

May 26, 2011

## **DRAFT SUMMARY OF INFORMATION COLLECTION REQUEST**

Title: 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," (3150-0132)

Current Burden/Responses: 25,513 hours/485 responses (426 responses + 59 recordkeepers)

Proposed Burden/Responses: 62,692 hours/481 responses (260 reporting responses + 153 third party disclosure responses + 68 recordkeepers)

Burden Attributable to Third Party Collections: 3,170 hours

### Frequency of Response:

On occasion. Required reports are collected and evaluated on a continuing basis as events occur; submittal of reports varies from less than one per year under some rule sections to up to an average of about 80 per year under other rule sections. Applications for new licenses, certificates of compliance (CoCs), and amendments may be submitted at anytime; applications for renewal of licenses are required every 40 years for an Independent Spent Fuel Storage Installation (ISFSI) or CoC effective May 21, 2001, and every 40 years for a Monitored Retrievable Storage (MRS) facility.

Number of Respondents: 68

### Reasons for Changes in Burden/Responses:

The burden increased by 37,179 hours, from 25,513 hours to 62,692 hours.

The majority of the increase in burden can be attributed to an increase in the number of licensees and vendors subject to Part 72. In the last renewal submission in 2008, there were 50 licensees and vendors subject to Part 72. At the time of the publication of the Part 72 License and Certificate of Compliance Terms Final Rule, this number had increased to 59 licensees and vendors. The estimates for the current submission are based on 68 current NRC licensees and vendors subject to Part 72. As a result of this increase in the number of respondents, the number of burden hours associated with various sections has increased.

In addition, the NRC conducted a thorough review of the number of licensees subject to each section in 10 CFR 72. During this review, NRC identified and corrected a number of discrepancies related to the number of respondents. The following are examples of adjustments in respondents for specific requirements, which resulted in a substantial increase in the estimate for each requirement:

- Further review of the requirements in 72.72 (a), (b), and (c) showed that these requirements were applicable to all 63 ISFSI licensees. Previously, these requirements were assumed to apply to only two licensees. For example, in the last renewal, 72.72 (b), the provision requiring licensees with more than 1 gram of special nuclear material to conduct an annual inspection of their spent fuel, HLW and reactor-related GTCC, appeared to only apply to 2 recordkeepers, when in fact it applies to all ISFSI licensees, whether general or specific. This increase in the number of respondents for 72.72(a), (b), and (c) resulted in an increase of 9,760 hours for these three requirements.
- An update to the respondents for 72.174(c) increased the number of recordkeepers from 2 to 66. At 50 hours per recordkeeper, this resulted in an increase of 3,200 hours.

- An update to the respondents for 72.234(d) increased the number of respondents from 2 to 48. At 120 hours per recordkeeper, this increased the burden estimate for this requirement by 5,520 hours.
- A revision to the number of respondents for 72.236(k) increased the number of recordkeepers from 2 to 48. At 60 hours per recordkeeper, this resulted in an increase of 2,760 hours.

As part of the review of the requirements in Part 72, the NRC identified a number of third-party requirements which were previously included on other tables. These requirements are now separately counted as third party disclosure burden. This change did not affect the number of hours associated with each requirement, but simply changed the category of burden into which these hours fell.

The NRC has also made a change in the estimate for one of the requirements included in this package. Previously, hours for 72.16 (license application) and 72.42 (license renewal) were included as a single estimate under 72.16 of 12,732 hours. Because the NRC was not regularly receiving renewals during previous reporting periods, this method was not problematic. However, because the NRC is now regularly receiving renewal applications due to the impending expiration of initial licenses, the staff has determined that it is more accurate to break down the estimate separately for applications and renewals. It is estimated that renewals require approximately 50% of the effort of an initial application. Therefore, the estimate for a license application remains at 12,732 hours and the estimate for a license renewal is estimated to be 6,000 hours. The previous estimate for 72.16 was 1.2 responses annually (at 12,732 hours), for a total of 15,278 hours. The current estimate is 1 response annually for 72.16 (at 12,732 hours) and 1 response annually for 72.42 (at 6,000 hours annually) for a total of 18,732 hours for these requirements, an increase of 3,454 hours.

The estimated number of exemption requests in 72.7 has increased from one per year to four per year, based on a review of data from the past 3 years. These data suggest that the number of exemption requests is trending upward. This change accounts for an increase of 600 hours.

Additionally, costs have also increased because NRC's fee rate increased from \$258/hr to \$259/hr.

Level of Concurrence:            Director  
  Division of Spent Fuel Storage and Transportation  
  Office of Nuclear Material Safety and Safeguards

#### 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.

In general, information required by NRC in applications, reports, or records concerning the transfer, receipt, possession, or use of nuclear material does not duplicate other Federal information collection requirements and is not available from any source. Section 72.18 specifically provides an opportunity for the applicant to avoid repetition in filing licensing submittals. The applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Commission, provided that such references are clear and specific.

Abstract:

10 CFR Part 72 establishes mandatory requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, as well as requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials in an MRS. The information in the applications, reports, and records is used by NRC to make licensing and other regulatory determinations.

ADAMS Accession Numbers

SS: ML111040582

Package: ML111040574