

PDR

# Request for OMB Review

## 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  Carl Feldman		Telephone number (301) 415-6194	
4. Title of information collection or rulemaking  10 CFR Part 30 - Domestic Licensing of Byproduct Material			
5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order) 42 USC 2201(o) or			
6. Affected public (check all that apply)		5 <input checked="" type="checkbox"/> Federal agencies or employees	
1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	6 <input checked="" type="checkbox"/> Non-profit institutions	
2 <input checked="" type="checkbox"/> State or local governments	4 <input checked="" type="checkbox"/> Businesses or other for-profit	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)

Classification	Stage of development	Type of review requested
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	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?  Yes  No  
If "No," did OMB waive the analysis?  Yes  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

9406160110 940603  
PDR ORG EUSOMB  
PDR

12. (OMB use only)

110035

DFOZ 0/1

**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 "Radioactive Materials, Radiation Safety"  
 The proposed rule would clarify current decommissioning financial assurance requirements and would allow material licensees who have an approved decommissioning plan to semiannually request the NRC to reduce the amount of their decommissioning financial assurance as decommissioning proceeds and contamination is reduced at the site.

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

4  Notice of proposed rulemaking (NPRM)

A  Regular submission

5  Final, NPRM was previously published

B  Emergency submission (certification attached)

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): \_\_\_\_\_

15. Type of review requested (check only one)

1  New collection

2  Revision of a currently approved collection

3  Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

4  Reinstatement of a previously approved collection for which approval has expired

5  Existing collection in use without an OMB control number

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

N/A

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 \* figure rounded off

1 Number of respondents	7,100
2 Number of responses per respondent	* 13.27
3 Total annual responses (line 1 times line 2)	535
4 Hours per response	* 52.9
5 Total hours (line 3 times line 4)	28,301

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  Biennially

9  Other (describe): Five year renewal

18. Annual recordkeeping burden

1 Number of recordkeepers	7,100
2 Annual hours per recordkeeper	* 17.34
3 Total recordkeeping hours (line 1 times line 2)	123,164
4 Recordkeeping retention period	<u>Varies 3 years to</u> years

19. Total annual burden duration of license

1 Requested (line 17-5 plus line 18-3)	151,465
2 In current OMB inventory	151,465
3 Difference (line 1 less line 2)	0
<b>Explanation of difference</b>	
4 Program change	
5 Adjustment	

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

3150-0017

21. Requested expiration date

3/31/96

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 Part 30

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

Date

Gerald E. Cranford, DSO for Information Resources Management

# Request for OMB Review

## Important

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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 Carl Feldman	Telephone number (301) 415-6194
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) 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

Classification	Stage of development	Type of review requested
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
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		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?  Yes  No  
If "No," did OMB waive the analysis?  Yes  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"  
 The proposed rule would clarify current decommissioning financial assurance requirements and would allow material licensees who have an approved decommissioning plan to semiannually request the NRC to reduce the amount of their decommissioning financial assurance as decommissioning proceeds and contamination is reduced at the site.

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

3  Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

5  Existing collection in use without an OMB control number

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

NRC Form 484

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

169

2 Number of responses per respondent

3.41

3 Total annual responses (line 1 times line 2)

577

4 Hours per response

12.6

5 Total hours (line 3 times line 4)

7,273

18. Annual recordkeeping burden

1 Number of recordkeepers

169

2 Annual hours per recordkeeper

73.21

3 Total recordkeeping hours (line 1 times line 2)

12,372

4 Recordkeeping retention period Varies 3 years to years

19. Total annual burden duration of license

1 Requested (line 17-5 plus line 18-3)

19,645

2 In current OMB inventory

19,645

3 Difference (line 1 less line 2)

0

**Explanation of difference**

4 Program change

5 Adjustment

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  Biennially

9  Other (describe): \_\_\_\_\_

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

3150-0020

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

1  Voluntary

2  Required to obtain or retain a benefit

3  Mandatory

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 Part 40

FR

or, Other (specify): \_\_\_\_\_

**Paperwork Certification**

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Signature of program official

Date

Signature of agency head, the senior official or an authorized representative

Date

Gerald F. Crawford, DSO for Information Resources Management

6/3/94

# Request for OMB Review

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<p>3. Name of person who can best answer questions regarding this request</p> <p><u>Carl Feldman</u></p>	<p>Telephone number</p> <p><u>(301) 415-6194</u></p>									
<p>4. Title of information collection or rulemaking</p> <p><u>10 CFR Part 70 - Domestic Licensing of Special Nuclear Material</u></p>										
<p>5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)</p> <p><u>42 USC 2201(o)</u>, or _____</p>										
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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? 1  Yes 2  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

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Signature of program official	Date
Signature of authorized regulatory contact	Date

12. (OMB use only)

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The proposed rule would clarify current decommissioning financial assurance requirements and would allow material licensees who have an approved decommissioning plan to semiannually request the NRC to reduce the amount of their decommissioning financial assurance as decommissioning proceeds and contamination is reduced at the site.

14. Type of information collection (check only one)

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1  Regular submission

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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

4  Notice of proposed rulemaking (NPRM)

A  Regular submission

(month, day, year): \_\_\_\_\_

5  Final. NPRM was previously published

B  Emergency submission (certification attached)

(month, day, year): \_\_\_\_\_

15. Type of review requested (check only one)

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

N/A

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 \* figure rounded off

1 Number of respondents	427
2 Number of responses per respondent	* 2.84
3 Total annual responses (line 1 times line 2)	1,215
4 Hours per response	* 47.39
5 Total hours (line 3 times line 4)	57,583

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  Biennially

9  Other (describe): \_\_\_\_\_

18. Annual recordkeeping burden

1 Number of recordkeepers	250
2 Annual hours per recordkeeper	* 20.38
3 Total recordkeeping hours (line 1 times line 2)	5,097
4 Recordkeeping retention period	Varies 3 years to duration of license years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	62,680
2 In current OMB inventory	62,680
3 Difference (line 1 less line 2)	0
<b>Explanation of difference</b>	
4 Program change	
5 Adjustment	

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

3150-0009

21. Requested expiration date

2/28/95

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 this information collection

10 CFR, 50.201 or FR \_\_\_\_\_ or Other (specify): \_\_\_\_\_

**Paperwork Certification**

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Signature of program official	Date
Signature of agency head, the senior official or an authorized representative Gerald F. Cranford, DSO for Information Resources Management	Date 6/5/94

# Request for OMB Review

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**PART I.—Complete This Part for All Requests.**

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<p>3. Name of person who can best answer questions regarding this request</p> <p style="font-size: 1.2em;">Carl Feldman</p>	<p>Telephone number</p> <p style="font-size: 1.2em;">(301 ) 415-6194</p>									
<p>4. Title of information collection or rulemaking</p> <p style="font-size: 1.2em; text-align: center;">10 CFR Part 72 - Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste</p>										
<p>5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)</p> <p style="font-size: 1.2em;">42 USC 2201(o) or</p>										
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**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
<p><b>Classification</b></p> <p>1 <input type="checkbox"/> Major</p> <p>2 <input type="checkbox"/> Nonmajor</p>	<p>1 <input type="checkbox"/> Proposed or draft</p> <p>2 <input type="checkbox"/> Final or interim final, with prior proposal</p> <p>3 <input type="checkbox"/> Final or interim final, without prior proposal</p>	<p>1 <input type="checkbox"/> Standard</p> <p>2 <input type="checkbox"/> Pending</p> <p>3 <input type="checkbox"/> Emergency</p> <p>4 <input type="checkbox"/> Statutory or judicial deadline</p>

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**

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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 "Radioactive Materials, Radiation Safety, Nuclear Fuel Storage, Radioactive Waste Storage"  
 The proposed rule would clarify current decommissioning financial assurance requirements and would allow material licensees who have an approved decommissioning plan to semiannually request the NRC to reduce the amount of their decommissioning financial assurance as decommissioning proceeds and contamination is reduced at the site.

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

4  Notice of proposed rulemaking (NPRM)      A  Regular submission      7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): \_\_\_\_\_

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

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

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 \* figure rounded off

1 Number of respondents	8
2 Number of responses per respondent	11.75
3 Total annual responses (line 1 times line 2)	94
4 Hours per response	* 1,923.12
5 Total hours (line 3 times line 4)	15,385

18. Annual recordkeeping burden

1 Number of recordkeepers	8
2 Annual hours per recordkeeper	* 757.12
3 Total recordkeeping hours (line 1 times line 2)	6,057
4 Recordkeeping retention period	Varies 3 years to _____ years

19. Total annual burden duration of license

1 Requested (line 17-5 plus line 18-3)	21,442
2 In current OMB inventory	21,442
3 Difference (line 1 less line 2)	0
<i>Explanation of difference</i>	
4 Program change	
5 Adjustment	

20. Current (most recent) OMB control number or comment number  
3150-0132

21. Requested expiration date  
5/31/95

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  Biennially

9  Other (describe): \_\_\_\_\_

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

1  Voluntary

2  Required to obtain or retain a benefit

3  Mandatory

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 Part 72 ; 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, DSO for Information Resources Management \_\_\_\_\_ Date 6/3/94



Supporting Statement For Amendments To  
10 CFR Parts 30, 40, 70, and 72  
Clarification of Decommissioning Funding Requirements  
(OMB Clearance No. 3150-0017, -0020, -0009, and -0132)

Description of the Information Collection

The proposed rulemaking will clarify and make more explicit current decommissioning financial assurance requirements required under 10 CFR 30, 40, 70, and 72. These amendments are intended to clarify that financial assurance must be in place during operations and updated when the licensee decides to cease operations and begin decommissioning. These amendments would explicitly describe the financial assurance certification requirements for licensees during operation, the implementation and timing requirements for licensees whose licenses have been in timely renewal since the promulgation of the 1988 decommissioning funding rules, and for licensees who cease operations without adequate funding arrangements in place. The proposed rule also contains new provisions that allow licensees that have an approved decommissioning plan to semiannually request a reduction in the amount of their required financial assurance as decommissioning proceeds and radiological contamination is reduced at the site.

A. JUSTIFICATION

1. Need for and Agency Use of the Information

Currently, material licensees must provide financial assurance for decommissioning until their license is terminated. For those licensees that have an approved decommissioning plan (about 200 NRC licensees) the amount of funds required for financial assurance is based on the specified amount in the plan. However, during the decommissioning process, licensees cannot use any of the funds that are required to be set aside for decommissioning. In effect, the licensee must have twice the amount of the funds set aside to complete decommissioning. The proposed rule changes would provide relief from this excessive burden while not compromising health and safety. As radiological contamination is reduced at the site, the amount of funds required to provide decommissioning financial assurance can be reduced commensurate with costs as specified in the detailed decommissioning plan. Thus, the licensee submittal to the NRC is necessary for providing information that the NRC needs to evaluate the required decommissioning work that the licensee must still perform to eliminate all remaining radiological contamination at the site and to ensure, based on the licensee submittal, that the licensee requested reduction in required decommissioning financial assurance funds is adequate to complete all remaining decommissioning tasks. A semiannual interval for licensees to request reduction of decommissioning financial assurance funds is proposed as a balance between the financial incentive that this provision gives to licensees to proceed promptly with decommissioning work after approval of the decommissioning plan and the burden

imposed on both the licensee and NRC staff in implementing a funding reduction.

Sections 30.36(b)(2)(ii), 40.42(b)(2)(ii), 70.38(b)(2)(ii), and 70.54(b)(2)(ii) contain the provisions that will allow materials licensees that have an approved decommissioning funding plan to semiannually request a reduction in the amount of their required financial assurance as decommissioning proceeds and radiological contamination is reduced at the site.

## 2. Reduction of Burden Through Information Technology

The decommissioning plan parameters in terms of contaminant removal, associated costs, and radiation dose reduction readily lends themselves to the use of automated information technology. Many licensees use some sort of computerized information base system. Depending on the licensee's computer database tracking system, practically all the information required to request NRC for a reduction of financial assurance costs can be accessed in this way.

## 3. Effort to Identify Duplication

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

## 4. Effort to Use Similar Information

There is no similar information available to the NRC.

## 5. Effort to Minimize Small Business Burden

The proposed rule would allow those material licensees that have an approved decommissioning plan to request reduction of their financial assurance requirements during active decommissioning. Currently these licensees must maintain the full amount of their financial assurance until their facilities are completely decommissioned and their licenses terminated. In effect, this doubles the amount of funds they must maintain up front to decommission. The proposed rule would reduce the current financial burden on these licensees, including the smaller business licensees.

## 6. Consequences of Less Frequent Collection

The majority of material licensees that would qualify for a request for reduction of decommissioning financial assurance requirements could complete decommissioning within a year. Thus, it is felt that a six month interval would be a proper time for striking a balance between providing a licensee an incentive to decommission once the licensee's decommissioning plan was

approved and the cost to the licensee and the NRC in implementing the financial assurance reduction request.

7. Circumstances Which Justify Variations From OMB Guidelines

None. There are no variations from OMB guidelines contained in the proposed rulemaking.

8. Consultations Outside The Agency

The proposed rule will be published in the Federal Register and comments from the public will be solicited.

9. Confidentiality of Information

None.

10. Sensitive Questions

None.

11. Estimated Annualized Cost to the Federal Government

Since most licensees will complete decommissioning within a year, the licensee request can be generally regarded as a one time effort. The approved decommissioning plan should have delineation of actions such as contaminant removal, attendant costs, and radiological dose reduction. Although the plan may not quantify all activities task-by-task, the general trend, consistent with the overall plan, would be identified commensurate with specific contaminant removal and associated costs. Thus, it should be a relatively straight forward effort for NRC staff to evaluate and respond to a licensee's request and is estimated to take 6 hours of staff time. For the 200 affected licensees and a \$132 hourly rate, it is estimated that this total effort will result in a cost to the federal government of \$158,400. This cost is fully recovered by the assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171. Table 1 shows the burden associated with each section of the 10 CFR affected by the rulemaking.

12. Estimate of Industry Burden

Tracking contamination removal, associated costs, and commensurate radiological dose reduction is part of the implementation of the licensee's approved decommissioning plan. Thus, the information required for the licensee to request a reduction of financial assurance cost after six months of active decommissioning should be readily available. Moreover, the request for reduction of financial assurance is a licensee initiative. It is

estimated that a licensee's total effort will be 6 hours and that most affected licensees will only apply for financial assurance cost reduction once. Based on this, a \$132 hourly licensee rate, and a total of 200 licensees it is estimated that the total industry effort will result in a cost of \$158,400 (see table). It should be noted that there can be considerable industry savings as well. Typically, a licensee having an approved plan would require decommissioning costs of at least \$150,000. Assuming this amount is financially assured through a surety at a charge of 2% a year, this results in an annual cost to a licensee of \$3000. If we estimate that approximately half the decommissioning work is completed in six months, then allowing for the semiannual financial assurance cost reduction will save the licensee \$1500. Thus for all 200 affected licensees the saving will be \$300,000. Overall savings to the licensees are therefore expected to be a minimum of (\$300,000-\$158,400) \$141,600 and actually many times greater.

#### 13. Reason for Change on Burden

An increase in reporting burden is estimated because licenses would be allowed to semiannually request a reduction in required decommissioning financial assurance funds as decommissioning progresses and radioactive contamination is reduced. As a result, the proposed rule would actually provide licensees a mechanism for reducing regulatory burden while not compromising health and safety.

#### 14. Publication for Statistical Use

None.

#### B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.

TABLE 1

Annual Submittal by Licensee of Request to Reduce Required Decommissioning  
Financial Assurance Funds

<u>Section</u>	<u>No. of Submittals</u>	<u>Hours Per Submittal</u>	<u>Total Hours</u>	<u>Total Costs(\$)</u>
30.36(b)(2)(ii)	175	6	1050	138,600
40.42(b)(2)(ii)	10	6	60	7,920
70.38(b)(2)(ii)	10	6	60	7,920
72.54(a)(2)(ii)	5	6	30	3,960
TOTAL FOR SUBMITTALS			1200	158,400

[7590-01-P]

NUCLEAR REGULATORY COMMISSION  
10 CFR Parts 30, 40, 70, and 72  
RIN 3150 - AE95

Clarification of Decommissioning Funding Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations for nonreactor licensees on decommissioning financial assurance, and expiration and termination of licenses. These amendments are intended to clarify that financial assurance must be in place during operations and updated when the licensee decides to cease operations and begin decommissioning. These amendments would explicitly describe the financial assurance certification requirements for licensees during operation, the implementation and timing requirements for licensees whose licenses have been in timely renewal since the promulgation of the 1988 decommissioning funding rules, and for licensees who cease operations without adequate funding arrangements in place.

DATES: The comment period expires (90 days from date of publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Carl Feldman, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3883.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Commission amended 10 CFR Parts 30, 40, and 70 to add requirements addressing "Expiration and Termination of Licenses" (10 CFR 30.36, 40.42, and 70.38 (48 FR 32324; July 15, 1983)). Similar provisions were added to 10 CFR Part 72 in 1988 (10 CFR 72.54 (53 FR 24018)). These requirements set out the procedures to be followed by a licensee who decides to decommission a facility and seek termination of the applicable license. Under certain circumstances (which apply when a Part 30, 40, 70, or 72 licensee has more than a modest amount of radioactive contamination to remediate), the licensee is required to submit a decommissioning plan that lays out the methods and measures for decontamination of the property and equipment.

In 1988, the Commission promulgated rules addressing "Financial Assurance and Recordkeeping for Decommissioning" (10 CFR 30.35, 40.36, 70.25 and 72.30 (53 FR 24018; June 27, 1988)). These rules established a graded structure for financial assurance that relates the amount of the financial

assurance required of a licensee to the possession limits in his or her license. The graded structure is based on the reasonable assumption that the kinds and quantities of radioactive materials authorized in the license provide a reasonably good correlation to the amount of contamination that has to be remediated. Further, Part 30, 40, or 70 applicants or licensees whose possession limits exceed or would exceed a certain level, and all Part 72 licensees and license applicants must provide an estimate of the actual expected decommissioning cost as part of their application for a license or for license renewal. The estimated costs are reviewed and approved by the Commission. Before the license is issued or renewed, the applicant must provide financial assurance in one or more of the forms required by the rule (prepayment, surety, insurance or other guarantee, or external sinking fund with a backup surety).

The same June 27, 1988, final rule also added a requirement that decommissioning plans include an updated detailed cost estimate for decommissioning, a comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for the completion of decommissioning.

The intent in promulgating these rules was to ensure that adequate funds would be available to cover the costs of decommissioning NRC licensed facilities. At the time the decommissioning funding rules were promulgated, it was not anticipated that a licensee would move to decommissioning without having complied earlier with the financial assurance requirements. Since that time a number of licensees who were in timely renewal (i.e., licensees who had timely filed an application for renewal of their licenses and whose licenses, therefore, continued in effect while the renewal applications were being acted



upon) when the June 27, 1988, rule became effective have decided to terminate their activities and begin decommissioning. Other licensees that only provided certification for the minimum amounts of financial assurance have also decided to terminate activities and begin decommissioning. In both situations, insufficient funding was in place when the licensee ceased operations and began decommissioning. These amendments are intended to clarify that financial assurances must be in place and updated when the licensee decides to cease operations and begin decommissioning.

The amendments proposed here would amend those sections in 10 CFR Parts 30, 40, 70, and 72 dealing with assurance of adequate funding for decommissioning. These changes would more explicitly describe the implementation and timing requirements for licensee financial assurance instruments and clarify that:

(1) Licensees who have applied for license renewal must provide financial assurance for decommissioning during the period that they remain in timely renewal. This is addressed through the addition of Paragraph (c)(4) to §§ 30.35, 40.36, and 70.25. Licensees currently in timely renewal would need to have the required financial assurance instrument when this rule if adopted as a final rule, becomes effective, 90 days after publication of the final rule in the Federal Register. Specific comments are solicited on the adequacy of the 90 day time period for licensees currently in timely renewal to obtain the required financial assurance instrument;

(2) Each decommissioning funding plan must include a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate. This is addressed through a modification to Paragraph (e) of §§ 30.35, 40.36, and 70.25;

(3) The decommissioning financial assurances provided by the licensee in conjunction with a license renewal or issuance must remain in effect during the period of decommissioning and must be increased or may be decreased, as appropriate, within 90 days of the licensee notice of termination of activities and request to terminate the license. This is necessary to cover the detailed estimated decommissioning costs developed as part of the decommissioning plan. This is addressed through the addition of Paragraph (b)(2) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2) to § 72.54;

(4) Any licensee who submits a notice of termination of activities and request to terminate the license, and has not provided appropriate financial assurance for decommissioning, shall do so within 90 days of the notice. This is addressed through the addition of a new Paragraph (b)(2)(i) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2)(i) to § 72.54. Any licensee who has already submitted a notice of termination of activities and request to terminate the license would need to have the required financial assurance instrument when this rule, if adopted as a final rule, becomes effective, 90 days after publication of the final rule in the Federal Register; and

(5) Licensees may reduce the amount of financial assurance semiannually as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission. This is addressed through the addition of a new Paragraph (b)(2)(ii) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2)(ii) to § 72.54. The semiannual interval is proposed as a balance between the financial incentive that this provision gives to licensees to proceed promptly with the decommissioning work after approval of the decommissioning plan and the burden imposed on both the licensee and staff in

Supporting Statement For Amendments To  
10 CFR Parts 30, 40, 70, and 72  
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A. JUSTIFICATION

1. Need for and Agency Use of the Information

Currently, material licensees must provide financial assurance for decommissioning until their license is terminated. For those licensees that have an approved decommissioning plan (about 200 NRC licensees) the amount of funds required for financial assurance is based on the specified amount in the plan. However, during the decommissioning process, licensees cannot use any of the funds that are required to be set aside for decommissioning. In effect, the licensee must have twice the amount of the funds set aside to complete decommissioning. The proposed rule changes would provide relief from this excessive burden while not compromising health and safety. As radiological contamination is reduced at the site, the amount of funds required to provide decommissioning financial assurance can be reduced commensurate with costs as specified in the detailed decommissioning plan. Thus, the licensee submittal to the NRC is necessary for providing information that the NRC needs to evaluate the required decommissioning work that the licensee must still perform to eliminate all remaining radiological contamination at the site and to ensure, based on the licensee submittal, that the licensee requested reduction in required decommissioning financial assurance funds is adequate to complete all remaining decommissioning tasks. A semiannual interval for licensees to request reduction of decommissioning financial assurance funds is proposed as a balance between the financial incentive that this provision gives to licensees to proceed promptly with decommissioning work after approval of the decommissioning plan and the burden

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Sections 30.36(b)(2)(ii), 40.42(b)(2)(ii), 70.38(b)(2)(ii), and 70.54(b)(2)(ii) contain the provisions that will allow materials licensees that have an approved decommissioning funding plan to semiannually request a reduction in the amount of their required financial assurance as decommissioning proceeds and radiological contamination is reduced at the site.

## 2. Reduction of Burden Through Information Technology

The decommissioning plan parameters in terms of contaminant removal, associated costs, and radiation dose reduction readily lends themselves to the use of automated information technology. Many licensees use some sort of computerized information base system. Depending on the licensee's computer database tracking system, practically all the information required to request NRC for a reduction of financial assurance costs can be accessed in this way.

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

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approved and the cost to the licensee and the NRC in implementing the financial assurance reduction request.

7. Circumstances Which Justify Variations From OMB Guidelines

None. There are no variations from OMB guidelines contained in the proposed rulemaking.

8. Consultations Outside The Agency

The proposed rule will be published in the Federal Register and comments from the public will be solicited.

9. Confidentiality of Information

None.

10. Sensitive Questions

None.

11. Estimated Annualized Cost to the Federal Government

Since most licensees will complete decommissioning within a year, the licensee request can be generally regarded as a one time effort. The approved decommissioning plan should have delineation of actions such as contaminant removal, attendant costs, and radiological dose reduction. Although the plan may not quantify all activities task-by-task, the general trend, consistent with the overall plan, would be identified commensurate with specific contaminant removal and associated costs. Thus, it should be a relatively straight forward effort for NRC staff to evaluate and respond to a licensee's request and is estimated to take 6 hours of staff time. For the 200 affected licensees and a \$132 hourly rate, it is estimated that this total effort will result in a cost to the federal government of \$158,400. This cost is fully recovered by the assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171. Table 1 shows the burden associated with each section of the 10 CFR affected by the rulemaking.

12. Estimate of Industry Burden

Tracking contamination removal, associated costs, and commensurate radiological dose reduction is part of the implementation of the licensee's approved decommissioning plan. Thus, the information required for the licensee to request a reduction of financial assurance cost after six months of active decommissioning should be readily available. Moreover, the request for reduction of financial assurance is a licensee initiative. It is

estimated that a licensee's total effort will be 6 hours and that most affected licensees will only apply for financial assurance cost reduction once. Based on this, a \$132 hourly licensee rate, and a total of 200 licensees it is estimated that the total industry effort will result in a cost of \$158,400 (see table). It should be noted that there can be considerable industry savings as well. Typically, a licensee having an approved plan would require decommissioning costs of at least \$150,000. Assuming this amount is financially assured through a surety at a charge of 2% a year, this results in an annual cost to a licensee of \$3000. If we estimate that approximately half the decommissioning work is completed in six months, then allowing for the semiannual financial assurance cost reduction will save the licensee \$1500. Thus for all 200 affected licensees the saving will be \$300,000. Overall savings to the licensees are therefore expected to be a minimum of (\$300,000-\$158,400) \$141,600 and actually many times greater.

### 13. Reason for Change on Burden

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### 14. Publication for Statistical Use

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### B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.

TABLE 1

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TOTAL FOR SUBMITTALS			1200	158,400

[7590-01-P]

NUCLEAR REGULATORY COMMISSION  
10 CFR Parts 30, 40, 70, and 72  
RIN 3150 - AE95

Clarification of Decommissioning Funding Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations for nonreactor licensees on decommissioning financial assurance, and expiration and termination of licenses. These amendments are intended to clarify that financial assurance must be in place during operations and updated when the licensee decides to cease operations and begin decommissioning. These amendments would explicitly describe the financial assurance certification requirements for licensees during operation, the implementation and timing requirements for licensees whose licenses have been in timely renewal since the promulgation of the 1988 decommissioning funding rules, and for licensees who cease operations without adequate funding arrangements in place.

DATES: The comment period expires (90 days from date of publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.



ADDRESSES: Submit comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Carl Feldman, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3883.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Commission amended 10 CFR Parts 30, 40, and 70 to add requirements addressing "Expiration and Termination of Licenses" (10 CFR 30.36, 40.42, and 70.38 (48 FR 32324; July 15, 1983)). Similar provisions were added to 10 CFR Part 72 in 1988 (10 CFR 72.54 (53 FR 24018)). These requirements set out the procedures to be followed by a licensee who decides to decommission a facility and seek termination of the applicable license. Under certain circumstances (which apply when a Part 30, 40, 70, or 72 licensee has more than a modest amount of radioactive contamination to remediate), the licensee is required to submit a decommissioning plan that lays out the methods and measures for decontamination of the property and equipment.

In 1988, the Commission promulgated rules addressing "Financial Assurance and Recordkeeping for Decommissioning" (10 CFR 30.35, 40.36, 70.25 and 72.30 (53 FR 24018; June 27, 1988)). These rules established a graded structure for financial assurance that relates the amount of the financial

assurance required of a licensee to the possession limits in his or her license. The graded structure is based on the reasonable assumption that the kinds and quantities of radioactive materials authorized in the license provide a reasonably good correlation to the amount of contamination that has to be remediated. Further, Part 30, 40, or 70 applicants or licensees whose possession limits exceed or would exceed a certain level, and all Part 72 licensees and license applicants must provide an estimate of the actual expected decommissioning cost as part of their application for a license or for license renewal. The estimated costs are reviewed and approved by the Commission. Before the license is issued or renewed, the applicant must provide financial assurance in one or more of the forms required by the rule (prepayment, surety, insurance or other guarantee, or external sinking fund with a backup surety).

The same June 27, 1988, final rule also added a requirement that decommissioning plans include an updated detailed cost estimate for decommissioning, a comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for the completion of decommissioning.

The intent in promulgating these rules was to ensure that adequate funds would be available to cover the costs of decommissioning NRC licensed facilities. At the time the decommissioning funding rules were promulgated, it was not anticipated that a licensee would move to decommissioning without having complied earlier with the financial assurance requirements. Since that time a number of licensees who were in timely renewal (i.e., licensees who had timely filed an application for renewal of their licenses and whose licenses, therefore, continued in effect while the renewal applications were being acted

upon) when the June 27, 1988, rule became effective have decided to terminate their activities and begin decommissioning. Other licensees that only provided certification for the minimum amounts of financial assurance have also decided to terminate activities and begin decommissioning. In both situations, insufficient funding was in place when the licensee ceased operations and began decommissioning. These amendments are intended to clarify that financial assurances must be in place and updated when the licensee decides to cease operations and begin decommissioning.

The amendments proposed here would amend those sections in 10 CFR Parts 30, 40, 70, and 72 dealing with assurance of adequate funding for decommissioning. These changes would more explicitly describe the implementation and timing requirements for licensee financial assurance instruments and clarify that:

(1) Licensees who have applied for license renewal must provide financial assurance for decommissioning during the period that they remain in timely renewal. This is addressed through the addition of Paragraph (c)(4) to §§ 30.35, 40.36, and 70.25. Licensees currently in timely renewal would need to have the required financial assurance instrument when this rule if adopted as a final rule, becomes effective, 90 days after publication of the final rule in the Federal Register. Specific comments are solicited on the adequacy of the 90 day time period for licensees currently in timely renewal to obtain the required financial assurance instrument;

(2) Each decommissioning funding plan must include a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate. This is addressed through a modification to Paragraph (e) of §§ 30.35, 40.36, and 70.25;

(3) The decommissioning financial assurances provided by the licensee in conjunction with a license renewal or issuance must remain in effect during the period of decommissioning and must be increased or may be decreased, as appropriate, within 90 days of the licensee notice of termination of activities and request to terminate the license. This is necessary to cover the detailed estimated decommissioning costs developed as part of the decommissioning plan. This is addressed through the addition of Paragraph (b)(2) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2) to § 72.54;

(4) Any licensee who submits a notice of termination of activities and request to terminate the license, and has not provided appropriate financial assurance for decommissioning, shall do so within 90 days of the notice. This is addressed through the addition of a new Paragraph (b)(2)(i) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2)(i) to § 72.54. Any licensee who has already submitted a notice of termination of activities and request to terminate the license would need to have the required financial assurance instrument when this rule, if adopted as a final rule, becomes effective, 90 days after publication of the final rule in the Federal Register; and

(5) Licensees may reduce the amount of financial assurance semiannually as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission. This is addressed through the addition of a new Paragraph (b)(2)(ii) to §§ 30.36, 40.42, and 70.38, and Paragraph (a)(2)(ii) to § 72.54. The semiannual interval is proposed as a balance between the financial incentive that this provision gives to licensees to proceed promptly with the decommissioning work after approval of the decommissioning plan and the burden imposed on both the licensee and staff in

implementing a reduction. Specific comments are solicited on the interval proposed.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

#### Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

The public reporting burden for this collection of information is estimated to average 6 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information and Records Management Branch (T-6-F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0017, 3150-0020, 3150-

0009, and 3150-0132), Office of Management and Budget, Washington, DC 20503.

### Regulatory Analysis

The Commission has prepared this proposed regulation to clarify its decommissioning funding requirements for persons licensed under Parts 30, 40, 70, and 72. Although it does alter existing requirements, regulatory analyses developed in support of prior decommissioning regulations remain valid and appropriate for this rulemaking because these analyses assumed that all licensees would submit a certification of financial assurance to the NRC of a rule prescribed amount, or licensee estimated and NRC approved amount, necessary to provide adequate funds to decommission the licensed facility and that licensees would have complied with the decommissioning funding requirements prior to ceasing operations and commencing decommissioning. These prior analyses, developed for the rules on expiration and termination licenses and financial assurances for decommissioning, remain available for inspection in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. This discussion constitutes the regulatory analysis for this proposed rule.

### Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC carefully considered the effect on small entities in developing the final rule on decommissioning funding and scaled the requirements to reduce the impact on small entities to the extent possible while adequately protecting health and safety. Therefore, it is not expected to have an impact

on licensees not already analyzed in the regulatory flexibility analysis for the decommissioning funding rule as published in the Federal Register on June 27, 1988 (53 FR 24018).

Accordingly, the Commission certifies that this proposed rule, if adopted, will not have any additional significant economic impact upon a substantial number of small entities.

#### Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this rule, and therefore, a backfit analysis is not required for this rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

#### List of Subjects

##### 10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials - transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 70

Criminal penalties, Hazardous materials - transportation, Material control and accounting, Nuclear materials, Packaging and containers. Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 30, 40, 70, and 72.

PART 30--RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING  
OF BYPRODUCT MATERIAL

1. The authority citation for part 30 continues to read as follows:  
AUTHORITY: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954,



as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. Section 30.35 is amended by revising paragraphs (b)(2), (c)(2), (c)(3), and (e) and by adding a new paragraph (c)(4) to read as follows:

§ 30.35 Financial assurance and recordkeeping for decommissioning.

\* \* \* \* \*

(b) \* \* \*

(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, the executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, an executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

(c) \* \* \*

(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described in paragraph (e) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.

(3) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (b) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described, in paragraph (e) of this section, or a certification of financial assurance for decommissioning in accordance with the criteria set forth in this section.

(4) Any licensee who has submitted an application before July 27, 1990, for renewal of license in accordance with § 30.37 shall provide financial assurance for decommissioning in accordance with paragraphs (a) and (b) of this section.

\* \* \* \* \*

(e) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and an

executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

3. Section 30.36 is amended by redesignating paragraph (b) as (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 30.36 Expiration and termination of licenses.

\* \* \* \* \*

(b) \* \* \*

(2) Upon licensee notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section, the licensee must maintain in effect all decommissioning financial assurances established by the licensee pursuant to § 30.35 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, within 90 days of the notice, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (c)(2)(iii)(D) of this section.

(i) A licensee who has not provided financial assurance for decommissioning at the time of submittal of the notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section shall provide (by 90 days after publication of the final rule) financial assurance for decommissioning in an amount and form that complies with the requirements of § 30.35 according to the possession limits in the license.

(ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance semiannually, as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission.

\* \* \* \* \*

#### PART 40--DOMESTIC LICENSING OF SOURCE MATERIAL

4. The authority citation for Part 40 continues to read as follows:

AUTHORITY: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e2, 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234), Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

5. Section 40.36 is amended by revising paragraphs(b)(2), (c)(2), (c)(3), and (d) and by adding a new paragraph (c)(4) to read as follows:

§ 40.36 Financial assurance and recordkeeping for decommissioning.

\* \* \* \* \*

(b) \* \* \*

(2) Submit a certification that financial assurance for decommissioning has been provided in the amount of \$150,000 using one of the methods described in paragraph (e) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, the executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section shall be submitted to NRC prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, an executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.

(c) \* \* \*

(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described in paragraph (d) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the

licensee shall include a decommissioning funding plan in any application for license renewal.

(3) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (b) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan, as described in paragraph (d) of this section, or a certification of financial assurance for decommissioning in accordance with the criteria set forth in this section.

(4) Any licensee who has submitted an application before July 27, 1990, for renewal of license in accordance with § 40.43 shall provide financial assurance for decommissioning in accordance with paragraphs (a) and (b) of this section.

(d) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (e) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan shall also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and an executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.

6. Section 40.42 is amended by redesignating paragraph (b) as (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 40.42 Expiration and termination of licenses.

\* \* \* \* \*

(b) \* \* \*

(2) Upon licensee notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section, the licensee must maintain in effect all decommissioning financial assurances established by the licensee pursuant to § 40.36 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, within 90 days of the notice, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (c)(2)(iii)(D) of this section.

(i) A licensee who has not provided financial assurance for decommissioning at the time of submittal of the notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section shall provide (by 90 days after publication of the final rule) financial assurance for decommissioning in an amount and form that complies with the requirements of § 40.36 of this part according to the possession limits in the license.

(ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance semiannually, as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission.

#### PART 70 - DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

7. The authority citation for Part 70 continues to read as follows:

AUTHORITY: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); Secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841), 5942, 5845, 5846).

Sections 70.1(c) and 70.20(b) also issued under secs. 135, 141 Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 86 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 106, 68 Stat. 939, as amended (42 U.S.C. 2138).

8. Section 70.25 is amended by revising paragraphs (b)(2), (c)(2), (c)(3), and (e) and by adding a new paragraph (c)(4) to read as follows:

§ 70.25 Financial assurance and recordkeeping for decommissioning.

\* \* \* \* \*

(b) \* \* \*

(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but



before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, the executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section shall be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, an executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

(c) \* \* \*

(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described in paragraph (e) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan at this time, the licensee shall include a decommissioning funding plan in any application for license renewal.

(3) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (b) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan, described in paragraph (e) of this section, or a certification of financial assurance for decommissioning in accordance with the criteria set forth in this section.

(4) Any licensee who has submitted an application before July 27, 1990, for renewal of license in accordance with § 70.33 shall provide financial

assurance for decommissioning in accordance with paragraphs (a) and (b) of this section.

\* \* \* \* \*

(e) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and an executed original copy of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

9. Section 70.38 is amended by redesignating paragraph (b) as (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 70.38 Expiration and termination of licenses.

\* \* \* \* \*

(b) \* \* \*

(2) Upon licensee notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to § 70.25 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate,

within 90 days of the notice, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (c)(2)(iii)(E) of this section.

(i) A licensee who has not provided financial assurance for decommissioning at the time of submittal of the notice of termination of activities and request to terminate the license as required by paragraph (b)(1) of this section, shall provide (by 90 days after publication of the final rule) financial assurance for decommissioning in an amount and form that complies with the requirements of § 70.25 according to the possession limits in the license.

(ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance semiannually as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission.

PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE  
OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

10. The authority citation for Part 72 continues to read as follows:

AUTHORITY: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274 Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec.

102, Pub. L. 91-190, 83 Stat. 853) (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134 Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

11. Section 72.54 is amended by redesignating paragraph (a) as (a)(1) and adding a new paragraph (a)(2) to read as follows:

§ 72.54 Application for termination of license.

\* \* \* \* \*

(a) \* \* \*

(2) Upon licensee notice of termination of activities and request to terminate the license as required by paragraph (a)(1) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to § 72.30 in conjunction with a license

issuance or renewal or as required by this section. The amount of the financial assurance shall be increased, or may be decreased, as appropriate, within 90 days of the notice, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (b)(6) of this section.

(i) A licensee who has not provided financial assurance for decommissioning at the time of submittal of the notice of termination of activities and request to terminate the license required by paragraph (a)(1) of this section, must provide, within 90 days, financial assurance for decommissioning in an amount and form that complies with the requirements of § 72.30 of this part.

(ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance semiannually as decommissioning proceeds and radiological contamination is reduced at the site, with the approval of the Commission.

Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

For the Nuclear Regulatory Commission.

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Samuel J. Chilk,  
Secretary of the Commission.

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping  
Requirements; Office of Management and Budget  
Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB 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 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: Proposed Rule-- Amendments to 10 CFR 30, 40, 70, and 72: Clarification of Decommissioning Funding Requirements.
3. The form number if applicable: Not applicable.
4. How often is the collection required: Semiannually.

5. Who will be required or asked to report: Material licensees that have an approved decommissioning plan and desire to have their financial assurance requirements reduced as decommissioning progresses and radiological contamination is reduced at the site.
6. An estimate of the number of annual responses: 200
7. An estimate of the number of hours needed annually to complete the requirement or request: 1200 (6 hours per response).
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Applicable.
9. Abstract: The proposed rule would allow material licensees who have an approved decommissioning plan to semiannually request the NRC to reduce the amount of their decommissioning financial assurance requirement amount as decommissioning proceeds and contamination is reduced at the site. This semiannual licensee request would then be evaluated by the NRC before granting a licensee a reduction in the amount of funds required for financial assurance.

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

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

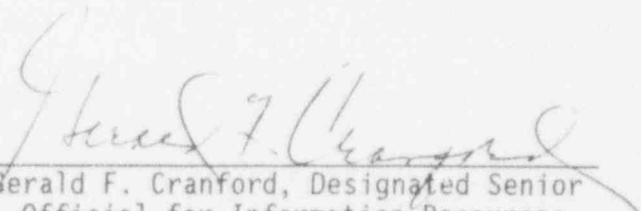
Troy Hillier  
Office of Information and Regulatory Affairs  
(3150-0017, 3150-0020, 3150-0009, and 3150-0132)  
NEOB-3019  
Office of Management and Budget  
Washington, DC 20503

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

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7232.

Dated at Rockville, Maryland, this 3rd day of June, 1994.

For the Nuclear Regulatory Commission.

  
Gerald F. Cranford, Designated Senior  
Official for Information Resources  
Management