

Request for OMB Review

PDR

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OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department, agency and Bureau/office originating request

U. S. Nuclear Regulatory Commission

2. Agency code

3 1 5 0

3. Name of person who can best answer questions regarding this request

R. L. O'Connell

Telephone number

(301) 504-2627

4. Title of information collection or rulemaking

10 CFR Part 40 - Domestic Licensing of Source Material

and

NRC Form 484 - Sample Format for Reporting Detection Monitoring Data

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)

42 USC 2201(o)

6. Affected public (check all that apply)

1 Individuals or households

3 Farms

5 Federal agencies or employees

2 State or local governments

4 Businesses or other for-profit

6 Non-profit institutions

7 Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)

_____ or None assigned

8. Type of submission (check one in each category)

Classification

1 Major

2 Normal

Stage of development

1 Proposed or draft

2 Final or interim final, with prior proposal

3 Final or interim final, without prior proposal

Type of review requested

1 Standard

2 Pending

3 Emergency

4 Statutory or judicial deadline

9. CFR section affected

CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320?

Yes No

11. If a major rule, is there a regulatory impact analysis attached?

1 Yes 2 No

If No, did OMB waive the analysis?

3 Yes 4 No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official

Date

Signature of authorized regulatory contact

Date

12. (OMB use only)

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PDR ORG EUSOMB
PDR

230029

DF02 0/1

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Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request U. S. Nuclear Regulatory Commission	2. Agency code 3 1 5 0
3. Name of person who can best answer questions regarding this request Steve Baggett	Telephone number (301) 504-2542
4. Title of information collection or rule making NRC Form 244, "Registration Certificate - Use of Depleted Uranium Under General License"	

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)
42 USC 2201(a) or _____

6. Affected public (check all that apply)

1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	5 <input checked="" type="checkbox"/> Federal agencies or employees
2 <input checked="" type="checkbox"/> State or local governments	4 <input checked="" type="checkbox"/> Businesses or other for-profit	6 <input checked="" type="checkbox"/> Non-profit institutions
		7 <input checked="" type="checkbox"/> Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN):
_____ or, None assigned

8. Type of submission (check one in each category)	Stage of development	Type of review requested
Classification 1 <input type="checkbox"/> Major 2 <input type="checkbox"/> Nonmajor	1 <input type="checkbox"/> Proposed or draft 2 <input type="checkbox"/> Final or interim final, with prior proposal 3 <input type="checkbox"/> Final or interim final, without prior proposal	1 <input type="checkbox"/> Standard 2 <input type="checkbox"/> Pending 3 <input type="checkbox"/> Emergency 4 <input type="checkbox"/> Statutory or judicial deadline

9. CFR section affected
_____ CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? Yes No

11. If a major rule, is there a regulatory impact analysis attached? 1 Yes 2 No
If No, did OMB waive the analysis? 3 Yes 4 No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

12. (OMB use only)

PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less

"Radiation Safety, Radioactive Materials"

NRC Form 244 is used to report receipt and transfer of depleted uranium under the general license in 10 CFR 40.25(a).

14. Type of information collection (check only one)

Information collections not contained in rules

- 1 Regular submission 2 Emergency submission (certification attached)

Information collections contained in rules

- 3 Existing regulation (no change proposed) 6 Final or interim final without prior NPRM: 7 Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year) _____
 4 Notice of proposed rulemaking (NPRM) A Regular submission
 5 Final NPRM was previously published B Emergency submission (certification attached)

15. Type of review requested (check only one)

- 1 New collection 4 Reinstatement of a previously approved collection for which approval has expired
 2 Revision of a currently approved collection 5 Existing collection in use without an OMB control number
 3 Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

16. Agency report form number(s) (include standard/optional form number(s))

NRC Form 244

22. Purpose of information collection (check as many as apply)

- 1 Application for benefits
 2 Program evaluation
 3 General purpose statistics
 4 Regulatory or compliance
 5 Program planning or management
 6 Research
 7 Audit

17. Annual reporting or disclosure burden

1 Number of respondents	40
2 Number of responses per respondent	1
3 Total annual responses (line 1 times line 2)	40
4 Hours per response	1
5 Total hours (line 3 times line 4)	40

23. Frequency of recordkeeping or reporting (check all that apply)

- 1 Recordkeeping
Reporting
 2 On occasion
 3 Weekly
 4 Monthly
 5 Quarterly
 6 Semi-annually
 7 Annually
 8 Bi-annually
 9 Other (describe) _____

18. Annual recordkeeping burden

1 Number of recordkeepers	
2 Annual hours per recordkeeper	
3 Total recordkeeping hours (line 1 times line 2)	
4 Recordkeeping retention period	years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	40
2 In current OMB inventory	3
3 Difference (line 1 less line 2)	+37
Explanation of difference	
4 Program change	
5 Adjustment	+37

24. Respondents' obligation to comply (check the strongest obligation that applies)

- 1 Voluntary
 2 Required to obtain or retain a benefit
 3 Mandatory

20. Current (most recent) OMB control number or comment number

3150-0031

21. Requested expiration date

3 years from approval date

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? Yes No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? Yes No

27. Regulatory authority for the information collection

10 CFR 40.25(a), 40.35(d) or FR _____ or Other (specify) _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official	Date
Signature of agency head, the senior official or an authorized representative Gerald F. Cranford, Designated Senior Official for Information Resources Management	Date 3/18/94

SUPPORTING STATEMENT

FOR

10 CFR PART 40
DOMESTIC LICENSING OF SOURCE MATERIAL
(3150-0020)

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

AND

NRC FORM 484
SAMPLE FORMAT FOR REPORTING DETECTION MONITORING DATA
(3150-0020)

EXTENSION REQUEST
WITH REVISED ESTIMATE OF BURDEN

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.

A. Justification

Need for and Agency Use of the Information Collection

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

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. The codification of this full disclosure requirement should not result in significant additional burdens on applicants or licensees. No formal program is required. What is expected is that licensees will maintain a professional attitude toward safety and that if some potential safety information is identified by the licensee, the information will be provided freely and promptly to the NRC so that the agency can evaluate it and act on it if necessary.

Section 40.23 imposes requirements which are necessary to permit the United States to comply with its obligations as a signatory to the Convention on the Physical Protection of Nuclear Material (the Convention). The purpose of the Convention 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 40.23(b) requires that carriers of transient shipments of natural uranium under the general license in Section 40.23(a) provide advance notification to NRC concerning the shipments at least 10 days before transport. Section 40.23(c) requires that such carriers notify NRC of unscheduled stops at United States ports. Section 40.23(b)(2)(ix) 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. Section 40.23(d) provides that a licensee may amend a notification by telephone.

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

Section 40.25(c) requires persons to file NRC Form 244, "Registration Certificate - Use of Depleted Uranium Under General License," with the NRC within 30 days after first receipt of depleted uranium under the general license in Section 40.25(a) and to report any changes to the information on Form 244 within 30 days of the change. The purposes of the registration requirement are: (1) to provide means of identifying the general licensee, (2) to permit 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.

The use of NRC Form 244 is covered under OMB clearance number 3150-0031. The information collection burden data for Form 244 is provided separately in the burden table in this supporting statement.

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. These documents inform the user of the need to register and other requirements of the general license. NRC has printed Section 40.25 on the back of Form 244, so that both requirements can be met by providing one piece of paper to the transferee, thus minimizing the burden for licensees.

Section 40.25(d)(4) requires persons to report in writing to the NRC Director of the Division of Nuclear Material Safety, 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 will be 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 Division of Low-Level Waste Management and Decommissioning 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 followup 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 followup 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 rule 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 provided below under the section on 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 the 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 the 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. Applications for facility licenses are generally more complex and will require the use of attachment sheets to provide the detailed information required.

The NRC licensing staff will review the information to assess the adequacy of the applicant's training, experience, equipment, physical plant and procedures and plans for protection of the public health and safety, the common defense and security, and the environment. The NRC review and the findings derived therefrom form the basis for NRC licensing decisions related to source material.

The use of NRC Form 313 has previously been approved by OMB under clearance number 3150-0120, which should be referred to for information collection burden and supporting data.

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. Such additional information is sometimes needed to clarify information submitted in the application, or to rectify deficiencies in proposed or existing programs for protection of the public health and safety, the common defense and security, or the environment.

The additional information submitted is reviewed by various NRC organizational units to assess the adequacy of the applicant's training, experience, equipment, physical plant, procedures and plans for protection of the public health and safety, common defense and security, and the environment. The NRC review and the findings derived therefrom form the basis for NRC decisions concerning the issuance, modification, or revocation of the licenses for source and byproduct material.

The application is only submitted for the initial license and for renewals every five years thereafter. Requests for additional information are only issued as necessary to complete or clarify the information submitted in the application or to rectify deficiencies in proposed programs, or to determine whether it may be necessary to modify or revoke a license in order to assure the protection of public health and safety, common defense and security, or the environment.

The application process requires that licensees and applicants perform a comprehensive review of their entire radiation safety and other programs appropriate to the licensed activity, to assure that all activities will be or are being conducted safely and in accordance with NRC regulations. The review and submission of the information required on the application form and additional statements are essential to NRC's determination of whether the applicant has training, experience, equipment, facilities, and procedures for the receipt, use possession, transfer, or delivery of source or byproduct material that are adequate to protect the public health and safety, common defense and security, and the environment. Depending on the complexity of the applicant's operation, the completion of any additional information needed for this determination may require from one to forty hours of the applicant's time. The vast majority will be on the low end of that range. For purposes of estimating the burden, it has been assumed that 30 licensees will require

one hour each, 40 licensees will require two hours each, and that one licensee will require 40 hours to respond.

Section 40.31(f) requires that an application for a license to possess and use source material for uranium milling, production of uranium hexafluoride, commercial waste disposal by land burial, 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.

The NRC staff will review the information submitted by applicants to assure that it is complete and to consider and balance alternatives for the project in order to best protect the environment.

Facilities for uranium milling, production of uranium hexafluoride, commercial waste disposal, or the other activities covered by this section are generally large and complex and have the potential to significantly affect the quality of the human environment. NRC's consideration of environmental effects and balancing of alternatives for the project, as mandated by the National Environmental Policy Act of 1969 (NEPA), requires the submission by the applicant of a comprehensive and detailed environmental report.

This section refers to and requires the submission of information pursuant to 10 CFR Part 51. The supporting information concerning the collection of the information, the burden imposed on respondents, and cost to the Government, is contained in the Supporting Statement for 10 CFR Part 51, OMB Clearance Number 3150-0021, which should be referred to for information collection burden and supporting data.

Section 40.31(g)

The United States, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has joined with other nations in an effort to limit the spread of nuclear weapons. To encourage widespread adherence to the NPT by non-nuclear-weapon States, which would be committed to accept the application of safeguards administered by the International Atomic Energy Agency (IAEA), President Johnson in 1967 announced that the United States would permit IAEA to apply its safeguards to nuclear activities in this country - excluding only those with direct national security significance. This policy has been reaffirmed by each succeeding President and has been referred to by other governments as a consideration affecting their decision to ratify the NPT.

The instrument for applying IAEA safeguards in the United States is a formal Agreement. The US/IAEA Agreement contains provisions which parallel agreements between IAEA and non-nuclear-weapon States, the principal difference being the exclusion of national security activities. Implementation of the Agreement requires the cooperation of NRC licensees, in accordance with 10 CFR Part 75 and amendments to 10 CFR Parts 40, 50, 70, 150, and 170.

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. The information includes a description of the general design of the installation in reference to flow of nuclear material, a description of features of the installation relating to material accounting, containment and surveillance, and a description of the existing and proposed procedures of the installation for nuclear material accounting and control.

The NRC staff will review the information submitted by applicants to determine if it is complete and meets the requirements set out in 10 CFR 75, Section 75.11. The information will then be furnished to the IAEA.

This section refers to and requires the submission of information pursuant to 10 CFR Part 75 and IAEA Form N-71. The supporting information concerning the collection of the information, the burden imposed on respondents, and cost to the Government, is contained in the Supporting Statements for 10 CFR Part 75, OMB Clearance Number 3150-0055, and IAEA Form N-71, OMB Clearance Number 3150-0056, which should be referred to for information collection burden and supporting data.

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 formally 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 the public health and safety, as well as the environment.

Information collection burdens and supporting data are provided below under the section on Appendix A.

Section 40.31(i) provides that, as required by Section 40.36, certain applications 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 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 the public health and safety through features to minimize or protect against release 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 such manufacture or initial transfer furnish a copy of the general license contained in Section 40.25 and a copy of 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 the general license. These documents inform the user of the need to register and other requirements of the general license. NRC has printed Section 40.25 on the back of Form 244, so that both requirements can be met by providing one piece of paper to the transferee, thus minimizing the burden for licensees.

Section 40.35(e)

Sections 40.35(e)(1) and (2) require 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 the Office of Nuclear Material Safety and Safeguards or to the responsible Agreement State agency, as appropriate, all transfers of industrial products or devices to persons for use under the general license in Section 40.25 or the equivalent Agreement State license. The report must be submitted within 30 days of the end of the calendar quarter. Section 40.35(e)(3) requires that such licensees keep records for a period of three years showing the name, address, and point of contact for each such 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 the health and safety of the public is being maintained.

Section 40.35(f) requires that licensees required to submit emergency plans under § 40.31(i) must furnish to NRC and to offsite response organizations, within 6 months of the change, a copy of a change which does not decrease the effectiveness of the plan. The section requires that licensees submit an application to NRC for approval of any change 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 sets forth the requirements for financial assurance and recordkeeping for decommissioning. Sections 40.36 (a) and (b) specify which licensees are required to submit a certification or funding plan. Section 40.36(c) specifies criteria for required submittal of a decommissioning funding plan or certification. Section 40.36 (d) contains specifications regarding content of the funding plan. Section 40.36(e) specifies acceptable methods for providing for financial assurance either through a certification or funding plan. Section 40.36(f) requires that licensees keep records important to the safe and effective decommissioning of the facility until the license is terminated by the Commission. Section 40.36(f)(1) requires that licensees keep 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. 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. 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) identification of all restricted areas where licensed materials were used or stored, all areas outside of restricted areas where documentation is required under Section 40.36(f)(1) for unusual occurrences or spills, and all areas outside of restricted areas where waste has been buried or containing material such that, if the license expired, the licensee would be required to decontaminate the area or seek special approval for disposal. This listing 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.

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 the 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 NRC by mail immediately following the commencement of a bankruptcy proceeding by or against the licensee. No action is required of a licensee unless and until a bankruptcy petition is filed.

Notification of the NRC in cases of bankruptcy would alert the Commission so that it may deal with potential hazards to the 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(b) requires each holder of a specific license under Part 40 to notify the Commission in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license.

The requirement is necessary because previously NRC sometimes did not discover that a licensee had discontinued a licensed program, and perhaps even vacated the premises, until an inspection which, depending on the licensee's operations, could take place at up to five year intervals. The NRC needs to 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.

Submission of this report allows the NRC staff to communicate with the licensee to determine whether the licensee has materials on hand which must be transferred or otherwise disposed of prior to expiration of the license and, if materials have been transferred or disposed of, to determine whether transfer or disposition of the materials has been in accordance with NRC regulations. This, together with other information, forms the basis for the determination by NRC that the facility has been cleared of all radioactive material before the facility is released for unrestricted use.

Section 40.42(c) and (d) specify procedures for terminating licensee responsibility for nuclear materials and codify information requirements pertaining to licensee termination.

Licensees are to submit a final radiation survey report to show radiological conditions at the nuclear facility. In those cases where it can be shown that there was no detectable contamination attributable to activities conducted under the license, a certification to that effect is to be submitted. In those cases where the radiation survey report indicates that levels of residual contamination are too high for unrestricted release, further remediation would be required.

The information is reviewed by the NRC licensing and inspection staff to ensure that there is no significant risk to public health and safety before a licensee's responsibility for nuclear materials is terminated.

Section 40.42(c)(2)(iii)(D) requires that all source material licensees that require a decommissioning plan must submit the information required by §40.36(f)(3) and any other information required by §40.36(f) that the licensee considers necessary to support the adequacy of the decommissioning plan for approval. This is a one-time submittal at the time of license termination. This information is needed by NRC to ensure that no future user of the site will be inadvertently exposed to radiation.

Section 40.42(c)(3) requires that licensees that are required to have a decommissioning plan must submit final survey information, must certify disposition of accumulated wastes from decommissioning, and must include a list containing the location and description of all equipment that was

contaminated when final decommissioning was initiated that is to remain onsite after license termination. The information is needed by NRC and the Agreement States to ensure that the site is suitable for release for unrestricted use, that decommissioning wastes have been disposed of, and that all equipment left onsite is releasable for unrestricted use so that any future user of such equipment will not be inadvertently exposed to radiation.

Sections 40.43 and 40.44 require that applications for renewal of a license or amendment of a license be filed in accordance with Section 40.31. The burden and cost data for these applications for renewal or amendment have been included in the supporting data for NRC Form 313, "Application for Material License," OMB No. 3150-0120, which should be referred to for information collection burden and cost data.

Sections 40.51(c) and (d). 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 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. Licensees must report contamination events in which access to an area must be restricted for more than 24 hours because of contamination. It is important that NRC be notified in such cases because accidental contamination events increase radiation exposure and the risk of ingesting radioactive material. Licensees are required to report events in which equipment necessary to prevent uncontrolled releases of radioactive material, to prevent overexposure to radiation, or to mitigate the consequences of an accident is disabled or fails to function as designed. This includes procedural errors, equipment failure, equipment damage, etc. This notification is necessary in situations in which there are no backup systems available to protect public health and safety. Notification is not required for an individual component failure if redundant systems are operable and available to automatically perform the required function. Licensees are required to report events that require medical treatment of a radioactively contaminated individual at a medical facility. Such events are significant because they may: (1) indicate safety problems in a licensed operation, (2) risk internal contamination through open wounds, and (3) 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. Licensees are also required to report all fires and 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. In addition to the telephone report, licensees must make a written followup report within 30 days which includes, in addition to descriptive information, an evaluation of the probable cause and a description of corrective actions taken or planned.

Section 40.61 requires each person who receives source or byproduct material pursuant to a license issued under this part to keep records showing the receipt, transfer, and disposal of such source or byproduct 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. Section 40.61(a)(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 to make the records required by Part 40 account for 100 percent of the material.

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.

NRC licensees with 10 CFR Part 40 source material licenses range from licensees with small quantities of source material for research and development to major users such as uranium mills and UF6 production plants. The information collection and record retention requirements vary, correspondingly, from minimal for those licensees with small possession limits, limited programs and few material transfers, to substantial for UF6 production and uranium milling licensees.

The information contained in the records retained by the licensees is periodically examined by NRC inspectors to determine if the licensee has complied with the requirements of the regulations and specific license conditions.

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 of foreign origin, or who imports or exports 1 kilogram or more of uranium or thorium of any origin, to complete and distribute DOE/NRC Form 741, "Nuclear Material Transaction Report." This report is required in order for the United States to fulfill its responsibilities under the US/IAEA Safeguards Agreement. Accounting reports for each IAEA material balance area must include inventory change reports showing all changes in the inventory of nuclear material.

One copy is sent to NRC by the shipper and three copies of the form are required to be sent to the receiver no later than the following business day. The receiver completes the form and sends one completed copy to NRC and one to the shipper within 10 days of receipt of the material.

NRC has published a proposed rule which would amend Section 40.64 to require that licensees complete and submit a Nuclear Material Transaction Report in computer readable form in accordance with instructions in NUREG/BR-0006 and NMMSS Report D-24. The proposed rule has previously been approved by OMB under OMB Clearance Numbers 3150-0003 and 3150-0057. It is described here only for information. The clearance request for the proposed rule should be referred to for more detailed description, supporting justification, and burden and cost data.

The use of DOE/NRC Form 741, and its continuation page, Form 741A, has been previously approved by OMB under clearance number 3150-0003, which should be referred to for information collection burden and supporting data.

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 (NMMSS), 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.

The response will take about two hours to prepare, but only one report per licensee is required per year. To decrease the time by requiring less information would result in the deletion of essential information.

Section 40.64(c) requires that each licensee who is authorized to possess uranium or thorium pursuant to a specific license shall 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.

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.

While no such report has ever been necessary, an initial report should take less than thirty minutes and a followup report should take about two hours.

Section 40.65

Effluent monitoring reporting requirements in Section 40.65 require each licensee authorized to engage in uranium milling or the production of uranium hexafluoride 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 will 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

Section 40.66(a) requires that licensees authorized to export natural uranium, other than ore or 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 information identifying the shipper, receiver and carrier, describing the shipment, the itinerary and schedule, and 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 is furnished to the Department of Transportation so it can notify countries through which the material passes, in accordance with the Convention 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

Section 40.67(a) requires that licensees authorized to import natural uranium, other than ore or 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 40.66(b) requires that the notification include information identifying the shipper, receiver and carrier, describing the shipment, and the itinerary and schedule. Section 40.66(c) requires that the licensee notify NRC when the shipment is received at the receiving facility. Section 40.66(d) provides that a licensee may amend a prior notification by telephone.

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

Appendix A

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 the 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.

The information required for new licenses is specific to the proposed site, facility design, and operating procedures. Facilities for uranium milling can be large and complex and have the potential to significantly affect the quality of the human environment. NRC's consideration of environmental effects and balancing of alternatives for the project, as mandated by NEPA and UMTRCA, requires the submission by the applicant of comprehensive and detailed programs for meeting the criteria of Appendix A.

NRC has published a proposed rule which would amend Appendix A to conform to proposed regulations published by the Environmental Protection Agency amending 40 CFR 190 Subpart D. The proposed rule would add to Criterion 6 of Appendix A a requirement for a one-time 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 would be required to 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 would be required to maintain records documenting the analysis until termination of the license.

The proposed rule would also add new Criterion 6A, requiring 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. It would provide that

licensees could submit requests to NRC for extensions of time for performance of milestones, and would permit licensee submission of 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.

The proposed rule has previously been submitted to OMB for approval under OMB Clearance Number 3150-0020. It is described here only for information. The clearance request for the proposed rule should be referred to for more detailed description, supporting justification, and burden and cost data.

Criterion 5D of Appendix A requires that, 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.

Criterion 8 of Appendix A requires that the licensee must check and record in a log hourly all parameters of the yellowcake stack emission control equipment operation, and retain the log as a record for three years. 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. 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.

Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. Indeed, use of automated information technology is encouraged and, under a pending proposed rule, automated submission of certain nuclear material transaction data will be required. However, because of the types of information and the infrequency of submission, many of the applications and reports do not lend themselves readily to the use of automated information technology for submission.

Effort to Identify Duplication

The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found.

Effort to Use Similar Information

There is no similar information available to the NRC.

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.

Consequences of Less Frequent Collection

Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments are submitted only once. Applications for renewal of licenses are submitted every five 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 the public health and safety.

Circumstances Which Justify Variation from OMB Guidelines

Contrary to the OMB Guidelines in 5 CFR 1320.6(f), Section 40.9(b) requires that licensees submit a notification to NRC in less than thirty days from the date of identifying information having significant implications for the 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 the public health and safety.

Section 40.25(d)(4) requires persons to report in writing to the NRC Director of the Division of Nuclear Material Safety, 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 Low-Level Waste Management and Decommissioning 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 followup emergency response, cleanup and decontamination activities and standards, and also later failure analysis.

Contrary to the OMB Guidelines in 5 CFR 1320.6(f), 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.

Contrary to the OMB Guidelines in 5 CFR 1320.6(f), Section 40.41(f) requires that licensees submit a notification to NRC in less than thirty days from the date of 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 the 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 distribute DOE/NRC Form 741, "Nuclear Material Transaction Report." One copy is sent to NRC by the shipper and three copies of the form are required to be sent to the receiver no later than the following business day. The receiver completes the form and sends one completed copy to NRC and one to the shipper within 10 days of

receipt of the material. The requirement to transmit the form 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. The requirement for more than two copies is necessary so that the shipper, receiver, and NRC will all receive a completed copy for accountability of the nuclear material.

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.

Consultations Outside the NRC

There have been no consultations outside the agency since the previous clearance of these information collection requirements.

Confidentiality of Information

None, except for proprietary information.

Sensitive Questions

None.

Publication for Statistical Use

None.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.

Estimate of Compliance BurdenReporting Requirements

<u>Section</u>	<u>No. of Responses Annually</u>	<u>Hours Per Submittal</u>	<u>Total Annual Burden (Hrs)</u>
40.9(b)	35	1	35
40.23	8	1	8
40.25(c)	- See NRC Form 244, OMB Clearance No. 3150-0031		
40.25(d)(3)	- See NRC Form 244, OMB Clearance No. 3150-0031		
40.25(d)(4)	2	0.5	1
40.26(c)(2)	1	2	2
40.26(d)	- Included under Appendix A, below		
40.27(c)(3)	2	8	16
40.27(c)(5)	0.2	2	0.4
40.31(a)	- See OMB Clearance No. 3150-0120		
40.31(b)	71	2.11	150
40.31(f)	- See OMB Clearance No. 3150-0021		
40.31(g)	- See OMB Clearance Nos. 3150-0055 and 3150-0056		
40.31(h)	- Included under Appendix A, below		
40.31(i)	- Included under Section 40.36, below		
40.31(j)(1)	1	160	160
40.31(j)(3)(viii)	- Included in Section 40.31(j)(1)		
40.35(b)	50	1	50
40.35(d)	- See NRC Form 244, OMB Clearance No. 3150-0031		
40.35(e)	4	0.75	3
40.35(f)	1	80	80
40.36 DFPs	17	160	2,720
Certifications	3	40	120
40.41(f)	1	0.5	0.5
40.42(b)	30	0.5	15
40.42(c)&(d)	15	8	120

Reporting Requirements (continued)

<u>Section</u>	<u>No. of Responses Annually</u>	<u>Hours Per Submittal</u>	<u>Total Annual Burden (Hrs)</u>
40.42(c)(2)(iii)(D) - Included in 40.36(f)(3)			
40.42(c)(3)	6	2	12
40.43	- See OMB Clearance No. 3150-0120		
40.44	- See OMB Clearance No. 3150-0120		
40.60	30	4	120
40.64(a)	- See OMB Clearance No. 3150-0003		
40.64(b)	180	2	360
40.64(c)	0	2.5	0
40.65	60	15	900
40.66	- Included in 40.23, above		
40.67	- Included in 40.23, above		
Appendix A	60	40	2,400
[Proposed Rule, Criterion 6 & 6A]*	[4]	[140]	[560]
TOTAL	<u>577</u>	(169 respondents)	<u>7,273</u>

Recordkeeping Requirements

<u>Section</u>	<u>No. of Records</u>	<u>Annual Hours per Record</u>	<u>Total Recordkeeping Hours</u>
40.26(c)(2)	109,500	0.05	5,475
40.35(e)(3)	0	0.3	0
40.36(f)	1,270	1.5	1,905
40.51(c)&(d)	169	3.5	591.5

Recordkeeping Requirements (continued)

<u>Section</u>	<u>No. of Records</u>	<u>Annual Hours per Record</u>	<u>Total Recordkeeping Hours</u>
40.61	8,000	0.1	800
Appendix A	90	40	3,600
[Proposed Rule, Criterion 6 & 6A]*	[4]	[16]	[64]
Total Number of Recordkeepers:		169	
Total Record Keeping Hours Annually:		12,372	
TOTAL ANNUAL BURDEN HOURS:		19,645	

NRC Forms 244 and 484

	<u>No. of Responses Annually</u>	<u>Hours Per Submittal</u>	<u>Total Annual Burden (Hrs)</u>
NRC Form 244	40	1	40
NRC Form 484	- Included in 40.65, above		

* Data for Proposed Rule amending Appendix A included for information only. Numbers not included in totals

Estimated Cost to Public to Respond

<u>Section</u>	<u>Cost to Respond</u>
40.9(b)	\$4,620
40.23	\$1,056
40.25(c)	- See NRC Form 244, OMB Clearance No. 3150-0031
40.25(d)(3)	- See NRC Form 244, OMB Clearance No. 3150-0031
40.25(d)(4)	\$132
40.26(c)(2)	\$722,964
40.26(d)	- Included under Appendix A, below
40.27(c)(3)	\$2,112
40.27(c)(5)	\$53
40.31(a)	- See OMB Clearance No. 3150-0120
40.31(b)	\$19,800
40.31(f)	- See OMB Clearance No. 3150-0021
40.31(g)	- See OMB Clearance Nos. 3150-0055 and 3150-0056
40.31(h)	- Included under Appendix A, below
40.31(i)	- Included in 40.36
40.31(j)(1)	\$21,120
40.31(j)(3)(viii)	- Included in 40.31(j)(1), above
40.35(b)	\$6,600
40.35(d)	- See NRC Form 244, OMB Clearance No. 3150-0031

Estimated Cost to Public to Respond (continued)

<u>Section</u>	<u>Cost to Respond</u>	
40.35(e)	\$396	
40.35(f)	\$10,560	
40.36	\$374,880	
40.36(f)(3)	\$38,412	(@ \$66/hr - clerical)
40.41(f)	\$66	
40.42(b)	\$1,980	
40.42(c)&(d)	\$15,840	
40.42(c)(2)(iii)(d)	-	Included in 40.36(f)(3)
40.42(c)(3)	\$1,584	
40.43	-	See OMB Clearance No. 3150-0120
40.44	-	See OMB Clearance No. 3150-0120
40.51(c)&(d)	\$78,078	
40.60	\$15,840	
40.61	\$105,600	
40.64(a)	-	See OMB Clearance No. 3150-0003
40.64(b)	\$47,520	
40.64(c)	0	
40.65	\$118,800	
40.66	-	Included in 40.23
40.67	-	Included in 40.23
Appendix A	\$792,000	
[Proposed Rule, Criterion 6 & 6A]*	[\$82,368]	
TOTAL	<u>\$2,380,013</u>	

NRC Form 244 \$5,280

NRC Form 484 - Included in 40.65

* Data for Proposed Rule amending Appendix A included for information only. Numbers not included in totals

Source of Burden and Cost Data and Method of Estimating Cost

The estimates are based on submittals to NRC in past years. Cost to licensees and applicants is calculated at a rate of \$132 per hour for professional staff and \$66 per hour for clerical time. This figure includes both salaries and overhead.

Reason for Change in Burden

The overall burden estimate for 10 CFR Part 40 has increased, primarily because of the addition of burden estimates for decommissioning funding plans or financial assurance certifications and the addition of burden estimates for emergency plans for UF⁶ plants. There has been a decrease in the estimate of the number of labelings or markings of industrial products or devices containing depleted uranium under §40.35(b). The burden estimate for Form 244 has increased because a greater number of forms are being received. This has resulted from increased followup by the NRC staff with vendors and users, resulting in increased compliance.

Estimate of Cost to the Federal Government

Annual Cost - NRC Staff Review \$132/hr
(Professional effort - 3854 hours @ \$132/hr) = \$473,088
- for activities other than application review and handling of other
reporting forms which are reported to OMB under other clearances as cited
in the preceding burden table. This cost is fully recovered by fee
assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171.

REGISTRATION CERTIFICATE -- USE OF DEPLETED URANIUM UNDER GENERAL LICENSE

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 1 HOUR. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0031), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

Section 40.25 of 10 CFR Part 40 establishes a general license authorizing the use of depleted uranium contained in industrial products or devices for mass-volume applications. Submit this NRC form 244 within 30 days after the first receipt or acquisition of such depleted uranium.

1. INSTRUCTIONS:

- A. Print or type the name and address of the registrant (including ZIP Code) for whom this form is filed in Box 3 below. with a copy to the appropriate Regional Administrator at the address listed on the reverse.
- B. Submit this form in duplicate to: (NRC will assign a file number, and a copy of this form will be returned to you.)
 Director, Office of Nuclear Material Safety and Safeguards
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

2. I hereby file NRC Form 244 pursuant to 10 CFR 40.25, for use of depleted uranium contained in industrial products or devices for mass-volume applications.

3. NAME AND ADDRESS OF REGISTRANT FOR WHOM THIS FORM IS FILED <i>(Include ZIP Code)</i>	4. FILE NUMBER <i>(Leave blank -- to be assigned by NRC)</i>
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5. INDIVIDUAL DULY AUTHORIZED TO ACT FOR AND ON BEHALF OF THE REGISTRANT IN SUPERVISING THE PROCEDURES IDENTIFIED IN 10 CFR 40.25(C)(1)(iii)

A. NAME	B. TITLE	
C. ADDRESS	D. TELEPHONE NUMBER <i>(Include Area Code)</i>	E. FACSIMILE TELEPHONE NUMBER <i>(Include Area Code)</i>

6. CERTIFICATION

I hereby certify that:

- A. All information in this registration certificate is true and complete.
- B. This registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in 10 CFR 40.25(a) and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium.
- C. I understand that Commission regulations require that any changes in information furnished by a registrant on this registration certificate be reported in writing to the Director, Office of Nuclear Material Safety and Safeguards, with a copy to the appropriate Regional Administrator at the address listed on the reverse, within 30 days after the effective date of such change.
- D. I understand that the registrant is required to comply with the provisions of Section 40.25 of the NRC's regulation 10 CFR Part 40 (reprinted on the reverse side of this form) with respect to all depleted uranium which the registrant receives, acquires, uses, or transfers under the general license for which this registration certificate is filed with the U.S. Nuclear Regulatory Commission.

E. PRINTED OR TYPED NAME AND TITLE OF PERSON FILING FORM	F. SIGNATURE	G. DATE
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WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECTS. 18 U.S.C. SECTION 1001 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

REGIONAL ADDRESSES

REGION	IF YOU ARE LOCATED IN	ADDRESS	REGION	IF YOU ARE LOCATED IN	ADDRESS
I	CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, AND VERMONT	REGIONAL ADMINISTRATOR REGION I U.S. NUCLEAR REGULATORY COMMISSION 475 ALLENDALE ROAD KING OF PRUSSIA, PA. 19406-1415	IV	ARKANSAS, COLORADO, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, TEXAS, UTAH, AND WYOMING	REGIONAL ADMINISTRATOR REGION IV U.S. NUCLEAR REGULATORY COMMISSION 511 RYAN PLAZA DRIVE, SUITE 400 ARLINGTON, TX. 76011-8064
II	ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, AND WEST VIRGINIA	REGIONAL ADMINISTRATOR REGION II U.S. NUCLEAR REGULATORY COMMISSION 101 MARIETTA STREET NW, SUITE 2900 ATLANTA, GA. 30323-0199	V	ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, PACIFIC TRUST TERRITORIES, AND WASHINGTON	REGIONAL ADMINISTRATOR REGION V U.S. NUCLEAR REGULATORY COMMISSION 1450 MARIA LANE WALNUT CREEK, CA. 94596-5368
III	ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, AND WISCONSIN	REGIONAL ADMINISTRATOR REGION III U.S. NUCLEAR REGULATORY COMMISSION 801 WARRENVILLE ROAD LIBLE, IL. 60532-4351			

10 CFR 40.25

§40.25 General license for use of certain industrial products or devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of paragraphs (b), (c), (d), and (e) of this section, 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.

(b) The general license in paragraph (a) of this section applies only to industrial products or devices which have been manufactured or initially transferred in accordance with a specific license issued pursuant to §40.34(a) of this part or in accordance with a specific license issued by an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the Agreement State.

(c)(1) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by paragraph (a) of this section shall file NRC Form 244, "Registration Certificate--Use of Depleted Uranium Under General License," with the Director, Division of Nuclear Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Administrator. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on NRC Form 244 the following information and such other information as may be required by that form:

(i) Name and address of the registrant;

(ii) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in paragraph (a) of this section and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(iii) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in paragraph (c)(1)(ii) of this section.

(2) The registrant possessing or using depleted uranium under the general license established by paragraph (a) of this section shall, in writing to the Director, Division of Nuclear Material Safety, with a copy to the Regional

Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter, any changes in information furnished by him in the NRC Form 244, "Registration Certificate--Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by paragraph (a) of this section:

(1) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.

(2) Shall not abandon such depleted uranium.

(3) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of 40.51 of this part. In the case where the transferee receives the depleted uranium pursuant to the general license established by paragraph (a) of this section, the transferor shall furnish the transferee a copy of this section and a copy of NRC form 244. In the case where the transferee receives the depleted uranium pursuant to a general license contained in an Agreement State's regulation equivalent to this section, the transferor shall furnish the transferee a copy of this section and a copy of NRC Form 244 accompanied by a note explaining that use of the product or device is regulated by the Agreement State under requirements substantially the same as those in this section.

(4) Within 30 days of any transfer, shall report in writing to the Director, Division of Nuclear Material Safety, with a copy to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter, the name and address of the person receiving the source material pursuant to such transfer.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by paragraph (a) of this section is exempt from the requirements of Parts 10, 20, and 21 of this chapter with respect to the depleted uranium covered by that general license.

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping

Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.
2. The title of the information collection:
 - 10 CFR Part 40 - Domestic Licensing of Source Material
 - NRC Form 244 - Registration Certificate - Use of Depleted Uranium Under General License
 - NRC Form 484 - Sample Format for Reporting Detection Monitoring Data
3. The form number if applicable: NRC Forms 244 and 484.
4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Renewal applications are submitted every five years. NRC Form 244 is submitted when depleted uranium is received or transferred under general license. NRC Form 484 is submitted to report ground-water monitoring data necessary to implement EPA ground-water standards.
5. Who will be required or asked to report:
 - 10 CFR Part 40: Applicants for and holders of NRC licenses authorizing the receipt, possession, use, or transfer of radioactive source and byproduct material.

NRC Form 244: Persons receiving, possessing, using, or transferring depleted uranium under the general license established in 10 CFR §40.25(a).

NRC Form 484: Uranium recovery facility licensees reporting ground-water monitoring data pursuant to 10 CFR §40.65.

6. An estimate of the number of annual responses:

10 CFR Part 40: 577

NRC Form 244: 40

NRC Form 484: Included in 10 CFR Part 40, above

7. An estimate of the total number of hours needed annually to complete the requirement or request:

10 CFR Part 40: 19,645 (Approximately 12.6 hours per response for applications and reports plus approximately 73.2 hours annually per recordkeeper).

NRC Form 244: 40 (an average of one hour per response).

NRC Form 484: Included in 10 CFR Part 40, above.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies:

Not applicable.

9. Abstract: 10 CFR Part 40 establishes requirements for licenses for the receipt, possession, use, and transfer of radioactive source and byproduct material. NRC Form 244 is used to report receipt and transfer of depleted uranium under general license, as required by 10 CFR Part 40. NRC Form 484 is used to report certain ground-water monitoring data required by 10 CFR Part 40 for uranium recovery licensees. The information is used by NRC to make licensing and other regulatory determinations concerning the use of radioactive source and byproduct material. The revision reflects an increase in burden primarily because of the addition of burden estimates for decommissioning financial assurance provisions and emergency plans. There is a revised estimate of the number of labelings or markings of industrial

products or devices containing depleted uranium under §40.35(b). There is a small increase in the burden estimate for Form 244 because a greater number of the forms are now being received from licensees.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer:

Troy Hillier

Office of Information and Regulatory Affairs (3150-0020 and 3150-0031)

NEOB-3019

Office of Management and Budget

Washington, DC 20503

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this *18th* day of *March*, 1994.

For the Nuclear Regulatory Commission


Gerald F. Cranford

Designated Senior Official

for Information Resources Management