

DRAFT SUPPORTING STATEMENT
FOR 10 CFR PART 50
ENHANCEMENTS TO EMERGENCY PREPAREDNESS
REGULATIONS

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in 10 CFR 50.47, §50.54, and 10 CFR Part 50 Appendix E prescribe requirements for emergency preparedness (EP) plans and coordination in protecting nuclear power reactors, non-power reactors, and the surrounding community against consequences resulting from accidents and sabotage. The proposed rule contains reporting and recordkeeping requirements, including those for third parties, which are necessary to help ensure that an adequate level of emergency preparedness is attained by nuclear power reactor licensees, non-power reactors, and the surrounding community. This revision addresses changes in information collections contained in the proposed rule, “Emergency Preparedness Rulemaking.” Specifically, the draft proposed rule results in changes to information collection requirements in §50.47, §50.54, and 10 CFR Part 50 Appendix E.

Following the terrorist attacks of September 11, 2001, the NRC staff evaluated the EP planning basis given the resulting threat environment and concluded that it remained valid. However, the NRC staff recognized that security events differ from accidental events and that the EP regulations and guidance could be enhanced in this and other respects. Advances in communication technologies and lessons learned through EP program implementation have revealed the benefit in providing clarity and enhancements to EP regulations and guidance.

While licensees have implemented significant enhancements to their EP programs in response to the February 25, 2002, Commission Order, NRC Bulletin 2005-02, and various NRC generic communications, the current regulations do not encompass these elements. The proposed rulemaking: (1) codifies emergency preparedness requirements imposed by Commission order after the terrorist attacks of September 11, 2001, as modified based upon experience and insights gained by the Commission during implementation, (2) codifies emergency preparedness and response enhancements discussed within NRC Bulletin 2005-02, and (3) adds several new requirements that resulted from NRC staff review of EP regulations and guidance.

The operating nuclear power reactors that would be affected by this rulemaking are located at 65 sites, with each facility consisting of one or more reactor unit(s). In general, emergency preparedness is addressed in a site-specific manner because it is dependent on the physical layout of the entire site. As a result, this supporting statement estimates the burden associated with reporting and recordkeeping based on 65 sites. In addition, operating non-power reactors would be affected by one of the regulatory initiatives included in this rulemaking. There are 32 operating non-power reactor sites. Therefore, this supporting statement also estimates the burden associated with reporting and recordkeeping for these additional 32 sites.

A. JUSTIFICATION

1. Need for and Practical Utility of the Information

In general, the reports and records fall into one of two categories and are necessary for the reasons stated below:

- a) Information describing the content and planned operation of the licensee's facility in the event of an emergent and hazardous situation. This information is essential to enable the NRC to make a determination as to the adequacy of the licensee's program to meet regulatory requirements and protect the health and safety of the surrounding public, emergency workers, and the environment.
- b) Information describing the third party interactions and relations in fulfillment of NRC's obligation to the health and safety of the public, emergency workers, and the environment. The information sharing and cooperation is essential to prevent and quickly act in the event of an emergent and hazardous situation.

Specific requirements for reports and records in the proposed amendments to Part 50 are identified below.

Section 50.47(b)(10) requires nuclear power reactor licensees to review and update their existing evacuation time estimates (ETEs) on a periodic basis. As a result, licensees must revise their existing procedures to account for this new requirement (this one-time recordkeeping burden is listed in Table 1). The new rule language also requires licensees to periodically update their ETEs (NRC assumes every 10 years). The burden associated with periodically revising and maintaining ETEs is listed as an annualized recordkeeping burden in Table 2. In addition, licensees must submit these updated ETEs to NRC for review and approval. This annual reporting burden is listed in Table 4. NRC also assumes that each licensee will provide stakeholder groups, including state and local government agencies, with the updated ETE for their review and approval (six stakeholder groups per site x 65 sites = 390 third parties; see Table 5).

Section 50.54(q)(4) defines the process by which a nuclear power reactor licensee or a non-power reactor licensee would request prior approval of a change to the emergency plan that the licensee has determined constitutes a reduction in effectiveness of the plan. The new rule language states that licensees pursuing such changes would be required to apply for an amendment to the license as provided in Section 50.90. Nuclear power reactors and non-power reactors may need to revise existing procedures and training documents to clarify the process for emergency plan changes (listed as a one-time recordkeeping burden in Table 1). In addition, the NRC estimates that 12 nuclear power reactor sites per year will submit to NRC, license amendments for emergency plan changes that result in a reduction in effectiveness. The annualized reporting burden for these license amendment submittals is listed in Table 4.

Section 50.54(q)(5) requires nuclear power reactor licensees and non-power reactors to retain a record of all changes to the emergency plans made without prior NRC approval for a period of three years from the date of the change. Table 2 contains the annual recordkeeping burden associated with this section of the proposed rule. The section also requires nuclear power reactors and non-power reactors to submit a report of each emergency plan change, including its evaluation, within 30 days of the change. Table 4 lists the annualized reporting burden associated with this section of the proposed rule. The NRC estimates that only nuclear power reactor licensees will make changes to their emergency plans, and that each site will submit one analysis of emergency plan changes per year to NRC.

Section 50.54(q)(6) requires nuclear power reactor licensees and non-power reactors to retain the emergency plan and each change for which prior NRC approval was obtained pursuant to §50.54(q)(4) as a record until the Commission terminates the license. Table 2 lists the annual recordkeeping burden associated with this proposed rule requirement.

Appendix E IV Introduction requires nuclear power reactor licensees to periodically revise their ETEs to reflect demographic changes that occur within the emergency planning zone (EPZ). The recordkeeping burden associated with this proposed rule requirement are described and shown under Section 50.47(b)(10) in Tables 1 and 2.

Appendix E IV A.7. requires nuclear power reactor licensees to confirm that offsite response organization (ORO) resources, such as local law enforcement, firefighting, and medical services, have not been assigned any duties in offsite emergency plans that would limit their availability to respond to an emergency at the plant site. The proposed rule language requires licensees to revise existing ORO coordination protocol, procedures, and training documents (listed as a one-time recordkeeping burden in Table 1). This analysis also assumes that each licensee will need to interface with federal, state, and local government agencies regarding the availability of resources. As a result, NRC assumes that these third parties (one federal, one state and one local agency per site x 65 sites = 195 third parties) will need to report to the licensee on the availability of resources (see Table 5).

Appendix E IV A.9. requires nuclear power reactor licensees to conduct a detailed analysis demonstrating that on-shift personnel assigned emergency plan implementation functions are not assigned any responsibilities that would prevent them from performing their assigned emergency plan functions when needed. To comply with this new requirement, licensees must revise their procedures, emergency plan, and training documents. Table 1 contains the burden associated with these one-time recordkeeping activities.

Appendix E IV C.2. requires licensees to establish and maintain the capability to assess, classify, and declare an emergency condition within 15 minutes of receiving indications that an emergency action level has been exceeded and promptly declare the emergency condition as soon as possible following a determination that an emergency action level has been exceeded. The proposed

rule language requires licensees to revise existing procedures and training documents (listed as a one-time recordkeeping burden in Table 1).

Appendix E IV D.3. requires licensees to have backup alert and notification system (ANS) methods for both the alert and notification functions. The proposed rule language requires licensees to revise existing administrative controls, maintenance procedures, training, and testing programs (listed as a one-time recordkeeping burden in Table 1). This analysis also assumes that each licensee will need to interface with federal, state, and local government agencies regarding the backup ANS methods. As a result, NRC assumes that these third parties (one federal, one state and one local agency per site x 65 sites = 195 third parties) will need to document licensee changes to alerting and notification systems (see Table 5).

Appendix E IV E.8.d. requires licensees or applicants to identify alternative facilities to function as staging areas for augmentation of emergency response organization (ERO) staff during hostile action-based events. To implement this new requirement, licensees must revise their procedures, emergency plan, and training documents to comply with the proposed rule language. Table 1 contains the burden associated with these one-time recordkeeping activities.

Appendix E IV F.2.a. requires licensees to submit, for NRC review and approval, exercise scenarios for full participation exercises. NRC assumes that licensees will revise all of their exercise scenarios upfront to comply with the proposed rule language. Table 1 contains the burden associated with this one-time recordkeeping activity. In addition, NRC assumes that licensees will submit their revised exercise scenarios upfront to NRC for review and approval. Table 3 contains the burden associated with this one-time reporting activity.

Appendix E IV F.2.b. requires licensees to submit, for NRC review and approval, scenarios for their onsite biennial exercises. In addition, the licensee must ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The one-time recordkeeping and reporting burdens associated with this proposed rule requirement are described and shown under Appendix E IV F.2.a.

Appendix E IV F.2.j. requires licensees to maintain a record of exercises conducted during each six-year exercise planning cycle to document and track compliance with the proposed drill and exercise requirements. Table 2 contains the burden associated with this annual recordkeeping activity.

Appendix E IV I. requires licensees to provide an expanded range of protective measures for onsite personnel that would be appropriate for protection against hostile action-based events. Licensees must revise their existing protective measures, procedures, emergency plan, and training documents to comply with the proposed rule language. Table 1 contains the burden associated with these one-time recordkeeping activities.

2. Agency Use of the Information

The information included in the applications, reports, and records is reviewed by the NRC staff to assess the adequacy of the applicant's physical plant, equipment, organization, training, experience, procedures, and plans to protect nuclear power reactors, non-power reactors, and the surrounding community against radiological consequences resulting from accidents or sabotage.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), 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. It is estimated that 2 percent of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

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

5. Effort to Reduce Small Business Burden

The NRC has determined that the affected entities are not small entities or businesses as those terms are used in the Regulatory Flexibility Act.

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 50.54(q) requires that the licensee retain the emergency plan, and each change that reduces the effectiveness of the plan, as a record until the Commission terminates the license, which is initially issued for 40 years.

8. Consultations Outside the NRC

During the development of the proposed rule language, the NRC Staff provided the public an opportunity to comment on the preliminary rule language as

published in the Federal Register on March 12, 2008 (73 FR 13157). The NRC staff also held a public meeting on July 8, 2008, to discuss public comments received to date on the draft preliminary rule language.

The opportunity for public comment on the information collection requirements 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).

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 2.390.

12. Estimate of Industry Burden and Cost

The burden associated with the information collections is given in Table 1 for one-time recordkeeping burden, Table 2 for annual recordkeeping burden, Table 3 for one-time reporting burden, Table 4 for annual reporting burden, and Table 5 for third-party burden. Based on NRC staff's best estimate, the incremental industry burden to generate, maintain, retain, disclose, and provide information related to the radiological emergency planning activities covered by this proposed rule is estimated to total 177,242 hours with an annualized cost estimate to the industry of \$42,183,596 (177,242 hours x \$238 per hour).

13. Estimate of Other Additional Costs

The quantity of records to be maintained is roughly proportional to the recordkeeping burden and therefore can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is \$7,861 (82,576 recordkeeping hours x .0004 x \$238).

14. Estimated Annualized Cost to the Federal Government

Table 6 describes the estimated annual cost to the NRC for administration of the reporting and recordkeeping requirements. The cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171. The total estimated cost to the government is estimated as \$558,348 (2,346 hours x \$238 per hour).

15. Reasons for Changes in Burden or Cost

The estimated incremental recordkeeping and reporting burden of the proposed rule is 177,242 hours (82,576 hours recordkeeping from Tables 1 and 2, plus 2,236 hours reporting from Tables 3 and 4, plus 92,430 hours third-party from Table 5). This estimate includes the one-time and annual requirements of the proposed rule. Of this, 72,769 hours are for one-time reporting and recordkeeping requirements (Tables 1 and 3). Therefore, the proposed burden increase will be reduced by approximately 41 percent once the one-time requirements have been completed. The proposed rule changes numerous information collection requirements in §50.47, §50.54, and 10 CFR Part 50 Appendix E.

The factors that account for the increased burden include the following: The proposed rule requires licensees to (1) update ETEs on a periodic basis; (2) submit exercise scenarios to NRC for review and approval; (3) submit for NRC review and approval in accordance with 10 CFR 50.90 changes in emergency plans that would reduce the effectiveness of the plans; (4) coordinate with state, local, and federal agencies regarding emergency response resources; and (5) develop procedures addressing protective measures for onsite personnel. The proposed rule contains these new provisions that include reporting and recordkeeping burdens that were not part of previous estimates.

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.

Table 1
10 CFR Part 50 Estimated One-Time Recordkeeping Industry Burden

Section	No. of Recordkeepers [a]	No. of Records per Recordkeeper [b]	Annualized One-Time Hours per Recordkeeper [b x # of hours]	Total One-Time Burden [a x c]
50.47 (b)(10)	65	1	33	2,145
50.54 (q)(4)	97	1	62	6,014
Appendix E IV Intro	Burden shown in 50.47(b)(10)			
Appendix E IV A.7.	65	1	48	3,120
Appendix E IV A.9.	65	1	143	9,295
Appendix E IV C.2.	65	1	13	845
Appendix E IV D.3.	65	1	533	34,645
Appendix E IV E.8.d.	65	1	61	3,965
Appendix E IV F.2.a.	65	1	43	2,795
Appendix E IV F.2.b.	Burden shown in Appendix E IV F.2.a.			
Appendix E IV I.	65	1	124	8,060
Total	97			70,884

Table 2
10 CFR Part 50 Estimated Annual Recordkeeping Industry Burden

Section	No. of Recordkeepers [a]	No. of Records per Recordkeeper [b]	Annual Hours per Recordkeeper [c] [b] x [# of hours]	Total Annual Burden [a] x [c]
50.47 (b)(10)	65	1	108	7,020
50.54(q)(5)	97	1	8	776
50.54 (q)(6)	97	1	8	776
Appendix E IV Intro	Burden shown in 50.47(b)(10)			
Appendix E IV F.2.j.	65	1	48	3,120
Total	97			11,692

Table 3
10 CFR Part 50 Estimated One-Time Reporting Industry Burden

Section	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Burden Hours
Appendix E IV F.2.a.	65	1	65	29	1,885
Appendix E IV F.2.b.	Burden shown in Appendix E IV F.2.a.				
Total	65		65		1,885

Table 4
10 CFR Part 50 Estimated Annual Reporting Industry Burden

Section	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
50.47 (b)(10)	65	1	65	1	65
50.54 (q)(4)	12	1	12	13	156
50.54(q)(5)	65	1	65	2	130
Total	65		142	16	351

Table 5
10 CFR Part 50 Estimated Annual Third-Party Burden

Section	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
50.47 (b)(10)	390	75.0	29,250
Appendix E IV A.7.	195	137.0	26,715
Appendix E IV D.3.	195	187.0	36,465
Total	780		92,430

Number of responses: 987 (65 annualized one-time + 142 annual responses + 780 third-party)

Number of recordkeepers: 0 to 97 depending on the requirement

Recordkeeping Burden: 82,576 hours (70,884 hours annualized one-time + 11,692 hours annual recordkeeping burden)

Reporting Burden: 2,236 hours (1,885 hours annualized one-time + 351 hours annual reporting burden)

Third-Party Burden: 92,430 hours

Total Burden: 177,242 hours (82,576 hours recordkeeping + 2,236 hours reporting + 92,430 hours third-party)

Table 6
Annualized NRC Burden

NRC Action	No. Actions/Year	Burden Hours/Action	Total Hours
Review initial ETE updates	21.7	19	412
Review ongoing ETE updates	6.5	56	364
Review biennial exercise submittals	32.5	20	650
Participate in hearing process to evaluate reductions in the effectiveness of emergency plans	1	920	920
Total	Varies	Varies	2,346