

January 22, 2024

David C. Cullison  
Office of the Chief Information Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-6 A10M  
Washington, DC 20555-0001

**Subject:** Industry Comments on the Information Collection Renewal for “Domestic Licensing of Special Nuclear Material,” Docket ID NRC-2023-0118

***Submitted via Regulations.gov***

**Project Number: 689**

Dear Mr. Cullison:

The Nuclear Energy Institute (NEI)<sup>1</sup>, on behalf of its fuel cycle facility (FCF) members, appreciates the opportunity to comment on the information collection renewal titled “Domestic Licensing of Special Nuclear Material” (Docket ID NRC-2023-0118). The regulations in 10 CFR Part 70 establish requirements for licensees to own, acquire, deliver, receive, possess, use, or transfer special nuclear material (SNM). The information in the applications, reports, and records is used by the Nuclear Regulatory Commission (NRC) to make licensing and/or regulatory determinations concerning the use of special nuclear material.

Table 1 (Annual Reporting Burden) and Table 2 (Annual Recordkeeping Burden) were published on [www.regulations.gov](https://www.regulations.gov) (through the above referenced docket ID). Overall, some burden estimates were reasonably captured and as such, this letter and attachment will not address those specific estimates as industry believes no changes are needed. However, we do believe that several of the burden estimates in Table 1 and Table 2 are miscalculated by several orders of magnitude. Specific examples, with industry’s suggested burden estimates, are provided in the attachment (see column 4 labelled “industry input”).

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<sup>1</sup> The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI’s members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

Much of the industry input on estimated burden hours provided here has been previously provided to the NRC in past comment letters (for example, see letter dated October 27, 2017<sup>2</sup>, Docket ID NRC-2017-0048). Some of industry's past input was not incorporated into subsequent information collection renewals, and as such, those specific comments will be reiterated in the attachment. The revised figures are based on feedback from experienced technical, managerial, and regulatory affairs specialists who complete the referenced reports and recordkeeping. As can be seen, many of these Part 70 requirements place a heavy administrative burden on the licensee.

We trust that the industry input reflected in the attachment will be seriously considered to reflect the new burden estimates for Part 70 reporting and recordkeeping. Provided the decades of Part 70 industry experience (both from an operational and regulatory compliance standpoint), and keen awareness of the associated time burdens, there should be much closer alignment between the NRC's estimates and the estimates highlighted in this attachment.

We hope these suggested burden estimates better inform the renewal of this information collection, and we look forward to seeing how industry's experienced input is incorporated in the final revised burden estimates. Please contact me if you have any additional questions.

Sincerely,



Janet R. Schlueter  
Sr. Technical Advisor, Fuel & Radiation Safety

Attachment

c: Ms. Shana Helton, NRC/NMSS

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<sup>2</sup> ML17304B308

**Industry Burden Hour Estimates on the Information Collection Renewal  
entitled "Domestic Licensing of Special Nuclear Material" (Docket ID NRC-  
2023-0118)**

**Table 1: Annual Reporting Burden**

<b>Requirement</b>	<b>Description</b>	<b>Burden Hours per Response (NRC estimates)</b>	<b>Industry Input: Burden Hours per Response</b>	<b>Industry Comments</b>
70.32(c)(2)	Change to material control and accounting program	13.3	80 hours	This estimate is far too low.  Number of hours should be similar to § 70.32(e) ("change in physical security plan"), which the NRC currently has listed as 80 hours.
70.32(i)	Change in Emergency Plan	16	80 hours	This estimate is far too low. More hours are needed to make changes to the source documents.  Number of hours should be similar to § 70.32(e) ("change in physical security plan"), which the NRC currently has listed as 80 hours.
70.50(c)(1)	Initial event report by telephone	4	24	This estimate is far too low, as it also includes unplanned contamination and Appendix A reports. It takes time to evaluate and determine if an event meets reporting requirements.
70.50(c)(2)	30-day written event report	40	120	Estimate includes hours spent on the 30-day follow-up report after an initial report is made.

<b>Requirement</b>	<b>Description</b>	<b>Burden Hours per Response (NRC estimates)</b>	<b>Industry Input: Burden Hours per Response</b>	<b>Industry Comments</b>
70.55(b)	Making records available for inspection	20	At least 80 hours <b>per inspection</b>	<p>Note: the tri-annual plant modifications inspection records may take 160 hours.</p> <p>Each fuel cycle licensee typically gets 8-10 inspections per year. As such, the annual burden hours per licensee would be at least 640 hours. To account for the entire fleet of fuel cycle licensees, the total annual burden hours would be 5120 hours instead of 1200 hours.</p>
70.59	Effluent monitoring reports	5	40	While the report writing, letter preparation, peer review, and management approval may only take about 5 hours, the precursor activity of analyzing the provided data from the lab takes considerably more time.
70.72(d)(3)	ISA annual update	40	At least 300 hours	Typically over a dozen documents are updated, many of which are several hundred pages each. This also includes a detailed review and update of associated plant drawings, procedures, and related documents, that must occur, to ensure the accuracy of the annual update. Updates may include, but are not limited to: changing process descriptions due to plant modifications made during the year, and updating the accident and IROFS tables. After updates are made, the ISA Summary goes through an extensive review and approval process. This includes multiple technical

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				reviewers, who cover the various plant functions, as well as administrative and multi-stage managerial review.
70.74	Initial event report by telephone	4	24	It takes time to evaluate and determine if an event meets reporting requirements.

**Table 2: Annual Recordkeeping Burden**

<b>Requirement</b>	<b>Description</b>	<b>Burden Hours per Recordkeeper (NRC estimates)</b>	<b>Industry Input: Burden Hours per Recordkeeper</b>	<b>Industry Comments</b>
70.25(g)	Decommissioning Records	3	100	Burden hours should accurately reflect the detailed records requirements under §70.25(g)(3) which must be updated every 2 years.
70.61, 70.62, and 70.72	Safety program, process safety information, integrated safety analysis, management measures, configuration management system, and facility changes	300	6000	Typically, facilities maintain a "virtual plant" that must match the "physical plant." The amount of time required to simply maintain drawings of equipment is far in excess of the NRC's estimated 300 hours. In addition to maintaining drawings, the licensee must maintain procedures, complete safety analysis of plant changes, monitor equipment performance, and execute the required management measures (which includes preventative maintenance activities, instrument calibrations, training to procedural changes, and beyond). As such, in consideration of these comprehensive activities, the NRC's overall estimate is significantly miscalculated.