

FINAL OMB SUPPORTING STATEMENT
FOR NRC FORM 664
GENERAL LICENSEE REGISTRATION
3150-0198

Description of the Information Collection

NRC Form 664, "General Licensee Registration," will be used by the Nuclear Regulatory Commission (NRC) for the collection of information pertaining to generally licensed devices which are subject to registration. The registration criteria are based on the amount of byproduct material contained in the device at the time of purchase. If a generally licensed device contains one or more of the following isotopes, it is subject to registration: 1) 370 megabecquerel (10 millicurie) cesium-137; 2) 37 megabecquerel (1 millicurie) cobalt-60; 3) 37 megabecquerel (1 millicurie) Am-241, or any other transuranic; or 4) 3.7 megabecquerel (0.1 millicurie) strontium-90. The form and instructions will be provided to all affected licensees by NRC.

On March 24, 1999, OMB approved the information collections contained in the proposed rule, "Requirements for Possession of Industrial Devices Containing Byproduct Material," under OMB clearance number 3150-0016. OMB approved the final rule burden on September 10, 1999. A new rule paragraph 31.5(c)(11) requires licensees to respond to information requests relating to the general license within 30 days, or otherwise specified days of the request. The paragraph was intended to cover the information required to verify ownership of devices. However, the complete details of the information required, and the format for the information, were not provided in the rule.

The NRC has now developed a standard format, NRC Form 664, "General Licensee Registration," for general licensees to provide the required information. The format will provide available information to the licensee and requires the general licensee to verify and update the information as necessary. Essential information to be verified/updated on the form consists of: 1) the name, title, and telephone number of the individual responsible for the device; 2) a mailing address and an address of use or storage for the device; 3) information pertaining to the device such as manufacturer's name, device serial number, device model number, and the isotope and activity contained within the device.

The NRC is requesting a clearance for NRC Form 664 that will request the information listed above from its licensees. In addition, this clearance submittal also requests the deletion of the burden approved for the rulemaking against OMB clearance number 3150-0016 for 10 CFR Part 31, "General Domestic Licenses for Byproduct Material." The burden reduction for clearance number 3150-0016 consists of 2,000 hours.

At the time the subject rule was developed, it was estimated that there would be approximately 6,000 general licensees who would be required to respond annually to the requests for information about the devices possessed. Subsequent to the approval for the collections in the rule, we have added two new Agreement States. Although a few Agreement States already require some form of registration of generally licensed devices, there is currently no compatibility requirement for Agreement State regulations in this regard. The final action by the Commission on the proposed rule of July 26, 1999, "Requirements for Certain Generally Licensed Devices Containing Byproduct Material" (64 FR 40295), has established a Compatibility Category B for Agreement State regulations with respect to the annual registration requirement. Compatibility Category B requires equivalent reporting for Agreement States. However, Agreement State licensees are not required to use NRC Form 664 for their annual reporting. Therefore, the Agreement State burden for this annual requirement has been

included in the OMB clearance package for the final rule, "Requirements for Certain Generally Licensed Devices Containing Byproduct Material" and will be cleared under 10 CFR Part 31 (3150-0016). This final rule is currently at OMB for approval.

A. JUSTIFICATION

1. Need for and Practical Utility of the Information Collection

In the past, general licensees have not been contacted by the NRC on a regular basis for information on devices possessed, because of the relatively small radiation risk posed by these devices. However, there have been a number of occurrences involving generally licensed devices that suggest better accounting for such devices may be beneficial. For example, one or more cesium gauges were mixed in with scrap metal that was smelted to form steel, and the entire batch of steel was contaminated. There have been other types of incidents involving NRC generally licensed devices, however, loss of accountability remains the most common problem and the predominant concern.

The NRC has concluded that there is a lack of awareness of applicable regulations on the part of the device user and inadequate handling and accounting for these devices. NRC further concluded that these two problems can be addressed by more frequent and timely contact between the general licensee and NRC in the form of a registration program for the higher risk devices. NRC Form 664 will be used for the collection of information pertaining to the registration program. However, the form was not made available for public comment when the burden for the registration program was approved under OMB control number 3150-0016.

2. Agency Use of the Information

General licensees would be required to submit information which would allow the Agency to better track generally licensed devices, and so that licensees can be contacted or inspected to ensure that the devices can be identified even if lost or damaged.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection requirement through the use of information technology. In fact, the NRC encourages it. However, many licensees typically do not maintain required records on automated equipment. Therefore, the exclusive use of computers for reporting the requested information does not seem practical. However, NRC Form 664 is a scannable form, which will reduce NRC's burden in entering the data into a General Licensee Tracking System.

4. Effort to Identify Duplication and Use Similar Information

Those licensees covered under 10 CFR Part 32, who initially transfer devices containing byproduct material to generally licensed individuals, are required to submit a written report to the NRC, pursuant to 10 CFR 32.52, identifying each general licensee by name and address, and individual by name and/or position who may constitute a point of contact between the Commission and the general licensee, the type of device transferred, and the quantity and type of byproduct material contained in the device. While this is essentially the information that will be requested to be verified and updated

by the general licensee through the registration program, no current regulatory requirement would keep the information up to date with changes to location of use, and general licensee personnel responsible for the device. Although general licensees are required to notify the NRC of transfers, they are often not aware of this requirement, and do not make the notifications. The registration process is expected to improve general licensees' awareness of their responsibilities under this regulation.

5. Effort to Reduce Small Business Burden

Because the majority of the general licensees are small businesses, care was taken to require only the minimum amount of information needed in order to assure that the health and safety of the public is protected. In an effort to simplify the process, licensees will be provided with information from the NRC database for verification and correction, rather than being required to provide all information on a blank form. It is not possible to further reduce burden on small businesses by reducing the information collection and still adequately track ownership and disposition of the devices.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently

Periodic reporting is essential to assure that devices containing byproduct material are maintained and transferred properly. Less frequent reporting would result in a higher probability of devices being inadvertently discarded, and could lead to a diminished level of protection for the health and safety of the public, and the environment.

7. Circumstances Which Justify Variation From OMB Guidelines

There is no variation from OMB guidelines.

8. Consultation Outside the NRC

Notice of opportunity for public comment was published in the Federal Register on July 19, 2000 (65 FR 44840). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Not Applicable.

11. Justification for Sensitive Questions

None.

12. Estimated Burden and Burden Hour Cost

The information submitted, and approved under OMB control number 3150-0016 on September 10, 1999, also included estimates of miscellaneous requests and requests for extensions that are not applicable to NRC Form 664 for a total of 62 hours. This burden will continue to be cleared against clearance number 3150-0016. Approximately

4300 general licensees are expected to respond to written registration requests from the NRC annually. The registration portion of this burden will be transferred to NRC Form 664, and is now estimated at 1433 hours due to reduction in the number of affected licensees. The average burden per response to these written requests is 20 minutes for an overall estimated annual burden of 1433 hours (4300 x 1/3 hour), and a cost of approximately \$205,000 (1433 x \$143/hour).

13. Estimate of Other Additional Costs

There are no other additional costs.

14. Estimated Annualized Cost to the Federal Government

Based on the current estimate of affected licensees, the estimated annualized cost to the Federal Government for registration, as a result of the amendment to 10 CFR 31.5(c)(11) is as follows:

Mailing a request for verification of devices possessed by general licensees and logging the response into the computerized directory or recording that verification has been received, will take approximately 215 hours (4300 requests @ 3 minutes per request). The annual cost would be approximately \$30,745 (215 hours x \$143 per hour). After year 1, the cost is recovered through license fees assessed under 10 CFR Parts 170 and/or 171.

During the initial implementation period, it is estimated that approximately 1290 general licensees (30%) will call for technical assistance. Approximately 15 minutes of staff time will be required to respond to each of about 430 of these requests, or 108 hours. Approximately 30 minutes of staff time will be required to respond to each of the other 860 technical requests, or 430 hours, for a total of 538 hours, for the first year or two. The annual cost for the first two years will be approximately \$76,934 (538 hours x \$143 per hour). After the first two years, the technical assistance requests should drop to approximately 430 requests per year, and 15 minutes staff time for each request, or 108 hours, and an estimated annual cost of \$15,444 (108 hours x \$143 per hour). Thus the average cost for technical assistance requests is approximately \$56,437 per year over the first 3 year period $((538 \text{ hours} \times 2 + 108)/3 = 395 \text{ hours} \times \$143)$.

The total average registration cost to the Federal Government for the first three years is \$87,182 annually (\$30,745 + \$56,437).

15. Reasons for Changes in Burden or Cost

The burden for the information required to be submitted to verify or update general licensee registration information is being moved from OMB clearance number 3150-0016 to a new form. In addition, since the 10 CFR 31.5 rulemaking was implemented, the number of NRC licensees has decreased by 1,700 licensees (6,000 to 4,300).

16. Publication for Statistical Use

None.

17. Reason for not Displaying the Expiration Date

The date will be displayed on the form.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.