

1FINAL SUPPORTING STATEMENT FOR
REPORTS CONCERNING POSSIBLE NON-ROUTINE
EMERGENCY GENERIC PROBLEMS

(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 usually less than 30 days. These issuances could include Bulletins and other forms of generic communication.

This submission is a request to revise the structure of this collection to be an official generic collection in ROCIS.

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 has 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. Contingent upon the nature of the issue, to protect people and the environment, an immediately effective order may require expedited issuance within one day but not greater than three days.

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 will be requested under a new generic clearance, which is being submitted concurrently with this request. 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. 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

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 ten percent of respondents may be 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 that 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

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on August 12, 2014. Further, the NRC consulted with the Nuclear Energy Institute (NEI) (the policy organization of the nuclear energy and technologies industry) regarding the information collection; NEI acknowledged they were aware of the available documents. 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).

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.

NRC staff estimates through interaction with industry that it would take a power reactor licensee approximately 420 hours to respond to a safety emergency to conduct an inspection; prepare an analysis or evaluation and submit results; it is estimated that it would take a licensee 280 hours to respond to a security emergency to perform security actions and report results; resulting in 700 hours per request. The burden for non-power reactors or materials licensees to conduct an inspection or perform security-related actions, prepare an evaluation and submit results is 100 hours per request. The total annual reporting burden is estimated to be 83,100 hours at a cost of \$22,603,200 (83,100 hours x \$272/hr^a). See Table 1. The total burden for this clearance is therefore 249,300 hours for the full three-year clearance period.

^a NOTE: The NRC's hourly rate is contained in the NRC's Annual Revision of Fee Schedules; Fee Recovery Final Rule (published June 30, 2014, 79 FR 37123); which is used to determine burden cost associated with the NRC's information collection activities. The final rule amends the licensing, inspection and annual fees charged to applicants and licensees. These amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), which requires the NRC to recover approximately 90 percent of its budget authority through fees. Over the past 40 years, the NRC has assessed and continues to assess, fees to applicants and licensees to recover the cost of its regulatory program. The NRC's cost recovery principles for fee regulations are governed by two major laws: 1) the Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 483 (a)); and 2) OBRA-90 (42 U.S.C. 2214), as amended.

The NRC's hourly rate is used in assessing full cost fees for specific services provided, as well as flat fees for certain application reviews. The hourly rate is derived by dividing the sum of recoverable budgeted resources for 1) mission-direct program salaries and benefits; 2) mission-indirect program support; and 3) agency corporate support and the Inspector General, which is all agency indirect costs. The mission-direct FTE hours are the product of the mission-direct FTE multiplied by the hours per direct FTE. The only budgeted resources excluded from the hourly rate are those for contract activities related to mission-direct and fee relief activities.

13. Estimate of Other Additional Costs

There are no additional costs.

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 \$2,040,000 (2,500 x 3 = 7,500 hours x \$272/hr).^b

15. Reasons for Changes in Burden or Cost

The overall annual burden decreased by 2,800 hours from 85,900 to 83,100 hours. The previous burden of 85,900 hours was based on 104 power reactor licensees responding. The current burden of 83,100 hours is based on the permanent cessation of operation of 5 units (Kewaunee, San Onofre Units 2 & 3, Crystal River, and Vermont Yankee) and the projection of an additional reactor, Watts Bar Unit 2, which may commence operation in the 2015 timeframe. Because this extension will be applicable until January 1, 2018, the NRC conservatively assumes that this extension will apply to 100 reactors.

However, when this clearance is converted to a generic clearance it will include three years of burden. The overall burden total in ROCIS will change from an annual estimate of 85,900 hours to a three-year estimate of 249,300 hours. This change is due to a difference in how the burden for generics is recorded in ROCIS (annual vs. three-year total).

There was no change in the level of effort required. There was an increase in the fee rate for this clearance period from \$238/hr to \$272/hr.

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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.

Table 1: Annual Reporting Burden

Affected Licensees	Respondents	Responses per Respondent	Responses	Burden per response	Total Burden	Cost @\$272/hr
Power Reactor	100	1	100	700	70,000	\$19,040,000
Nonpower Reactor	31	1	31	100	3,100	\$843,200
Materials Licensees	100	1	100	100	10,000	\$2,720,000
TOTAL	231		231		83,100	\$22,603,200