

DRAFT SUPPORTING STATEMENT
FOR
GENERIC COMMUNICATIONS PROGRAM

10 CFR 50.71

DESCRIPTION OF THE INFORMATION COLLECTION

The generic communications program is an adjunct to the NRC regulatory oversight program and functions as an extension of the reporting requirements under 10 CFR 50.71 which require each licensee and each holder of a construction permit, including nuclear power reactor licensees that have submitted the 50.82(a)(1)(i) certification of permanent cessation of operations and nonpower reactor licensees that are no longer authorized to operate, to maintain such records and make such reports, in connection with the licensed activity, as may be required by the conditions of the license or permit or by the rules, regulations and orders of the Commission in effectuating the purposes of the Atomic Energy Act of 1954, as amended (the Act), including Section 105 of the Act. Generic communications may also be issued under the Commission's authority in 10 CFR 30.32(b), 40.31(b), or 70.22(d) to require further statements in order to enable the Commission to determine whether an application should be granted or denied or whether a license should be modified or revoked. Generic communications include bulletins, generic letters, information notices, and regulatory issue summaries, although only bulletins and generic letters are used to request actions and/or information.

A. JUSTIFICATION

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

Generic communications are used to disseminate information and may be used to request actions and responses from the addressees. They are not intended to serve as substitutes for revised license conditions or new regulatory requirements. Most bulletins and generic letters address regulatory requirements that are currently in 10 CFR 50. Prior to proposing the bulletin or generic letter, the NRC staff considers the potential additional burden caused by either having the NRC inspectors collect the information or having the licensees or construction permit (CP) holders provide the information in a report. After considering both options, NRC may deem it more practical to obtain the necessary information via licensee reporting. Information collections in response to an information notice or regulatory issue summary would be the result of voluntary submittals on the part of addressees since it is inconsistent with NRC practice to include reporting requirements in such documents.

Proposed bulletins and generic letters that request actions and require responses from reactor licensees are routinely reviewed by the NRC's Committee to Review Generic Requirements (CRGR), except in those rare instances where it is judged by the Office Director that an immediately effective action is needed to protect the

health and safety of the public. In those circumstances, no review by the CRGR is necessary and the Office Director has the authority to issue the bulletin or generic letter. Each proposed bulletin or generic letter to be reviewed by CRGR that is not an immediately effective action is categorized as either urgent or routine. Urgent actions are those which are needed to overcome problems requiring priority resolution or to comply with a legal requirement for immediate or near-term compliance.

Routine actions are those which do not meet the criteria for immediately effective action or designation as urgent. These actions are scrutinized carefully by the CRGR on the basis of written justification submitted by the cognizent office. Upon notice to the members of the CRGR, and without objection, the CRGR Chairman may exempt any routine proposal from review on the grounds that he or she concludes that it involves only an insignificant effect on the NRC staff and on licensees.

The NRC believes that a reliable estimate of the annual impact of urgent and routine bulletins and generic letters is possible and that this burden is logically included in 10 CFR 50.71.

2. Agency Use of Information

NRC periodically issues generic communications to communicate with the industry on matters of generic importance or serious safety significance; i.e., if an event at one facility raises the possibility of a generic problem, an NRC bulletin or generic letter may be issued requesting licensees and/or CP holders to take specific actions and to submit a written report describing actions taken and providing other information that the NRC may need to assess the need for further actions to ensure public health and safety, or an information notice or administrative letter may be issued to inform the industry about matters of generic concern.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use; however, at the current time, no responses are submitted electronically.

4. Effort to Identify Duplication and Use Similar Information

The requested information is not duplicated and is only available from NRC licensees and CP holders. The Information Requirements Control Automated System (IRCAS) was searched, and no agency duplication was found.

5. Effort to Reduce Small Business Burden

The generic communication program encompassed within 10 CFR 50.71 generally does not affect small businesses. Only occasionally does a bulletin or generic letter affect research/test reactors operated by universities. Some of the licensees who use source, byproduct, and special nuclear material are small businesses.

However, the health and safety consequences of improper handling or use of radioactive source, byproduct, or special nuclear material would be the same for large and small entities. Therefore, it is not possible to reduce the burden on small businesses by less complete or less frequent reporting or recordkeeping in response to a generic communication.

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

The information is collected on an as-needed basis to enable the NRC to resolve generic safety issues. If the NRC does not request the information when it is needed, the health and safety of the public could be affected adversely.

7. Circumstances Which Justify Variation from OMB Guidelines

Thirty days or more are allowed to respond. However, in some instances for urgent actions, responses are requested in less than thirty days. This shortened time period is necessary to ensure that NRC is able to obtain significant safety information promptly so as to be able to take effective action to protect public health and safety.

8. Consultations Outside the NRC

When appropriate, prior to issuing a generic communication, the NRC publishes the bulletin or generic letter in the Federal Register, seeks comments on the matter from industry (utilities, Nuclear Energy Institute, nuclear steam system suppliers, vendors, etc.), and occasionally holds public meetings. These techniques have proven effective in ensuring the accuracy of statements and bringing faster and better responses from licensees.

Notice of opportunity for public comment on this information collections has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Proprietary or confidential responses may be protected under 10 CFR 2.790 of the NRC's regulation.

11. Justification for Sensitive Questions

This information collection does not involve sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

The number of operating license (OL) holders (Note: There are no construction permit holders) affected by a particular bulletin or generic letter and the associated burden varies in each specific instance. However, for power reactor OL holders, an upper bound is used which assumes that all of the 104 licensees for operating plants would respond to each of approximately 3 bulletins and generic letters issued annually containing reporting requirements. (Although unlikely, generic communications could also involve 19 permanently shutdown nuclear power reactors. However, we have assumed that none will be affected.) It is estimated that it would take each licensee approximately 500 hours to respond to each bulletin or generic letter. This will result in approximately 156,000 burden hours for responses (500 hours x 3 bulletins or generic letters = 1,500 hours; 1,500 hours x 104 plants = 156,000 hours).

For materials licensees, the number of licensees affected by a particular bulletin or generic letter would vary widely depending on the license category. For purposes of burden estimates, it is assumed that, on average, approximately 100 licensees would be affected. It is anticipated that there may be one bulletin and one generic letter directed to materials licensees annually that contain reporting or recordkeeping requirements. It is estimated that the burden for each response to a bulletin would be approximately 40 hours and the burden for each response to a generic letter would be approximately 100 hours. Thus, for materials licensees, the estimated burden would be 4,000 hours annually for bulletins (100 x 1 x 40) and 10,000 hours annually for generic letters (100 x 1 x 100). The total industry burden for materials licensees would thus be 14,000 hours.

Therefore, total annual industry burden is expected to be 170,000 hours (156,000 + 14,000 hours). Thus the cost would be \$23,970,000 (170,000 hours x \$141 per hour).

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Estimate of cost to the Government, which includes the preparation of 3 reactor-related and 2 materials related bulletins or generic letters, mailing, and analysis of responses, is estimated at 2,500 hours per reactor-related bulletin or generic letter, or 7,500 hours annually (2,500 hours X 3), and 2,000 hours per materials-related bulletin or generic letter, or 4,000 hours annually (2,000 hours x 2). Therefore, the total annual estimated cost to the Government is \$1,621,500 (11,500 hours x \$141).

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

15. Reasons for Changes in Burden or Cost

The estimated burden for industry and the Federal Government has decreased due to an expected increase in the number of emergent issues that are resolved through industry initiatives rather than as a consequence of NRC generic communications.

16. Publication for Statistical Use

The collected information is not published for statistical purposes.

17. Reason for Not Displaying the Expiration Date

The OMB approval number and expiration date are included in all generic communications.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.