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October 27, 2017

Mr. Aaron Szabo
Desk Officer
Office of Information and Regulatory Affairs (3150-0009)
NEOB-10202
Office of Management and Budget
Washington, DC 20503

Subject: Industry Comments on the Information Collection for Domestic Licensing of Special Nuclear Material (Docket ID: NRC-2017-0048)

Dear Mr. Szabo:

On behalf of the Nuclear Energy Institute's¹ (NEI) fuel cycle facility (FCF) members, we appreciate the opportunity to comment on the information collection renewal entitled "10 CFR Part 70, Domestic Licensing of Special Nuclear Material" (Docket ID NRC-2017-0048). The regulations in 10 CFR Part 70 establish requirements for licensees to own, acquire, receive, possess, use, and transfer special nuclear material. The information in the applications, reports, and records is used by the Nuclear Regulatory Commission (NRC) to make licensing and/or regulatory determinations concerning the use of special nuclear material.

A burden spreadsheet was published on www.regulations.gov (through the above referenced docket ID, under the "Supporting Documents" folder). Overall, some burden estimates were reasonably captured and this letter and attachment will not address those specific estimates as industry believes no changes are needed. However, we do believe that several of the burden estimates in Table 1 ("Annual Reporting Burden") are miscalculated by several orders of magnitude. Specific examples, with industry's suggested burden estimates, are provided in the attachment (see column 4 labelled "industry input"). We also believe that the estimates in Table 2 ("Annual Recordkeeping Burden") are generally too low. Industry offers the revised figures based on decades of historical operational and regulatory compliance experience, as well as input from technical, managerial, and regulatory affairs specialists who complete the referenced reports. It is industry's expectation that the numbers reflected in the attachment will be seriously considered to reflect the new burden estimates for Part 70 reporting and recordkeeping. At a minimum, based on industry's long

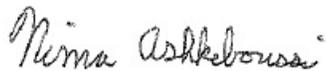
¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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experience with the time burdens for regulatory compliance, there should be much closer alignment and calibration between the NRC's estimates and the estimates suggested in this attachment.

We hope these suggested burden estimate figures better inform the renewal of this information collection, and look forward to seeing how industry's experienced input is incorporated in the final revised burden estimates. Furthermore, we hope this letter highlights the heavy administrative burden that several Part 70 requirements place on licensees. Please contact me or Hilary Lane (202-739-8148; hml@nei.org) if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nima Ashkeboussi".

Nima Ashkeboussi

Attachment

c: Mr. David Cullison, OCIO, NRC
Mr. Craig Erlanger, NMSS, NRC
Mr. Merritt (Nick) Baker, NMSS, NRC

Industry Burden Hour Estimates on the Information Collection Renewal entitled “10 CFR Part 70, Domestic Licensing of Special Nuclear Material” (Docket ID NRC-2017-0048)

Table 1: Annual Reporting Burden

Requirement	Description	Burden Hours per Response	Industry Input: Burden Hours per Response	Industry Comments
70.20a(d)	Transportation of SNM	40	60	This includes licensee time to prepare, review, and approve the plan. The amount of time required to assure that each shipment complies with the security plan would require an additional 1-2 hours per shipment to verify seals are intact, and to verify that the required notifications and acceptance of shipments are received.
70.20b(f)	Notification of shipments	4	<i>Intentionally blank</i>	The “responses per respondent” is currently 1. This is a poor estimate for the number of annual shipments (and hence notifications) that a licensee would make. Industry suggests the “responses per respondent” is changed to 200. Notifications include the time required to make notifications 10-days in advance of each shipment, notifying the operations center 2-days prior to each shipment, and notifications of any schedule changes on a secure telephone. Licensees may make 4+ shipments each week.
70.21(a), 70.22(a), 70.32(c)(1), 70.33, 70.34,	Filing an application or renewal	213	3,000	An analysis of NRC billing for the review of new applications or renewals will demonstrate the significant

70.39(a), 70.73				burden placed on licensees and applicants. For example, two licensees currently in the review process have been invoiced for approximately 6700 hours (cumulatively), and spend a considerable amount of time supplementing their renewal application based on NRC requests for additional information (RAI). The “responses per respondent” estimate of 35 is also low, due to several rounds of RAIs, and several questions in each round.
70.22(a)(9) and 70.25 Funding Plan	Decommissioning funding plan	300	550	The first DFP submittal will be the most burdensome to the licensee (industry predicts 800 hours for the first submittal, which can vary depending on the size of the facility and number of buildings involved). 300 hours for a subsequent submittal is reasonable. Industry suggests a burden estimate that reflects an average of the initial and subsequent submissions.
70.25(e) NRC licenses and 70.25(e) Agreement States	Detailed cost estimate, once every 3 years	8	160	Industry must take into consideration the 8 event adjustments and tables 6.1 through 6.8 from NUREG 1757, Vol 2
70.32(a)9	Notification of filing for bankruptcy	1	10	<i>Intentionally blank</i>
70.32(c)(2)	Control and accounting of source material	13.3	<i>Intentionally blank</i>	General comment: this estimate is too low
70.32(i)	Emergency plans	16	85	While 16 hours may be adequate for tracking changes and notifications alone, more hours are needed to make changes to

				the source documents.
70.38(e)	Financial assurance for decommissioning	40	60	<i>Intentionally blank</i>
70.50(a),(b)	Immediate and 24-hour reporting	4	24	Involves additional investigative and review time to create the report
70.50(c)(1) and (c)(2)	Contents of reports	4	120	Estimate includes hours spent on the 30-day follow-up report after an initial report is made
70.51(a)	Records for license termination	2	1,000	This increase is due to the large burden in identifying and recovering decades worth of historical files, which must be transferred to the respective NRC regional office. For several licensees, records are in hardcopy form only, which would require a dedicated team to transition files to an electronic format.
70.59	Effluent monitoring reports	5	40	<i>Intentionally blank</i>
70.72(d)(3)	ISA annual update	40	600	<i>Intentionally blank</i>
70.74(a), 70.74(b), and 10 CFR Part 70, Appendix A	Reports to ops center, written reports, reportable safety events	40	60	Increased burden hours due to written follow-up reports