

## Section 17

### FINAL SUPPORTING STATEMENT FOR REPORTS AND RECORDS FOR CHANGES, TESTS AND EXPERIMENTS

10 CFR 50.59(c) and (d)

#### DESCRIPTION OF THE INFORMATION COLLECTION

Section 50.59(c) allows a holder of a license authorizing operation of a production or utilization facility or for a facility that has ceased operation to (i) make changes in the facility as described in the final 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 meets one or more specified criteria, which would more than minimally decrease safety, in which case prior Commission approval is required prior to making the change.

Section 50.59(d) requires the facility licensee (104 operating power reactors, 36 operating nonpower (research/test) reactors, 20 permanently shutdown power reactors being decommissioned, and 15 permanently shutdown nonpower reactors) 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 must be submitted every 24 months and may be submitted annually or along with the Final Safety Analysis Report (FSAR) updates as required by 10 CFR 50.71(e). 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 was revised effective March 2001. The intent of the revision was to clarify certain requirements and to provide some flexibility to licensees for making changes without NRC approval that involve only minimal increases in probability or consequences of accidents. Changes to information collection requirements included revising the filing frequency from annual to biennial and a slight reduction in the number of records/reports required.

#### 1. JUSTIFICATION

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

The records and reports required by 10 CFR 50.59 assist the NRC staff in evaluating the potential effects of changes made pursuant to 10 CFR 50.59 and in ensuring that the changes do not require NRC approval, or involve 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 research and test reactors.

**5. Effort to Reduce Small Business Burden**

The burden on small businesses affects 51 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 required to be submitted every two years, but may be annually or along with the FSAR updates, and, therefore, does not vary from OMB guidelines. The record retention periods specified in 10 CFR 50.59 (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 to comment on the proposed rulemaking that reduced the reporting frequency from annually to every biennially was published in the Federal Register on June 21, 2000. No comments were received.

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**

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, the staff estimates that licensees for 175 facility licensees (104 operating power reactors, 36 operating research and test reactors, 20 permanently shutdown power reactors being decommissioned, and 15 permanently shutdown test and research reactors) evaluate an average of approximately 95 changes a year. It is also estimated that approximately 16 hours of burden each is required for records associated with the analysis of 95 changes annually. Thus, recordkeeping burden encompassed within 10 CFR 50.59 is estimated to be 266,000 hours (16 hours x 95 changes x 175 facility licensees). Accordingly, annual recordkeeping cost to industry will be \$41,496,000 (\$156 x 266,000).

**Estimation of Respondent Reporting Burden**

The report must be submitted no later than every two years (but may be done annually or with the FSAR update (refueling outage basis or about every 18 months)). For purposes of the estimate of burden, the estimate is done on an annual basis. It is expected that approximately 4 hours each are required to summarize and prepare reports for approximately 95 changes per year. Thus, for 175 licensees filing a report of the changes on an annual basis, (i.e., 175 responses) the reporting burden for this provision of the regulation is expected to involve 66,500 hours annually (4 hrs per change x 95 changes per year x 175 facility licensees). The annual cost to industry is, therefore, expected to be \$10,374,000 (66,500 x \$156).

Total annual industry burden is thus 332,500 hours; total annual cost is \$51,870,000 (\$156 x 332,500 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 percent of the recordkeeping burden cost. Therefore, the storage cost for this clearance is estimated to be \$16,598 (266,000 hours x \$156 x .0004).

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 20 permanently shutdown power reactors; 36 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 \$2,184,000 (\$156 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

The burden has decreased from the last review cycle as a result of a revision to the rule that became effective in March 2001 that revised the number of changes that must be evaluated and thus be recorded and reported. 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.