

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

EXTENSION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in 10 CFR Part 40 establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source and byproduct materials. The regulations were issued pursuant to the Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974, the National Environmental Policy Act of 1969 (NEPA), and the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) (all as amended). Section 40.25 establishes a general license authorizing the possession, use, or transfer of depleted uranium contained in industrial products or devices which have been manufactured or initially transferred in accordance with a specific license issued pursuant to 10 CFR 40.34. Information regarding the first/initial receipt or acquisition of depleted uranium must be submitted on NRC Form 244, "Registration Certificate – Use of Depleted Uranium Under General License," within 30 days of receipt of such depleted uranium.

A. Justification

1. Need for and Practical Utility of the Collection of Information

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

Section 40.25(d)(3) requires persons transferring depleted uranium to a transferee pursuant to the general license in Section 40.25(a) to furnish to the transferee a copy of Section 40.25 and a copy of NRC Form 244, and if under the regulations of an Agreement State, an explanation of that fact. These documents inform the end user of the product the need to register and other requirements of the general license. The NRC has printed Section 40.25 on the back of the NRC Form 244, so that compliance with both requirements can be achieved by providing and using one piece of paper to the transferee, thus minimizing the burden for obtaining a license.

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

2. Agency Use of the Information

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

The information on the form is reviewed by the NRC to determine that a licensee has confirmed possession and use of the depleted uranium to the locations, purposes, receipt, and quantities authorized by the general license.

3. Reduction of Burden through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it is beneficial. The NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. NRC anticipates that zero percent responses will be filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available to the NRC. There is no duplication of requirements. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

Some of the licensees who use source and byproduct material are small businesses. However, since the health and safety consequences of improper handling or use of radioactive source and byproduct material are the same for large and small entities, it is not possible to reduce the burden on small businesses by less frequent or less complete reporting, recordkeeping, or accounting and control procedures.

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

If the information is not collected, NRC will have no way to assess whether licensees are operating within the radiation safety requirements applicable to the possession, use, or transfer of source or byproduct materials. Applications for new general licenses are submitted only once and amendments are submitted and approved as appropriate. Applications for renewal of specific licenses are submitted every ten years. Information submitted in previous applications may be referenced without being resubmitted. The frequency of information collection is kept to a minimum necessary to assure that licensees will continue to conduct programs in a manner that will assure adequate protection of environment, public health and safety.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register*.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17 (a) and 10 CFR 2.390 (b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This information collection process does not include sensitive questions.

12. Estimated Burden and Burden Hour Cost

a. NRC Licensees:

The NRC has received 4 responses from 3 different respondents over the last three years. Therefore, the average number of annual responses is 1.3 (4 responses / 3 years). The average number of annual respondents is 1 (3 respondents / 3 years). Based on these estimates, the annual industry burden will be 1.3 hours (1.3 responses per year x 1 hour per response). Registrants are required by 10 CFR Part 40.25(c)(2) to submit a report to the Office of Nuclear Material Safety and Safeguards when the information on NRC Form 244 changes. In practice, NRC staff have observed that registrants send the NRC an NRC Form 244 with the updated information required by Section 40.25(c)(2). Therefore, the

updated forms from current registrants are counted in the estimated burden along with the forms from first-time registrants.

The annual reporting cost for affected NRC licensees will be \$363 (1.3 hours per year x \$279 per hour). This information is summarized in chart form below.

Respondent Type	No. of Annual Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost \$279/hr
NRC	1	1.3	1.3	1	1.3	\$363

b. Agreement State Licensees:

The NRC estimates that there is approximately 6.2 times the number of Agreement State licensees as there are NRC licensees. This estimate based on the estimate of 2,900 NRC byproduct material licenses (including NRC Master Material License permits) and 18,000 Agreement State licenses. The number of Agreement State responses is estimated from the number of NRC responses times the 6.2 ratio of Agreement State licenses to NRC licenses. This average number of Agreement State responses is equal to 8.1 responses (1.3 NRC responses x 6.2 ratio). The total annual burden for Agreement State licensees will be 8.1 hours (1 hour per response x 8.1 responses per year).

Based on this estimates, the annual reporting cost for all affected Agreement State licensees will be \$2,260 (8.1 hours x \$279 per hours). This information is summarized in chart form below.

Respondent Type	No. of Annual Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Cost \$279/hr
Agreement State	6.2	1.3	8.1	1	8.1	\$2,260

c. Total:

The total annual burden is estimated to be 9.4 hours (1.3 NRC licensee hours + 8.1 Agreement State hours) to report the receipt and transfer of depleted uranium under general license as required by 10 CFR 40.25. The burden estimates are based on actual submittals to NRC in the past years. The total cost for NRC Licensees and Agreement State Licensees would be \$2,623 (9.4 hours x \$279/hr). This rate is based on NRC's fully recoverable fee rate.

The total burden and burden cost for NRC and Agreement State Licensees is solely based on reporting. There is no burden or cost to licensees associated with recordkeeping as licensees are not required by 10 CFR Part 40.25 to retain a copy of NRC Form 244.

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The annual cost for the NRC to review NRC Form 244 is estimated to be 0.65 hours (0.50 hours/report x 1.3 reports/year) x \$279/hour, or \$181. The majority of the cost for review of NRC Form 244 is associated with review of information and certification regarding depleted uranium. These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden

The number of registration certificates submitted by NRC licensees has decreased by from 4 certificates to 1.3 certificates, a decrease of approximately 2.7 hours (2.7 certificates x 1 hour per certificate = 2.7 hours). The number of registration certificates submitted by Agreement State licensees has been estimated to have decreased from 19 to 8.1, a decrease of approximately 10.9 hours (10.9 certificates x 1 hour per certificate = 10.9 hours).

The overall burden for this renewal has decreased due to a decrease in the number of forms received over the past 3 years. The decrease in form submissions may be attributed to natural fluctuations in the needs of NRC and Agreement State licensees and license applicants from year-to-year.

The change in cost also reflects an increased in the annual labor cost for material licensees from \$274 to \$279 per hour.

16. Publication for Statistical Use

Results will not be tabulated or published.

17. Reason for Not Displaying the Expiration Date

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

18. Exceptions to the Certification Statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.