

FINAL SUPPORTING STATEMENT  
FOR  
NRC ONLINE FORM, "NUCLEAR MATERIALS RELIEF REQUESTS"

(3150-0243)

EXTENSION

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) as they relate to the safe and secure use of nuclear materials; medical, industrial, and academic applications; uranium recovery activities, low-level radioactive waste sites; and the decommissioning of previously operating nuclear facilities and power plants. These requirements can be found in 10 CFR Parts 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 50, 70, 71, 72, 74, 75, and 150. 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) due to resulting staffing challenges, the need to protect staff during the PHE, the availability of contracted support services, and other unforeseen challenges to operations. Currently, licensees may request, and the NRC will approve exemptions from the above requirements when they are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. To facilitate and streamline licensees' requests for exemptions to these requirements, the NRC is providing an online form to submit the required information for a specific exemption request. This online form supplements the existing reporting mechanisms for requests for exemption.

In April of 2020, the NRC is requested emergency review of the information collection because information regarding licensees' compliance with the requirements of Title 10 is essential to the mission of the agency and was 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 could not reasonably comply with the normal clearance procedures because an unanticipated event (COVID-19 PHE) has occurred, which necessitates a swift response to allow licensees to submit exemption requests in a streamlined manner. The information collection was approved for a period of 6 months, expiring October 31, 2020. Because the need for this information collection is anticipated to extend beyond this approval period, the current request is to renew the clearance and extend the approval for the information collection for a period of 3 years.

This online collection instrument to streamline the submissions of several exemption requests that are covered by existing information collections, as outlined in the table below.

OMB Control Number	CFR Citation with an Existing Exemption Information Collection
3150-0014	10 CFR Part 20
3150-0017	10 CFR Part 30
3150-0016	10 CFR Part 31
3150-0001	10 CFR Part 32

3150-0015	10 CFR Part 33
3150-0007	10 CFR Part 34
3150-0010	10 CFR Part 35
3150-0158	10 CFR Part 36
3150-0214	10 CFR Part 37
3150-0130	10 CFR Part 39
3150-0020	10 CFR Part 40
3150-0011	10 CFR Part 50
3150-0009	10 CFR Part 70
3150-0008	10 CFR Part 71
3150-0132	10 CFR Part 72
3150-0123	10 CFR Part 74
3150-0055	10 CFR Part 75
3150-0032	10 CFR Part 150

This information collection only addresses the burden to complete and submit the online form.

This information collection applies to holders of nuclear materials licenses (including byproduct material, uranium recovery, decommissioning (both materials and reactors), fuel facilities, and spent fuel storage licenses) who may need to seek regulatory relief during the COVID-19 PHE.

#### A. JUSTIFICATION

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

10 CFR Parts 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 50, 70, 71, 72, 74, 75, and 150 contain specific requirements for the safe and secure use of nuclear materials; medical, industrial, and academic applications; uranium recovery activities, low-level radioactive waste sites; and the decommissioning of previously operating nuclear facilities and power plants. In response to the unforeseen impacts of the COVID-19 PHE, the NRC is prepared to expedite the review and approval of requested exemptions from requirements in these rules. 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 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 requests through the NRC's Electronic Information Exchange or by email in accordance with NRC's OMB-approved information collections regarding such exemptions.

##### 2. Agency Use of Information

The NRC uses the information collected by this form 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 100 percent of the responses will be filed electronically.

4. Efforts 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

The use of an online form will reduce the burden related to the submission of an exemption request for all respondents, including small businesses. The information collected is the minimum necessary to for NRC staff to make a determination regarding an exemption request and cannot be further reduced for small businesses. NRC staff estimates that 35 percent of respondents will be small businesses.

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

If the collection were not conducted, licensees would not be able to submit exemption requests in a timely manner, reducing the NRC's staff's ability to make a timely determination of the acceptability of a licensee's exemption request.

7. Circumstances which Justify Variation from OMB Guidelines

Not applicable

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 5, 2020 (85 FR 26718). Three out-of-scope comments from members of the public were received by NRC staff in response to this Federal Register notice.

In addition to the abovementioned *Federal Register* notice, NRC staff contacted seven potential respondents by e-mail to request feedback. The NRC staff contacted seven potential respondents that represented a cross section of the entities that would use this online form. From this outreach, NRC received one response. The respondent, a licensee that possesses an NRC license to conduct broad scope activities under 10 CFR Part 30, stated that this proposed collection of information is necessary for NRC to perform its functions and that it does have practical use for the NRC to make determinations regarding the licensee's request.

The licensee stated that they spent 100 person-hours identifying their needs for regulatory relief, assembling them into a cohesive document, conducting internal reviews regarding their relief request, and preparing and submitting their relief request to NRC. The current burden estimate for the online relief request form is 2 hours. The NRC staff notes that this 2 hour burden estimate includes only the time to enter the data into the online system, not the full burden for preparation of the request. The burden for preparation of the request is included in the 10 CFR Part 30 information collection (3150-0017) because the regulation submission of Part 30 requests for exemptions is 10 CFR 30.11. Exemption requests submitted under 30.11 are

currently estimated to average of 60 hours (some requests may take longer than 60 hours, some may take fewer than 60 hours.) The respondent is a large broad scope licensee with many regulated activities and NRC staff anticipates their preparation time would be above average. The NRC staff will re-evaluate the burden estimates associated with Part 30 at the next renewal of that information collection.

In response to the third question, the licensee indicate that online forms are useful and save time. The licensee suggested that NRC could reorganize this information collection in a manner that would allow the licensee to pick from a menu the specific regulation from which relief is needed. NRC staff considered this option when developing the online form but found, given the breadth of licensee activities covered by this form, it would not be possible to categorize every potential relief request from 10 CFR Parts 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 50, 70, 71, 72, 74, 75, and 150. For the fourth question that asks how the burden of information collection can be minimized, the licensee indicated that the NRC should identify a way to issue blanket relief to licensees during times of a public health emergency thereby removing the need for this online form. Since the beginning of this public health emergency, numerous licensees, certificate holders, and non-governmental organizations have suggested this to NRC staff. The NRC's General Counsel has stated that the agency cannot issue blanket relief to licensees over regulated activities.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the 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 information is requested. If sensitive information is provided by licensees within these submittals there are processes for appropriate marking them non-public for security reasons or marking sections as "proprietary" per 10 CFR 2.390(b).

12. Estimate of Industry Burden and Costs

The estimate to prepare and submit the exemption request form is 2 hours. The total annual burden for NRC licensees is 520 hours at a cost of \$144,560 (520 hours x \$278/hour) for 260 requests.

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).

13. Estimates of Other Additional Costs

There are no additional costs.

14. 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 260 reports x 16 hours/report x \$278 per hour = \$1,156,480.

15. Reasons for Change in Burden or Cost

NRC staff anticipates that the agency will receive 260 exemption requests via the NRC Online Form, "Nuclear Materials Exemption Request," resulting in 520 hours of burden to licensees. When the emergency clearance for this information collection was processed, the NRC staff estimated that the agency would receive 470 annual responses resulting in 940 hours of burden. However, actual submissions have been much lower than originally anticipated; therefore, the burden is being reduced by 420 hours from the initial request.

16. Publication for Statistical Use

None.

17. Reasons for Not Displaying the Expiration Date

The expiration date is displayed on the online form.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

Statistical methods have not been used in this collection of information.