

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

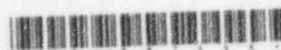
SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters under Section 274" *BAF-4A*
2. Current OMB approval number: 3150-0032 *x C 42-8*
3. How often the collection is required: 10 CFR 150.16(b), 150.17(c), and 150.19(c) require the submission of reports following specified events, such as the theft or unlawful

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diversion of licensed radioactive material. The source material inventory reports required under 10 CFR 150.17(b) must be submitted annually by certain licensees.

4. Who is required or asked to report: Agreement State licensees authorized to possess source or special nuclear material at certain types of facilities, or at any one time and location in greater than specified amounts.
5. The number of annual respondents: 63 Agreement State licensees
6. The number of hours needed annually to complete the requirement or request: 150 hours
7. Abstract: 10 CFR Part 150 provides certain exemptions from NRC regulations for persons in Agreement States. Part 150 also defines activities in Agreement States and in offshore waters over which NRC regulatory authority continues, including certain information collection requirements. The information is needed to permit NRC to make reports to other governments and the International Atomic Energy Agency in accordance with international agreements. The information is also used to carry out NRC's safeguards and inspection programs.

Submit, by (insert date 60 days after publication in the Federal Register), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

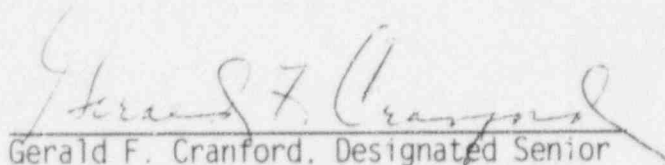
A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library), NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC

Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 F33, Washington, DC, 20555-0001, by telephone at (301) 415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 7th day of April, 1997.

For the Nuclear Regulatory Commission.


Gerald F. Cranford, Designated Senior
Official for Information Resources
Management

SUPPORTING STATEMENT
FOR
10 CFR PART 150
EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY
IN AGREEMENT STATES AND IN OFFSHORE WATERS
UNDER SECTION 274
(3150-0032)

EXTENSION

Description of the Information Collection

NRC Regulations in 10 CFR Part 150 provide certain exemptions to persons in Agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Atomic Energy Act of 1954, as amended, and certain regulations of the Commission. The regulations in Part 150 also define activities in Agreement States over which the regulatory authority of the Commission continues. Information concerning the application, recordkeeping, and reporting requirements imposed by specific sections is provided below.

A. JUSTIFICATION

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

10 CFR Section 150.16(a) requires each Agreement State licensee who transfers or receives special nuclear material to complete and submit a DOE/NRC Form 741, "Nuclear Material Transaction Report," whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. 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.

The use of DOE/NRC Form 741, and its continuation page, Form 741A, has been previously approved under OMB Clearance No. 3150-0003, which should be referred to for the information collection burden and supporting data.

10 CFR Section 150.16(b) requires that each person who, pursuant to an Agreement State license, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the appropriate NRC Regional Office any incident in which any theft or unlawful diversion of special nuclear material which he is licensed to possess has been made or is believed to have been made. The licensee is required to submit a written report to the appropriate NRC Regional Office within 15 days of the initial report.

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.

10 CFR Section 150.17(a) requires each person who, pursuant to an Agreement State license, transfers or receives or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports 1 kilogram or more of uranium or thorium source material of any origin to complete and submit DOE/NRC Form 741.

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.

The use of DOE/NRC Form 741, and its continuation page, Form 741A, has been previously approved under OMB Clearance No. 3150-0003, which should be referred to for the information collection burden and supporting data.

10 CFR Section 150.17(b) requires each person who is authorized to possess at any one time and location under an Agreement State license, more than 1,000 kilograms of uranium or thorium, or any combination of uranium or thorium, to submit to NRC within 30 days after September 30 of each year a statement of his 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)¹, 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.

10 CFR Section 150.17(c) requires each Agreement State licensee who is authorized to possess uranium or thorium pursuant to a specific license to 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 licensee is required to submit a written report to the appropriate NRC Regional Office within 15 days of the initial report.

The information submitted by licensees under this requirement is evaluated and maintained by NRC in order that the Commission may carry out its

¹ NRC and DOE share the cost of operating the Nuclear Materials Management and Safeguards System (NMMSS). Current and projected NRC cost of the system is \$822,000 for FY 97. This cost is attributable to these nuclear materials transaction and accounting report forms. This includes the cost of ADP, record holding, and clerical processing of all forms (DOE/NRC Forms 741, 741A, 740M, 742, 742C, and IAEA Form N-71).

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.

10 CFR Section 150.17a provides that each person who, pursuant to an Agreement State license, is authorized to possess source material in amounts greater than one effective kilogram (except in ore processing) is subject to the provisions of Part 75 of the Commission's regulations. Part 75 requires, among other things, that the applicant file with the Commission: the identification of the installation; a description of features 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.

This information must be filed at least nine months prior to the date the applicant desires to receive the source material (or earlier upon request by the Commission). The Commission will grant an exemption from these requirements if it determines that the installation will not be included on the United States eligible list.

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 Section 75.11.

The information contained in the report is placed in and maintained by 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 necessary to promote the common defense and security, protect health, and minimize danger to life or property.

10 CFR Section 150.19(c) requires that each person who, pursuant to an Agreement State license, is authorized to possess tritium 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 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The licensee is required to submit a written report to the appropriate NRC Regional Office within 15 days of the initial report.

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.

10 CFR Section 150.20(b)(1) requires that any Agreement State licensee engaging in activities in non-Agreement States under the general license established in Section 150.20(a) shall, at least 3 days prior to engaging in

such activity, file four copies of NRC Form 241 and four copies of his Agreement State specific license, with the appropriate NRC Regional Office.

The use of NRC Form 241 has been previously approved under OMB Clearance No. 3150-0013, which should be referred to for the information collection burden and supporting data.

10 CFR Section 150.31(b)(1) requires that, in the licensing and regulation of byproduct material, or any activity which results in the production of such byproduct material, Agreement States shall require compliance with the provisions of Appendix A of 10 CFR Part 40 pertaining to ownership of such byproduct material and disposal sites for such material.

The compliance burden for Section 150.31(b)(1) is attributable to Appendix A of 10 CFR Part 40, which has been approved under OMB Clearance No. 3150-0020, which should be referred to for the information collection burden and supporting data.

2. Agency Use of the Information

The reports described in 150.16(a), 150.17(a), 150.17(b), and 150.17a contain data that are used to generate reports to provide to the Australian and Canadian Governments in accordance with Bilateral Agreements and the International Atomic Energy Agency (IAEA) in accordance with the US/IAEA Safeguards Agreement. Information collected is also necessary to the domestic inspection program.

The reports described in 150.16(b), 150.17(c), and 150.19(c) are 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.

3. Reduction of Burden Through Information Technology

For requirements for the submission of DOE/NRC Forms 741, 741A, 740M, 742, or 742C, licensees previously had the option of submitting the required information on a facsimile of the form or transmitting the information electronically. NRC amended its regulations to require licensees using DOE/NRC Forms 741, 741A, 740M, 742, and 742C to submit such reports in a computer-readable format. This change eliminated the need for hard copy forms and reduced the burden on licensees through the use of current information technology.

Other reports that may be required because of an incident or event, for example, may be submitted using automated information technology. However, because of the types of information and the infrequency of submission, many of these reports do not lend themselves readily to the use of automated information technology.

4. Effort to Identify Duplication and Use Similar Information

In general, information required by NRC in reports or records concerning the transfer, receipt, or change in inventory of source or special nuclear 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 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.

Submission of similar information on the inventory of nuclear material to the Federal government has been minimized by NRC and the Department of Energy (DOE) jointly utilizing NMMSS. Common reporting forms are used to minimize the reporting burden on industry members required to provide nuclear material data to one or both agencies in accordance with prevailing regulations or contractual obligations. The licensee is thus able to file one report to meet the requirements of both agencies. Compliance with specific reporting requirements is monitored by the agency for which the specific data are required.

5. Effort to Reduce Small Business Burden

The burden on licensees will vary with size and type of licensed operation. The burden on small business represents approximately five percent of the total burden. Further reduction would not enable the NRC to fulfill its international or domestic responsibilities.

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

If the requested information is collected less frequently, the NRC would be unable to have current knowledge of the location of nuclear materials as is required by the Atomic Energy Act of 1954, as amended.

If licensees are not required to submit these reports, NRC will not be able to maintain material accountability under its statutory responsibilities of the Atomic Energy Act.

7. Circumstances which Justify Variation from OMB Guidance

Contrary to OMB guidelines in 5 CFR 1320.6, respondents are required to submit more than three copies of certain reports.

Section 150.16(a) and 150.17(a) require four copies of NRC Form 741. Multiple copies are required to document the transaction with the shipper, the receiver, and the NRC, and to accompany the shipment.

Section 150.20(b)(1) requires four copies of NRC Form 241 and four copies of the Agreement State license. Multiple copies are required to report proposed

activities in Non-Agreement States to one or more NRC Regional Offices, the NRC State Program Office, and the State Health Department.

Contrary to OMB guidelines in 5 CFR 1320.6(b), Section 150.16(b) requires that each person who, pursuant to an Agreement State license, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the appropriate NRC Regional Office any incident in which any theft or unlawful diversion of special nuclear material which he is licensed to possess has been made or is believed to have been made. The initial report must be followed within 15 days by a written report which sets forth the details of the incident. These reports in less than 30 days are necessary to permit the Regional Office 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.

Contrary to OMB guidelines in 5 CFR 1320.6(b), Section 150.17(c) requires each Agreement State licensee who is authorized to possess uranium or thorium pursuant to a specific license to 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 must be followed within 15 days by a written report which sets forth the details of the incident and its consequences. These reports in less than 30 days are necessary to permit the Regional Office 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.

Contrary to OMB guidelines in 5 CFR 1320.6(b), Section 150.19(c) requires that each person who, pursuant to an Agreement State license, is authorized to possess tritium 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 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The initial report must be followed within 15 days by a written report which sets forth the details of the incident and its consequences. These reports in less than 30 days are necessary to permit the Regional Office 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.

8. Consultation Outside of NRC

Consultation with licensees occurs continually as they call to discuss their reports. The NRC strives to meet its international reporting requirements while minimizing the burden to these licensees.

An opportunity to comment on the 10 CFR Part 150 information collection requirements will be provided in the Federal Register Notice published for this clearance extension.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Some proprietary information may be included when necessary to provide an adequate response. An application to withhold such information from public disclosure may be made, and would be disposed of, in accordance with the provisions of 10 CFR 2.790. If any of this information is particularly sensitive, a request may be made that such information not be transmitted to the IAEA; such a request must refer to, and conform with, 10 CFR 74.12.

11. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

The burden estimates for the 10 CFR Part 150 information collection requirements are based on submittals to NRC in past years. The cost to the licensees is calculated at a rate of \$125 per hour for preparation of the reports prepared in response to the 10 CFR Part 150 reporting requirements. This rate is based on NRC's fully recoverable fee rate.

The total annual burden is estimated to be about 150 hours per year, or 2.4 hours per licensee, for the licensees covered under 10 CFR Part 150. The details are shown in the table below. The total burden hour cost for the licensees would be 150 hours x \$125/hour, or approximately \$18,750/year.

<u>Section</u>	<u>No. of Licensee Responses Annually</u>	<u>Hours Per Submittal</u>	<u>Total Annual Licensee Burden (hrs)</u>
150.16(a) 150.17(a)	Burden is covered under OMB Clearance No. 3150-0003		
150.16(b) 150.17(c) 150.19(c)	3	10	30
150.17(b)	60	2	120
150.17a	Although Agreement State licensees are eligible and on the IAEA selection list, none have been selected and there are no plans by the IAEA to select any at this time.		
150.20(b)(1)	Burden is covered under OMB Clearance No. 3150-0013		
150.31(b)(1)	Burden is covered under OMB Clearance No. 3150-0020		
TOTAL	63		150

13. Estimate of Other Additional Costs

None. For licensees required to submit reports under 10 CFR Part 150, it is most likely that purchases of equipment and services were made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

The collection of information requires an average of 5 minutes/report of NRC staff time. For approximately 63 reports the collection requires approximately 5 hours per year (5 minutes/report x 63 reports = 5.25 hours/year). Annual labor costs at \$125 per staff hour will be \$625. These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171. Other costs are attributed to operating NMMSS.

15. Reasons for Change in Burden or Cost

There has been no significant change in the estimated burden and cost for preparation, submittal, and review of the 10 CFR Part 150 information collection requirements since submittal of the previous OMB clearance package.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The 10 CFR Part 150 requirements are contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.