

April 4, 2005

DRAFT SUMMARY OF INFORMATION COLLECTION REQUEST

Title: Notice of Enforcement Discretion (NOEDs) For Operating Power Reactors and Gaseous Diffusion Plants (GDP) (NUREG - 1600)

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

Proposed Burden/Responses: 1,991 hours/26 responses (15 responses and 11 recordkeepers)

Burden Attributable to Third-Party Collections: None

Frequency of Response: On occasion

Number of Respondents: 11

Reasons for Changes in Burden/Responses: The overall estimated burden decreased from 2,550 hours to 1,991 hours, a 559 hour decrease. The estimated burden initially decreased from 2,550 to 1,650 hours (a 900 hour decrease) because fewer NOED requests (11 versus 17 annually) are anticipated during the next 3 years. An additional burden of 160 reporting hours and 181 recordkeeping hours will be realized because of the submission of letters of intent under 10 CFR Part 50.48, "Fire Protection, Voluntary Adoption of NFPA-805 Fire Protection Requirements" and maintaining copies for licensee records. The information collection were approved at the Proposed Rule stage by OMB on February 13, 2003, and the final rule was published in the Federal Register on June 16, 2004 (69 FR 33536). Therefore, the estimated burden for this collection has decreased by 559 hours (160 hours + 181 recordkeeping hours - 900 hours)."

Level of Concurrence: Director  
Program Management, Policy Development and Analysis Staff  
Office of Nuclear Security and Incident Response

Search of the Information Requirements Control Automated System (IRCAS):

This information is necessary only when a licensee or certificate holder seeks the issuance of an NOED. There is no other time the relevant information is required to be submitted, and there is no source for the information other than licensees or certificate holders. NRC has in place an on-going program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

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: C. Colburn  
B. St. Mary