

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 244
REGISTRATION CERTIFICATE - USE OF DEPLETED URANIUM
UNDER GENERAL LICENSE
(3150-0031)

REVISION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in Part 40 of Title 10 of the *Code of Federal Regulations* (10 CFR), establishes requirements for the receipt, possession, use and transfer of radioactive source and byproduct materials. Section 40.25 established a general license authorizing the use of depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device. The NRC Form 244 is used to report the receipt and transfer of depleted uranium, as required by § 40.25. The registration information required by the NRC Form 244 enables the NRC to make a determination on whether the possession, use, or transfer of depleted uranium source and byproduct material is in conformance with the NRC's regulations for the protection of public health and safety. General licensees can also use NRC Form 244 to update any of the information contained in the form, once the form is authorized by the NRC.

A. Justification

1. Need for the Collection of Information

Section 40.25(c) requires persons who receive, acquire, possess, or use depleted uranium to file NRC Form 244, "Registration Certificate - Use of Depleted Uranium Under General License," with the NRC within 30 days after first receipt of the depleted uranium under the general license in Section 40.25(a) and to report to NRC any changes to the information on NRC Form 244 within 30 days of the change (NRC staff note that in practice registrants send the NRC an NRC Form 244 with the updated information required by Section 40.25(c)(2)). The purposes of the registration requirement are: (1) to provide means of identifying the general licensee, (2) to permit the NRC to inform the general licensee of the terms and conditions of the general license upon first receipt of depleted uranium, and (3) to facilitate subsequent communication with the general licensee.

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 NRC Form 244, and if under the regulations of an Agreement State, an explanation of that fact. These documents inform the end user of the product the need to register and other requirements of the general license. The NRC has printed Section 40.25 on the back of the NRC Form 244, so that compliance with both requirements can be achieved by providing and using one piece of paper to the transferee, thus minimizing the burden for obtaining a license.

Section 40.35(d) requires that licensees for such manufacture or initial transferor of depleted uranium furnish a copy of the general license contained in Section 40.25 and a copy of the NRC Form 244, or the equivalent general license and certificate from an Agreement State, accompanied by an explanatory note, to each person to whom source material in a product or device is transferred for use pursuant to this general license. These documents inform the user of the need to register and other requirements of the general license.

2. Agency Use and Practical Utility of the Information

The information that licensees report on the NRC Form 244 is used to identify depleted uranium contained in industrial products or devices for mass-volume applications and to identify the location of the material. In addition, the form serves as a certification that the information presented in it is accurate and complete, that the registrant has developed and will maintain procedures to establish physical control over the depleted uranium, that the registrant will prevent transfer of the depleted uranium to persons not authorized to receive the depleted uranium, and will notify the regulatory authority in writing of any changes in information furnished by a registrant within 30 days.

The information on the form is reviewed by the NRC to determine that a licensee has confirmed possession and use of the depleted uranium to the locations, purposes, receipt, and quantities authorized by the general license. Furthermore, information collected through NRC Form 244 is added to the NRC's General License Tracking System.

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 is beneficial. The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. Respondents are able to submit the requested information using fillable-fillable forms and/or computer-readable formatted forms. It is estimated that approximately 100% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available to the NRC. There is no duplication of requirements.

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 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 depleted uranium. Applications for new general licenses are submitted only once and amendments are submitted and approved as appropriate. Applications for renewal of specific licenses are submitted every fifteen years. Information submitted in previous applications may be referenced without being resubmitted. The frequency of information collection is kept to a minimum necessary to assure that licensees will continue to conduct programs in a manner that will assure adequate protection of environment, public health, and safety. Conducting this information collection less frequently would result in the NRC not having the most updated information related to the licensee's possession, use, or transfer of depleted uranium.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register* on August 24, 2018 (83 FR 42946). No comments were received. As part of the consultation process, three potential respondents, X-R-I Testing, Rapiscan Systems, Inc., and Aerojet Rocketdyne, Inc. were contacted via email. These potential respondents are materials licensees who have previously applied for use of depleted uranium under a general license using NRC Form 244. None of the three potential respondents contacted via email replied to the consultation.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with the 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

This information collection process does not include sensitive questions.

12. Estimated Burden and Burden Hour Cost

a. NRC Licensees:

The average number of annual respondents is 1 (3 respondents /3 years). Based on these estimates, the annual industry burden will be 1 hour. Registrants are required by 10 CFR Part 40.25(c)(2) to submit a report to the Office of Nuclear Material Safety and Safeguards when the information on NRC Form 244 changes. In practice, the NRC staff have observed that

registrants send the NRC an NRC Form 244 with the updated information required by Section 40.25(c)(2). Therefore, the updated forms from current registrants are counted in the estimated burden along with the forms from first-time registrants. The annual reporting cost for affected NRC licensees will be \$263 (1 hour per year x \$263/hr). The annual recordkeeping burden for affected NRC licensees is \$53 (1 recordkeeper x 10 min x \$263/hr). Any records storage costs associated with this information collection is included in the recordkeeping burden. 10 CFR 40.25 does not indicate a retention period for NRC Form 244. Therefore, the licensee should keep the form for the life of the license, as indicated in 10 CFR 40.61(b). For licensees who file NRC Form 244, the life of the license would mean until the licensee transfers all material and will no longer receive or possess industrial products or devices containing depleted uranium.

Licensees who manufacture or initially distribute depleted uranium are required to furnish a copy of the general license contained in Section 40.25 and a copy of the NRC Form 244, or the equivalent general license and certificate from an Agreement State to each person to whom source material in a product or device is transferred for use pursuant to this general license. The annual third party disclosure cost for NRC licensees is equal to \$132 (1 disclosing licensee x 30 min x \$263/hr). This information is summarized in chart form below.

Reporting Burden (NRC Licensees)					
No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost at \$263/hr
1.0	1.0	1.0	1.0	1.0	\$263

Recordkeeping Burden (NRC Licensees)			
Number of Recordkeepers	Burden Per Recordkeeper	Total Annual Burden Hours	Cost at \$263/hr
1.0	0.2	0.2	\$53

Third Party Disclosures (NRC Licensees)					
No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost at \$263/hr
1.0	1.0	1.0	0.5	0.5	\$132

b. Agreement State Licensees:

The NRC estimates that there is approximately 6.5 times the number of Agreement State licensees as there are NRC licensees. This estimate based on the estimate of 2,622 NRC byproduct material licenses (including NRC Master Material License permits) and 17,017 Agreement State licenses. The number of Agreement State responses is estimated from the number of NRC responses times the 6.5 ratio of Agreement State licenses to NRC licenses. Therefore, the number of Agreement State responses is equal to 6.5 responses (1 NRC response x 6.5 ratio).

Based on this estimates, the annual reporting cost for all affected Agreement State licensees will be \$1,710 (6.5 hours x \$263/hr). The recordkeeping cost will be equal to \$342 (6.5 recordkeepers x 10 min x \$263/hr). The NRC estimates that 3 Agreement State licensees may have to comply with third party disclosures. The annual third party disclosure cost for Agreement State licensees is equal to \$395 (3 disclosing licensees x 30 min x \$263/hr). This information is summarized in chart form below.

Reporting Burden (Agreement State Licensees)					
No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost at \$263/hr
6.5	1.0	6.5	1.0	6.5	\$1,710

Recordkeeping Burden (Agreement State Licensees)			
Number of Recordkeepers	Burden Per Recordkeeper	Total Annual Burden Hours	Cost at \$263/hr
6.5	0.2	1.3	\$342

Third Party Disclosures (Agreement State Licensees)					
No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost at \$263/hr
3.0	1.0	3.0	0.5	1.5	\$395

c. Total:

The total annual burden is estimated to be 11.0 hours (1.7 NRC licensee hours + 9.3 Agreement State hours) to report the receipt and transfer of depleted uranium under general license as required by 10 CFR 40.25. The burden estimates are based on actual submittals to NRC in the past years. The total cost for NRC Licensees and Agreement State Licensees would be \$2,893 (11.0 hours x \$263/hr). This rate is based on NRC's fully recoverable fee rate.

The total burden and burden cost for NRC and Agreement State Licensees is based on reporting, recordkeeping, and third party disclosures. Licensees who manufacture or initially distribute depleted uranium are required to furnish a copy of the general license contained in Section 40.25 and a copy of the NRC Form 244, or the equivalent general license and certificate from an Agreement State to each person to whom source material in a product or device is transferred for use pursuant to this general license. Therefore, these licensees would incur in recordkeeping and third party disclosure costs.

Burden Total for NRC and Agreement State Licensees			
	Responses/Recordkeepers/Disclosures	Burden	Cost @\$263/hr
Reporting	7.5	7.5	\$1,973
Recordkeeping	7.5	1.5	\$395
Third Party Disclosure	4.0	2.0	\$526
TOTAL	19.0	11.0	\$2,893

The \$263 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the *Federal Register* notice at: 82 FR 30682; June 30, 2017.

13. Estimate of Other Additional Costs

There are no additional costs associated with this information collection.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

The annual cost for the NRC to review NRC Form 244 is estimated to be 0.5 hours (0.50 hours/report x 1 reports/year) x \$263/hour, or \$132. The majority of the cost for review of NRC Form 244 is associated with review of information and certification regarding depleted uranium. This cost also encompasses operational expenses related to filing and recordkeeping of the form, as well as processing of the form and postage to return the processed form to the licensee.

15. Reasons for Change in Burden

The overall burden increased 9.6 hours, from 9.4 to 19.0 hours, as shown below.

	CHANGE IN BURDEN AND RESPONSES - ALL LICENSEES					
	PREVIOUS REQUEST		CURRENT REQUEST		CHANGE	
	Burden	Responses	Burden	Responses	Burden	Responses
Reporting	9.4	9.4	7.5	7.5	-1.9	-1.9
Recordkeeping	0	0	7.5	1.5	7.5	1.5
Third party disclosure	0	0	4.0	2.0	4.0	2.0
Total	9.4	9.4	19.0	11.0	9.6	1.6

The number of registration certificates submitted annually by NRC licensees has decreased from 1.3 certificates to 1 certificate, a decrease of approximately 0.3 hours (1 certificate x 1 hour per certificate). The number of registration certificates submitted by Agreement State licensees has been estimated to have decreased from 8.1 to 6.5, a decrease of approximately 1.6 hours (6.5 certificates x 1 hour per certificate = 6.5 hours). The decrease in form submissions may also be attributed to natural fluctuations in the needs of NRC

and Agreement State licensees and license applicants from year-to-year. This explains the decrease in reporting burden for NRC and Agreement State licensees.

The increase in overall burden can be attributed to increased recordkeeping and third party disclosures for both NRC and Agreement States. 10 CFR Part 40 requires that licensees keep NRC Form 244 for the life of the license. Therefore, this requirements creates a recordkeeping burden for all licensees who file an NRC Form 244. Data contained in the NRC's Web Based Licensing System shows active licenses for some licensees who manufacture or transfer industrial devices with depleted uranium. Based on this data, some licensees should furnish copies of this form to their customers. This would also apply to Agreement State manufacturers and distributors of industrial devices containing depleted uranium.

The change in cost also reflects a decrease in the annual labor cost for material licensees from \$268 to \$263 per hour.

16. Publication for Statistical Use

Results will not be tabulated or published. The number of responses is so low that any results from a statistical study would not be statistically significant.

17. Reason for Not Displaying the Expiration Date

No exception is necessary, as the expiration date is displayed on NRC Form 244.

18. Exceptions to the Certification Statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.