

FINAL 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. These issuances could include Regulatory Issue Summaries, Bulletins, Generic Letters, Threat Advisories, Safeguards Advisories, Orders, and other forms of generic communications.

A. JUSTIFICATION

This clearance request includes emergency non-routine requests for information from nuclear power reactor applicants/licensees, non-power reactor applicants/licensees, and 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. During periods of heightened security or security concerns for NRC licensees as a result of the DHS, the FBI, or other intelligence agencies reporting of security events or concerns, the NRC is made aware of threats or potential threats to licensees. 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.

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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 are no legal obstacles to reducing the burden associated with this information collection. NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58792), 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. However, because of the non-recurrence of each individual collection, the reports do not readily lend themselves to the use of technological collection techniques for submission. 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

There is no duplication with other collections of information. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

These 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 80% of the non-routine generic problems or safeguards issues 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 or security 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 and/or the common defense 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 and/or the common defense.

8. Consultations Outside the NRC

The opportunity for public comment on the information collections was published in the Federal Register on April 6, 2006 (71 FR 17500). No comments were received.

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 2.390 and 73.21. 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 ten 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 and/or the common defense 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, it is estimated that 104 nuclear power reactor licensees would respond to eight anticipated requests. It is estimated that it would take each licensee approximately 420 hours to perform security actions or conduct an inspection, prepare an evaluation, and submit results. This will result in an annual burden of 3,360 hours to each reactor licensee (8 responses per reactor x 420 hrs/response) and approximately 349,440 industry burden hours annually (104 reactors x 8 responses each = 832 responses x 420 hrs/response) for a cost of \$71,635,200 (349,440 hours x \$205).

For materials licensees, it is estimated that 100 nuclear material licensees would respond to two anticipated requests. It is estimated that it would take each licensee approximately 100 hours to conduct an inspection or perform security-related actions, prepare an evaluation, and submit results. This will result in an annual burden to each affected licensee of 200 hours (2 responses per licensee x 100 hrs/response) and a total of approximately 20,000 burden hours (100 licensees x 2 responses each = 200 responses x 100 hrs/response) for a cost of \$3,940,000 (20,000 hours x \$197) .

Annual industry burden: 369,440 hours (349,440 hours for reactor licensees + 20,000 hours for materials licensees at a cost of \$75,575,200 (\$71,635,200 [reactors] + \$3,940,000 [materials]).

Annual Responses: 1,032 (reactors: 832 [104 licensees x 8 responses each] + materials: 200 [100 licensees x 2 responses each])

13. Estimate of Other Additional Costs

While issuances associated with safeguards issues could involve requirements to revise procedures or maintain records of procedures or changes, these are current regulatory requirements. Therefore, the records storage cost is captured as "other costs" in the OMB clearance for the relevant 10 CFR Part.

14. Estimated Annualized Cost to the Federal Government

NRC estimates that approximately ten 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 \$5,025,000 (2,500 x 10 = 25,000 hours x \$201/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 number of responses has increased from 204 to 1,032, and the burden has increased from 53,680 hours to 369,440 hours because of the inclusion of anticipated expedited issuances required for safeguards issues. The cost has increased because of the increased burden and because the hourly cost rate has increased from \$156 to \$205 per hour for reactor licensees and from \$152 to \$197 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.