

DRAFT SUPPORTING STATEMENT FOR
REPORTS CONCERNING POSSIBLE NON-ROUTINE
EMERGENCY GENERIC PROBLEMS

(OMB Clearance No. 3150-0012)

REVISION

DESCRIPTION OF THE INFORMATION COLLECTION

If the NRC determines that a specific event or issue at a nuclear facility may have an immediate, significant generic implication, i.e., that the event or issue has or might have the potential for an immediate occurrence at other facilities and that the occurrence is a threat to public health, safety, and/or to the common defense, the NRC could issue an emergency non-routine request that requires the collection and reporting of information to the NRC in less than 30 days.

A. JUSTIFICATION

In addition to emergency non-routine requests for information from nuclear power and non-power reactor applicants/licensees, this clearance request specifically includes emergency non-routine requests for information from materials licensees.

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

As a part of its normal program activities, the NRC conducts an inspection and enforcement program to ensure that activities conducted by its applicants/licensees are performed in a manner that ensures adequate protection of public health and safety, the common defense and security, and the quality of the environment. Reportable occurrences, or unusual events, equipment failures, construction problems, and issues discovered or raised during safety reviews are brought to the attention of the NRC through licensee reporting procedures, the safety review process itself, and by NRC's inspection staff. Reports submitted by licensees and issues discovered by the staff are evaluated. If the NRC determines that an event or issue may have immediate, significant generic implications, that is, that the event or issue has or might have the potential for immediate occurrence at other facilities, a summary notification and/or request for information is immediately sent to licensees and applicants that may be similarly affected. The notice alerts the licensees/applicants and requests them to immediately take appropriate action to ensure that the same situation does not exist or will not occur at their facilities. Depending upon the seriousness of the problem, the notice may require prompt reports to the NRC presenting the results of the inspection, corrective measures taken, or analysis performed.

2. Agency Use of Information

Based on the information obtained from applicants/licensees and the staff's evaluation of the problem, new regulatory requirements may be identified. Depending upon the nature of the problem and its resolution, these new requirements could be imposed by regulation, or they could be imposed on affected facilities individually by amendment to their construction permit or license. In

addition, the NRC could issue a Regulatory Guide which would describe the nature of the problem and the method or methods found adequate by the regulatory staff for its resolution.

Where the corrective action is taken by the issuance of a new regulation, any recordkeeping or reporting requirement would be cleared with OMB in the normal manner. Where corrective action is imposed by amendment to the license or the construction permit, the action and any subsequent reporting would not be subject to the clearance procedure since the requirements would be case specific. Routine generic communications are covered in the clearance for 10 CFR 50 (OMB approval number 3150-0011). This clearance submittal relates to those initial communications sent to applicants/licensees concerning possible non-routine generic problems that require prompt (less than 30-days) applicant/licensee action to preclude potential threats to public health and safety, and request applicants/licensees to take immediate action and to report the results to the NRC.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use. The nonrecurrence of each individual collection makes it difficult to reduce the burden through the use of technology. However, applicants/licensees are encouraged to use modern information technologies to collect, analyze, and store the information required under these provisions.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) has been searched. There is no duplication with other collections of information. The one-time information collections would address specific problems or events that are unique and that could not be addressed by use of existing data collections.

5. Effort to Reduce Small Business Burden

Approximately 90% of the non-routine generic problems identified have been related to nuclear power plants and do not affect small businesses. However, some of the licensees who use source, byproduct, and special nuclear material are small businesses. 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 non-routine generic communication.

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

These information collections are one-time actions which address a specific generic problem. If NRC does not request the information when it is needed, public health and safety could be adversely affected.

7. Circumstances Which Justify Variation from OMB Guidelines

Information would be collected in the most expedient manner possible in order to respond to the non-routine and the particular information being requested. Responses are usually required in fewer than 30 days after receipt of the information collection request in order for the NRC to evaluate the responses and act quickly on matters that could impact public health and safety.

8. Consultations Outside the NRC

The 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

Proprietary and safeguards information would be protected pursuant to the provisions of 10 CFR 2.790. All other information would be made part of the public record.

11. Justification for Sensitive Questions

No sensitive questions are asked.

12. Estimated Industry Burden and Burden Hour Costs

Events which would require responses from applicants/licensees concerning possible non-routine generic problems occur at random. However, based on past staff experience, we estimate that two events could occur annually during the requested 3-year clearance. If these events occur, NRC's ability to obtain information promptly from licensees could be crucial to protecting the health and safety of the public. The number of licensees and/or construction permit holders affected by a particular event and the associated burden varies in each specific case.

For reactor licensees, an upper bound is used which assumes that 104 nuclear power reactor licensees would respond to one anticipated request. It is estimated that it would take each licensee approximately 420 hours to conduct an inspection, prepare an evaluation, and submit results. This will result in approximately 43,680 burden hours (420 hours x 104 reactors = 43,680 hours) at a cost of \$6,814,080 (43,680 hours x \$156).

For materials licensees, it is estimated that, on average, 100 licensees would be affected annually by one event. The burden for each response is approximately 100 hours. Thus, for materials licensees, the estimated burden is 10,000 hours annually (100 x 100) at a cost of \$1,520,000 (10,000 hours x \$152).

The annual industry burden is, therefore, expected to be 53,680 hours (43,680 (NRR) + 10,000 (NMSS)) at a cost of \$8,334,080 (\$6,814,080 (NRR) + \$1,520,000 (NMSS)).

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

NRC estimates that approximately two generic requests would be issued each year during the 3-year clearance period. Each request would require an estimated 2,500 hours of staff time to initiate the request, monitor actions, review and analyze results, and issue recommendations. Therefore, the annual Federal cost for this information collection would be \$780,000 (2,500 x 2 x \$156/hr).

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 has increased by 420 hours because of an increase in the number of reactor licensee respondents from 103 to 104, to correct an error that was in the last extension clearance. The hourly cost rate increased from \$141 to \$156 per hour for reactor licensees and from \$140 to \$152 per hour for materials licensees.

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 requests for this information.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.