

JUSTIFICATION FOR EMERGENCY CLEARANCE FOR  
NRC ONLINE FORMS, "PART 20 RESPIRATOR PROTECTION EXEMPTION REQUEST FOR  
NON-POWER REACTORS/RTR" AND "PART 20 RESPIRATOR PROTECTION EXEMPTION  
REQUEST FOR POWER REACTORS"

(3150-0014)

REVISION

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 20, "Standards for Protection Against Radiation," as they relate to respiratory protection. Specifically, the NRC requires licensees to meet the medical evaluation frequency and fit-testing frequency requirements specified in 10 CFR 20.1703(c)(5)(iii) and 10 CFR 20.1703(c)(6). Guidance for meeting these requirements can be found in Regulatory Guide 8.15, *Acceptable Programs for Respiratory Protection*.

Requiring the licensed facilities to comply with the specific requirements in 10 CFR 20.1703(c)(5)(iii) and 10 CFR 20.1703(c)(6) may result in a licensee requiring personnel to take actions that are contrary with the practices recommended by the Centers for Disease Control and Prevention (CDC) to limit the spread of Coronavirus Disease 2019 (COVID-19).

Currently, licensees may request, and the NRC will approve, exemptions from the above requirements when they are authorized by law and will not result in undue hazard to life or property. To facilitate and streamline licensees' requests for exemptions to these requirements, NRC is providing two new online forms to submit the required information for a specific exemption request. One form is for power reactor licensees and the second is for research and test reactor (RTR) and non-power reactor licensees to submit their exemption requests. The use of these online forms is restricted to exemptions requests resulting from the impact of the COVID-19 PHE. To ensure the proper use of the forms, the NRC is requiring specific information that states that the exemptions are required due to the inability of licensees to comply with the regulations while complying with the CDC recommendations. This information is being requested in:

- Questions 10 and 19 of the online form "Part 20 Respirator Protection Exemption Request for Non-Power Reactors/RTR" and;
- Questions 11 and 20 of the online form "Part 20 Respirator Protection Exemption Request for Power Reactors"

The remaining questions are common to an exemption request submitted outside the bounds of the COVID-19 PHE. These online forms will supplement the existing reporting mechanisms for requests for exemption.

The NRC is requesting 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 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 necessitates a swift response to allow licensees to submit exemption requests in a streamlined manner.

The NRC is requesting OMB approval to add these forms to the previously approved information collection OMB Control Number 3150-0014 for a period of 6 months. A Federal Register Notice noting the approval of this information collection and requesting comments from the public will be forwarded to the Office of the Federal Register for publication by May 21, 2020.

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

## A. JUSTIFICATION

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

10 CFR Part 20 contains specific requirements for respiratory protection. 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 as allowed by 10 CFR 20.2301, "Applications for exemptions." Through this emergency request, NRC is introducing online forms to simplify filing because the existing system may be too burdensome for licensees under current conditions.

The information collected by the online forms 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 result in undue hazard to life or property.

### 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 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 2% 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

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 prepare and submit the exemption request form is 2 hours. The NRC estimates 40 requests annually from power reactor licensees and 20 requests annually from non-power/research and test reactor licensees, a total of 60 requests. The total annual burden for NRC licensees is 120 hours (60 hours x 2 hours per request) at a cost of \$33,360 (120 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 exemption request is 60 reports x 20 hours/report x \$278 per hour = \$333,600.

15. Reasons for Change in Burden or Cost

NRC staff anticipates that the agency will receive 20 exemption requests via the NRC Online Form, “Part-20 Respirator Protection Exemption Request for Non-Power Reactors/RTR,” and 40 exemption requests via the Online Form “Part 20 Respirator Protection Exemption Request for Power Reactors” resulting in 120 hours of burden to licensees.

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.