

## Request for OMB Review

DESIGNATED ORIGINAL

## 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) 492-0627

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 rulemaking (United States Code, Public Law, or Executive Order)

42 USC 2201(o)

6. Affected public (check all that apply)

1. ☐ Individuals or households3. ☐ Farms5. ☒ Federal agencies or employees2. ☒ State or local governments4. ☒ Businesses or other for-profit6. ☒ Non-profit institutions7. ☒ 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. ☐ Major2. ☐ Nonmajor

Stage of development

1. ☐ Proposed or draft2. ☐ Final or interim final with prior proposal3. ☐ Final or interim final without prior proposal

Type of review requested

1. ☐ Standard2. ☐ Pending3. ☐ Emergency4. ☐ 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. ☐ Yes2. ☐ No3. ☐ Yes4. ☐ No

If No, did OMB waive the analysis?

## 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)

JF02  
0/1

**ART 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.**

3. Abstract—Describe needs, uses and affected public in 50 words or less  
**"Radiation Safety, Radioactive Materials"**

10 CFR Part 40 establishes requirements for licenses for the receipt, possession, use, and transfer of radioactive source and byproduct material. NRC Form 484 is used to report ground water monitoring data. The information in the required reports, applications and records is used by NRC to ensure that the health and safety of the public is protected.

4. 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

4 ☐ Notice of proposed rulemaking (NPRM)

8 ☐ Regular submission

Register publication at this stage of rulemaking

5 ☐ Final NPRM was previously published

9 ☐ Emergency submission (certification attached)

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

5. Type of review requested (check only one)

1 ☐ New collection

4 ☐ Restatement 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

6. Agency report form number(s) (include standard, optional form number(s))

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

**NRC Form 484**

1 ☐ Application for benefits

2 ☐ Program evaluation

3 ☐ General purpose statistics

4 ☒ Regulatory or compliance

5 ☐ Program planning or management

6 ☐ Research

7 ☐ Audit

7. Annual reporting or disclosure burden

1. Number of respondents

300

2. Number of responses per respondent

5.02

3. Total annual responses (line 1 times line 2)

1,506

4. Hours per response

4.06

5. Total hours (line 3 times line 4)

6,110

8. Annual recordkeeping burden

1. Number of recordkeepers

300

2. Annual hours per recordkeeper

32.92

3. Total recordkeeping hours (line 1 times line 2)

9,875

4. Recordkeeping retention period **Varies - 3 years to** years

5. Total annual burden **duration of license**

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

15,985

2. Current OMB inventory

11,938

3. Difference (line 1 less line 2)

+ 4,047

Explanation of difference

4. Program change

5. Adjustment

+ 4,047

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

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 (specify) \_\_\_\_\_

**3150-0020**

10. Requested expiration date

**3 years from approval date**

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

12. 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

13. Regulatory authority for the information collection

**10 CFR Part 40** 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

*William G. McDonald*

*7/1/82*

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

Date

**William G. McDonald, Director**  
**Office of Administration and Resource Management**

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## 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) 492-0627

4. Title of information collection or rulemaking

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(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 ☐ Nonmajor

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?

If "No," did OMB waive the analysis?

1 ☐ Yes

2 ☐ No

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.**

1. 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).

a. 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) \_\_\_\_\_

b. 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

8. Agency report form number(s) (include standard, optional form number(s))

NRC Form 244

9. Annual reporting or disclosure burden

1 Number of respondents

3

2 Number of responses per respondent

1

3 Total annual responses (line 1 times line 2)

3

4 Hours per response

1

5 Total hours (line 3 times line 4)

3

10. 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

5. Total annual burden

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

3

2 In current OMB inventory

0

3 Difference (line 1 less line 2)

+ 3

Explanation of difference

4 Program change

+ 3

5 Adjustment

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

3150-0031

7. Requested expiration date

3 years from approval date

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

9. 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

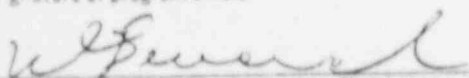
10. Regulatory authority for the information collection

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:



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

William G. McDonald, Director

Office of Administration and Resources Management

Date

07/11/84

Date

SUPPORTING STATEMENT  
FOR  
10 CFR PART 40  
DOMESTIC LICENSING OF SOURCE MATERIAL,  
NRC FORM 244  
REGISTRATION CERTIFICATE - USE OF DEPLETED URANIUM UNDER GENERAL LICENSE  
AND  
NRC FORM 484  
SAMPLE FORMAT FOR REPORTING DETECTION MONITORING DATA

Justification

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) (as amended). Information concerning the application, recordkeeping and reporting requirements imposed by specific sections is provided below.

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 adequate physical protection of the nuclear material is provided during transport.

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 under clearance number 3150-0031. The information collection burden data for Form 244 is provided separately in the burden table in this supporting statement. Because licensees do not often use depleted uranium under this general license, there have been very few submissions of Form 244 in recent years and there is consequently a very small burden.

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.

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 licensing and inspection staff to inform the 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.

Because 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 the rule 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 40.31(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 the information needed for this determination may require from thirty minutes to two hours of the applicant's time.

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, 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 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 40.35(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.

#### 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 provide NRC licensing and inspection and Enforcement personnel, or those of the Agreement State, 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 40.41(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 at the end of the five year license term. 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 codifies 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, plans for decontamination are to be submitted.

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.

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.

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 UF<sub>6</sub> 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 UF<sub>6</sub> production and uranium milling licensees.

The information contained in the records retained by the licensees is periodically examined by inspectors from the NRC licensing and inspection staff 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.

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, any such report should take less than thirty minutes.

#### 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 licensing 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 State 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 adequate physical protection of the nuclear material is provided during transport.

#### 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 adequate physical protection of the nuclear material is provided during transport.

#### 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.

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.

#### Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. However, because of the types of information and the infrequency of submission, the applications and reports do not lend themselves readily to the use of automated information technology for submission.

#### Effort to Identify Duplication

The Federal Information Locator System was searched to determine NRC and other Federal agency duplication. None was found. In general, information required by NRC in applications, reports, or records concerning the transfer, receipt, possession, or use of source or byproduct material does not duplicate other Federal information collection requirements and is not available from any source other than applicants or licensees. Portions of the needed information might also be contained in other information submittals to NRC or other Federal agencies. However, duplication, if any, is slight, and the collection of this information by use of specified forms and other required reports and records is the most effective and least burdensome means of obtaining the information.

#### 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 40.41(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(?) 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 40.64(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.

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.

## Estimate of Compliance Burden

### Reporting 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	45	1	45
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		
40.31(a)	- See OMB Clearance No. 3150-0120		
40.31(b)	75	2	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		
40.35(b)	1,000	1	1,000
40.35(d)	- See NRC Form 244, OMB Clearance No. 3150-0031		
40.35(e)	2	0.75	1.5
40.41(f)	1	0.5	0.5
40.42(b)	30	0.5	15
40.42(c)&(d)	15	8	120
40.43	- See OMB Clearance No. 3150-0120		
40.44	- See OMB Clearance No. 3150-0120		
40.64(a)	- See OMB Clearance No. 3150-0003		
40.64(b)	180	8	1,440
40.64(c)	0	0.5	0



Reporting Requirements (continued)

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
TOTAL	<u>1,506</u>	(300 respondents)	<u>6,110</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)	365	0.5	5,475
40.35(e)(3)	0	0.3	0
40.61	8,000	0.1	800
Appendix A	3	40	3,600
Total Number of Recordkeepers:		300	
Total Record Keeping Hours Annually:		9,875	
TOTAL ANNUAL BURDEN HOURS:		15,985	

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	3	1	3
NRC Form 484	- Included in 40.65, above		

## Estimated Cost to Public to Respond

<u>Section</u>	<u>Cost to Respond</u>
40.9(b)	\$2,100
40.23	\$2,700
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)	\$60
40.26(c)(2)	\$328,620
40.26(d)	- Included under Appendix A, below
40.31(a)	- See OMB Clearance No. 3150-0120
40.31(b)	\$9,000
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
40.35(b)	\$60,000
40.35(d)	- See NRC Form 244, OMB Clearance No. 3150-0031
40.35(e)	\$90
40.41(f)	\$30
40.42(b)	\$900
40.42(c)&(d)	\$7,200
40.43	- See OMB Clearance No. 3150-0120
40.44	- See OMB Clearance No. 3150-0120
40.61	\$48,000
40.64(a)	- See OMB Clearance No. 3150-0003
40.64(b)	\$86,400
40.64(c)	0
40.65	\$54,000
40.66	- Included in 40.23
40.67	- Included in 40.23
Appendix A	\$360,000

TOTAL \$ 959,100

NRC Form 244 \$180

NRC Form 484 - Included in 40.65

### 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 \$60.00 per hour. This figure includes both salaries and overhead.

### Reason for Change in Burden

The increase in the burden estimate is the result of the requirement in Section 40.26(c)(2) for documenting and maintaining records of daily inspections of waste retention facilities so as to detect and avoid failures of such systems which might result in a release of uranium mill tailings or waste into unrestricted areas. In addition, there is an increase resulting from Criterion 8 of Appendix A, which requires a licensee to maintain records of hourly checks of emission control equipment operation in order to ensure that operations have been conducted safely and efficiently and within prescribed parameters, and that corrective actions have been taken when needed.

Estimate of Cost to the Federal Government

Annual Cost - NRC Staff Review

(Professional effort - 3891 hours @\$60/hr) = \$233,460

- 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.

REGISTRATION CERTIFICATE—USE OF DEPLETED URANIUM  
UNDER GENERAL LICENSE

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. This NRC Form 244 shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium.

3. I hereby file NRC Form 244 pursuant to § 40.25 of 10 CFR Part 40, for use of depleted uranium contained in industrial products or devices for mass-volume applications.

4. To be completed by the Nuclear Regulatory Commission.

INSTRUCTIONS

1. Submit this form in triplicate to:  
U.S. Nuclear Regulatory Commission  
Director of Inspection and Enforcement  
Washington, D.C. 20555

FILE NUMBER:

*(Leave this space blank—number to be assigned by NRC)*

2. Please print or type the name and address (including ZIP code) of the registrant for whom this form is filed. Position the first letter of the address below the left dot and do not extend the address beyond the right dot. (At NRC, a file number will be assigned and a copy of NRC Form 244 will be returned.)

5. 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 10 CFR 40.25(c)(1)(ii).

6. Certification

I hereby certify that:

- a. All information in this registration certificate is true and complete.
- b. The 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 of Inspection and Enforcement 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 Nuclear Regulatory Commission.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
*(Signature of person filing form)*

\_\_\_\_\_  
*(Printed name and title of person filing form)*

**WARNING:** 18 U.S.C., Section 1001, Act of June 25, 1948; 62 Stat. 749, makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

[illegible]

DESCRIPTION (SAMPLE)	BACKGROUND WELL(S)			POINT OF COMPLIANCE WELL(S)		
	INDICATOR SPECIES			INDICATOR SPECIES		
	As (mg/l)	Se (mg/l)	pH (units)	As (mg/l)	Se (mg/l)	pH (units)
POPULATION						
MEAN						
STANDARD DEVIATION						
DISTRIBUTION						
NORMAL						
POISSON						
OTHER (Specify)						

STATISTICAL SIGNIFICANCE TEST

聯合平產聯盟(ACU)

#### SAMPLE STATISTICAL CALCULATION

## RESULTS OF STATISTICAL EVALUATION