

FINAL SUPPORTING STATEMENT
FOR
COLLECTION OF INFORMATION UNDER OATH OR AFFIRMATION

10 CFR 50.54(f)

DESCRIPTION OF THE INFORMATION COLLECTION

Section 50.54(f) of the NRC regulations provides that a licensee shall, upon request by the Commission, submit written statements under oath or affirmation to enable the Commission to determine whether a license should be modified, suspended, or revoked. When the NRC staff has identified a potential health, safety, or environmental problem at a particular plant or series of plants, the staff may require the licensee or licensees to submit information to evaluate the particular situation and to make a determination whether the situation is serious enough to require that the Commission issue an Order to modify, revoke, or suspend the license to operate a nuclear reactor.

A. JUSTIFICATION

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

The time allotted the licensee to respond to the request for information depends upon the perceived risk associated with the potential problem. Most responses will be requested within a 30 to 120-day period.

Periodically there are equipment failures, construction problems, and issues discovered or raised by the technical staff during the safety review and brought to the attention of the NRC through licensee reporting procedures, the safety review process itself, or by the NRC inspection staff.

Since many of the flaws and malfunctions which are detected are novel, there is little data available which would enable the NRC to predict, with certainty, what the consequences might be. To develop a reliable data base, accurately appraise the potential long-term significance of the anomaly, and determine what, if any, corrective measures may be necessary, NRC must obtain information from licensees. Should the information provided by the licensees show that there is only minor safety significance associated with the problem/situation, the facility license would not be modified, suspended, or revoked. On the other hand, the Commission may issue an Order that does modify, revoke, or suspend the license to operate a nuclear reactor.

Orders related to the events of September 11, 2001, require the licensees, within thirty-five (35) days of the date of the Order, to notify the Commission, (1) if they are unable to comply with any of the requirements of the Order, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, or (3) if implementation of any of the requirements would cause the licensee to be in

violation of the provisions of any Commission regulation or the facility license. The notification shall provide the licensee's justification for seeking relief from, or variation of, any specific requirement.

Any licensee that considers that implementation of any of the requirements of the Order would adversely impact safe operation of the facility must notify the Commission, within thirty-five (35) days of the Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives of the Order, or a schedule for modifying the facilities to address the adverse safety condition.

All licensees subject to the Orders related to the events of September 11, 2001, shall report to the Commission, in writing, when they have fully implemented the approved revisions to their physical security plans, safeguards contingency plans, and guard training and qualification plans (see Section 4).

2. Agency Use of Information

The Commission requests specific information either from one licensee, on a problem or situation believed to be unique to a particular facility, or from more than one licensee on a problem or situation believed to be generic in nature, i.e., that may affect more than one facility. Before licensees are requested to provide such information, the staff will have identified the problem or situation as one having potential health, safety or environmental significance.

Based on the information obtained from licensees or applicants and the staff's evaluation of the problem, new regulatory requirements may be identified. Depending upon the nature of the problem and its resolution, these new requirements could be imposed by regulation, or they could be imposed on affected facilities individually by amendment to the technical specifications or conditions of their construction permit or operating license (see 50.109, Backfitting). In addition, the NRC could issue a Regulatory Guide which would describe the nature of the problem and the method or methods found adequate by the regulatory staff for its resolution.

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 collection is not required by any other regulations. The Information Requirements Control Automated System (IRCAS) was searched for duplication, and none was found. There is no source for the required information except from licensees and construction permit holders.

5. Effort to Reduce Small Business Burden

The provisions of 10 CFR 50.54(f) affect approximately 36 universities (research/test reactors). However, a review of our records indicate that bulletins, generic letters and Orders rarely encompass research/test reactors.

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

Without the information provided in the licensee's written statements, timely staff action could not be taken and unsafe conditions could continue to exist, thereby potentially endangering public health and safety.

7. Circumstances which Justify Variation from OMB Guidelines

The requirements of 10 CFR 50.54(f) normally do not vary from OMB guidelines. Only when the risk associated with a problem affects the health and safety of the public is a response requested in fewer than 30 days. Because Orders affect the health and safety of the public, response is usually requested within 20 days.

8. Consultations Outside the NRC

When appropriate, prior to NRC issuing a bulletin or generic letter, the NRC publishes the document in the Federal Register, seeks comments on the matter from industry (utilities, Nuclear Energy Institute, nuclear steam system suppliers, vendors, etc.), and occasionally holds public meetings. These techniques have proven effective in ensuring the accuracy of statements and bringing faster and better responses from licensees. There is no consultation outside the NRC regarding Orders.

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

Proprietary or confidential information is handled in accordance with 10 CFR 2.790 of the NRC regulations.

11. Justification for Sensitive Questions

This regulation does not require sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

Plant-Specific Concerns

Staff estimates that perhaps 2 plants will receive one request each year. Our estimate of the burden is that, on the average, each request would require several people about 2 weeks to answer. Therefore, 300 hours per request for each of 2 requests totals 600 hours.

Generic Considerations

The number of bulletins and generic letters vary and so does the number of respondents and the level of effort required to prepare the different responses. Staff estimates that there will be approximately 2 bulletins/generic letters issued per year requesting information pursuant to 10 CFR 50.54(f).

The 2 bulletins/generic letters could involve up to 140 operating reactors (36 research and test reactors and 104 nuclear power reactors). Although unlikely, bulletins/generic letters could also involve 20 permanently shutdown nuclear power reactors and 15 shutdown research and test reactors. The burden to respond could be between 200 and 1,000 hours per letter. However, a realistic upper bound can be computed by using all 140 operating nuclear power reactors/research and test reactors and the historic average of 459 hours for each bulletin/generic letter. (140 x 2 x 459 hours = 128,520 hours)

The 2 Orders could involve up to 140 operating reactors (36 research and test reactors and 104 nuclear power reactors). Industry is generally required to respond to Orders within twenty (20) days of its date, and the burden to respond is estimated to be 300 hours for each Order. (140 x 2 x 300 hours = 84,000 hours)

Thus, for bulletins/generic letters and orders, the annual burden for power reactors would be 212,520 hours (128,520 hours for bulletins/generic letters + 84,000 hours for Orders).

No responses are anticipated during this clearance cycle, however, we are still incorporating the burden for 2 responses per licensee in the event there is an Order issued that would require a response from the licensees. Therefore, the total number of annual responses is estimated to be 562 (2 for plant specific concerns + 280 for generic concerns + 280 for orders).

Total Estimated Industry Burden for plant specific and generic 50.54(f) letters and Orders would, therefore, be 213,120 hours (600 + 212,520 hours, and the cost would be \$33,246,720 (213,120 hours x \$156)). Of this, staff estimates that 90 percent of the burden is attributable to reporting (191,808 hours) and 10 percent is recordkeeping (21,312 hours).

13. Estimate of Other Additional Costs

Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 times the recordkeeping burden cost. Therefore, the records storage cost for this clearance is estimated to be \$1,330 (.0004 x 21,312 hours x \$156).

14. Estimated Annualized Cost to the Federal Government

Prior to requesting information from the respondents, the NRC staff assesses the potential problem and identifies the needed information and how the information is to be used. Based on staff experience, the overall burden estimate for the preparation of information requests and analysis of responses is estimated to take 200 hours for each plant-specific request and 2,500 hours for each bulletin or generic letter since each bulletin or generic letter request for information is carefully justified prior to review by the NRC Committee to Review Generic Requirements. Thus, 2 plant-specific letters will involve approximately 400 hours (200 hours x 2 letters), and 2 bulletins/generic letters will involve approximately 5,000 hours (2,500 hours x 2 bulletins/generic letters), for a total estimated burden to the Federal government of 5,400 hours. At \$156 per hour the cost is \$842,400.

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

Based on staff experience, the overall burden estimate for the preparation of Orders is estimated to take 600 hours for each order. (600 hours x 2 Orders = 1,200 hours). Each of the orders will request information from the respondents (140 operating reactors/research and test reactors), the NRC reviews the responses which is estimated to take 20 hours for each order. (20 hours x 2 Orders x 140 operating reactor responses = 5,600 hours), for a total estimated burden to the Federal government of 6,800 hours (1,200 hours + 5,600 hours). At \$156 per hour the cost \$1,074,400.

Total Estimated Government Burden for the preparation and review of responses for Orders would, therefore, be 11,000 hours (5,400 + 5,600 hours); the cost would be \$1,716,000 (11,000 hours x \$156).

15. Reasons for Change in Burden

The change in burden results from the inclusion of the burden for Orders that are being issued since the events of September 11, 2001 and because non-power reactors have been included in the universe of potential respondents to generic communications. The number of responses has increased by 352 which incorporate the responses for the Orders power and test and research reactors, and 72 responses for the test and research reactors for generic considerations. Additionally, there has been a change to the hourly cost rate from \$141 to \$156.

16. Publication for Statistical Use

The information collected under the provisions of 10 CFR 50.54(f) is not used for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The OMB approval number and expiration date are included in all generic communications for bulletins and generic letters.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.