

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 314
CERTIFICATE OF DISPOSITION OF MATERIALS
(10 CFR Sections 30.36(c), 40.42(c), and 70.38(c))
(3150-0028)

EXTENSION

Description of the Information Collection

NRC Form 314 is submitted by a materials licensee who wishes to terminate its license. The form provides information needed by NRC to determine whether the licensee has radioactive materials on hand which must be transferred or otherwise disposed of prior to expiration or termination of the license.

A. Justification

1. Need for and Practical Utility of the Information Collection

NRC licenses to possess and use specified radioactive materials are issued for a term of ten years. A notice of expiration of license is mailed to such licensees 120 days prior to expiration of the license. Included with the notice is a set of application forms for use if the licensee wishes to apply for renewal of the license, and a copy of NRC Form 314, "Certificate of Disposition of Materials," for use if renewal is not desired. If the licensee does not submit an application for renewal of the license, or determines to cease its licensing operation at any time during the term of the license, NRC requires, as part of its process for terminating the license and closing out the file, that the licensee notify the Commission in writing of that termination decision (10 CFR 30.36(c), 40.42(c), 70.38(c)). In connection with, but separate from that notification, licensees submit an NRC Form 314, which furnishes information regarding transfer or other disposition of the radioactive material or indicates that no materials have been procured.

2. Agency Use of the Information

The NRC staff reviews NRC Form 314 to determine whether the licensee has materials on hand which must be transferred or otherwise disposed of in accordance with NRC regulations and, whether any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is as low as is reasonably achievable (ALARA) prior to expiration or termination of the license. The information submitted on Form 314 constitutes part of the basis for the determination by NRC that the facility has been cleared of radioactive material before the facility is released for unrestricted use.

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 would be beneficial to them. It is estimated that none of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

The information is required from all materials licensees terminating their licenses. Some of the licensees who use byproduct, source, or special nuclear material are small entities. To the extent that small entities may possess less material than large entities, the burden of accounting for it on the form might be proportionately less. However, since the need for NRC to determine whether radioactive materials have been safely transferred or disposed of and whether the facility has been cleared of radioactive material before release is the same for large and small entities, it is not possible to reduce the burden on small entities by less frequent or less complete reporting of this one-time requirement.

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

This report is only submitted once, upon termination of the license. If the report were not submitted at that time, the NRC would not be able to determine readily whether any radioactive materials remain on the site, whether disposition of materials has been made in accordance with the regulations, and whether the site has been cleared of radioactive materials and may be released for unrestricted use.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB Guidelines.

8. Consultations Outside the Agency

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on July 19, 2016 (81 FR 46972). Additionally, five licensees were contacted individually and two responded with comments. The licenses contacted were:

- o Cimarron Environmental Trust
- o General Electric UNC
- o Department of the Army,
- o JPG - Westinghouse Hematite

The Radiation Safety Officers from Cimarron Environmental Trust and Westinghouse Hematite provided comments.

The following comments were provided by Cimarron Environmental Trust:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

The information requested on Form 314 is appropriate for the vast majority of licensees. However, Form 314 is not just a "Certification of Disposition"; it is a checklist of criteria, identifying the information needed to justify license termination.

NRC Response

In response, the NRC agrees with your comments that the Form 314 is not just a "Certification of Disposition" but that it serves as a checklist of criteria for identifying the information needed to justify license termination. The Form 314 is used by licensees who transfer and dispose of licensed radioactive material. The form shows the disposal of the materials if they were possessed, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61, 70, and 72. As well as other facilities subject to NRC jurisdiction. Thank you for your comments.

2. Is the burden estimate accurate?

For those licensees who have decommissioned a "complex site" in accordance with a Decommissioning Plan or License Termination Plan, there should be no need to provide the information listed on Form 314. The decommissioning of a complex site often extends over several decades; disposition of licensed material likely consisted of multiple shipments overseen by multiple "vendors" (e.g., the licensee, a licensee contractor, or a waste broker) to numerous licensed disposal sites.

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem to be most appropriate for a large complex decommissioning site like Cimarron. The Form 314 may be better suited for smaller licensees who had transferred or disposed of certain types of licensed materials. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

NRC should have over the years received records of the disposition of licensed material; to recover and report the history of past disposition of licensed material should be unnecessary, and would likely involve significant cost and time going through archived records to capture all the relevant information. Final status survey plans submitted to demonstrate compliance with 10 CFR 20, Subpart E contain the information required to justify license termination.

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem appropriate for a large complex decommissioning site like Cimarron. The Form 314 may be better suited for smaller licensees who had transferred or disposed of certain types of licensed sources. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

For the thousands of radioactive material licensees, for whom decommissioning consists primarily of the disposition of their licensed material and perhaps limited release surveys, Form 314 is simple and effective not only for identifying the disposition of the licensed material, but for demonstrating that the conditions for license termination have been met.

Form 314 should NOT be required for those licensees who have decommissioned their facilities in accordance with an NRC-approved Decommissioning Plan or License Termination Plan submitted in accordance with 10 CFR 30.36(d), 40.42(d), 50.82 (a) and (b), 70.38(d), or 72.54.”

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem appropriate for a large complex decommissioning site like Cimarron. The Form 314 may be better suited for smaller licensees who had transferred or disposed of certain types of licensed sources. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

The following comments were provided by Westinghouse Hematite Decommissioning Project and

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

In reviewing Form 314, it appears practical for a small facility that only ever possessed sealed radioactive sources to complete the form and prove that all licensed materials have been appropriately disposed of or transferred prior to license termination. However for a large facility this may be much more problematic. A facility that has disposed of radioactive wastes of different types and classifications, over several years, possibly to several different facilities would need to supplement the form with a significant amount of documentation to support accurate completion. And in the case of NRC Licensee's, this information has most likely already been transmitted to the NRC through formal information requests, on-site inspections, and Final Status Survey Release Records, etc.

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem to be the most appropriate form for a large complex decommissioning site like Hematite. The Form 314 is intended for much smaller licensees who had transferred or disposed of certain types of licensed sources. The Form 314 may not seem appropriate for all licensees especially large complex decommissioning sites. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Thank you for your comments.

2. Is the burden estimate accurate?

For a small facility containing only sealed sources, the burden estimate appears accurate, assuming that the radiation survey requested in Part C has already been performed or is not required. For a large facility again, preparation of documentation to support completion of the form could be a significant undertaking, and it is not clear if the requested radiation survey in Part C is in reference to the facility surveys prescribed by 10 CFR 20 Subpart E, or in addition to it. Either way, completion of the facility radiation surveys is a significant undertaking, requiring significant documentation.

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem to be the best form for a large complex decommissioning site like Hematite. The Form 314 is intended for much smaller licensees who had transferred or disposed of certain types of licensed sources. The Form 314 may not seem appropriate for all licensees especially large complex decommissioning sites. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

No comment at this time.

NRC Response

In response, these comments are an important consideration because the Form 314 may not actually be the most appropriate form for a large complex decommissioning site like Hematite. The Form 314 is intended for much smaller licensees who had transferred or disposed of certain types of licensed sources. The Form 314 may not seem appropriate for all licensees especially large complex decommissioning sites. However this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

It seems that Form 314 is a confirmation on the part of the licensee that all required actions have been completed, including disposal and/or transfer of radioactive material, prior to the request for license termination. This confirmation will be a summary of the information that should have already been transmitted to NRC Headquarters as part of the license termination process, and confirmed through the on-site inspection process, making the completion of this form seem like a formality. Assuming that all required decommissioning activities have been completed, a Final Status Survey Release Record has been completed, reviewed, and approved by NRC Headquarters, and license termination is eminent, then completion of Form 314 will not be all that burdensome, however it will only seemingly serve to certify again the information that has already been submitted.

If the intention of Form 314 is to confirm that any radioactive sources that remained on-site after decommissioning activities have been completed are appropriately transferred and/or disposed of prior to officially terminating the license, then it may be helpful to allow the licensee to specify a date at which decommissioning activities completed, and the radioactive material that remained on the license after that date. Then tracking the small amount of radioactive material that remained onsite after decommissioning activities were completed would not be altogether too difficult. The statement in Section B.2.a makes a very broad reference to "...all radioactive materials produced and/or possessed by the licensee under this license

number cited above have been disposed of...”, which could be interpreted to mean all radioactive materials that were ever possessed under the license. For a facility that has been in operation for several decades, this will be extremely cumbersome, and most likely unnecessary as the request for license termination will already include this information.

Alternatively, perhaps instead of proving that all radioactive material has been removed from the site by tracking the transfer and/or disposal of said material, allow the Licensee to prove the absence of any radioactive material through the facility surveys in part C, and/or through technical evaluation.

NRC Response

In response, these comments are an important consideration because the Form 314 may not seem to be the most appropriate form for a large complex decommissioning site like Hematite. The Form 314 is intended for much smaller licensees who had transferred or disposed of certain types of licensed sources. The Form 314 may not seem appropriate for all licensees especially large complex decommissioning sites. However, this is the form NRC uses to track the transfer and disposal of licensed radioactive material for all licensees. The form shows if the licensee possessed radioactive material, where they were transferred, or disposed of and the disposal methods. The form also asks about residual contamination and surveys performed. The form is used by the NRC in determining license termination. Subpart E of 10 CFR Part 20 established the radiological criteria for license terminations/decommissioning of facilities under 10 CFR Parts 30, 40, 50, 60, 61,70, and 72, as well as other facilities subject to NRC jurisdiction. Again, thank you for your comments.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the 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

None.

12. Estimated Burden and Burden Hour Cost

Respondents are firms, institutions, and individuals holding NRC licenses to possess and use radioactive materials who do not wish to renew those licenses.

Approximately 136 respondents annually file NRC Form 314.

Each form requires, on average, approximately 0.5 hours to prepare.

$136 \times 0.5 \text{ hour} = \text{a total annual burden for all respondents of 68 hours.}$

The annual cost to the public, calculated at a rate of \$265 per hour, is estimated to be \$18,020.

13. Estimate of Other Additional Costs

None. For licensees submitting NRC Form 314, additional costs are most likely incurred (1) to achieve regulatory compliance with requirements not associated with the information collection, (2) for reasons other than to provide information or keep records for the government, or (3) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

The annual cost to the Federal government is estimated to be \$6,145 (9 hrs professional (for review of submitted forms) @ \$265/hr = \$2,385 plus 80 hours clerical (administrative effort of logging in submittals, docketing, performing data entry, and dispatching completed cases) @ \$47/hr = \$3,760). This cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Change in Burden or Cost

There has been no change in the overall burden from the last clearance cycle. However, the hourly fee rate has decreased from \$278 to \$265.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying Expiration Date

Not applicable. The expiration date is displayed on the form.

18. Exceptions to the Certification Statement

None.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.