

Request for OMB Review DESIGNATED ORIGINAL**Important**

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement.

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request

U.S. Nuclear Regulatory Commission

2. Agency code

3 1 5 0

3. Name of person who can best answer questions regarding this request

E. Jordan

Telephone number

(301) 492-4848

4. Title of information collection or rulemaking

10 CFR Part 21 Reporting of Defects and Noncompliances.

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)

42 USC 2201(o) or

6. Affected public (check all that apply)

1 ☐ Individuals or households3 ☐ Farms5 ☐ Federal agencies or employees2 ☐ State or local governments4 ☒ Businesses or other for-profit6 ☐ Non-profit institutions7 ☒ Small businesses or organizations**PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291**

7. Regulation Identifier Number (RIN)

or, None assigned ☐

8. Type of submission (check one in each category)

Classification1 ☐ Major2 ☐ Nonmajor**Stage of development**1 ☐ Proposed or draft2 ☐ Final or interim final, with prior proposal3 ☐ Final or interim final, without prior proposal**Type of review requested**1 ☐ Standard2 ☐ Pending3 ☐ Emergency4 ☐ Statutory or judicial deadline

9. CFR section affected

CFR

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320?

☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached?

1 ☐ Yes 2 ☐ No

If No, did OMB waive the analysis?

3 ☐ Yes 4 ☐ No**Certification for Regulatory Submissions**

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official

Date

Signature of authorized regulatory contact

8511070220 851104
PDR ORG EUSOMB
PDR

12. (OMB use only)

PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less.

"Nuclear Facilities, Nuclear Reactors, Equipment, Defects, Noncompliance." Part 21 results in reports describing defects in basic components at nuclear facilities licensed by the NRC. There are 12,000 organizations that are potentially affected, but only 100 per year are actual respondents.

14. Type of information collection (check only one)

Information collections not contained in rules

1 ☐ Regular submission

2 ☐ Emergency submission (certification attached)

Information collections contained in rules

3 ☒ Existing regulation (no change proposed)

6 Final or interim final without prior NPRM

7. Enter date of expected or actual Federal

4 ☐ Notice of proposed rulemaking (NPRM)

A ☐ Regular submission

Register publication at this stage of rulemaking

5 ☐ Final, NPRM was previously published

B ☐ Emergency submission (certification attached)

(month, day, year) _____

15. Type of review requested (check only one)

1 ☐ New collection

4 ☐ Reinstatement of a previously approved collection for which approval has expired

2 ☒ Revision of a currently approved collection

3 ☐ Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

5 ☐ Existing collection in use without an OMB control number

16. Agency report form number(s) (include standard/optional form number(s))

NA

22. Purpose of information collection (check as many as apply)

1 ☐ Application for benefits

2 ☐ Program evaluation

3 ☐ General purpose statistics

4 ☒ Regulatory or compliance

5 ☐ Program planning or management

6 ☐ Research

7 ☐ Audit

17. Annual reporting or disclosure burden

1 Number of respondents 100

2 Number of responses per respondent 4.5

3 Total annual responses (line 1 times line 2) 450

4 Hours per response 160

5 Total hours (line 3 times line 4) 72,000

18. Annual recordkeeping burden

1 Number of recordkeepers 100

2 Annual hours per recordkeeper 6

3 Total recordkeeping hours (line 1 times line 2) 600

4 Recordkeeping retention period Life years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3) 72,600

2 In current OMB inventory 84,000

3 Difference (line 1 less line 2) -11,400

Explanation of difference -11,400

4 Program change

5 Adjustment

23. Frequency of recordkeeping or reporting (check all that apply)

1 ☒ Recordkeeping

Reporting

2 ☒ On occasion

3 ☐ Weekly

4 ☐ Monthly

5 ☐ Quarterly

6 ☐ Semi-annually

7 ☐ Annually

8 ☐ Biennially

9 ☐ Other (describe): _____

20. Current (most recent) OMB control number or comment number

3150-0035

24. Respondents' obligation to comply (check the strongest obligation that applies)

1 ☐ Voluntary

2 ☐ Required to obtain or retain a benefit

3 ☒ Mandatory

21. Requested expiration date

1/31/89

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☒ No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? ☐ Yes ☒ No

27. Regulatory authority for the information collection

10 CFR 21, or FR, or Other (specify): _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official:

Date

Signature of agency head, the senior official or an authorized representative

Date

Patricia G. Norry, Director, Office of Administration

11-4-85

OMB SUPPORTING STATEMENT FOR 10 CFR 21

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 21.21 requires directors and responsible officers of firms and organizations building, operating, owning or supplying safety-related components to NRC licensed facilities, or conducting NRC licensed activities, to report defects in components and failures to comply with regulatory requirements which could create a substantial safety hazard. 10 CFR 21.51 requires each organization subject to 10 CFR Part 21 to maintain such records as may be required to assure compliance with Part 21.

A. JUSTIFICATION

1. Need for the Collection of Information.

Part 21 was designed to implement Section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846). Section 21.21 requires directors and responsible officers of firms and organizations building, operating, or owning NRC licensed facilities, or conducting NRC licensed activities, to report defects in components and failures to comply with regulatory requirements which could create a substantial safety hazard. Also covered under the regulation are directors and responsible officers of firms and organizations supplying safety-related components, including safety-related design, testing, inspection and consulting services. NRC licensees and other organizations covered by Part 21 must adopt internal procedures to assure that safety-related defects and noncompliance are brought to the attention of responsible officers and directors.

Those individuals, in turn, are required to notify the Commission within two days, and file a written report within five days, of learning of the defect or noncompliance.

Pursuant to Section 21.51 each organization subject to 10 CFR Part 21 shall maintain such records as may be required to assure compliance with Part 21. Each individual, corporation, partnership, or other entity subject to Part 21 is required to prepare records in connection with the design, manufacture, fabrication, placement, erection, installation, modification, inspection or testing of any facility or to be used in any licensed activity sufficient to assure compliance with Part 21.

2. Agency Use of Information.

Part 21, the Commission's regulation implementing Section 206, results in reports describing defects in basic components at licensed nuclear facilities. These reports are reviewed by the NRC staff to determine whether the reported defects or failures to comply are potential generic safety issues. These reports of potential safety problems have resulted in many NRC bulletins, circulars, and information notices, and have contributed to the improved safety of the nuclear industry.

The reporting requirement of Section 21.21 is intended to assure that the Commission gets prompt notification concerning defects or failures to comply in facilities or activities licensed by the Commission. The records maintained pursuant to Section 21.51 are subject to review by the Commission staff to

determine compliance with Part 21. Records maintained pursuant to §21.51 fall into four categories. One category consists of records relating to evaluations defined by §21.3(g). Another category consists of records of previously submitted reports pursuant to §21.21. The third category consists of records of procedures required to assure compliance with Part 21. The last category consists of procurement documents necessary to ensure that background specifications are available to evaluate potential defects.

3. Reduction of Burden Through Information Technology.

There are no legal obstacles to reducing the burden associated with this information collection, in fact industry organizations (INPO, AIF) are urged to share and distribute such information to all affected parties as it becomes available. The NRC further disseminates significant generic information to all affected parties via Bulletins and Information Notices and encourages elimination of duplicate reports. Automated systems for tracking reports are being developed by NRC and industry and are being utilized to the extent possible.

4. Effort to Identify Duplication.

Commission regulations contain several safety deficiency reporting requirements. Although distinctions exist between these requirements, instances have occurred where the same deficiency was evaluated by two different organizations, one attempting to satisfy the criteria of Part 21 and the other attempting to meet the differently worded criteria of 10 CFR 50.55(e). Although the original intent was for reporting under only one of these requirements to satisfy the other reporting requirements, in reality, this intended method of reporting has not occurred.

The staff is planning to revise the regulations to eliminate this duplication. The intent of the proposed revisions is to establish the filing of one report for each defect, with the reporting obligation resting on the entity that discovers the deficiency.

5. Effort to Use Similar Information.

10 CFR Part 21 was designed to implement Section 206 of the Reorganization Act of 1974 (42 U.S.C 5846). As such it is the only regulation which currently requires directors and responsible officers of firms and organizations building, operating, or owning NRC licensed facilities, or conducting NRC licensed activities, to report defects in components and failures to comply with regulatory requirements which could create a substantial safety hazard. As such, similar usable information is not currently available within NRC or industry to accomplish the intended purpose of Section 206 of the reorganization Act of 1974.

6. Effort to Reduce Small Business Burden.

Approximately 12,000 organizations, licensees, and non-licensees, are under the scope of Part 21. Approximately 450 reports are submitted to the NRC annually under Part 21 by approximately 100 respondents. A majority of these respondents are not considered small businesses. The NRC has studied the possibility of reducing the burden on small businesses and has concluded that it would not be possible to lessen the burden on small businesses and still receive reports required by Section 206 of the Energy Reorganization Act.

7. Consequences of Less Frequent Collection.

This rule requires reporting of defects which could create a substantial safety hazard. As such it has no specific period for reporting but rather

requires reporting as the need arises. Less frequent collection of such information could reduce the NRC effectiveness in the areas of assessing potential generic safety issues and in disseminating such information to affected parties.

8. Circumstances which Justify Variation from OMB Guidelines.

There are no known variations from OMB guidelines.

9. Consultation Outside the NRC.

The staff has utilized comments from the industry on the Part 21 reporting system in developing its requirements. The staff is also currently preparing rulemaking to revise 10 CFR Part 21 and §50.55(e) which will include industry comments and the recommendations of the Presidential Commission on the Accident at Three Mile Island (Kemeny Commission) relating to the safety defect report system.

10. Confidentiality of Information.

Information which is identified as proprietary or confidential, which by being disclosed will do substantial harm to an organization's competitive position, could be withheld from disclosure under a Freedom of Information Act request if the Commission determines that it is in the public interest to withhold it.

11. Justification for Sensitive Questions.

This rule does not request sensitive information.

12. Estimate of the Cost to the Federal Government.

The annual NRC staff time expended on Part 21 evaluations is approximately 20,700 hours (450 reports x 46 hours) or \$1,242,000 (at \$60.00 per hour). This estimate includes one hour per telephone notification (total of 450 hours), 25 hours to review each report (total of $25 \times 450 = 11,250$ hours), and 9000 hours annually for review of records.

13. Estimate of Burden.

a. Estimated Hours Required to Respond to the Collection.

Approximately 100 respondents submit under §21.21 with a total of approximately 450 reports per year, each report requiring an average of 160 hours to prepare. The annual industry time expended on §21.21 is approximately 72,000 hours (160 hours x 450 reports) at \$4,320,000 (based on \$60.00 per hour of professional staff time). The burden for §21.51 record keeping is 600 hours (100 record keepers x 6 hours per record keeper).

The total annual burden for reporting and record keeping is 72,600 hours annually at \$4,356,000 (based on \$60.00 per hour of professional staff time).

b. These estimates of burden are based on contacts with respondents. A survey of respondents indicates a wide variation (20 to 2000 hours) exists in estimates for the reporting burden. The staff's estimate of 160 hours is a estimate based on the survey information.

14. Reasons for Change in Burden.

The burden estimated here represents a decrease of 11,400 hours in industry burden estimated under the current clearance. The estimate more accurately

represents burden to respondents based on discussions with respondents. There has been an increase in estimated burden to report under this rule with a significant estimated decrease in record keeping burden.

15. Publication for Statistical Use.

The data collected through this rule provides the input for generic information notices and bulletins. Each report is tabulated in a computerized data system and tracked to resolution. The data contained in the computerized system is not published except as it is reflected in notices and bulletins.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.