

Section 17

FINAL SUPPORTING STATEMENT FOR REPORTS AND RECORDS FOR CHANGES, TESTS AND EXPERIMENTS

10 CFR 50.59(c) and 10 CFR 50.59(d)

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 50.59(c) allows a holder of a license authorizing operation of a production or utilization facility or for a facility that has ceased operation to (i) make changes in the facility as described in the Final Safety Analysis Report (FSAR), (ii) make changes in procedures as described in the Final Safety Analysis Report, and (iii) conduct tests or experiments not described in the Final Safety Analysis Report, without prior Commission approval, unless the proposed change, test or experiment involves a change to the technical specifications incorporated in the license or meets one or more specified criteria, which would more than minimally decrease safety, in which case prior Commission approval is required prior to making the change.

10 CFR 50.59(d) requires the facility licensee (for 104 operating power reactors, 31 operating non-power (research/test) reactors, 13 permanently shutdown power reactors being decommissioned, and 11 permanently shutdown non-power reactors licenses) to maintain records of changes in the facility and of changes in procedures and records of tests and experiments and to submit a report containing a brief description of any changes, tests, and experiments, including a summary of the safety evaluation of each. The report must be submitted every 24 months and may be submitted annually or along with the FSAR updates as required by 10 CFR 50.71(e). This report generally consists of a few pages. The records of changes in the facility shall be maintained until the date of termination of the license, and records of changes in procedures and records of tests and experiments shall be maintained for a period of 5 years.

A. JUSTIFICATION

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

The records and reports required by 10 CFR 50.59 assist the NRC staff in evaluating the potential effects of changes made pursuant to 10 CFR 50.59 and in ensuring that the changes do not require NRC approval, or involve a change in the technical specifications. The ultimate value is received in the form of ensuring the health and safety of the public.

2. Agency Use of Information

The records are used by licensees to interrelate subsequent changes and to prepare reports concerning changes, tests or experiments as required by this section of the regulations. These records are also frequently used by NRC inspectors. The records provide background information needed by the NRC inspector during his or her visit to a licensed facility. The inspector uses these records to confirm the appropriateness of changes, tests or experiments, or during evaluation of abnormal occurrences. The inspector also uses these records to ensure that changes and modifications to the plant do not compromise the licensing basis of the plant.

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 percent of the potential responses are filed electronically.

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

The burden on small businesses affects 42 license holders for non-power reactors. This burden only occurs when licensees choose to make changes, tests, or experiments and cannot be further reduced without endangering the health and safety of the public.

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

The NRC would not be able to ensure the health and safety of the public with respect to changes made to the facility without prior NRC approval.

7. Circumstances which Justify Variation from OMB Guidelines

The information reported pursuant to 10 CFR 50.59 is required to be submitted every two years, but may be submitted annually or along with the FSAR updates, and, therefore, does not vary from OMB guidelines. The record retention periods specified in 10 CFR 50.59 (5 years, and until termination of the license) are required because these records provide the NRC with vital information about

reactor facility changes, tests, and experiments made without prior Commission approval. Without these records, NRC's ability to protect the health and safety of the public would be reduced.

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 NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This information collection does not require sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

Estimation of Recordkeeping Requirements

Based on the staff's experience, and in light of the extensive records which have to be maintained on site to meet the requirements specified in 10 CFR 50.59, the staff estimates that licensees for 159 facility licenses (104 operating power reactors, 31 operating non-power reactors, 13 permanently shutdown power reactors being decommissioned, and 11 permanently shutdown non-power reactors) evaluate an average of approximately 95 changes a year for power reactors and 30 changes a year for non-power reactors). It is also estimated that approximately 16 hours of burden each is required for records associated with the analysis of the changes annually. Thus, recordkeeping burden encompassed within 10 CFR 50.59 is estimated to be 198,000 hours (16 hours x 95 changes x 117 power reactor licenses) + (16 hours x 30 changes x 42 test and non-power reactor licenses). Accordingly, annual recordkeeping cost to industry is estimated to be \$54,252,000 (\$274/hour x 198,000 hours).

Estimation of Respondent Reporting Burden

The report must be submitted no later than every two years, but may be done annually or with the FSAR update (refueling outage basis or about every 18 months). For purposes of the estimate of burden, the estimate is done on an annual basis. It is expected that approximately 4 hours each are required to summarize and prepare reports for approximately 95 changes per year for power reactor licenses and 30 changes per year for non-power reactor licenses. Thus, for 159 license holders filing a report of the changes on an annual basis, (i.e., 159 responses), the reporting burden for this provision of the regulation is expected to involve 49,500 hours annually (4 hours per change x 95 changes per year x 117 power reactor licenses) + (4 hours per change x 30 changes per year x 42 non-power reactor licenses). The annual cost to industry is, therefore, estimated to be \$13,563,000 (\$274/hour x 49,500 hours).

Total annual industry burden is estimated to be 247,500 hours (198,000 recordkeeping hours plus 49,500 reporting hours) and the total annual cost is estimated to be \$67,815,000 (\$274/hour x 247,500 hours).

13. Estimate of Other Additional Costs

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 198,000 hours, the storage cost for this clearance is \$21,700 (198,000 hours x 0.0004 x \$274/hour).

14. Estimated Annualized Cost to the Federal Government

It is estimated that cost to the Federal government encompasses approximately 80 hours per facility license (104 operating and 13 permanently shutdown power reactors; 31 operating and 11 permanently shutdown non-power reactors); 159 facility licenses x 80 = 12,720 staff hours. Therefore, the cost to the government is expected to be \$3,485,280 (\$274/hour x 12,720 hours).

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

15. Reasons for Changes in Burden or Cost

There is no change in the burden or level of effort required. The burden fee cost has increased due to increased fee rates from \$257/hour to \$274/hour.

16. Publication for Statistical Use

The 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.