

DRAFT SUPPORTING STATEMENT
FOR
COLLECTION OF INFORMATION UNDER OATH OR AFFIRMATION

10 CFR 50.54(f)

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 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, the 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.

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 NRC staff will have identified the problem or situation as one having potential health, safety, environmental, or security significance.

Based on the information obtained from licensees or applicants and the NRC 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 permit or license (see 10 CFR 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 are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. The NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via EIE, CD-ROM, e-mail, special Web-based interface or other means. It is estimated that approximately 25% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

The provisions of 10 CFR 50.54(f) affect approximately 33 universities (research/test reactors). However, a review of NRC records indicate that bulletins, and generic letters 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.

8. Consultations Outside the NRC

When appropriate, prior to NRC issuing a 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.

Opportunity for public comment on this information collection has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

This regulation does not require sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

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. The NRC staff estimates that there will be approximately 3 bulletins/generic letters issued per year requesting information pursuant to 10 CFR 50.54(f).

The 3 bulletins/generic letters could involve up to 137 operating reactors (33 research and test reactors and 104 nuclear power reactors). Although unlikely, bulletins/generic letters could also involve 15 permanently shutdown nuclear power reactors and 16 shutdown research and test reactors. The burden to respond could be between 200 and 1,000 hours per letter for each reactor. However, a realistic upper bound can be computed by using all 137 operating nuclear power reactors/research and test reactors and the historic average of 459 hours per reactor for each bulletin/generic letter. Therefore, 137 operating reactors times 3 responses equals 411 responses at an average of 459 hours each equals 188,649 hours (411 responses x 459 hours = 188,649 hours).

The Total Estimated Industry Burden for generic 10 CFR 50.54(f) letters would, therefore, be 188,649 hours, and the cost would be \$40,936,833 (188,649 hours x \$217). Of this, the NRC staff estimates that 90 percent of the burden is attributable to reporting (169,784 hours) and 10 percent to recordkeeping (18,865 hours).

13. Estimate of Other Additional Costs

The quantity of records to be maintained is roughly proportional to the recordkeeping burden and therefore can be used to calculate approximate records storage 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 storage cost for this clearance is estimated to be \$1,637 ($18,865 \times \$217 \times .0004$).

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 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, 3 bulletins/generic letters will involve approximately 7,500 hours ($2,500 \text{ hours} \times 3 \text{ bulletins/generic letters}$). At \$217 per hour the cost is \$1,627,500.

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

15. Reasons for Change in Burden

The change in burden results from exclusion of Orders that were erroneously included in the previous submittal. Additionally, requests to specific plants (2) requesting information are exempt from PRA requirements and should not have been included in the previous clearance renewal. Also, the number of responses to bulletins/generic letters is now assumed to be 3 per year versus 2 per year in the previous submittal. Overall, the number of responses has decreased by 149, from 562 to 459. Additionally, there has been an increase to the hourly cost rate from \$156 to \$217.

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.