

JUSTIFICATION FOR EMERGENCY CLEARANCE FOR
NRC ONLINE FORM, "REQUEST FOR ALTERNATIVE UNDER 10 CFR Part 50.55a(z)(1)
and (2)"

(3150-XXXX)

NEW

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 50.55a incorporates by reference Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," and Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (B&PV Code); and the rules of the ASME "Code for Operation and Maintenance of Nuclear Power Plants" (OM Code). These rules of the ASME B&PV and OM Codes set forth the requirements to which nuclear power plant components are designed, constructed, tested, repaired, and inspected.

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) in order to not conflict with practices recommended by the Centers for Disease Control and Prevention (CDC) to limit the spread of COVID-19 (e.g., social distancing) while performing in-service testing and inspections. The regulations under 10 CFR 50.55a(z) allow applicants to use alternatives to the requirements of 10 CFR 50.55a paragraphs (b) through (h) when authorized by the NRC. NRC currently collects information related to requests for alternatives under 10 CFR Part 50.55a through the information collection covered by OMB Control No. 3150-0011. To facilitate licensees' requests for alternatives to the requirements in the above regulations, the NRC is providing a new online form to submit the required information for a specific alternative request under 10 CFR 50.55a(z). This online form would supplement the existing submission mechanisms for this information collection.

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, which has necessitated the accelerated development of a method to allow licensees to submit alternative requests in a streamlined manner.

The NRC is requesting OMB approval of this new information collection for a period of 6 months. The development of alternative requests under 10 CFR Part 50.55a is covered by existing information collections. This information collection only addresses the burden to complete and submit the new online form.

This information collection applies to all holders of, and certain applicants for, nuclear power plant construction permits and operating licenses under the provisions of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities" who use alternatives to the requirements of 10 CFR 50.55a paragraphs (b) through (h) when authorized by the NRC.

A. JUSTIFICATION

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

10 CFR Part 50.55a incorporates by reference the ASME B&PV and OM Codes that set forth the requirements to which nuclear power plant components are designed, constructed, tested, repaired, and inspected. Due to the impacts of the COVID-19 PHE, the NRC is prepared to authorize, upon request from individual licensees, requests for alternatives to requirements in the ASME B&PV and OM Codes. Through this emergency request, NRC is introducing a new, optional online form to simplify filing and reduce burden for licensees under current conditions. Licensees will retain the option to file applications using the existing mechanisms, should they so choose.

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 alternative. The information being collected by the online form is the same as the information that licensees currently submit when they file requests for alternatives under 10 CFR Part 50.55a. In addition to the online form, licensees can currently submit their alternative requests through the NRC's Electronic Information Exchange or by mail.

2. Agency Use of Information

The NRC uses the information collected by this form to determine that licensees' relief 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. The NRC will evaluate the information collected by this form in the same way that it evaluates information that licensees currently submit when they file requests for alternatives under 10 CFR Part 50.55a.

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. 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 alternative request for all respondents, including small businesses. The information collected is the minimum necessary to for NRC staff to make a determination regarding an alternative request and cannot be further reduced for small businesses. NRC staff estimates that 0% 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 alternative requests in a timely manner because there would not be an online form to supplement the existing reporting mechanisms. If the online form is not available to licensees to use to submit their requests, there may be greater burden on the licensees, in terms of time and resources, to submit requests through existing methods.

7. Circumstances which Justify Variation from OMB Guidelines

Not applicable

8. Consultations Outside the NRC

Not applicable

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 submit the alternative request using the online form is 2 hours. The use of the online form is expected to streamline the alternative request submission process and potentially reduce the burden to submit a request. The NRC estimates 120 requests annually from power reactor licensees. The total annual burden for NRC licensees 240 hours (120 requests x 2 hours per request) at a cost of \$66,720 (240 hours x \$278/hr).

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 alternative request is 2400 hours (120 requests x 20 hours/report) x \$278 per hour = \$667,200.

15. Reasons for Change in Burden or Cost

This is a new clearance.

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.