

Section 8

FINAL SUPPORTING STATEMENT FOR EMERGENCY PLANNING

10 CFR 50.47, 50.54 (q, t)
AND PART 50, APPENDIX E¹

DESCRIPTION OF THE INFORMATION COLLECTION

The Nuclear Regulatory Commission requires that all production and utilization facility licensees shall, as a condition of their license, submit emergency plans for NRC review and approval, and maintain the emergency plans up-to-date until the Commission terminates the license. Emergency plans are required to be submitted as part of the Preliminary Safety Analysis Report (PSAR) [10 CFR 50.34(a)(10)] and the Final Safety Analysis Report (FSAR) or final license application [10 CFR 50.34(b)(6)(v)] to address the elements of 10 CFR 50.47 and Appendix E Part IV to 10 CFR Part 50. In addition, copies of the detailed implementing procedures should be submitted pursuant to 10 CFR 50, Appendix E, Part V. Copies of state and local government radiological emergency response plans are also required to be submitted [10 CFR 50.33(g)].

10 CFR 50.4(b)(5)

Emergency plan and related submittals. Written communications as defined in paragraphs (b)(5)(i) through (iii) in this section [(i) emergency plan pursuant to 50.34, (ii) change to an emergency plan pursuant to 50.54(q), (iii) emergency implementing procedures pursuant to appendix E.V of this part], must be submitted as follows: the signed original to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, two copies to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector if one has been assigned to the site of the facility.

10 CFR 50.47 (power reactors)

10 CFR 50.47 requires that a licensee have and maintain an on-site and off-site emergency plan that establishes responsibilities for emergency response, classification of emergency, procedures, provisions for prompt communications, periodic and emergency public notification, and radiological emergency response training.

Information is required to be made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency. Principal points of contact with the news media for dissemination of information during an emergency, and procedures for coordinated dissemination of information to the public must be established.

¹See Supporting Statement for 50.72(a), Section 29, for Emergency Response System Data.

10 CFR 50.54(q) (power and non-power reactors and fuel facilities)

A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 50.47(b) and the requirements in appendix E of this part. A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in appendix E to this part. The licensee shall retain the emergency plan and each change that decreases the effectiveness of the plan as a record until the Commission terminates the license for the nuclear power reactor. The nuclear power reactor, research reactor, or fuel facility licensee shall retain a record of each change to the emergency plan made without prior Commission approval for a period of three years from the date of the change. Proposed changes that decrease the effectiveness of the approved emergency plans may not be implemented without application to and approval by the Commission. If a change is made without approval, the licensee shall submit a report of each change within 30 days after the change is made.

10 CFR 50.54(t)(1) & (2) (power reactors)

The licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. The licensee shall ensure that all program elements are reviewed by persons who have no direct responsibility for the implementation of the emergency preparedness program either: (i) at intervals not to exceed 12 months or, (ii) as necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect emergency preparedness, but no longer than 12 months after the change. In any case, all elements of the emergency preparedness program must be reviewed at least once every 24 months.

The review must include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and retained for a period of 5 years. The part of the review involving the evaluation for adequacy of interface with State and local governments must be available to the appropriate State and local governments.

10 CFR Part 50, Appendix E

IV.D.2 Content of Emergency Plans, *Notification Procedures*. Provisions shall be described for yearly dissemination to the public within the plume exposure pathway EPZ of basic emergency planning information, such as the methods and times required for public notification and the protective actions planned if an accident occurs, general information as to the nature and effects of radiation, and a listing of local broadcast stations that will be used for dissemination of information during an emergency. Signs or other measures shall also be used to disseminate to any transient population within the plume exposure EPZ appropriate information that would be helpful if an accident occurs.

V. Implementing Procedures - No less than 180 days prior to the scheduled issuance of an operating license for a nuclear power reactor or a license to possess nuclear material, the applicant's detailed implementing procedures for its emergency plan shall be submitted to the Commission as specified in 50.4. Licensees who are authorized to operate a nuclear power facility shall submit any changes to the emergency plan or procedures to the Commission within 30 days of such changes.

A. JUSTIFICATION

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

Emergency plans and preparedness are needed to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency to protect public health and safety and the environment.

Changes to the emergency plans, must be submitted within 30 days, in order to allow the NRC to review the changes in a timely manner. Without a timely review, changes to personnel, procedures, equipment, or facilities that could adversely affect emergency preparedness, including failure to maintain an effective emergency plan, could exist without being identified by the NRC. The NRC would be unaware for extended periods of time, whether the revised plans are still adequate to protect the health and safety of the public and the environment.

As required by 50.54(t), documentation requirements include documentation of the annual review of elements of the emergency preparedness program (including associated recommendations). This serves to provide information on the adequacy of the emergency preparedness program, including licensee interfaces with state and local governments, drills and exercises, and other emergency preparedness resources and capabilities. All elements of the emergency preparedness program must be reviewed at least once every 24 months. This information is used by licensees to make adjustments to their emergency preparedness programs, and by the NRC to determine whether additional regulatory scrutiny and oversight is needed.

2. Agency Use of Information

The NRC must find, on a continuing basis, that the emergency plans conform to the applicable requirements of 10 CFR Part 50, and that the plans and state of emergency preparedness provide reasonable assurance that, in the event of an emergency, appropriate measures can and will be taken to protect public health and safety and the environment. The information allows the NRC to determine the effectiveness of the emergency planning regulations, the extent to which licensees comply, and whether additional regulatory scrutiny and oversight is needed for any licensee. The information is further used to update information in the NRC Emergency Operations Center, and to oversee licensees' response during drills, exercises, and emergencies.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. Moreover, NRC encourages its use. Currently, electronic submittals of various responses and other information is random, and the percentage of such information collected has not been determined. Recently, there has been an increase in electronic submittals, and this increasing trend is expected to continue.

4. Effort to Identify Duplication and Use Similar Information

The provisions of these regulations are not duplicated in other federal regulations. The information is only available from NRC licensees. The Information Requirements Control Automated System (IRCAS) was searched, and no duplication was found.

5. Effort to Reduce Small Business Burden

The provisions of these regulations affect both power reactors and non-power reactors (*e.g.*, research and test reactors operated by colleges and universities). Appendix E to 10 CFR Part 50 indicates that Regulatory Guide 2.6² will be used as guidance for the acceptability of research and test reactor emergency response plans. Regulatory Guide 2.6 endorses ANSI/ANS-15.16-1982.³ In addition, NUREG-0849⁴ addresses emergency plans for research and test reactors. Together, these documents present the non-power reactor emergency planning and preparedness requirements, which are less burdensome than the requirements for power reactors.

The emergency planning record keeping and reporting burden for non-power reactors is less than for power reactors, because it is based on the potential risk associated with the specific reactor, and the corresponding need to protect the health and safety of the public and the environment. Non-power reactors are much smaller than power reactors, and, as such, create a lesser risk from credible accidents.

²Regulatory Guide 2.6, Emergency Planning for Research and Test Reactors, Rev. 1, March 1983.

³ANSI/ANS-15.16-1982, American National Standard for Emergency Planning for Research Reactors, October 11, 1982.

⁴NUREG-0849, Standard Review Plan for the Review and Evaluation of Emergency Plans for Research and Test Reactors, October 1983.

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

If the information were not collected, or collected less frequently, the NRC could be unaware for extended periods of time whether the existing or revised emergency plans are adequate to protect the health and safety of the public, and the environment. Without a timely review of information, changes to personnel, procedures, equipment, or facilities, or failing to maintain an effective emergency plan could adversely affect emergency preparedness and response, without NRC imposing required corrective measures.

7. Circumstances which Justify Variations from OMB Guidelines

10 CFR 50.4(b)(5) requires that for changes to the emergency plan and implementing procedures, the signed original of written communications must be sent to the NRC Document Control Desk, with two copies to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector (if one has been assigned to the site of the facility). This is required because the NRC has both a headquarters and regional office, and an NRC Resident Inspector is also located onsite. Two copies are needed at the Regional Office, since it has a more direct oversight responsibility.

Section 50.54(q) requires that the licensee retain the emergency plan and each change that decreases the effectiveness of the plan as a record until the Commission terminates the reactor license, which is initially issued for 40 years. Section 50.54(t) requires that the results and recommendations from emergency plan and preparedness reviews be retained for five years. This is required to ensure that the plans are maintained, such that they provide for the protection of the health and safety of the public and the environment in case of an emergency. Further, this provides documentation of the adequacy of the licensees' emergency preparedness program, and enables an appropriate level of review by NRC.

8. Consultations Outside the NRC

Emergency planning efforts are coordinated between local, state, and federal agencies. The opportunity for public comment was published in the Federal Register on August 29, 2003 (68 FR 52063). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Information that is proprietary, involves trade secrets, or other confidential information is handled in accordance with 10 CFR 2.790 and 10 CFR Part 9 of the NRC's regulations.

11. Justification for Sensitive Questions

Questions of a sensitive nature and other matters that are commonly considered private, such as personal telephone numbers, are needed in the event of a nuclear emergency. This information is protected from public disclosure under the *Privacy Act of 1974*, as amended, and in accordance with 10 CFR 2.790.

12. Estimate of Annualized Burden and Burden Hour Cost

The estimated annualized cost to industry is summarized in the table shown below. Based on staff's best estimate, the industry burden for maintaining the emergency preparedness programs, including annual program reviews and distribution of emergency planning information, is estimated to be approximately 763,205 hours. This is based on 11,725 hours per year for each of the 65 power reactor sites⁵ (11,725 hrs/yr-reactor site x 65 reactor sites = 762,125 hrs/yr), plus 30 hours per year for each of the 36 licensed non-power reactors (30 hrs/yr-reactor x 36 reactors = 1,080 hrs/yr).

For the 13 power reactor sites being decommissioned, the annual burden is estimated to be 39,000 hours. This is based on 3,000 hours per year for each of the 13 power reactor sites being decommissioned (3,000 hrs/yr-reactor x 13 reactor sites = 39,000 hrs/yr). In addition, for the 15 non-power reactors being decommissioned or with a possession only license, the burden is estimated to be approximately 112.5 hours. This is based on 7.5 hours per year for each of the 15 reactors (7.5 hrs/yr-reactor x 15 reactors = 112.5 hrs/yr).

The total annual burden and cost to licensees to comply with the information collection requirements in 10 CFR Part 50 are reflected in the table below:

Summary of Estimated Industry Annual Burden/Costs

	Hours/Reactor	Total Hours	Total Cost (\$156/Hour)
Power Reactors			
Power reactor Sites (65)	11,725	762,125	\$118,891,500
Power reactor sites being decommissioned (13)	3,000	39,000	6,084,000
Test & Research Reactors			
Licensed Test & Research Reactors (36)	30	1,080	168,480
Test & Research Reactors being decommissioned (10)	7.5	75	11,700
Test & Research Reactors - possession only license (5)	7.5	38	5,850
TOTALS		802,318	\$125,161,530

⁵PSEG Nuclear, LLC's Salem 1 & 2 and Hope Creek 1 are considered one site.

Of the above burden, 90 percent, or 722,086 hours is estimated to be attributable to recordkeeping and 10 percent, or 80,232 hours, to reporting associated with submittal of changes to the emergency plan or procedures. It is estimated that 1,000 such changes are submitted annually.

13. Estimate of Other Additional Costs

Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 x the recordkeeping burden cost. Therefore, the records storage cost is estimated to be \$45,058 (.0004 x 722,086 hours x \$156).

14. Estimated Annualized Cost to the Federal Government

The estimated annualized cost to the federal government is summarized in the table shown below. This total annual cost is fully recovered by fee assessments to NRC licensees, pursuant to 10 CFR Parts 170 and 171.

Summary of Federal Government's - Estimated Annual Burden/Costs

	Hours/Reactor	Total Hours	Total Cost (\$156/Hour)
Power Reactors			
Power reactor Sites (65)	80	5,200	\$811,200
Power reactor sites being decommissioned (13)	20	260	40,560
Test & Research Reactors			
Licensed Test & Research Reactors (36)	8	288	44,928
Test & Research Reactors being decommissioned (10)	2	20	3,120
Test & Research Reactors - possession only license (5)	2	10	1,560
TOTALS		5,778	\$901,368

15. Reasons for Changes in Burden or Cost

There is a burden decrease of 30 hours because there is one less non-power operating reactor during this clearance period.

16. Publication for Statistical Use

This information will not be published for statistical use.

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

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.