DRAFT SUPPORTING STATEMENT
FOR
NRC FORM 314
CERTIFICATE OF DISPOSITION OF MATERIALS
(10 CFR Sections 30.36(c), 40.42(c), 70.38(c))
(3150-0028)

EXTENSION

Description of the Information Collection

NRC Form 314 is submitted by a materials licensee who wishes to terminate its license. The form provides information needed by NRC to determine whether the licensee has radioactive materials on hand which must be transferred or otherwise disposed of prior to expiration or termination of the license.

A. Justification

1. Need for and Practical Utility of the Information Collection

NRC licenses to possess and use specified radioactive materials are issued for a term of ten years. A notice of expiration of license is mailed to such licensees 120 days prior to expiration of the license. Included with the notice is a set of application forms for use if the licensee wishes to apply for renewal of the license, and a copy of NRC Form 314, "Certificate of Disposition of Materials," for use if renewal is not desired. If the licensee does not submit an application for renewal of the license, or determines to cease its licensing operation at any time during the term of the license, NRC requires, as part of its process for terminating the license and closing out the file, that the licensee notify the Commission in writing of that termination decision (10 CFR 30.36(c), 40.42(c), 70.38(c)). In connection with, but separate from that notification, licensees submit an NRC Form 314, which furnishes information regarding transfer or other disposition of the radioactive material or indicates that no materials have been procured.

2. Agency Use of the Information

The NRC staff reviews NRC Form 314 to determine whether the licensee has materials on hand which must be transferred or otherwise disposed of in accordance with NRC regulations and, whether any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is as low as is reasonably achievable (ALARA) prior to expiration or termination of the license. The information submitted on Form 314 constitutes part of the basis for the determination by NRC that the facility has been cleared of radioactive material before the facility 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 pubic the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that none of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. 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

The information is required from all materials licensees terminating their licenses. Some of the licensees who use byproduct, source, or special nuclear material are small entities. To the extent that small entities may possess less material than large entities, the burden of accounting for it on the form might be proportionately less. However, since the need for NRC to determine whether radioactive materials have been safely transferred or disposed of and whether the facility has been cleared of radioactive material before release is the same for large and small entities, it is not possible to reduce the burden on small entities by less frequent or less complete reporting of this one-time requirement.

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

This report is only submitted once, upon termination of the license. If the report were not submitted at that time, the NRC would not be able to determine readily whether any radioactive materials remain on the site, whether disposition of materials has been made in accordance with the regulations, and whether the site has been cleared of radioactive materials and may be released for unrestricted use.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB Guidelines.

8. Consultations Outside the Agency

The opportunity for comment on the information collection requirements was published in the Federal Register.

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). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

None.

12. Estimated Burden and Burden Hour Cost

Respondents are firms, institutions, and individuals holding NRC licenses to possess and use radioactive materials who do not wish to renew those licenses.

Approximately 171 respondents annually file 1 NRC Form 314.

Each form requires, on average, approximately 0.5 hours to prepare.

171 x 0.5 hour = a total annual burden for all respondents of 85.5 hours.

The annual cost to the public, calculated at a rate of $214 per hour, is estimated to be $18,297.

13. Estimate of Other Additional Costs

None. For licensees submitting NRC Form 314, additional costs are most likely incurred (1) to achieve regulatory compliance with requirements not associated with the information collection, (2) for reasons other than to provide information or keep records for the government, or (3) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

The annual cost to the Federal government is estimated to be $8,854 (11 hrs professional (for review of submitted forms) @ $214/hr = $2,354 plus 100 hours clerical (administrative effort of logging in submittals, docketing, performing data entry, and dispatching completed cases) @ $65/hr = $6,500). This cost is fully

recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Change in Burden or Cost

The overall burden decreased by 69.5 hours from 155 hours to 85.5 hours. The number of responses decreased from 310 to 171, with a corresponding reduction in burden. This reduction is based on the actual number of annual requests for terminations received during the Calendar Year 2005.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying Expiration Date

Not applicable. The expiration date is displayed on the form.

18. Exceptions to the Certification Statement

None.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.