

Section 4

DRAFT 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

10 CFR 50.34(c) requires that each application for a license to operate a production or utilization facility must include a physical security plan. The 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 prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for the protection of special nuclear material (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.

10 CFR 50.34(d) requires that each application for a license to operate a production or utilization facility that will be subject to 10 CFR 73.50, 10 CFR 73.55, or 10 CFR 73.60 must include a licensee safeguards contingency plan (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.

10 CFR 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 NRC staff on a periodic basis. The burden for maintaining the procedures is covered in the 10 CFR 73 clearance (3156-0002).

10 CFR 50.54(p)(1) also specifies that the licensee may make no change which would decrease the effectiveness of a security plan, or guard training and qualification plan (required by 10 CFR 73.55) 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.

10 CFR 50.54(p)(2) 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.

10 CFR 50.54(p)(3) requires the licensee to provide for the development, revision, implementation, and maintenance of its safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. Pursuant to 10 CFR 50.54(p)(4), 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).

A. JUSTIFICATION

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

The reporting and recordkeeping requirements cited above are for the purpose of assuring the physical protection of plants and materials.

2. Agency Use of Information

Physical security regulations include general performance requirements which recognize explicitly the need to provide protection from potential threats originating externally, from within a licensed facility, or both. The NRC staff continually reviews licensee security plan changes and amendments to ensure that there is a comprehensive physical protection system that is capable of protecting against the design basis threat 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 50% 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 required the submitter to produce a paper copy, handled on a case-by-case basis. 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.

4. Effort to Identify Duplication and Use Similar Information

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. Several applications for combined licenses in accordance with 10 CFR 52 are expected to be received by the NRC in the last quarter of calendar year 2007, and will not be subject to 10 CFR 50.54(p) reporting in the immediate future. New requests for changes to current security and safeguards contingency plans 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 OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Notice of 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

Licensee or applicant security plans get a very limited distribution and are stored in

secured containers. They are protected and withheld from public disclosure pursuant to NRC regulations at 10 CFR 2 (Proprietary Information), 10 CFR 73 (Safeguards Information), and 10 CFR 95 (National Security Information), as applicable.

11. Justification for Sensitive Questions

The plans are sensitive because they detail the measures and methods used to counter potential acts of sabotage and thefts of special nuclear material.

12. Estimated Industry Burden and Burden Hour Cost

A total of 120 power and non-power reactor sites are subject to the information collection requirements of Section 10 CFR 50.54(p).

Currently, there are sixty-five (65) power reactor sites (with 104 reactors licensed to operate). In addition, there are fourteen (14) other sites with fifteen (15) permanently shutdown reactors. Two of the fourteen sites, Pathfinder and Fort St. Vrain (two reactors) have been fully decommissioned. As a result, only 12 of the 14 additional sites (with 13 shutdown reactors) would be subject to reporting under 10 CFR 50.54(p).

For non-power reactors licensed by the NRC, there are thirty-two (32) non-power reactor sites with thirty-three (33) operating reactors. In addition, there are eleven (11) sites with sixteen (16) permanently shutdown non-power reactors. None of these reactors have been fully decommissioned.

Based on experience, the NRC estimates that approximately 271 changes or notifications under Section 10 CFR 50.54(p) will be made annually. The estimated total industry burden is 53,400 hours per year. At \$217 per hour, the total annual industry cost is expected to be \$11,587,800. See table for details on Page 4-7 for details.

Additional information is expected to be collected from approximately 19 new combined construction and operating license applications (COLs) under 10 CFR 52 (3150-0151).

13. Estimate of Other Additional Costs

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

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 241 changes are expected annually from the nuclear power industry for operating power reactors, 22 changes for permanently shutdown power reactors, 7 changes for operating non-power reactors, and 1 change for permanently shutdown non-power reactors. The NRC has determined that accomplishing these activities

require 8 to 40 hours each depending on the complexity of the issues raised. On the average, approximately 30 hours per power plant site and 15 hours per non-power reactor are required. Therefore, the estimated Federal burden is expected to be as follows:

Power Reactors

241 changes (operating sites) + 22 changes (shutdown sites) = 263 changes x an average of 30 hours per change = 7,890 hours.

The Federal burden is 7,890 hours x \$217/hour = \$1,712,130.

Non-Power Reactors

7 changes (operating sites) + 1 change (shutdown site) = 8 changes x an average of 15 hours per change = 120 hours.

Therefore, the total government burden is 8,010 hours at a cost of \$1,738,170 (7,890 + 120 hours x \$217/hr).

Where applicable, this cost is fully recovered by fee assessments to 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

The burden has decreased slightly because of a reduction in the number of operating non-power reactor sites and a reduction in the number of permanently shutdown power and non-power reactor sites (i.e., decommissioned). The industry and Federal cost increased due to an increase in rates from \$156 to \$217 per hour.

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 @ \$217/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	3.7	241	200	48,200	\$10,459,4000
50.54(p)(2) - Permanently shutdown Power Reactor Sites	12	1.8	22	200	4,400	\$954,800
TOTALS FOR POWER REACTORS			263		52,600	\$11,414,200

NON-POWER REACTORS

Section	Number of Respondents	Responses per Respondent	Number of Responses	Burden per Response	Total Annual Burden Hours	Cost @ \$217/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	33	.2	7	100	700	\$151,900
50.54(p)(2) - Permanently shutdown Non-Power Reactors Sites	11	.1	1	100	100	\$21,700
TOTALS FOR RESEARCH AND TEST REACTORS			8		800	\$173,600
TOTALS FOR POWER REACTORS			263		52,600	\$11,414,200
GRAND TOTAL FOR RECURRING INFO COLLECTIONS			271		53,400	\$11,587,800

ANNUAL RECORDKEEPING REQUIREMENTS
Power and Non-Power Reactors

Section	Number of Recordkeepers	Hours per Recordkeeper	Total Annual Burden Hours	Cost @ \$217/hour
50.54(p)(4)	This burden is captured under 10 CFR 73 - OMB Clearance 3150-0002			

