

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

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 United States/International Atomic Energy Agency (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 with foreign obligations or who imports/exports 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 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 obligated source material inventory.

The information contained in the statement is placed in and maintained by the Nuclear Materials Management and Safeguards System (NMMSS)<sup>1</sup>, 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.

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<sup>1</sup> NRC and DOE share the cost of operating the Nuclear Materials Management and Safeguards System (NMMSS). Current NRC cost of the system is \$1,500,000 for FY 03. 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, 740M, 742, 742C).

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 150.17a 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 150.20(b)(2) requires that any Agreement State licensee engaging in activities in non-Agreement States under the general license established in Section 150.20(a) shall file an amended NRC Form 241 or letter with the appropriate NRC Regional Administrator to request approval for changes in work locations, radioactive material or work activities different from the information contained on the initial NRC form 241.

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

Reports that may be required because of an incident or event, 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.

NRC now requires licensees using DOE/NRC Forms 741 and 741A to submit such report in computer-readable format. This is a change from past uses of hard copy, facsimile, or electronic transmission of information. It also reduces the burden on licensees through the use of the current 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 1320.5(d), respondents are required to submit more than three copies of certain reports.

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 1320.5(d), 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 1320.5(d), 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 1320.5(d), 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. Consultations Outside the NRC

The opportunity for public comment on this information collection has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the 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 \$152 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 34.5 hours per year, or approximately 3 hours per licensee, for the licensees covered under 10 CFR Part 150. The details are shown in Table 1. The total burden hour cost for the licensees would be 34.5 hours x \$152/hour, or approximately \$5,244/year.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

The collection of information requires a total of 30 minutes (20 minutes for the initial report + 10 minutes for the follow-up report) of NRC staff time. For approximately 12 reports the collection requires approximately 6 hours annually  $([0.33 \text{ hr/report} + 0.17 \text{ hr/report}] \times 12 \text{ reports})$ . Annual labor costs at \$152/hour is \$912  $(12 \text{ reports} \times \$152/\text{hour})$ . 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 change in burden since the last renewal. However, the professional hourly rate was changed from \$143 to \$152 to reflect the current rate.

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

N/A.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

N/A.

Table 1: NRC Reporting Burden

Section	No. of Respondents	Responses Per Respondent	Total No. of Responses	Burden per Response	Total Annual Reporting Burden (Hrs)	Comments
150.16(a)						Burden covered under OMB Clearance No. 3150-0003
150.16(b) Initial Report	1	1	1	0.5	0.5	
150.16(b) 15-day Written Report	1*	1	1	9.5	9.5	
150.17(a)						Burden covered under OMB Clearance No. 3150-0003
150.17(b)	6	1	6	0.75	4.5	
150.17(c) Initial Report	1	1	1	0.5	0.5	
150.17(c) 15-day Written Report	1*	1	1	9.5	9.5	
150.17(a)						No reports are expected for the next clearance because, although eligible, no A/S licensees have been selected by the IAEA for inspection of their source material inventory.
150.19(c) Initial Report	1	1	1	0.5	0.5	
150.19(c) 15-day Written Follow-up Report	1*	1	1	9.5	9.5	
150.20(b)(1)						Burden covered under OMB Clearance No.3150-0013

150.20(b)(2)						Burden covered under OMB Clearance No.3150-0013
150.31(b)(1)						Burden covered under OMB Clearance No. 3150-0020
TOTALS	9*		12		34.5	

\* The same respondent will provide the initial and 15-day written report.