

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, to the common defense, and/or the environment, the NRC could issue an emergency non-routine request that requires the collection and reporting of information to the NRC in less than 60 days. These issuances could include Bulletins and other forms of generic communication.

A. JUSTIFICATION

This clearance request includes emergency non-routine requests for information from nuclear power reactor applicants/licensees, non-power reactor applicants/licensees, fuel cycle facilities, and materials licensees.

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

During the conduct of normal program activities, the NRC becomes aware of an emergent event or issue that may be identified in its licensing, inspection, and enforcement programs. In addition, 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 and the safety review process. The emergent event or issue may present a situation in which the NRC does not have enough information to support regulatory decision making regarding an appropriate course of action to address the event or issue.

If the NRC determines that an event or issue may have or the potential for an immediate impact upon public health, safety, common defense, and/or the environment, the agency will prepare a bulletin or other form of generic communication that requires licensees and/or permit holders to respond within a specified period with information that would support agency evaluation and regulatory decision making. The bulletin may request licensees and permit holders to conduct evaluations, perform tests, and provide specified information within a prescribed time frame. Licensees and permit holders are obligated to respond to the bulletin. However, licensees are not obligated to perform these requested actions or provide the requested information collection.

The agency needs the information provided by licensees and applicants to assess whether an event or issue has or might have the potential for an immediate threat to public health, safety, to the common defense, and/or the environment. The agency

evaluation of the collected information will directly affect the agency decision making regarding the appropriate regulatory response to the event or issue. The agency response could include the issuance of immediately effective orders modifying licenses and/or the dispatch of inspection staff to further evaluate the event or issue.

2. Agency Use of Information

The agency uses the collected information in its decision making regarding the appropriate regulatory response to an event or issue that could impact public health and safety, the common defense, and/or the environment. The response to an immediate threat or potential threat could include the issuance of immediately effective orders modifying licenses and/or the dispatch of inspection teams to further evaluate the event or issue. Evaluation of collected information on the event or issue could also result in the identification of new regulatory requirements and changes to existing regulatory positions. Depending upon the nature of the problem and its resolution, these new requirements could be imposed by regulation or by orders on affected licensed and permitted facilities individually. The use of collected information may also identify areas in which the agency regulatory guidance or positions may require revision or enhancement.

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 communications sent to licensees and/or permit holders concerning possible non-routine generic problems that require prompt licensee and/or permit holder action to preclude potential threats to public health and safety, the common defense, or the environment. These communications request licensees and/or permit holders 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. The NRC strongly encourages applicants, licensees, and permit holders to provide regulatory submittals electronically. It is estimated that approximately 70% of the potential responses are submitted electronically.

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 NRC estimates that these collections affect ten percent of small businesses annually.

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 60 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 requirements for this clearance package has been published in the *Federal Register*.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). Safeguards information is protected pursuant to the provisions of 10 CFR 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 three 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 one anticipated request related to a safety emergency and one anticipated request for a security emergency. It is estimated that it would take each licensee approximately 420 hours to respond to each safety emergency to conduct an inspection, prepare an analysis or evaluation, and submit results. It is estimated that it would take each licensee 280 hours to respond to each security emergency to perform security actions and report results. This will result in an annual burden of 700 hours to each reactor licensee (420 hours for one safety event and 280 hours for one security event) and approximately 72,800 industry burden hours annually (104 reactors x 700 hours per reactor) for a cost of \$17,326,400 (72,800 hours x \$238).

For materials licensees, it is estimated that 100 nuclear material licensees would respond to one anticipated request. 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 100 hours (1 response per licensee x 100 hrs/response) and a total of approximately 10,000 burden hours (100 licensees x 1 responses each = 100 responses x 100 hrs/response) for a cost of \$2,380,000 (10,000 hours x \$238) .

Annual industry burden: 82,800 hours (72,800 hours for reactor licensees + 10,000 hours for materials licensees at a cost of \$19,706,400 (\$17,326,400 [reactors] + \$2,380,000 [materials]).

Annual Responses: 308 (reactors: 208 [104 licensees x 2 responses each] + materials: 100 [100 licensees x 1 responses each])

13. Estimate of Other Additional Costs

The quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is 0.00 (0 recordkeeping hours x .0004 x \$238).

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 three 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 \$1,785,000 (2,500 x 3 = 7,500 hours x \$238/hr).

15. Reasons for Changes in Burden or Cost

A reduction in burden was identified. The number of annual responses has decreased by 100 from 408 to 308 responses due to a reduction in security responses of approximately one per year. The reduction in burden is due to the projected reduction of one response per material licensee per year. Actual experience has shown that bulletins are rarely issued to materials licensees and security responses have likewise been reduced. The reduction of security responses is due to a rescoping of the security advisory to reduce information collections and reporting. This change in scope of security advisories and the reduction in actual experience results in an aggregate burden reduction for all categories of licensees. The burden decreased by 10,000 hrs from 92,800 hrs to 82,800 hrs. The cost has increased because the hourly cost rate has increased from \$205 to \$238 per hour for reactor licensees and from \$197 to \$238 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.