

Date: February 5, 2008

DRAFT SUMMARY OF INFORMATION COLLECTION REQUEST

Title: Notice of Enforcement Discretion (NOEDs) For Operating Power Reactors and Gaseous Diffusion Plants (GDP) (NRC Enforcement Policy)

Current Burden/Responses:

1,991 hours/26 responses (15 responses and 11 recordkeepers)

Proposed Burden/Responses:

1,825 hours/24 responses (14 responses and 10 recordkeepers)

Frequency of Response: On occasion

Number of Respondents: 14 (10 licensees requesting NOEDs and 4 licensees submitting NFPA-805 letters of intent)

Reasons for Changes in Burden/Responses: The overall estimated burden decreased from 1,991 hours to 1,825 hours, a 166 hour decrease. This is a decrease from 1,810 to 1,660 reporting hours (150 hour decrease) and a decrease from 181 to 165 recordkeeping hours (16 hour decrease). This decrease is due to a decrease in the estimated number of NOEDs from 11 annually to 10 annually.

The decrease in estimated number of annual NOEDs is based on a review of past NOED data. NOED data for nuclear power plant licensees since 2000 was reviewed and it was determined that since 2000, there have been 128 NOEDs. Of these 128, 44 were for one specific licensee and concerned a plant operator licensing issue and are considered extraordinary. Removing these 44, the total NOEDs over the last 8 years is 74 which results in an average of 9.25 NOEDs per year. There have been no NOEDs issued since 2000 for Gaseous diffusion plant certificate holders. As such, a conservative estimate of 10 NOEDs per year, for the next three years was used.

Level of Concurrence: Michael J. Case, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Recordkeeping Requirements in Accordance with the Retention Periods for Records/Rule:
Recordkeeping retentions are in accordance with standard record retention periods.

Efforts to Identify Duplication and Use Similar Information

This information is only necessary 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 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 other license conditions would

involve: (1) an unnecessary plant shutdown; (2) performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions; or (3) 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, compliance would unnecessarily place the plant in a condition where safety, safeguards or security features were degraded or inoperable.

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.