

FINAL SUPPORTING STATEMENT
FOR
VOLUNTARY REPORTING OF PLANNED LICENSING REQUEST SUBMITTALS
(3150-XXXX)
NEW

Description of the Information Collection

The Nuclear Regulatory Commission (NRC) licenses and regulates the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment. As part of this effort, the NRC licenses all commercially owned operating power reactors that produce electricity in the United States. After an operating power reactor's initial license is granted, the license may be amended, renewed, transferred, or otherwise modified, depending on activities that affect the reactor during its operating life.

For one of these activities to occur, a licensee will usually submit a request. A licensee may spend a few days to several years developing these requests, and the NRC may spend a similar amount of time in reviewing the request. The technical issues involved in these requests can involve safety-related instrument setpoint changes, time limits associated with equipment outages before specific actions are required, and increases to the power limit for the reactor. Increases to the power limit for a reactor are some of the most complex reviews performed and involve over a dozen technical disciplines, reviews by nearly 100 technical professionals, and a review spanning over 18 months.

Because timely processing of licensing activities is necessary for outage planning and modifications to nuclear facilities, the NRC seeks information on planned licensing action requests expected to be submitted by operating power reactor licensees in order to plan NRC staff resource utilization and better meet the licensees' need dates. In support of this effort, the NRC is requesting that operating power reactor licensees voluntarily annually submit a list of their expected licensing action requests for the next calendar year.

A. JUSTIFICATION

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

Title 10 of the Code of Federal Regulations, Part 50, requires operating reactor licensees to seek approval from the NRC before making certain changes to the facility or how it is operated. In seeking approval, the licensees may spend as long as several years developing requests and the NRC may spend a similar amount of time in reviewing the requests. Because the scale of a maintenance outage at a nuclear power plant requires planning several months to years in advance, a predictable timeframe for approval of plant modifications or operating methods is not only helpful, but essential for the productive operation of a nuclear power plant. Unplanned downtime at a nuclear power plant can cost the licensee, and in turn the ratepayers, over a million dollars per day in lost revenue and the cost of replacement power.

The currently operating power plants have been constructed and operated over a span of nearly 40 years. During that time, design and licensing requirements has been evolving and technology has been improving. The result is that nearly every nuclear power plant is unique in its construction and equipment. Because of this, each review of licensees' requests will be different, even if an apparently similar request was made by another power plant. Also, as technology changes, the NRC will spend additional time reviewing changes where there has not been industry experience with the technology involved. Hence, analyzing past requests to determine standard review times yields little information.

Additionally, because of the lead time in planning maintenance outages and the individual variability of each utilities cash flow, different licensees may choose to implement new technologies at different times over as long as a decade, or to not implement the changes at all. Therefore, the predictability of what licensees will request from year-to-year is unavailable without polling the licensees.

NRC has the authority to request this information under Section 161c of the Atomic Energy Act of 1954, which states, "In the performance of its functions the Commission is authorized to...make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder."

2. Agency Use of Information

The information would be used by the Office of Nuclear Reactor Regulation to better plan NRC staff resource utilization in order to meet licensee need dates, including outage planning and plant modifications. Specifically, the office would use the information to (1) inform its budget development, (2) identify potential impacts from multiple actions utilizing the same resources, (3) develop solutions, if possible, to resource conflicts, and (4) communicate scheduling impacts to stakeholders. Any effect on policy would be incidental and not more than typical situational awareness of agency staff.

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. 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 CD-ROM, e-mail, special Web-based

interface, or other means. It is estimated that approximately 100 percent of the potential responses will be filed electronically.

Each power reactor licensee has a licensing project manager (PM) in the Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation at the NRC. The PMs will send the survey to power reactor licensees by e-mail, and licensees will submit responses via e-mail back to their PMs.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. 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

There is no impact or burden on small businesses.

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

Not collecting the information would cause the NRC to be less efficient in scheduling its resources for reviewing licensing requests and cause the completion of the reviews to not be timely. This could be financially harmful to licensees by unnecessarily causing power plant outages or extending maintenance outages and costing licensees millions of dollars.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on September 30, 2013 (78 FR 59980). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The information provided by the responders may or may not be considered proprietary trade secrets. The NRC plans to include a question asking whether the information provided may be made public.

If the respondent indicates that it may not be made public, it will be initially withheld from public disclosure. Pursuant to 10 CFR 2.390(b)(1)(ii), the NRC will waive the affidavit requirements on its own initiative, as the NRC has determined that it is appropriate to do so in this case since responses to the survey that contain business-sensitive information, the disclosure of which is likely to cause competitive harm, are considered by the NRC to constitute proprietary information. However, the survey will clearly state that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes the information. In all review situations, if the NRC makes a determination adverse to the above, the respondent will be notified in advance of any public disclosure and may be requested to submit an affidavit at that time.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

There are 100 operating reactor units at 62 sites that are expected to respond to the survey. The licensees are expected to provide one response for all units at multiple unit sites, with an indication of whether the licensing actions applies to all units or to select units, and, if so, which ones. The NRC anticipates that all 62 sites will respond to the voluntary survey because timely processing of licensing activities is necessary for the licensees' outage planning and modifications to nuclear facilities. Although this may be unusual for other regulated industries, past surveys for nuclear power plant licensees, including licensee performance indicators and power uprates, have received 100% participation.

The survey will be sent to the licensees once per year. The estimated response time is 5 hours per licensee per survey, for an annual total of 310 hours (5 hrs x 62 sites = 310 hrs). This is an annual cost of \$84,320 (310 hours x \$272/hr).

13. Estimate of Other Additional Costs

There are no additional costs. There are no recordkeeping requirements.

14. Estimated Annualized Cost to the Federal Government

The NRC staff estimates that it will take professional staff approximately 400 hours to prepare, conduct, and analyze the survey. The survey would be conducted once a year. Therefore, the cost to government would be \$108,800 (400 hrs x \$272/hr = \$108,800).

15. Reasons for Change in Burden or Cost

This is a new collection. The NRC is requesting that operating power reactor licensees voluntarily submit a list of their expected licensing action requests for the next calendar year as a request for a new clearance. Because timely processing of licensing activities is necessary for outage planning and modifications to nuclear facilities, the information requested in the survey will help the agency to schedule the resources required to review licensing requests by the date needed by the licensees.

16. Publication for Statistical Use

The survey does not employ inferential statistics, and does not use a sampling methodology. The NRC intends to request information about future licensing actions from all power reactor licensees. The agency intends to post on its website the number of anticipated power uprates applications for the next five years. This information will typically be posted within 60 days of the conduct of the survey.

Individual licensees may indicate on the survey whether the NRC staff may make their information public.

17. Reason for Not Displaying the Expiration Date

The expiration date will be displayed.

18. Exceptions to the Certification Statement

None.