

JUSTIFICATION FOR AN EMERGENCY CLEARANCE FOR AN NUCLEAR REGULATORY
COMMISSION ONLINE FORM "COVID-19 WORK HOUR CONTROLS EXEMPTION
REQUEST FORM"

(3150-0146)

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) requires licensed facilities to comply with requirements in Title 10 of the Code of Federal Regulations (CFR) Part 26 to control the work hours of individuals performing the duties in a nuclear power plant identified in 10 CFR Part 26.4(a). The ability of licensed facilities to comply with these requirements may be negatively impacted by the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE). To facilitate licensees' requests for exemptions to the work hour control regulations, the NRC is providing an online form to submit the required information for a specific exemption request.

The NRC is requesting emergency review of the information collection because this information is essential to the mission of the agency and is needed before the expiration of the normal time limits under the Office of Management and Budget's regulations at 5 CFR 1320 that implement the provisions of the Paperwork Reduction Act of 1995. The NRC cannot reasonably comply with the normal clearance procedures because an unanticipated event (COVID-19 PHE) has occurred. The information being collected is the minimum necessary to allow NRC staff to ensure that requested exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The NRC is requesting OMB approval to add this form to the previously approved information collection OMB Control Number 3150-0149 for a period of 6 months.

A. JUSTIFICATION

1. Need for and Practical Utility of the Information

10 CFR 26.205(d)(1)-(7) identifies specific work hour control requirements for individuals subject to the requirements of 10 CFR Part 26. If due to the impacts of the COVID-19 PHE, the NRC is prepared to grant, upon request from individual licensees, exemptions from the work hour controls specified in 10 CFR 26.205(d)(1)-(d)(7) as allowed by 10 CFR 26.9, "Specific exemptions". Under the existing collection at OMB Control No. 3150-0149, licensees are already able to seek these exemptions. Through this emergency request, NRC is introducing an online form to simplify filing because the existing system may be too burdensome for licensees under current conditions.

The objective of the exemptions from 10 CFR 26.205(d)(1)-(7) is to ensure that the control of work hours and management of worker fatigue do not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID-19 PHE on maintaining the safe operation of these facilities. Specifically, the licensee can submit an exemption request if (1) a licensee's staffing levels are affected by the COVID-19 PHE, (2) a licensee determines that it can no longer meet the work-hour controls of 10 CFR 26.205(d)(1)-(d)(7), and (3) the licensee can effect site-specific administrative controls for COVID-19 PHE fatigue-management for personnel specified in 10 CFR 26.4(a). The information collected by the online form is the minimum

needed by NRC to make a determination on the acceptability of the licensee's request for an exemption. In addition to the online form, licensees can submit their exemption request through the NRC's Electronic Information Exchange or by email.

2. Agency Use of Information

The NRC uses the information to determine that licensees' exemption requests are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

3. Reduction of Burden Through Information Technology

The requested information will be submitted via a web-based electronic form. It is estimated that approximately 100 percent of the responses will be filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

No small businesses will be impacted by this information collection.

6. Consequences to Federal Programs or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently

If the collection were not conducted, the NRC will not be able to make a timely determination of the acceptability of a licensee's exemption request.

7. Confidentiality of Information

Confidential and proprietary information is protected in accordance with the NRC regulation at 10 CFR 9.17(a) and 10 CFR 2.390(b).

8. Estimate of Annualized Burden and Burden Hour Cost

The estimate to prepare and submit the exemption request form is 2 hours. The NRC estimates 20 requests in the 6 months following approval of this emergency request. The total annual burden for NRC licensees is 80 hours at a cost of \$22,240 (80 hours x \$278/hour).

The \$278 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019 (84 FR 22331, May 17, 2019).

9. Estimate of Other Additional Cost

Not applicable.

10. Estimated Annualized Cost to the Federal Government

The estimated annual cost to the Federal Government in reviewing the technical and regulatory adequacy of the exemption request is 40 reports x 10 hours/report x \$278 per hour = \$112,200

11. Reason for Not Displaying the Expiration Date

The expiration date is displayed on the online form.