

DRAFT SUPPORTING STATEMENT
FOR
10 CFR PART 40
DOMESTIC LICENSING OF SOURCE MATERIAL
AND
NRC FORM 484
DETECTION MONITORING DATA REPORT
(3150-0020)

REVISION REQUEST TO THE CLEARANCE EXTENSION

Description of the Information Collection

NRC regulations in 10 CFR Part 40 establish requirements for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source and byproduct material. The regulations were issued pursuant to the Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974, the National Environmental Policy Act of 1969 (NEPA), and the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) (all as amended). Information concerning the application, recordkeeping, and reporting requirements imposed by specific sections is provided below.

This clearance extension incorporates the information collections contained in the final rulemaking, "Financial Assurance for Materials Licensees," approved by OMB October 9, 2003, which amended Section 40.36 for an increase of 638 hours.

A. Justification

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

Section 40.9(b) requires that an applicant or licensee notify the Commission of information which the licensee recognizes as having significant implications for public health and safety or the common defense and security. This requirement applies only to information which is not covered by other reporting requirements. The information must be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information.

This requirement is necessary because there may be some circumstances in which a licensee possesses some information which could be important to the protection of public health and safety or the common defense and security but which is not otherwise required to be reported. This full disclosure requirement should not result in significant additional burdens on applicants or licensees. No formal program is required, but it is expected that licensees will maintain a professional attitude toward safety and if some potential safety information is identified by the licensee, the information will be provided freely and promptly to the NRC so the agency can evaluate and act on it if necessary.

The NRC has not received any Section 40.9(b) reports for several years and does not anticipate any in the near future, but the requirement is important because it could have implications for public health and safety.

Section 40.14 allows interested parties to apply to the Commission for exemptions from requirements of 10 CFR Part 40. Sufficient information is needed from parties applying for exemption for the Commission to determine if the exemption shall be granted.

Section 40.23(b)(1) requires that carriers of transient shipments of natural uranium under the general license in Section 40.23(a) provide written notification to NRC concerning the shipments at least 10 days before transport.

Section 40.23(b)(2) requires that licensees who transport transient shipments between countries that are not party to the Convention provide NRC a certification that arrangements have been made to notify NRC when the shipment has been received at the destination facility. The notification must include the following:

- (i) the location of all scheduled stops in United States territory;
- (ii) the arrival and departure time for all scheduled stops in U.S. territory;
- (iii) the type of transport vehicle;
- (iv) a physical description of the shipment;
- (v) the numbers and types of containers;
- (vi) the name and telephone number of the carrier's representative at each stopover location in U.S. territory;
- (vii) a listing of the modes of shipments, transfer points, and routes to be used;
- (viii) the estimated date and time that shipment will commence and that each nation (other than the United States) along the route is scheduled to be entered;
- (ix) a certification that arrangements have been made to provide NRC notification when the shipment has been received at the destination facility for shipments between countries that are not party to the Convention on the Physical Protection of Nuclear Material;

Section 40.23(c) requires that carriers of transient shipments of natural uranium other than in the form of ore or ore residue notify NRC of unscheduled stops at United States ports.

Section 40.23(d) provides that a licensee may amend a notification required by 40.23(b)(1) by telephone.

The information in section 40.23 is used by the NRC staff to ensure that the requirements of the Convention on the Physical Protection of Nuclear Material are met. This section imposes requirements which are necessary to permit the United States to comply with its obligations as a signatory to the Convention, whose purpose is to provide for the establishment and maintenance of adequate physical security with respect to international shipment of significant quantities of source or special nuclear material.

Section 40.25(c) requires persons to file NRC Form 244, "Registration Certificate - Use of Depleted Uranium Under General License." The use of NRC Form 244 is covered under OMB Clearance No. 3150-0031.

Section 40.25(d)(3) requires persons transferring depleted uranium to a transferee pursuant to the general license in Section 40.25(a) to furnish to the transferee a copy of

Section 40.25 and a copy of Form 244, and if under the regulations of an Agreement State, an explanation of that fact. The use of NRC Form 244 is covered under OMB Clearance No. 3150-0031.

Section 40.25(d)(4) requires persons to report in writing to the NRC Director of the Division of Industrial and Medical Nuclear Safety (IMNS), with a copy to the appropriate NRC Regional Administrator, within 30 days of any transfer of depleted uranium under the general license in Section 40.25(a), the name and address of the person receiving the source material pursuant to such transfer.

The information is used by the NRC staff to identify persons who possess depleted uranium products so that inspections may be made of general licensees to determine compliance with the terms and conditions of the general license.

Because general licensees do not often use or transfer depleted uranium under this general license, there have been very few reports of transfer, and there is consequently only a small burden.

Section 40.26(c)(2) requires that persons receiving title to, owning, or possessing byproduct material (mill tailings or wastes) under the general license established in Section 40.26(a) document the daily inspections of tailings or waste retention systems and immediately notify the NRC Regional Office or the Director, Office of Nuclear Material Safety and Safeguards (NMSS) at NRC Headquarters, of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions which could lead to failure of the system and result in a release of tailings or waste into unrestricted areas. Records of daily inspections must be retained for three years.

The purpose of this requirement is to provide for documented daily inspections of waste retention facilities, so as to avoid failure of such systems, and to require the reporting of significant failures so that appropriate follow-up actions may be taken and the cause of the failure may be determined, in order to avoid other failures from the same cause.

Only reports of failures will be submitted to NRC. These will be notifications only, not detailed analyses of failure cause or consequences. The notification will be used to trigger the establishment of direct communications with the licensee to determine the need for follow-up emergency response, cleanup and decontamination activities and standards, and also later failure analysis.

Section 40.26(d) provides that the general license covering tailings at active mills expires within nine months from the effective date of this requirement unless an affected licensee has submitted an application for license renewal or amendment which includes a detailed program for meeting the criteria in Appendix A to 10 CFR Part 40. This requirement is necessary to ensure that all existing mill operators develop acceptable programs relating to the long term disposition of tailings at active mills in a timely manner. Information collection supporting data are included below in the burden for Appendix A.

Section 40.27(c)(3) requires that the licensee under the general license for custody and long-term care of a residual radioactive material disposal site notify the Commission of any changes to the Long-Term Surveillance Plan (LTSP). This information is necessary to permit NRC to ensure that changes to the LTSP do not decrease protection of public health and safety.

Section 40.27(c)(5) requires that the licensee under the general license for custody and long-term care of a residual radioactive material disposal site notify the Commission prior to undertaking any significant construction, actions, or repairs related to the disposal site, even if the action is required by a State or another Federal agency. This information is necessary to permit NRC to ensure that the construction, actions, or repairs do not decrease protection of public health and safety.

Section 40.28(c)(3) requires that the licensee under the general license for custody and long-term care of uranium or thorium product materials disposal sites notify the Commission of any changes to the Long-Term Surveillance Plan (LTSP). This information is necessary to permit NRC to ensure that changes to the LTSP do not decrease protection of public health and safety.

Section 40.28(c)(5) requires that the licensee under the general license for custody and long-term care of uranium or thorium product materials disposal sites notify the Commission prior to undertaking any significant construction, actions, or repairs related to the disposal site, even if the action is required by a State or another Federal agency. This information is necessary to permit NRC to ensure that the construction, actions, or repairs do not decrease protection of public health and safety.

Section 40.31(a) provides that applications for specific licenses for source material should be submitted on NRC Form 313, "Application for Material License." Because Part 40 licenses cover a broad range of uses, license applications vary from simple to complex. The use of NRC Form 313 is approved under OMB Clearance No. 3150-0120.

Section 40.31(b) provides that NRC may require further statements after the filing of the application and before expiration of the license to enable NRC to determine whether the application should be granted or denied or whether a license should be modified or revoked. The use of NRC Form 313 is approved under OMB Clearance No. 3150-0120.

Section 40.31(f) requires that an application for a license to possess and use source material for uranium milling, production of uranium hexafluoride, or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment must be filed at least nine months prior to commencement of construction of the plant or facility in which the activity will be conducted and shall be accompanied by an Environmental Report required pursuant to 10 CFR Part 51, which is cleared under OMB Clearance No. 3150-0021.

Section 40.31(g) requires that, in response to a written request by the Commission, an applicant for a license to possess and use source material in a uranium hexafluoride

production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material should file with the Commission the installation information described in 10 CFR 75.11 on IAEA Form N-71, is approved under OMB Clearance No. 3150-0055 (10 CFR Part 75) and OMB Clearance No. 3150-0056 (IAEA Form N-71).

Section 40.31(h) requires applications for licenses to receive, possess, and use source material for uranium or thorium milling, or byproduct material at sites formerly associated with such milling, to contain detailed programs for meeting the criteria in Appendix A to 10 CFR 40. This information is necessary to allow NRC, pursuant to its obligations under the Atomic Energy Act of 1954, NEPA, and the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), to assure that licensed uranium milling operations are conducted so as to provide appropriate protection of public health and safety, as well as the environment.

The information collection burdens and supporting data for this section are included below in the burden for Appendix A.

Section 40.31(i) provides that, as required by Section 40.36, certain applications for specific licenses must contain a decommissioning funding plan or a certification of financial assurance for decommissioning. The justification, burden, and other supporting information for this requirement are covered under Section 40.36.

Section 40.31(j)(1) provides that applications to possess uranium hexafluoride in excess of 50 kilograms in a single container or 1000 kilograms total must contain: (1) an evaluation showing that the maximum intake of uranium by a member of the public in the event of a release would not exceed 2 milligrams, or (2) an emergency plan for responding to the radiological hazards of an accidental release of source material and to any associated chemical hazards. This information is necessary to ensure that adequate measures have been taken for protection of public health and safety through features to minimize or protect against releases and provisions for emergency response.

Section 40.31(j)(3)(viii) provides that an emergency plan submitted under Section 40.31(j)(1), above, for responding to radiological or associated chemical hazards of an accidental release, must include a commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, and a commitment to notify the NRC operations center immediately after making the above offsite notifications and not later than one hour after declaring an emergency. These notifications are necessary to permit the NRC to determine whether immediate assistance or other prompt action is necessary to ensure adequate protection of public health and safety.

Section 40.35(b) requires that persons licensed to manufacture or initially transfer industrial products and devices containing depleted uranium label or mark each unit to identify the manufacturer or initial transferor, the license number, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium. The label must also state that the receipt, possession, use, and transfer of the product or

device are subject to a general license or equivalent and the regulations of NRC or an Agreement State. This labeling is needed to inform persons who may use, possess, or find such a product or device, that it contains depleted uranium and is subject to specified regulatory requirements.

Section 40.35(d) requires that licensees for manufacture or initial transfer of industrial products and devices containing depleted uranium furnish to the transferee a copy of Section 40.25 and a copy of NRC Form 244, or the equivalent general license and certificate from an Agreement State. The use of NRC Form 244 is covered under OMB Clearance No. 3150-0031.

Sections 40.35(e)(1) requires that the holder of a specific license to manufacture industrial products and devices containing depleted uranium under Section 40.34 must report to the Director of NMSS all transfers of industrial products or devices to persons for use under the general license in Section 40.25. The report will identify each general licensee by name and address, an individual by name and model number of device transferred, and the quantity of depleted uranium contained in each product or device. The report must be submitted within 30 days of the end of the calendar quarter in which such a product or device is transferred to the generally-licensed person. The report shall also indicate if no transfers have been made to persons licensed under Section 40.25 during the reporting period.

Sections 40.35(e)(2) requires that the holder of a specific license to manufacture industrial products and devices containing depleted uranium under Section 40.34 must report to the responsible Agreement State agency all transfers of industrial products or devices to persons for use under the general license in the Agreement State's regulation equivalent to Section 40.25. The report will identify each general licensee by name and address, an individual by name and model number of device transferred, and the quantity of depleted uranium contained in each product or device. The report must be submitted within 30 days of the end of the calendar quarter in which such a product or device is transferred to the generally-licensed person. The report shall also indicate if no transfers have been made to a particular Agreement State during the reporting period.

Section 40.35(e)(3) requires that holders of specific licensees to manufacture industrial products and devices containing depleted uranium under Section 40.34 keep records for a period of three years showing the name, address, and point of contact for each transferee, the date and quantity of depleted uranium in each product for each transfer, and compliance with the reporting requirements of Section 40.35.

The purpose of these requirements is to enable NRC or the appropriate Agreement State to identify the general licensee, to identify an individual by name who may serve as a point of contact between the agency and the general licensee, and to enable agency staff to determine the location and quantity of such radioactive material to assist them in determining that protection of public health and safety is being maintained. NRC licensees have made no recent transfers under Section 40.35(e), but this requirement is necessary for reporting and recordkeeping of future transfers.

Section 40.35(f) requires that licensees who must submit emergency plans under §40.31(i) submit an application for approval to NRC, and to effective offsite response organizations, within 6 months for any change to an emergency plan which decreases the effectiveness of the plan.

The notification and approval requirements are necessary so that NRC can ensure that changes and proposed changes to the emergency plan will still provide an adequate level of protection to public health and safety.

Section 40.36(a) requires applicants for a specific license authorizing the possession and use of more than 100 mCi of source material in a readily dispersible form to submit a decommissioning funding plan.

Section 40.36(b) requires applicants for a specific license authorizing the possession and use of source material greater than 10 mCi but less than or equal to 100 mCi in a readily dispersible form to either to submit a decommissioning funding plan or submit a certification that financial assurance for decommissioning has been provided in the amount of \$225,000.

Section 40.36(c)(1) requires each holder of a specific license issued on or after July 27, 1990 covered under Sections 40.36(a) or 40.36(b) to provide financial assurance for decommissioning under Section 40.36.

Section 40.36(c)(2) requires each holder of a specific license issued on or after July 27, 1990 covered under Section 40.36(a) to submit a decommissioning funding plan and provide financial assurance for decommissioning in an amount at least equal to \$1,125,000 under Section 40.36.

Section 40.36(c)(3) requires each holder of a specific license issued on or after July 27, 1990 covered under Section 40.36(b) to submit a decommissioning funding plan or a certification of financial assurance for decommissioning under Section 40.36.

Section 40.36(c)(4) requires any licensee who has submitted an application before July 27, 1990 in accordance with Section 40.43 to provide financial assurance for decommissioning in accordance with Sections 40.36(a) and 40.36(b).

Section 40.36(d) requires that each decommissioning funding plan contain a cost estimate for decommissioning and a description of assuring funds for decommissioning, including means for adjusting cost estimates and associated funding levels for decommissioning. Cost estimates must be updated every 3 years to reflect changes in decommissioning costs. The decommissioning funding plan must also contain a certification that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements in Section 40.36(e).

Section 40.36(e) specifies acceptable methods for providing for financial assurance either through a certification or funding plan, which include:

- (1) Prepayment
- (2) Surety, insurance, or other guarantee method
- (3) An external sinking fund, with annual deposits, coupled with a surety method or insurance
- (4) A statement of intent (for Federal, State, or local government licensees) containing a cost estimate for decommissioning and indicating funds will be obtained when necessary
- (5) An arrangement that is deemed acceptable by a governmental entity.

Section 40.36(f)(1) requires that licensees maintain records of spills or other unusual occurrences involving the spread of contamination that remains after cleanup, including information on involved nuclides, quantities, forms, and concentrations, until the license is terminated by the Commission.

Section 40.36(f)(2) requires that licensees keep records of as-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes, until the license is terminated by the Commission.

Section 40.36(f)(3) requires that licensees list in a single document (to be held by the licensee and updated once every two years)

- (i) identification of all restricted areas where licensed materials were used or stored
- (ii) all areas outside of restricted areas where documentation is required under Section 40.36(f)(1) for unusual occurrences or spills
- (iii) all areas outside of restricted areas where waste has been buried
- (iv) all areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to decontaminate the area or seek special approval for disposal.

These listings must be updated and maintained for the life of the license.

Section 40.36(f)(4) requires that licensees keep records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used, until the license is terminated by the Commission.

The records and reports required by Section 40.36 are necessary for the Commission to determine whether an applicant will be able to decontaminate licensed premises to a level suitable for release for unrestricted use before the license may be terminated. NRC will review the information to ensure that adequate funds will be available to ensure that the applicant will conduct decontamination efforts in a timely manner and minimize exposure of workers to radioactive materials. The information will also be used to ensure that the decontamination efforts will reduce the residual radioactive contamination sufficiently to protect public health and safety after the site is released for unrestricted use, so that no future users of the site will be inadvertently exposed to radiation.

Section 40.41(f) requires each licensee to notify the appropriate NRC Regional Administrator, in writing, immediately following the commencement of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States code by or against

- (i) The licensee;
- (ii) An entity controlling the licensee or listing the license or licensee as property of the estate; or
- (iii) An affiliate of the licensee.

Notification of the NRC in cases of bankruptcy would alert the Commission so that it may deal with potential hazards to public health and safety posed by a licensee that does not have the resources to properly secure the licensed material or clean up possible contamination. The information provided by the required notification would be used by the regional inspection and licensing staff, in consultation with headquarters legal and program staff, to initiate a determination of the need for prompt NRC response or regulatory action. In addition, prompt notification would allow NRC to take timely and appropriate action in a bankruptcy proceeding to seek to have available assets of the licensee applied to cover costs of site cleanup before funds are disbursed and become unavailable for cleanup.

Section 40.42(d) requires each holder of a specific license to provide written notification within 60 days to the NRC and to either begin decommissioning its site or submit within 12 months of notification a decommissioning plan, if

- (1) the license has expired; or
- (2) the licensee has decided to permanently cease principal activities at, either the entire site or in any separate building or outdoor area; or
- (3) no principal activities under the license have been conducted for 24 months; or
- (4) no principal activities have been conducted for 24 months in any building or area that contains residual radioactivity and is unsuitable for release.

Submission of this information is needed so that NRC can communicate with the licensees on a timely basis regarding disposition of the licensed material and cleanup of the facility before the facility may be released for unrestricted use.

Section 40.42(e) requires the licensee to maintain in effect all decommissioning financial assurances, and requires the licensee to increase the amount of financial assurance, as appropriate. It also permits the licensee to reduce the amount of financial assurance as decommissioning proceeds if the assurance will cover the detailed cost estimate for decommissioning.

Section 40.42(e)(1) requires licensees who have not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan to do so, effective November 24, 1995.

Section 40.42(e)(2) permits the licensee, following the approval of the decommissioning plan, to reduce the amount of financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.

The NRC reviews any request for reduction of the amount of financial assurance to verify that the licensee will have adequate funds to ensure that its facility will be clear of all radioactive material and, consequently, suitable for unrestricted use.

Section 40.42(f) permits the NRC to grant a request to delay or postpone initiation of a licensee's decommissioning process if the Commission determines that such relief is not detrimental to the public health and safety and is in the public interest. Licensees are required to submit such requests no later than 30 days before notification of decommissioning actions and plans required by Section 40.42(d) so that the NRC can review the request to determine if such relief is not detrimental to public health and safety.

Section 40.42(g)(1) requires that licensees submit a decommissioning plan if required by license condition or the decommissioning procedures and activities have not previously been approved by the NRC and the procedures could increase potential health and safety impacts to workers or the public, as in the following cases:

- (i) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
- (ii) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
- (iii) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
- (iii) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

Submittal of the decommissioning plan is necessary for NRC to evaluate any health and safety impacts.

Section 40.42(g)(2) provides for NRC approval of an alternate schedule for submittal of a decommissioning plan. The NRC will review the alternate schedule to determine if it is necessary for the effective conduct of decommissioning operations and presents no undue risk from radiation to public health and safety.

Section 40.42(j)(1) requires licensees, as a final step in decommissioning, to certify the disposition of all licensed material, on NRC Form 314, "Certification of Disposition of Materials," or equivalent. The burden and cost data for NRC Form 314 is approved under OMB Clearance No. 3150-0028.

Section 40.42(j)(2) requires licensees, as a final step in decommissioning, to conduct a radiation survey of the premises where the licensed activities were carried out, and submit a report on the results of the survey. The licensee shall, as appropriate:

- (i) Reports levels of gamma radiation in units of millisieverts per hours at one meter from surfaces and report levels of radioactivity in units of megabecquerels per 100 square

centimeters removable and fixed for surfaces, megabecquerels per milliliter for water, and becquerels per gram for solids such as soils and concrete; and
(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

This information is necessary for NRC to evaluate whether the site is suitable for release for unrestricted use.

Section 40.43 requires that applications for renewal of a license be filed in accordance with Section 40.31. The burden and cost data for this application for renewal is covered under NRC Form 313, "Application for Material License," OMB Clearance No. 3150-0120.

Section 40.44 requires that applications for amendment of a license be filed in accordance with Section 40.31. The burden and cost data for this application for amendment is covered under NRC Form 313, "Application for Material License," OMB Clearance No. 3150-0120.

Section 40.51(c) requires that, before transferring source or byproduct material to a specific licensee or a general licensee who is required to register prior to receipt, the transferor must verify that the transferee's license authorizes receipt of the type, form, and quantity of source or byproduct material to be transferred.

Section 40.51(d) specifies methods acceptable to the Commission for accomplishing the required verification, including:

- (1) The transferor may have in his possession, and read, a copy of the transferee's specific license or registration certificate.
- (2) The transferor may have a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of source or byproduct material to be transferred, specifying the license or registration number, issuing agency, and expiration date.
- (3) For emergency shipments, the transferor may accept oral certification from the transferee, provided it is confirmed in writing within 10 days.
- (4) The transferor may obtain other sources of information compiled by a reporting service from official records of the Commission or Agreement State licensing agency.
- (5) When other methods are not available, the transferor may obtain and record confirmation from the Commission or Agreement State licensing agency.

The information required by Sections 40.51(c) and (d) is used by transferring licensees to provide assurance that the licensed byproduct material is being transferred to a person who is authorized to receive it. This verification serves as an additional check to prevent transfer of byproduct material to persons who may not have the facilities, training, experience, equipment, or procedures necessary for the safe handling of the material.

Records of these certifications will be reviewed by NRC inspectors during periodic inspections to ensure that licensees have been complying with verification requirements.

Section 40.60(a) requires licensees to notify NRC immediately (i.e., within four hours) by telephone of events or conditions that threaten the health and safety of individuals using licensed material or that prevent the performance of surveys or other safety-related duties necessary to maintain control over licensed material.

Section 40.60(b) requires licensees to notify NRC within 24 hours of the discovery of any of the following licensed-material events:

- (1) An unplanned contamination event that:
 - (i) Requires access to the contaminated area by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
 - (ii) Involves a quantity of material greater than 5 times the lowest annual limit on intake specified in appendix B of Sections 20.1001 to 20.2401 of 10 CFR Part 20 for the material; and
 - (iii) Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

It is important that NRC be notified in such cases because accidental contamination events increase radiation exposure and the risk of ingesting radioactive material.

- (2) An event in which equipment is disabled or fails to function as designed when:
 - (i) The equipment required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;
 - (ii) The equipment is required to be available and operable when it is disabled or fails to function;
 - (iii) No redundant equipment is available and operable to perform the required safety function.

Notification is not required for an individual component failure if redundant systems are operable and available to automatically perform the required function.

- (3) Events that require unplanned medical treatment of a radioactively contaminated individual with spreadable radioactive contamination at a medical facility. Such events are significant because they may: indicate safety problems in a licensed operation; risk internal contamination through open wounds; and expose medical personnel to radiation and contamination. Prompt notification is necessary so that NRC can ensure that an evaluation is performed and that measures are taken to prevent recurrence.

- (4) All unplanned fires or explosions involving any device, container, or equipment containing licensed material, so that such events may be promptly evaluated and measures taken to minimize any spread of contamination and determine the performance of features designed to control licensed material.

Section 40.60(c)(1) requires that licensees who submit reports by telephone required in Sections 40.60(a) and 40.60(b), include, to the extent available, the following descriptive information:

- (i) The caller's name and call back telephone number;
- (ii) A description of the event, including date and time;
- (iii) The exact location of the event;
- (iv) The isotopes, quantities, and chemical and physical form of the licensed material involved; and
- (v) Any personal radiation exposure data available.

Section 40.60(c)(1) requires that licensees who submit telephone reports required in Sections 40.60(a) and 40.60(b), make a written follow-up report within 30 days of the initial report. The written follow-up report must include an evaluation of the probable cause and a description of corrective actions taken or planned and the following descriptive information:

- (i) A description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
- (ii) The exact location of the event;
- (iii) The isotopes, quantities, and chemical and physical form of the licensed material involved; and
- (iv) Date and time of the event;
- (v) Corrective actions taken or planned and the results of any evaluation or assessments; and
- (v) The extend of exposure of individuals to radiation or to radioactive materials without identification of any individuals by name.

Section 40.61(a) requires each person who receives source or byproduct material under the regulations in this part to keep records showing the receipt, transfer, and disposal of such source or byproduct material as follows:

- (1) Requires that licensees retain records of receipt of source or byproduct material as long as the licensee possesses the material and for three years following transfer or disposition of the source or byproduct material.
- (2) Requires that licensees who transferred the material retain records of transfer until the Commission terminates the license.

(3) Requires that licensees retain records of disposal until the Commission terminates the license.

(4) Provides that, if source or byproduct material is mixed with other licensed material and treated in such a manner as to make direct correlation of receipt, transfer, export or disposition records impossible, the licensee may use evaluative techniques (such as first-in-first-out) to make the records required by Part 40 account for 100 percent of the material received.

Section 40.61(b) requires that if a retention period for records is not specified by the appropriate regulation or license conditions, the records are to be retained until the Commission terminates the license.

Records are necessary as a primary source for determination that licensees have confined their possession and use of source or byproduct material to the locations and purposes authorized in the licenses. Information from the Sections 40.61(a) and 40.61(b) records of receipt, transfer, and disposal are examined together to determine whether the licensee has possessed at any one time no more than the maximum quantity of source or byproduct material authorized in the license.

Section 40.61(d) requires that licensees authorized to possess source material in an unsealed form forward to the NRC Regional Office records pertaining to offsite releases and waste disposal prior to license termination. The records should contain:

- (1) Records of disposal of licensed material made under Sections 20.2002, 20.2003, 20.2004, and 20.2005; and
- (2) Records required by Section 20.2103(b)(4).

This forwarding of records is necessary to ensure that adequate information will be available to evaluate offsite consequences, and to ensure that the site is decommissioned effectively.

Section 40.61(e) requires that licensees authorized to possess source material in an unsealed form transfer to the new licensee, in accordance with Section 40.41(b), records. The new licensee will be responsible for maintaining these records until termination of the license, and the records will contain:

- (1) Records of disposal of licensed material made under Sections 20.2002, 20.2003, 20.2004, and 20.2005; and
- (2) Records required by Section 20.2103(b)(4).

This transferring of records is necessary to ensure that adequate information will be available to effectively decommission the facility.

Section 40.61(f) requires that all licensees forward records pertaining to decommissioning, required by §40.36(f), to the NRC Regional Office prior to license termination. This forwarding of records is necessary to ensure that adequate information will be available to evaluate offsite consequences, and to ensure that the site is decommissioned effectively.

Section 40.64(a) requires each licensee who transfers, receives, or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin, or who imports or exports 1 kilogram or more of uranium or thorium source material of any origin, to complete and distribute DOE/NRC Form 741, "Nuclear Material Transaction Report," in computer readable form in accordance with instructions in NUREG/BR-0006 and NMSS Report D-24. DOE/NRC Form 741 is approved under OMB Clearance No. 3150-0003.

Section 40.64(b) requires each licensee who is authorized to possess at any one time and location more than 1,000 kilograms of uranium or thorium, or any combination thereof, to submit to NRC within 30 days of September 30 each year a statement of the licensee's foreign origin source material inventory.

The information contained in the statement is placed in and maintained by the Nuclear Materials Management and Safeguards system, pursuant to the Commission's responsibility under Section 161 of the Atomic Energy Act of 1954, as amended, to establish such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material, as it deems necessary or desirable to promote the common defense and security.

Section 40.64(c)(1) requires that each licensee who is authorized to possess uranium or thorium pursuant to a specific license shall notify the NRC Headquarters Operations Center by telephone any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or 150 pounds of such material in any one calendar year.

Section 40.64(c)(2) requires that each licensee notify the NRC as soon as possible, but within 4 hours, of discovery of any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of the material listed in 40.61(c)(1) to the NRC, with a copy to the Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response.

Section 40.64(c)(3) requires that the initial report by telephone, telegraph, mailgram or facsimile must be followed up by a written follow-up notification within 60 days to the NRC, with a copy to the Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response.

Section 40.64(c)(4) requires any substantive additional information regarding an attempted or apparent theft which the licensee subsequently obtains must be reported as a follow-up in writing.

The information submitted by licensees under this requirement is evaluated and maintained by NRC in order that the Commission may carry out its responsibility under the Atomic Energy Act of 1954, as amended, to regulate the possession and use of special nuclear material, source material, and byproduct material as necessary to

promote the common defense and security, protect health, and minimize danger to life or property.

Section 40.65(a)(1) requires each licensee authorized to possess and use source material in uranium milling, in the production of uranium hexafluoride, or in a uranium enrichment facility to submit semiannual reports of the quantities of radioactive materials released to unrestricted areas. If quantities released during the reporting period were significantly above design objectives, the licensee must cover that fact specifically in its reports. The reports provide a structured, timely and uniform basis for assessing the effectiveness of regulating releases of radioactive material from fuel cycle plants to the unrestricted areas by engineering design features and administrative controls. NRC Form 484, "Sample Format for Reporting Detection Monitoring Data," is provided to assist the licensee in reporting part of the ground-water monitoring data. The purpose of the form is to highlight certain information contained in the semi-annual reports submitted to NRC. The form does not impose any additional burden upon the licensee, but rather is provided to make reporting easier.

Information on effluent monitoring reported by licensees since January 1976 has been reviewed by NRC personnel to ascertain that the licensees' operations are consistent with commitments made in applications for licenses, and to assess the radiation dose commitment to assure that licensees' operations are, and remain, within specified regulatory limits and license conditions, to assure protection of public health, safety, and the environment.

Section 40.66(a) requires that licensees authorized to export natural uranium, other than as ore or ore residue, in excess of 500 kilograms, notify NRC in writing at least 10 days before transport of the shipment.

Section 40.66(b) requires that the notification include:

- (1) information identifying the shipper, receiver and carrier, such as name(s), address(es), and telephone number(s);
- (2) A physical description of the shipment;
- (3) A listing of the mode(s) of shipment, transfer points, and routes to be used;
- (4) The estimated date and time that shipment will commence and that each nation (other than the United States) along the route is scheduled to be entered; and
- (5) A certification that arrangements have been made to notify NRC when the shipment is received at the receiving facility.

Section 40.66(c) provides that a licensee may amend a notification by telephone.

The information required under Section 40.66 is furnished to the Department of Transportation so it can notify countries through which the material passes, in accordance with the Convention on the Physical Protection of Nuclear Material

provisions. The information will also be used by the NRC Safeguards staff to ensure that the requirements of the Convention are met.

Section 40.67(a) requires that licensees authorized to import natural uranium, other than as ore or ore residue, in excess of 500 kilograms, from countries not party to the Convention on the Physical Protection of Nuclear Material, notify NRC in writing at least 10 days before transport of the shipment.

Section 40.67(b) requires that the notification include information including:

- (1) The name(s), address(es), and telephone number(s) of the shipper, receiver and carrier(s);
- (2) A physical description of the shipment;
- (3) A listing of the mode(s) of shipment, transfer points, and routes to be used; and
- (4) The estimated date and time that shipment will commence and that each nation along the route is scheduled to be entered.

Section 40.67(c) requires that the licensee notify NRC when the shipment is received at the receiving facility.

Section 40.67(d) provides that a licensee may amend a prior notification by telephone.

The information required under Section 40.67 will be used by the NRC staff to ensure that the requirements of the Convention on the Physical Protection of Nuclear Material are met.

Appendix A to 10 CFR Part 40 requires all mill operators to develop and submit to the NRC definitive programs meeting specified criteria in five major categories: technical criteria; financial criteria; site and byproduct material ownership criteria; long-term site surveillance criteria; and hazardous constituents. This information is necessary in order to permit NRC to assure that licensed uranium milling operations are conducted so as to provide protection of public health and safety, as well as the environment, as required by the Atomic Energy Act of 1954, NEPA, and UMTRCA (all as amended).

Either NRC or the responsible Agreement State licensing authority will review the information submitted in order to determine if the proposed programs are adequate for the issuance or continuance of a license, and what conditions, if any, should be imposed.

Criterion 5A(3) of Appendix A states that a licensee may be exempted from the requirements of paragraph 5A(1) (i.e., surface impoundments must a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, ground water, or surface water at any time during the active life of the impoundment.) The exemption will be granted based on a demonstration by the applicant or licensee that alternative design and operating

practices, including the closure plan, together with site characteristics, will prevent the migration of any hazardous constituents into ground water or surface water at any future time. The information is used by NRC to determine if an exemption of placing a liner to prevent migration of wastes should be granted.

Criterion 5D of Appendix A requires if the ground water protection standards under 5B(1) are exceeded at a licensed site, the licensee must submit a proposed corrective action program and supporting rationale to the Commission. The program must address removal of the hazardous constituents or treating them in place. The information is used by NRC to ensure that the licensee's program will return hazardous constituent concentration levels in ground water to the concentrations set as standards and to determine when the licensee may terminate corrective action measures.

Criterion 5G of Appendix A requires the applicant/operator, in support of a tailings disposal system proposal, supply the following information:

- (1) The chemical and radioactive characteristics of the waste solutions
- (2) The characteristics of the underlying soil and geologic formations, particularly as they control transport of contaminants and solutions.
- (3) Location, extent, quality, capacity, and current uses of any ground water at or near the site.

The information is used by NRC to determine the effectiveness of the applicant's tailings disposal system.

Criterion 6(4) of Appendix A requires verification that the final radon barrier over uranium mill tailings, as constructed, is effective in controlling radon emissions. Within 90 days of completion of the verification, licensees must report to the Commission the results of the testing and analysis, detailing actions taken to verify that levels of release of radon-222 do not exceed 20 pCi/m²s. Licensees are required to maintain records documenting the analysis until termination of the license, and the records must be kept in a form suitable for transfer to the custodial agency at the time of transfer of the site to DOA or a State for long-term care, if requested.

Criterion 6A(1) of Appendix A requires that the emplacement of the earthen cover be carried out in accordance with a written, Commission-approved reclamation plan which includes enforceable dates for completion of key reclamation milestone activities.

Criterion 6A(2) of Appendix A provides that licensees could submit requests to NRC for extensions of time for performance of milestones related to emplacement of the final radon barrier.

Criterion 6A(3) of Appendix A permits licensees to submit requests that NRC authorize a portion of an impoundment to accept uranium byproduct material or other materials that

are similar in physical, chemical, and radiological characteristics to uranium mill tailings and associated wastes, from other sources, during the closure process.

Criterion 8 of Appendix A requires that the licensee must check hourly and record in a log all parameters of the yellowcake stack emission control equipment operation, and retain the log as a record for three years. Drying and packaging operations must terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions must be taken to restore parameters to the prescribed range. All cessations, corrective actions, and restarts must be reported to the appropriate NRC regional office, in writing, within 10 days of subsequent restart.

Criterion 8A of Appendix A requires that the licensee make daily inspections of tailings or waste retention systems, and retain documentation of the inspections as a record for three years. These records are reviewed by NRC inspectors to ensure that operations have been conducted safely and efficiently and within prescribed parameters and that corrective actions have been taken when needed.

Criterion 9 of Appendix A contains provisions concerning financial assurance arrangements for decontamination and decommissioning. These arrangements are covered in Section 40.36, which should be referred to for justification, burden, and other supporting information.

Criterion 12 of Appendix A requires that reports of the results of annual inspections of all the sites under the licensee's jurisdiction must be submitted to the Commission within 90 days of the last site inspection in that calendar year. The information will be reviewed by the NRC to confirm the integrity of the site and to determine the need, if any, for maintenance and/or monitoring.

2. Agency Use of the Information

The records that 10 CFR Part 40 requires the licensees to maintain are reviewed during inspections, license renewals, and license amendment reviews to evaluate compliance with NRC radiation safety requirements for possession and use of source and byproduct material.

The records of receipt, transfer, and disposal of source and byproduct material are reviewed by the NRC inspectors to determine that licensees have confined their possession and use of source and byproduct material to the locations, purposes, receipt, and quantities authorized in their licenses.

Reports of significant safety events and theft of radioactive material are used by the agency in evaluating the protective actions required to avoid exposures to radiation or releases of radioactive materials that could exceed regulatory limits and, therefore, impact public health and safety, the common defense and security, and the environment.

Bankruptcy reports, decommissioning plans, decommissioning funding plans, and certifications of financial assurance for decommissioning are reviewed by the NRC to ensure that a licensee has adequate procedures and funds for any necessary cleanup efforts before a licensee's responsibility for source or byproduct materials is terminated and the site is released for unrestricted use.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that 85% of the potential responses are filed electronically. **Is this estimate accurate? Please update if necessary.**

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

Some of the licensees who use source and byproduct material are small businesses. However, since the health and safety consequences of improper handling or use of radioactive source and byproduct material are the same for large and small entities, it is not possible to reduce the burden on small businesses by less frequent or less complete reporting, recordkeeping, or accounting and control procedures.

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

If the information is not collected, NRC will have no way to assess whether licensees are operating within the radiation safety requirements applicable to the possession, use, or transfer of source or byproduct material. Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses are submitted only once and amendments are submitted as necessary. Applications for renewal of licenses are submitted every ten years. Information submitted in previous applications may be referenced without being resubmitted. The schedule for collecting the information is the minimum frequency necessary to assure that licensees will continue to conduct programs in a manner that will assure adequate protection of public health and safety.

7. Circumstances Which Justify Variation from OMB Guidelines

Section 40.9(b) requires that licensees submit a notification to NRC in less than 30 days from the date of identifying information having significant implications for public health and safety or the common defense and security and which is not covered by other reporting requirements. The requirement to provide notification within two working days following the identification of the information is necessary to ensure that NRC is made aware of the significant safety information so as to take prompt effective action to protect public health and safety.

Section 40.25(d)(4) requires persons to report in writing to the NRC, Director of IMNS, with a copy to the appropriate NRC Regional Administrator, within 30 days of any transfer of depleted uranium under the general license in Section 40.25(a), the name and address of the person receiving the source material pursuant to such transfer. This requirement is needed in order to inform the NRC staff of the persons who possess depleted uranium products so that inspections may be made of general licensees to determine compliance with the terms and conditions of the general license.

Section 40.26(c)(2) requires that persons receiving title to, owning, or possessing byproduct material (mill tailings or wastes) under the general license established in Section 40.26(a) document the daily inspections of tailings or waste retention systems and immediately notify the NRC Regional Office or the Division of Waste Management at NRC Headquarters, of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions which could lead to failure of the system and result in a release of tailings or waste into unrestricted areas. The immediate notification will be used to trigger the establishment of direct communications with the licensee to determine the need for follow-up emergency response, cleanup and decontamination activities and standards, and also later failure analysis.

Section 40.31(j)(3)(viii) provides that an emergency plan submitted under Section 40.31(j)(1), above, for responding to radiological or associated chemical hazards of an accidental release, must include a commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, and a commitment to notify the NRC operations center immediately after making the above offsite notifications and not later than one hour after declaring an emergency. These prompt notifications are necessary to permit the NRC to determine whether immediate assistance or other prompt action is necessary to ensure adequate protection of public health and safety.

Section 40.41(f) requires that licensees notify the NRC, in writing, immediately following the filing of a petition in bankruptcy. The requirement to provide notification promptly following the filing of the petition is necessary to ensure that NRC is made aware of the bankruptcy so as to take effective action to protect public health and safety. Allowing a period of thirty or more days to elapse might preclude NRC from becoming aware of the licensee's distressed financial circumstances in time to prevent the development or

aggravation of a potential hazard to the public. Moreover, the United States Code contains requirements regarding notification of creditors in bankruptcy. Section 40.41(f) would require one additional notification. Notifying NRC promptly after the filing of the petition would in fact be less of a burden on the bankrupt than a separate notification later in the proceedings.

Section 40.60 requires licensees to notify NRC immediately (i.e., within four hours) by telephone of events or conditions that threaten the health and safety of individuals using licensed material or that prevent the performance of surveys or other safety-related duties necessary to maintain control over licensed material. It is important that NRC be notified in such cases because accidental contamination events increase radiation exposure and the risk of ingesting radioactive material. Immediate notification is needed so that such events may be promptly evaluated and measures taken to minimize any spread of contamination and determine the performance of features designed to control licensed material.

Section 40.61(a)(1) requires that records of receipt of source or byproduct material shall be retained as long as the licensee possesses the material and for three years following transfer or disposition.

Section 40.61(a)(2) requires that records of transfer be retained until the Commission terminates the license.

Section 40.61(a)(3) requires that records of disposal be retained until the Commission terminates the license.

The requirement that records be retained as long as the nuclear material is possessed or for the duration of the license is necessary to permit NRC inspectors to ensure that all material has been accounted for or, in the event of a discrepancy, to reconstruct the receipts and transfers to determine accountability.

Section 40.64(a) requires licensees to complete and submit, in computer readable form, DOE/NRC Form 741, "Nuclear Material Transaction Report" (approved separately under OMB Clearance number 3150-0003,) no later than the following business day. The receiver submits the report in computer readable form within 10 days of receipt of the material. The requirement to submit the report in less than 30 days is necessary in order to ensure that NRC is kept informed of the location of nuclear material in order to carry out its responsibilities to promote the common defense and security and its responsibilities pursuant to the US/IAEA Safeguards Agreement.

Section 40.64(c) requires that licensees report promptly to the appropriate NRC Regional Office any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or 150 pounds of such material in any one calendar year. The initial report by telephone, telegraph, mailgram or facsimile must be followed up by a written report within 15 days. Any additional information which the licensee subsequently obtains must be reported in writing.

It is necessary to require these reports in less than 30 days in order to permit the NRC staff to implement prompt action to determine whether there has been a diversion or other loss of material and to initiate prompt action in the event of such diversion or loss.

8. Consultations Outside the NRC

The opportunity for public comment was published in the Federal Register.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

NRC provides no pledge of confidentiality for this collection of information. To the extent information is business confidential, procedures are in place to protect the information from improper disclosure.

11. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

UPDATE THE NEW FEE RULE TO \$238/hr AND UPDATE THE BURDEN HOURS

The estimates are based on submittals to NRC in past years. The cost to licensees and applicants is calculated at a rate of **\$238** per hour for professional staff for the technical reports and records prepared in response to the 10 CFR Part 40 information collection requirements. This rate is based on NRC's fully recoverable fee rate.

The recordkeeping requirements in Sections 40.51(c) and (d), and 40.61(a) and (b), are calculated at a rate of \$65 per hour, because these requirements can be fulfilled using automated equipment, computer-generated reports and administrative/clerical staff. These figures include both salaries and overhead.

NRC Licensees:

The total annual burden is estimated to be 20,769 hours per year (about 305 hours per licensee) for the 68 licensees covered by 10 CFR Part 40. The details are shown in Tables 1 and 2 for reporting and recordkeeping requirements, respectively. The total cost for the NRC licensees would be 654 hours x \$65/hour, or \$42,510 for Sections 40.51(c) and (d) and 40.61(a) and (b), plus 20,115 (16,067 reporting and 4,048 recordkeeping) hours x **\$238/hour**, or \$3,962,655 for the other reporting and recordkeeping requirements, for a total cost of \$4,005,165.

Agreement State Licensees:

The total annual burden is estimated to be 44,649 hours per year (about 164 hours per licensee) for the approximately 272 Agreement State licensees. The details are shown in Tables 3 and 4. The total cost for the Agreement State licensees would be 2,612 hours x \$65/hour, or \$169,780 for Sections 40.51(c) and (d) and 40.61(a) and (b), plus 42,037 hours x **\$238/hour**, or \$8,281,355 for the other reporting and recordkeeping requirements, for a total cost of \$8,451,135.

13. Estimate of Other Additional Costs

The quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined for 2006 to be equal to .0004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is insignificant as shown below:

\$1,767.33 (22,428 hours recordkeeping {4,702 NRC + 17,726 Agreement States} x .0004 x \$238).

14. Estimated Annualized Cost to the Federal Government

The annual cost for the NRC to review the records and reports required by 10 CFR Part 40 is estimated to be 4,015 hours x 238/hour, or \$790,955. The majority of the cost for review of reports is associated with review of the decommissioning funding plans and decommissioning plans, which account for 2,665 hours, or \$525,005. In addition, technical assistance contracts for review of these plans are estimated at \$20,000. Therefore, the total estimated annualized cost to the Federal government for the 10 CFR Part 40 information collection requirements is approximately \$810,955. Application review activities for 10 CFR Part 40 licensees are attributed to and reported under OMB Clearance No. 3150-0120 for NRC Form 313. The burden of certifying the disposition of all licensed material, including accumulated wastes, required for termination of 10 CFR Part 40 licenses is reported under OMB Clearance No. 3150-0028 for NRC Form 314. These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden

If there has been an increase or a decrease in the number of hours it will take respondents to provide information and/or maintain records, explain that change here.

If there is no change in burden include the following statement:

There is no change in burden; however, costs have increased due to an increase in the fee rate from \$XXX/hr to \$238/hr.

16. Publication for Statistical Use

Results will not be tabulated or published.

17. Reason for Not Displaying the Expiration Date

The 10 CFR Part 40 requirements are contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

The expiration date is displayed on NRC Form 484.

18. Exceptions to the Certification Statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.

Table 1.Reporting Burden - NRC Licensees

Section	No of Respondents	Responses per Respondent	Total Number of Responses	Burden per Response	Total Annual Burden Hrs	Cost @ \$238/Hr
40.9(b)	<u>0</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
40.14	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>197</u>
40.23	<u>3</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>591</u>
40.25(c) Burden covered under 3150-0031, NRC Form 244	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>
40.25(d)(3) Burden covered under 3150-0031, NRC Form 244	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>
40.25(d)(4)	<u>2</u>	<u>1</u>	<u>2</u>	<u>0.5</u>	<u>1</u>	<u>197</u>
40.26(c)(2)	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>394</u>
40.26(d) Burden covered under Appendix A						
40.27(c)(3)	<u>2</u>	<u>1</u>	<u>2</u>	<u>8</u>	<u>16</u>	<u>3,152</u>
40.27(c)(5)	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>394</u>
40.28(c)(3)	<u>2</u>	<u>1</u>	<u>2</u>	<u>8</u>	<u>16</u>	<u>3,152</u>
40.28(c)(5)	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>394</u>
40.31(a) Burden covered under 3150-0120, NRC Form 313						
40.31(b) Burden covered under 3150-0120, NRC Form 313						
40.31(f) Burden covered under 3150-0021, 10 CFR 51						

Section	No of Respondents	Responses per Respondent	Total Number of Responses	Burden per Response	Total Annual Burden Hrs	Cost @ <u>\$238/Hr</u>
<u>40.31(g)</u> Burden covered under 3150-0055, 10 CFR 75 and 0056, IAEA N-71						
<u>40.31(h)</u> Burden included under Appendix A						
<u>40.31(l)</u> Burden included under 40.36						
<u>40.31(j)(1)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>160</u>	<u>160</u>	<u>31,520</u>
<u>40.31(j)(3) (viii)</u> Burden included under <u>40.31(j)(1)</u>						
<u>40.35(b)</u>	<u>16</u>	<u>2</u>	<u>32</u>	<u>0.5</u>	<u>16</u>	<u>3,152</u>
<u>40.35(d)</u> Burden covered under 3150-0031, NRC Form 244						
<u>40.35(e)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.75</u>	<u>0</u>	<u>0</u>
<u>40.35(f)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>80</u>	<u>80</u>	<u>15,760</u>
<u>40.36(a)&(b)</u> DFPs	<u>11</u>	<u>1</u>	<u>11</u>	<u>160</u>	<u>1760</u>	<u>346,720</u>
<u>40.36(c)(1)&(2)</u>	<u>3</u>	<u>0.333</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>788</u>
<u>40.36(d)</u>	<u>17</u>	<u>0.333</u>	<u>6</u>	<u>8</u>	<u>48</u>	<u>9,456</u>
<u>Certification</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>40</u>	<u>80</u>	<u>15,760</u>
<u>40.41(f)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>197</u>
<u>40.42(d)</u>	<u>3</u>	<u>3</u>	<u>9</u>	<u>8</u>	<u>72</u>	<u>14,184</u>
<u>40.42(e)(2)</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>40</u>	<u>120</u>	<u>23,640</u>
<u>40.42(f)</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>40</u>	<u>120</u>	<u>23,640</u>
<u>40.42(g)(1)</u>	<u>3</u>	<u>3</u>	<u>9</u>	<u>1000</u>	<u>9000</u>	<u>1,773,000</u>
<u>40.42(g)(2)</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>40</u>	<u>120</u>	<u>23,640</u>
<u>40.42(j)(1)</u> Burden covered under 3150-0028, NRC Form 314						

<u>40.42(j)(2)</u>	<u>1</u>	<u>19</u>	<u>19</u>	<u>100</u>	<u>1900</u>	<u>374,300</u>
<u>40.43</u> <u>Burden covered under</u> <u>3150-0120, NRC Form</u> <u>313</u>						
<u>40.44</u> <u>Burden covered under</u> <u>3150-0120, NRC Form</u> <u>313</u>						
<u>40.60(a)</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>4</u>	<u>8</u>	<u>1,576</u>
<u>40.60(b)</u>	<u>3</u>	<u>3</u>	<u>9</u>	<u>4</u>	<u>36</u>	<u>7,092</u>
<u>40.64(a)</u> <u>Burden covered under</u> <u>3150-0003, NRC Form</u> <u>741</u>						
<u>40.64(b)</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>4</u>	<u>788</u>
<u>40.64(c)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2.5</u>	<u>0</u>	<u>0</u>
<u>40.65</u>	<u>5</u>	<u>7.4</u>	<u>37</u>	<u>15</u>	<u>555</u>	<u>109,335</u>
<u>40.66</u> <u>Burden included in 40.23,</u> <u>above</u>						
<u>40.67</u> <u>Burden included in 40.23,</u> <u>above</u>						
<u>Appendix A</u>	<u>19</u>	<u>2</u>	<u>38</u>	<u>40</u>	<u>1520</u>	<u>299,440</u>
<u>Appendix A</u> <u>Criterion 6 & 6A</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>140</u>	<u>420</u>	<u>82,740</u>
<u>NRC Form 484</u> <u>Burden included under</u> <u>40.65</u>						
<u>Totals</u>	<u>68*</u>		<u>205</u>		<u>16,067</u>	<u>3,165,199</u>

Table 2 Recordkeeping NRC Licensees

<u>Section</u>	<u>No. of Recordkeepers</u>	<u>Hours per Recordkeeper</u>	<u>Total Annual Burden Hours</u>	<u>Cost @ \$238/Hr</u>
40.26(c)(2)	<u>68</u>	<u>4.3</u>	<u>292</u>	<u>57,524</u>
40.35(e)(3)	<u>0</u>	<u>0.3</u>	<u>0</u>	<u>0</u>
40.36(f)	<u>68</u>	<u>12.2</u>	<u>830</u>	<u>163,510</u>
40.51(c)&(d)	<u>68</u>	<u>4.51</u>	<u>307</u>	<u>19,955**</u>
40.61(a)&(b)	<u>68</u>	<u>5.1</u>	<u>347</u>	<u>22,555**</u>
40.61(d)	<u>50</u>	<u>3.16</u>	<u>158</u>	<u>31,126</u>
40.61(e)	<u>3</u>	<u>2</u>	<u>6</u>	<u>1,182</u>
40.61(f)	<u>68</u>	<u>6.38</u>	<u>434</u>	<u>85,498</u>
Appendix A	<u>50</u>	<u>45.6</u>	<u>2,280</u>	<u>449,160</u>
Appendix A Criterion 6 & 6A	<u>3</u>	<u>16</u>	<u>48</u>	<u>9456</u>
Total	<u>68*</u>		<u>4702</u>	<u>839,966</u>

*Total Universe

** Calculated at a rate of \$65/hr

<u>Total Number of Respondents for NRC Licensees:</u>	<u>68</u>
<u>Total Number of Responses for NRC Licensees:</u>	<u>205</u>
<u>Total Number of Recordkeepers for NRC Licensees:</u>	<u>68</u>
<u>Total Annual Recordkeeping Burden for NRC Licensees:</u>	<u>4,702 hours</u>
<u>Total Annual Reporting Burden for NRC Licensees:</u>	<u>16,067 hours</u>
<u>Total Annual Burden Hours for NRC Licensees:</u>	<u>20,769 hours</u>

Table 3 Reporting Burden for Agreement State Licensees

Section	No of Respondents	Responses per Respondent	Total Number of Responses	Burden per Response	Total Annual Burden Hrs	Cost @ \$238/Hr
<u>40.9(b)</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>394</u>
<u>40.14</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>788</u>
<u>40.25(c)</u> Burden covered under 3150-0031, NRC Form 244						
<u>40.25(d)(3)</u> Burden covered under 3150-0031, NRC Form 244						
<u>40.25(d)(4)</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>0.5</u>	<u>2</u>	<u>394</u>
<u>40.26(c)(2)</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>2</u>	<u>8</u>	<u>1,576</u>
<u>40.26(d)</u> Burden covered under Appendix A						
<u>40.31(a)</u> Burden covered under 3150-0120						
<u>40.31(b)</u> Burden covered under 3150-0120, NRC Form 313						
<u>40.31(f)</u> Burden covered under 3150-0021, 10 CFR 51						
<u>40.31(h)</u> Burden included under Appendix A						
<u>40.31(l)</u> Burden included under 40.36						
<u>40.35(b)</u>	<u>64</u>	<u>1</u>	<u>64</u>	<u>0.5</u>	<u>32</u>	<u>6,304</u>
<u>40.35(d)</u> Burden covered under 3150-0031, NRC Form 244						
<u>40.35(e)</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>0.75</u>	<u>3</u>	<u>591</u>
<u>40.35(f)</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>80</u>	<u>320</u>	<u>63,040</u>

<u>Section</u>	<u>No of Respondents</u>	<u>Responses per Respondent</u>	<u>Total Number of Responses</u>	<u>Burden per Response</u>	<u>Total Annual Burden Hrs</u>	<u>Cost @ \$238/Hr</u>
40.36(a)&(b) DFPs	<u>44</u>	<u>1</u>	<u>44</u>	<u>160</u>	<u>7040</u>	<u>1,386,880</u>
40.36(c)(1)&(2) one time only	<u>12</u>	<u>0.333</u>	<u>4</u>	<u>4</u>	<u>16</u>	<u>3,152</u>
40.36(d) once every three years	<u>68</u>	<u>0.333</u>	<u>23</u>	<u>8</u>	<u>184</u>	<u>36,248</u>
Certification	<u>8</u>	<u>1</u>	<u>8</u>	<u>40</u>	<u>320</u>	<u>63,040</u>
40.41(f)	<u>4</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>788</u>
40.42(d)	<u>12</u>	<u>1</u>	<u>12</u>	<u>8</u>	<u>96</u>	<u>18,912</u>
40.42(e)(2)	<u>12</u>	<u>1</u>	<u>12</u>	<u>40</u>	<u>480</u>	<u>94,560</u>
40.42(f)	<u>12</u>	<u>1</u>	<u>12</u>	<u>40</u>	<u>480</u>	<u>94,560</u>
40.42(g)(1)	<u>12</u>	<u>1</u>	<u>12</u>	<u>1000</u>	<u>12,000</u>	<u>2,364,000</u>
40.42(g)(2)	<u>12</u>	<u>1</u>	<u>12</u>	<u>40</u>	<u>480</u>	<u>94,560</u>
40.42(j)(1) Burden covered under 3150-0028, NRC Form 314						
40.42(j)(2)	<u>4</u>	<u>1</u>	<u>4</u>	<u>100</u>	<u>400</u>	<u>78,800</u>
40.43 Burden covered under 3150-0120, NRC Form 313						
40.44 Burden covered under 3150-0120, NRC Form 313						
40.60	<u>8</u>	<u>1</u>	<u>8</u>	<u>4</u>	<u>32</u>	<u>6,304</u>
40.65	<u>20</u>	<u>1</u>	<u>20</u>	<u>15</u>	<u>300</u>	<u>59,100</u>
Appendix A	<u>76</u>	<u>1</u>	<u>76</u>	<u>40</u>	<u>3040</u>	<u>598,880</u>
Appendix A Criterion 6 & 6A	<u>12</u>	<u>1</u>	<u>12</u>	<u>140</u>	<u>1680</u>	<u>330,960</u>
NRC Form 484 Burden included in 40.65						
Totals	<u>272**</u>		<u>349</u>		<u>26,923</u>	<u>5,303,831</u>

* Sections not included in the Agreement State table are only applicable to NRC licensees.

** Total Universe

Table 4: Part 40 Equivalency Recordkeeping Burden for Agreement State Licensees

Section	No. of Recordkeepers	Hours per Recordkeeper	Total Annual Burden Hours	Cost @ \$238/Hr
40.26(c)(2)	272	4.32	1175	231,475
40.35(e)(3)	1	0.333	0.333	66
40.36(f)	272	12.28	3,340	657,980
40.51(c)&(d)	272	4.48	1219	79,235*
40.61(a)&(b)	272	5.12	1393	90545*
40.61(d)	200	3.21	642	126,474
40.61(e)	12	2	24	4,728
40.61(f)	272	6.4	1,741	342,977
Appendix A	200	40	8,000	1,576,000
Appendix A Criterion 6 & 6A	12	16	192	37,824
Total	272		17,726	3,147,304

* Calculated at a rate of \$65/hr

Total Number of Respondents for Agreement State Licensees: 272
Total Number of Responses for Agreement State Licensees: 349
Total Number of Recordkeepers for Agreement State Licensees: 272
Total Annual Recordkeeping Burden for Agreement State Licensees: 17,726
Total Annual Reporting Burden for Agreement State Licensees: 26,923

Total Annual Burden Hours for Agreement State Licensees: 44,649

Total Burden for Part 40 and NRC Form 484 (OMB Clearance No. 3150-0020)

Total Number of Respondents: 340 (68 NRC Licensees + 272 Agreement State Licensees)
Total Number of Responses: 894 (273 NRC Licensees [68 NRC responses + 205 NRC Recordkeepers] + 621 Agreement State Licensees [349 Agreement State responses + 272 Agreement State recordkeepers])
Total Burden Hours: 65,418 (20,769 NRC hours [16,067 reporting + 4,702 recordkeeping] plus 44,649 Agreement State hours [26,923 reporting + 17,726 recordkeeping])

Total Burden Hour Cost: \$12,456,300

(\$4,005,165 NRC Cost [\$3,165,199 reporting
+ \$839,966 recordkeeping] plus \$8,451,135
Agreement States Cost [\$5,303,831 reporting
+ \$3,147,304 recordkeeping])