

FINAL SUPPORTING STATEMENT
FOR
GENERIC COMMUNICATIONS PROGRAM

10 CFR 50.71

DESCRIPTION OF THE INFORMATION COLLECTION

The generic communications program is an adjunct to the NRC regulatory oversight program and functions as an extension of the reporting requirements under 10 CFR 50.71 which require each licensee, each holder of a construction permit, each applicant for a permit or license, including nuclear power reactor licensees that have submitted the 10 CFR 50.82(a)(1)(i) certification of permanent cessation of operations, and non-power reactor licensees that are no longer authorized to operate, to maintain such records and make such reports, in connection with the licensed activity, as may be required by the conditions of the license or permit or by the rules, regulations and orders of the Commission in effectuating the purposes of the Atomic Energy Act of 1954, as amended (the Act), including Section 105 of the Act. NRC may issue generic communications to its licensees, and share with Agreement State authorities, under the Commission's authority in 10 CFR 30.32(b), 10 CFR 40.31(b), or 10 CFR 70.22(d) in order to require further statements that would enable the Commission to determine whether an application should be granted or denied or whether a license should be modified or revoked. Generic communications include bulletins, generic letters, regulatory issue summaries, information notices, security advisories, and information assessment team advisories (IATA). Although only bulletins and generic letters are used to request actions and/or information, regulatory issue summaries may be used to request action and/or information, but on a strictly voluntary basis.

A. JUSTIFICATION

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

Generic communications are used to disseminate information and may be used to request actions and responses from the addressees. They are not intended to serve as substitutes for revised license conditions or new regulatory requirements. Most bulletins and generic letters address regulatory requirements that are currently in NRC regulations. Prior to proposing the bulletin or generic letter, the NRC staff considers the potential additional burden caused by either having the NRC inspectors collect the information or having the licensees, construction permit (CP) holders or applicants for a permit or license provide the information in a report. After considering both options, the NRC may deem it more practical to obtain the necessary information via licensee reporting. Information collections in response to a regulatory issue summary would be the result of voluntary submittals on the part of addressees since it is inconsistent with NRC practice to include reporting requirements in such documents.

Proposed bulletins and generic letters that request actions and require responses from reactor licensees are routinely reviewed by the NRC's Committee to Review Generic Requirements (CRGR), except in those rare instances for bulletins where it is judged by the Director, Office of Nuclear Reactor Regulation, that an immediately effective action is needed to protect the health and safety of the public. In those circumstances, no prior review by the CRGR is necessary and the Office Director has the authority to issue the bulletin. Proposed bulletins address matters that are deemed urgent and generic letters address more routine matters. Urgent actions are those which are needed to overcome problems requiring priority resolution or to comply with a legal requirement for immediate or near-term compliance.

Routine actions are those which do not meet the criteria for immediately effective action or designation as urgent. These actions are scrutinized carefully by the CRGR on the basis of written justification submitted by the cognizant office. Upon notice to the members of the CRGR, and without objection, the CRGR Chairman may exempt any routine proposal from review on the grounds that he or she concludes that it involves only an insignificant effect on the NRC staff and on licensees.

The NRC believes that a reliable estimate of the annual impact of urgent and routine bulletins and generic letters is possible and that this burden is logically included in 10 CFR 50.71.

2. Agency Use of Information

The NRC periodically issues generic communications to communicate with the industry on matters of generic importance or serious safety significance; i.e., if an event at one facility raises the possibility of a generic problem, an NRC bulletin or generic letter may be issued requesting licensees, permit holders, or applicants to take specific actions and to submit a written report describing actions taken and providing other information that the NRC may need to assess the need for further actions to ensure public health and safety. An information notice, regulatory issue summary, security advisory, or IATA may be issued to inform the industry about matters of generic concern.

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 approximately 85% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. 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 generic communication program encompassed within 10 CFR 50.71 generally does not affect small businesses. Only occasionally does a bulletin or generic letter affect non-power reactors operated by universities. Some of the licensees who use source, byproduct, and special nuclear material are small businesses. However, the health and safety 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 generic communication.

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

The information is collected on an as-needed basis to enable the NRC to resolve safety issues affecting more than one plant. If the NRC does not request the information when it is needed, the health and safety of the public could be affected adversely.

7. Circumstances Which Justify Variation from OMB Guidelines

Thirty days or more are allowed to respond. However, in some instances for urgent actions, responses are requested in less than thirty days. This shortened time period is necessary to ensure that NRC is able to obtain significant safety information promptly so as to be able to take effective action to protect public health and safety.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on May 14, 2013 (78 FR 28244). No comments were received.

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). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This information collection does not involve sensitive information.

12. Estimated Industry Burden and Burden Hour Cost

The number of operating license (OL) holders and construction permit holders affected by a particular bulletin or generic letter and the associated burden varies in each specific instance.

For non-power reactors, it is estimated that 31 non-power reactor licensees would respond to either one bulletin or one generic letter annually. It is estimated that it would take each licensee approximately 100 hours to respond. This will result in an annual burden of 100 hours to each non-power reactor licensee (100 hours for one generic communication response) and approximately 3,100 industry burden hours annually (31 reactors x 100 hours per reactor) for a cost of \$849,400 (3,100 hours x \$274).

For power reactors, an upper bound is used which assumes that all of the 104 licensees for operating plants and 2 construction permittees would respond to each of approximately 3 bulletins and generic letters issued annually containing reporting requirements. (Although unlikely, generic communications could also involve permanently shutdown nuclear power reactors; however, the NRC staff has assumed that none will be affected.) It is estimated that it would take each licensee approximately 420 hours to respond to each bulletin and 500 hours to each generic letter. This will result in approximately 150,520 burden hours for responses (420 hours x 1 bulletin + 500 x 2 generic letters = 1,420 hours; 1,420 hours x 106 plants = 150,520 hours at a cost of \$41,242,480 [150,520 hours x \$274/hr]).

For materials licensees, the number of licensees affected by a particular bulletin or generic letter would vary widely depending on the license category. For purposes of burden estimates, it is assumed that, on average, approximately 100 licensees would be affected. It is anticipated that there may be one bulletin and one generic letter directed to materials licensees annually that contain reporting or recordkeeping requirements. It is estimated that the burden for each response to a bulletin would be approximately 100 hours and the burden for each response to a generic letter would be approximately 100 hours. Thus, for materials licensees, the estimated burden would be 10,000 hours annually for bulletins (100 licensees x 1 x 100 hours) and 10,000 hours annually for generic letters (100 licensees x 1 x 100 hours). The total industry burden for materials licensees would thus be 20,000 hours at a cost of \$5,480,000 (20,000 hrs x \$274/hr).

Therefore, total annual industry burden is expected to be 173,620 hours (3,100 + 150,520 + 20,000 hours). Thus the cost would be \$47,571,880 (\$849,400 + \$41,242,480 + \$5,480,000).

The NRC staff estimates that of the 173,620 hour burden, 10 percent (17,362 hours) is recordkeeping associated with submitting a response, and 90 percent (156,258 hours) is reporting. The NRC anticipates a total of 549 responses annually (31 x 1 non-power reactor bulletins/generic letters + 106 x 3 reactor bulletins/generic letters = 318 + 100 materials generic letters + 100 materials bulletins).

13. Estimate of Other Additional Costs

The NRC has determined that 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 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 17,362 hours, the storage cost for this clearance is \$1,903 (17,362 hours x 0.0004 x \$274/hour).

14. Estimated Annualized Cost to the Federal Government

The estimate of the cost to the Government which includes the preparation of 3 power reactor-related, 2 materials-related, and 1 non-power reactor-related bulletins or generic letters, mailing, and analysis of responses, is estimated at 2,500 hours per power reactor-related bulletin or generic letter, or 7,500 hours annually (2,500 hours x 3), 2,000 hours per materials-related bulletin or generic letter, or 4,000 hours annually (2,000 hours x 2), and 2000 hours per non-power reactor-related bulletin or generic letter, or 2000 hours annually (2000 x 1). Therefore, the total annual estimated cost to the Government is \$3,699,000 (13,500 hours x \$274/hour).

This cost is fully recovered by fee assessments to NRC licensees pursuant to 10 CFR 170 and/or 10 CFR 171.

15. Reasons for Changes in Burden or Cost

During the previous clearance cycle, the burden change was inadvertently misstated as an increase of 10,280 hours from 170,000 hours to 180,280 hours, when in fact, the burden increased by 3,720 hours from 170,000 to 173,720 hours and is being corrected with this extension.

The overall burden has decreased by 100 hours from 173,720 to 173,620 hours from the previous cycle due to 1 Non-Power Reactor license being terminated and is therefore no longer subject to 10 CFR 50.71. The increase in cost over the previous cycle is due to the increase of the fee rate from \$257/hr to \$274/hr.

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 generic communications.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.