

Section 4

FINAL SUPPORTING STATEMENT FOR PHYSICAL SECURITY AND SAFEGUARDS CONTINGENCY PLANS

10 CFR 50.34(c), 10 CFR 50.34(d), and 10 CFR 50.54(p)

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 prescribe requirements for the establishment and maintenance of a system for physical protection of special nuclear material (SNM) at fixed sites, SNM in transit and of plants in which SNM is utilized. The regulations are issued pursuant to the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974, as amended. Part 73 of 10 CFR contains reporting and recordkeeping requirements which are necessary to help ensure that an adequate level of protection is provided for nuclear facilities and nuclear material.

The applicant Security Plan consists of a Physical Security Plan (PSP), Training and Qualification Plan (T&QP) Safeguard Contingency Plan (SCP) and Independent Spent Fuel Storage Installation (ISFSI). To ensure no duplication of burden, this revision reflects the burden hours for 10 CFR Part 50, only. The 10 CFR Part 73, "Physical Protection of Plant and Material (3150-0002)."

A. Justification

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

In general, the report and records are necessary for one or more of the following reasons:

- Information describing the content and planned operation of the licensee's physical protection system (e.g., Security Plan and Contingency Plan). This information is essential to enable the NRC to make a determination about the adequacy of the licensee's planned system in meeting regulatory requirements.
- The reporting and recordkeeping requirements are for the purpose of assuring the physical protection of plants and materials. This information is needed to enable the NRC to fulfill its responsibilities to respond to, investigate, and correct situations which adversely affect public health and safety or the common defense and security.

Requirements in 10 CFR Part 50

Specific requirements for reports and records in 10 CFR Part 50 is as follows.

Section 50.34(c)(1) requires that each application for a license to operate a production or utilization facility must include a PSP.

Section 50.34(c)(2) requires that each application for a license to operate a production or utilization facility must include a PSP and T&QP in accordance with the criteria set forth in 10 CFR Appendix B to Part 73, and a Cyber Security Plan (PSP) in accordance with the criteria set forth in 10 CFR 73.54.

- Appendix B to 10 CFR Part 73, prescribes requirements that each licensee shall ensure that all individuals who are assigned duties and responsibilities required to prevent significant core damage and spent fuel sabotage, implement the Commission-approved security plans, licensee response strategy, and implementing procedures, meet minimum training and qualification requirements to ensure each individual possesses the knowledge, skills, and abilities required to effectively perform the assigned duties and responsibilities. The burden for maintaining the procedure (T&QP) is covered in the 10 CFR 73 clearance (3150-0002).
- 10 CFR 73.54, prescribes requirements that each licensee shall provide high assurance that digital computer and communication systems and networks are adequately protected against cyber attacks, up to and including the design basis threat (DBT) as described in Section 73.1. The burden for maintaining the CSP is covered in the 10 CFR 73 clearance (3150-0002).

Section 50.34(c)(3) requires that each plan must describe how the applicant will meet the requirements of 10 CFR 73 (and 10 CFR 11, if applicable, including the identification and description of jobs as required by 10 CFR 11.11(a), at the proposed facility). The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with the requirements of 10 CFR 11 and 10 CFR 73, if applicable. 10 CFR 73.67 prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for the protection of SNM at fixed sites and in transit and for plants in which SNM is used. 10 CFR 11 prescribes criteria and procedures for determining eligibility for access to, or control over, certain quantities of SNM.

Section 50.34(d)(1) requires that each application for a license to operate a production or utilization facility that will be subject to 10 CFR 73.50 and 10 CFR 73.60 must include a licensee SCP in accordance with 10 CFR 73 Appendix C. The SCP shall include plans for dealing with threats, thefts, and radiological sabotage as defined in 10 CFR 73. Four categories of information must be included in the applicant's SCP. These categories are specified in 10 CFR 73 Appendix C. First, the "Background" must identify and define the perceived dangers and incidents with which the plan will deal and the general way it will handle them. Second, the "Generic Planning Base" must define the criteria for initiation and termination of responses to safeguards contingencies together with the specific decisions, actions, and supporting information needed to bring about such responses. Third, the "Licensee Planning Base" must include the factors affecting contingency planning that are specific to the facility. The fourth category relates to a "Responsibility

Matrix" that must include a detailed identification of the organizational entities responsible for each decision and action associated with specific responses to safeguards contingencies.

Section 50.54(p)(1) requires that each licensee prepare and maintain SCP procedures in accordance with 10 CFR 73 Appendix C. Procedures must be established in order to aid execution of the detailed plan as developed in the "Responsibility Matrix" section of the SCP. The procedures must detail the actions to be taken and decisions to be made by each member or unit of the organization as planned in the "Responsibility Matrix." The procedures need not be submitted to the Commission for approval, but are inspected by the NRC staff on a periodic basis. The burden for maintaining the procedures is covered in the 10 CFR 73 clearance (3150-0002).

Section 50.54(p)(1) specifies that the licensee may make no change which would decrease the effectiveness of a PSP, or T&QP or CSP (required by 10 CFR 73.55 and 10 CFR 73.54) prepared pursuant to 10 CFR 50.34(c) or 10 CFR 73 or to the first four categories of information contained in the SCP prepared pursuant to 10 CFR 50.34(d) or 10 CFR 73, as applicable, without prior approval of the Commission. A licensee desiring to make such a change must submit an application for an amendment to the licensee's license pursuant 10 CFR 50.90. This burden is captured in Section 1 of this submittal.

Section 50.54(p)(2) also specifies that a licensee may make changes to the plans referenced in 10 CFR 50.54(p)(1) without prior approval if the changes do not decrease the overall effectiveness of the safeguards plan. The licensee, however, must maintain records of changes to the plans for a period of three years from the date of the change and must submit a report containing a description of each change within two months after the change is made.

Section 50.54(p)(3) requires the licensee to provide for the development, revision, implementation, and maintenance of its SCP. To this end, the licensee shall provide for a review at least every 12 months of the SCP by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. All elements of the SCP must be reviewed at least once every 24 months.

Section 50.54(p)(4) requires that the review must include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards systems along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of three years. The burden for these requirements is covered under 10 CFR 73 Appendix C (3150-0002).

2. Agency Use of Information

The information included in the applications, reports, and records is reviewed by the NRC staff to assess the adequacy of the applicant's physical plant, equipment, organization, training, experience, procedures, and plans for protection of public health and safety and the common defense and security. The NRC review and the findings form the basis for NRC licensing decisions related to SNM.

Physical security regulations include general performance requirements which recognize explicitly the need to provide protection from potential threats originating externally, internally, or both. The NRC staff continually reviews licensee PSP and SCP changes and amendments to ensure that there is a comprehensive physical protection system that is capable of protecting against the DBT established in 10 CFR 73.1.

This continual review of the reactor safeguards program provides a high level of assurance to the NRC and the public that malevolent acts against operating nuclear power plants and non-power reactor sites will not result in undue risk to public health and safety.

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 80% of the potential responses are filed electronically, mostly on CD-ROM.

However, when the agency is unable to successfully generate an accurate paper copy from the CD-ROM, the NRC may require the submitter to produce a paper copy. The security plans are safeguards information (SGI) and must be protected in accordance with Section 10 CFR 73.21. SGI is an exception to electronic submission using the Electronic Information Exchange. However, certain encrypted SGI may be allowed under this format.

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

This information collection does not affect small business.

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

This information collection is required when an application for a license to operate a production or utilization facility is filed with NRC and continues until fully decommissioned. There are no applications scheduled at this time.

Approximately 17 applications for combined licenses, in accordance with 10 CFR 52, have been received by the NRC between 2007 and 2009, and will not be subject to 10 CFR 50.54(p) reporting in the immediate future. However, of the 17 applications two (2) applicants were issued combined licenses in 2012, five (5) other applications have been suspended.

New requests for changes to current PSP and SCP are submitted on an as-needed basis. Additionally, 10 CFR 50.54(p)(2) reports, required within two months after making changes to the plan, and 10 CFR 50.54(p)(3) annual reviews are required so that the Commission and a licensee may evaluate the continued effectiveness of the plan. Less frequent notification and review could result in failure to adequately protect nuclear facilities from malevolent acts.

7. Circumstances which Justify Variation from Office of Management and Budget (OMB) Guidelines

This information collection does not vary from OMB guidelines.

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 May 14, 2013 (78 FR 28244). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with the NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested under 50.54(p).

11. Justification for Sensitive Questions

The information required by Part 50 to be reported, collected and maintained consists of sensitive information which could be used by unauthorized personnel to gain unauthorized access to a site which could constitute an unreasonable risk to the public health and safety. The NRC needs this information to assess the adequacy of the licensee's planned system in meeting regulatory requirements, determine with reasonable assurance that the physical protection system operates in accordance with the regulatory requirements, and to respond to, investigate, and correct situations which adversely affect public health and safety or the common defense and security.

12. Estimated Industry Burden and Burden Hour Cost

A total of 122 power and non-power reactor sites are subject to the information collection requirements of Section 10 CFR 50.54

Currently, there are sixty-five (65) power reactor sites (with 104 reactors licensed to operate). In addition, there are fifteen (15) other sites with sixteen (16) permanently shutdown reactors. None of these sites are fully decommissioned. However, since they are still licensed under Part 50 they are subject to reporting under 10 CFR 50.54(p).

For non-power reactors licensed by the NRC, there are thirty-two (31) non-power reactor sites. In addition, there are ten (11) permanently shutdown non-power reactor sites. None of these reactors have been fully decommissioned, and therefore are subject to reporting under 10 CFR 50.54(p).

The NRC estimates that approximately 84 changes or notifications under 10 CFR 50.54(p) will be made annually. The estimated total industry burden is 2436 hours per year. At \$274 per hour, the total annual industry cost is expected to be \$667,464. See table for details on Page 9 for details.

13. Estimate of Other Additional Costs

Additional costs associated with the recordkeeping burden are captured under 10 CFR 73, OMB Clearance 3150-0002.

The NRC has determined that 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 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 0 hours, the storage cost for this clearance is \$00.00.

14. Estimate of the Cost to the Federal Government

The annual cost to the government is associated with analyzing and assessing the 10 CFR 50.54(p)(2) changes reports and reviews. As stated above, approximately 65 changes are expected annually from the nuclear power industry for operating power reactor sites, 5 changes for permanently shutdown power reactors, and 14 changes for operating non-power reactors. The NRC has determined that accomplishing these activities require on average approximately 29 hours each

depending on the complexity of the issues raised. Therefore, the estimated annual Federal burden is expected to be as follows:

Power Reactors

65 changes (operating sites) + 5 changes (shutdown sites) = 70 changes x an average of 29 hours per change = 2,030 hours.

The Federal burden is 2,030 hours x \$274/hour = \$556,220.

Non-Power Reactors

14 changes (operating sites) + 0 change (shutdown site) = 14 changes x an average of 29 hours per change = 406 hours.

The Federal burden is 406 hours x \$274/hour = \$111,244.

Total Federal Burden

2436 hours (70 + 14 x 29) x \$274 = \$667,464.

Where applicable, this cost is fully recovered by fee assessments to the NRC licensees pursuant to 10 CFR 170. Licensees that are non-profit education institutions or Government agencies are exempt from fee recovery under Section 10 CFR 170.11.

15. Reasons for Changes in Burden or Cost

For this renewal, the NRC conducted a comprehensive review of the requirements contained in 10 CFR 50. The NRC Staff forecast that the burden of 2,436 will remain stable, with approximately 84 submittals to be received by the agency annually.

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.

ANNUAL REPORTING REQUIREMENTS
(Recurring Information Collection Requirements)

POWER REACTORS

Section	Number of Respondents	Responses per Respondent	Number of Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$274/Hour
50.34(c) (Burden captured under 10 CFR 52 [3150-0151])	0	0	0	0	0	\$0
50.34(d) (Burden captured under 10 CFR 52 [3150-0151])	0	0	0	0	0	\$0
50.54(p)(1)	This burden is captured under Section 1 of this submittal.					
50.54(p)(2) - Operating Power Reactor Sites	65	1	65	29	1,885	\$516,490
50.54(p)(2) - Permanently shutdown Power Reactor Sites	15	.33	5	29	145	\$39,730
TOTALS FOR POWER REACTORS			70		2,030	\$556,220

NON-POWER REACTORS

Section	Number of Respondents	Responses per Respondent	Number of Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$274/Hour
50.34(c)	0	0	0	0	0	\$0
50.34(d)	0	0	0	0	0	\$0
50.54(p)(1)	This burden is captured under Section 1 of this submittal.					
50.54(p)(2) - Operating Non-Power Reactor Sites	31	.44	14	29	406	\$111,244
50.54(p)(2) - Permanently shutdown Non-Power Reactors Sites	11	0	0	29	0	\$0
TOTALS FOR RESEARCH AND TEST REACTORS			14		406	\$111,244
TOTALS FOR POWER REACTORS			70		2,030	\$556,220
GRAND TOTAL FOR RECURRING INFO COLLECTIONS			84		2,436	\$667,464

POWER AND ACTORS NON-POWER REACTORS

Section	Number of Record keepers	Hours per Record keeper	Total Annual Burden Hours	Cost @ \$274/hour
50.54(p)(4)	This burden is captured under 10 CFR 73 - OMB Clearance 3150-0002			