The NRC has determined that accomplishing these activities associated with the 50.54(p) amendment reports and reviews 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 research and test reactors are required. At a cost of \$156 per hour, the Federal burden associated with 10 CFR 50.54(p) amendments and reviews is expected to be 8,055 hours at a cost of \$1,256,580.

Power reactor sites

241 changes (operating sites) + 23 changes (shutdown sites) = 264 changes x 30 hours/change = 7,920 hours

Research and Test reactors

7 changes (operating sites) + 2 changes (shutdown sites) = 9 changes x 15 hours/change = 135 hours

Total government burden and cost for amendment reports and reviews

7,920 hours + 135 hours = 8,055 hours  
8,055 hours x \$156/hour = \$1,256,580

The NRC has determined that accomplishing the activities associated with the qualification and training plan changes and reviews for power reactor sites will require approximately 60 to 80 hours each. On the average, approximately 70 hours per operating power plant site are required. At a cost of \$156 per hour, the Federal burden associated with the qualification and training plan changes and reviews is expected to be 4,550 hours at a cost of \$709,800 (65 sites x 1 change/site x 70 hours/change). The government burden and cost associated with inspecting licensee records is captured in the OMB clearance package for 10 CFR Part 73 (3150-0002).

Therefore, the total government burden and cost is 12,605 hours for a cost of \$1,966,380 (8,055 + 4,550 hours x \$156/hour).

These costs are fully recovered by fee assessments to NRC licensees pursuant to 10 CFR Part 170 and/or 171.

15. Reasons for Changes in Burden or Cost

The total industry and Federal cost increased due to requirements issued by Order to operating power reactors. In addition, the cost increased due to the use of a higher value for hourly costs (\$156 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.

**ANNUAL REPORTING REQUIREMENTS  
(Recurring Information Collection Requirements)**

**POWER REACTORS**

Section	Number of Respondents	Responses per Respondent	Number of Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$156/Hour
50.34(c)	0	0	0	0	0	\$0
50.34(d)	0	0	0	0	0	\$0
50.54(p)(1)	This burden is captured under Section 1 of this submittal.					
50.54(p)(2) - Operating Power Reactor Sites	65	3.7	241	200	48,200	\$7,519,200
50.54(p)(2) - Permanently shutdown Power Reactor Sites	13	1.8	23	200	4,600	\$717,600
50.54(p)(3) & (4)	This burden is captured under 10 CFR Part 73 - OMB Clearance 3150-0002.					
<b>TOTALS FOR POWER REACTORS (excluding training and qualification, see next page)</b>			264		52,800	\$8,236,800

**RESEARCH AND TEST REACTORS**

Section	Number of Respondents	Responses per Respondent	Number of Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$156/Hour
50.34(c)	0	0	0	0	0	\$0
50.34(d)	0	0	0	0	0	\$0
50.54(p)(1)	This burden is captured under Section 1 of this submittal.					
50.54(p)(2) - Operating Research and Test Reactor Sites	36	.2	7	100	700	\$109,200
50.54(p)(2) - Permanently shutdown Research and Test Reactor Sites	15	.1	2	100	200	\$31,200
50.54(p)(3) & (4)	This burden is captured under 10 CFR Part 73 - OMB Clearance 3150-0002					
<b>TOTALS FOR RESEARCH AND TEST REACTORS</b>			9		900	\$140,400
<b>TOTALS FOR POWER REACTORS</b>			264		52,800	\$8,236,800
<b>GRAND TOTAL FOR RECURRING INFO COLLECTIONS</b>			273		53,700	\$8,377,200

**ANNUALIZED REPORTING REQUIREMENTS**  
(One-time requirements occurring in the first year)

**POWER REACTORS**

Section	Number of Respondents	Responses per Respondent	Number of Responses (annualized)	Burden per Response	Total Annual Burden Hours	Cost @ \$156/Hour
50.54(p) - Training and Qualification Order (totals)	65	1	65/3 = 22	150	3,250	\$507,000
TOTALS FOR RESEARCH AND TEST REACTORS			9		900	\$140,400
TOTALS FOR POWER REACTORS			264		52,800	\$8,236,800
GRAND TOTALS (including one-time requirements occurring in the first year)			295		56,950	\$8,884,200

**ANNUAL RECORDKEEPING REQUIREMENTS**

Section	Number of Recordkeepers	Hours per Recordkeeper	Total Annual Burden Hours	Cost @ \$156/hour
50.54(p)(4)		This burden is captured under 10 CFR Part 73 - OMB Clearance 3150-0002		