

October 29, 2008

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 - 0024

Title: Federal Assistance for Offsite Radiological Emergency Planning

Form Number(s): None

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

Executive Order 12657, dated November 18, 1988, charged the Federal Emergency Management Agency (FEMA) and other Federal agencies with emergency planning response in cases where State and local governments have declined or failed to prepare emergency plans. To implement Executive Order 12657, FEMA worked with the Nuclear Regulatory Commission (NRC) and other Federal agencies on the Federal Radiological Preparedness Coordinating Committee to develop regulation 44 CFR 352, Commercial Nuclear Power Plants: Emergency Preparedness Planning. This regulation establishes policies and procedures for a licensee submission of a certification of "decline or fail," and for FEMA determination concerning Federal assistance to the licensee; and also

establishes policies and procedures for providing Federal support for offsite planning and preparedness.

The regulation consists of two parts. Subpart A establishes policies and procedures for submission by a commercial nuclear power plant licensee of a certification requesting Federal assistance under the Executive Order. It contains policies and procedures for FEMA determination, with respect to providing Federal assistance to licensees. It also provides procedures for review and evaluation of the adequacy of licensee offsite radiological emergency planning and preparedness.

Subpart B establishes policies and procedures for providing Federal support for offsite radiological emergency planning and preparedness in a situation when such support under the Executive Order has been requested. It describes the process for providing Federal facilities and resources to the nuclear power plant licensee after an affirmative determination has been made on the licensee's certification under Subpart A. It also describes response functions which Federal agencies might provide and the process for allocating responsibilities among the Federal agencies through the Federal Radiological Preparedness Coordinating Committee and the Regional Assistance Committees.

FEMA is authorized to enter into Memoranda of Understanding (MOU) with other Federal agencies for the delegation of functions and duties assigned to FEMA by Executive Order 12657 and for the use of their resources. Such MOUs are being prepared at the present time with all Federal Radiological Preparedness Coordinating Committee members and other Federal agencies.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

In accordance with Executive Order 12657, FEMA will need certain information from the licensee in order to form a decision as to whether or not a condition of "decline or fail" exists on the part of State or local governments (44 CFR 352.3-4). This information will be collected by the appropriate FEMA Regional Office or Headquarters and forwarded to the FEMA Deputy Administrator for National Preparedness for his/her consideration in making a determination on the need for and commitment of Federal facilities and resources. (CFR 352.6 (d)); this collection details whether the licensee has made maximum use of its resources and the extent to which the licensee has complied with 44CFR 352.5.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This collection is requested on an annual basis in an effort to eliminate the paperwork burden, respondents are encouraged and permitted to submit the information using electronic facsimile or email technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Information collected under this regulation is not available from another source other than those designated in the regulation, which has necessitated this collection of information to gather such.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This information collection does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden. Information collected under this regulation will only be solicited on a specific situation, as needed basis. If this information was unavailable to FEMA or other Federal agencies, then FEMA will be unable to perform its role in both certifying utility requests and determining what appropriate facilities and resources are necessary pursuant to the Executive Order 12657.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This information collection is conducted in a manner consistent with the guidelines in 5CFR 1320.5(d) (2).

8. Federal Register Notice:

(a) Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day Federal Register Notice inviting public comments was published on September 11, 2008, Volume 73, Number 177, pp. 52868. No comments were received. Please see attached copy of the published notice included in this package.

(b) Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. FEMA has consulted extensively with the NRC and other Federal agencies in promulgating the regulation. The regulation indicates that FEMA will use information from the NRC, and FEMA works closely with the NRC in developing the language of the rule, which has not changed.

(c) Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information

activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Periodic consultations (with licensee/respondents seeking Federal assistance under Executive Order 12657) occur, and these consultations include dialogue between the parties to better adhere to 44 CFR 352 and also reminding the respondent that certification must be submitted to the host FEMA Regional Administrator that a decline or fail situation exists.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

10. Describe any assurance of confidentiality provided to respondents. Present the basis for the assurance in statute, regulation, or agency policy.

The information collected is shared with the stakeholders within the emergency preparedness process for the nuclear power plants. There are no assurances of confidentiality provided to the respondents for this information collection.

11. Provide additional justification for any question of a sensitive nature (such as sexual behavior and attitudes, religious beliefs and other matters that are commonly considered private). This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

(a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

This collection will be completed by one respondent with a once-annual frequency of response. The total annual hours burden is 160 hours, with the following breakdown. The respondent will complete the submission of the decline/fail certification which is forecasted to require 40 hours, provide documentation as to why Federal assistance is necessary which is forecasted to require 20 hours, obtain the emergency preparedness plans of the state in which the plant is located and incorporate them into the final document which is forecasted to require 40 hours, document the effectiveness of the plant's use of its own resources which is forecasted to require 30 hours and to determine the availability of local volunteers to assist in the event of a situation requiring such which is also forecasted to require 30 hours.

(b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

(c) Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Business or other for profits	Submission of decline/fail certification – No Form number	1	1	40	40	\$46.70	\$1868.00
Business or other for profits	Document with explanation of why assistance needed	1	1	20	20	\$46.70	\$934.00
Business or other for profits	Document with response of State Governor or local official with emergency preparedness plans	1	1	40	40	\$46.70	\$1868.00
Business or other for	Document with licensee's	1	1	30	30	\$46.70	\$1401.00

profits	maximum feasible use of its resources						
Business or other for profits	Document with details of efforts to secure use of State and local government volunteer resources	1	1	30	30	\$46.70	\$1401.00
Total		1			160		\$7,472.00

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for a Nuclear Engineer is estimated to be \$46.70 per hour; therefore, the estimated burden hour cost to respondents Licensee/Nuclear Engineers is estimated to be \$7,472.00 annually.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

The cost estimates should be split into two components:

(a) Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred.

(b) Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

Annual Cost Burden to Respondents or Record-keepers

Data Collection Activity/Instrument	*Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time expenditures)	*Annual Operations and Maintenance Cost (such as recordkeeping, technical/professional services, ect.)	Annual Non-Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
0	0	0	0	0

Total				0

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs [Describe]	0
Staff Salaries [1 of GS 12 employee spending approximately 1% of time annually reviewing and consolidating this data collection for inclusion in annual report of accomplishments. GS12 rate \$69,764 x .01 = \$697.64	\$697.64
Facilities [cost for renting, overhead, ect. for data collection activity]	0
Computer Hardware and Software [cost of equipment annual lifecycle]	0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	0
Travel	0
Printing [number of data collection instruments annually]	0
Postage [annual number of data collection instruments x postage]	0
Other	0
Total	\$697.64

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

A "Program increase" is an additional burden resulting from an federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "Program decrease", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"Adjustment" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Total(s)		0	0		0	0

Explain: No changes

Itemized Changes in Annual Cost Burden						
Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Submission of decline/fail certification – No Form number	0	\$1868.00	+\$1868.00			
Document with explanation of why assistance needed	0	\$934.00	+\$934.00			
Document with response of State Governor or local official with emergency preparedness plans	0	\$1868.00	+\$1868.00			
Document with licensee's maximum feasible use of its resources	0	\$1401.00	+\$1401.00			
Document with details of efforts to secure use of State and local government volunteer resources	0	\$1401.00	+\$1401.00			
Total(s)	0	\$7,472.00	+\$7,472.00			

Explain: Annual Cost Burden was not captured at time of last approval.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

FEMA will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

FEMA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.