FINAL OMB SUPPORTING STATEMENT FOR
DESIGN INFORMATION QUESTIONNAIRE - IAEA N–71 AND ASSOCIATED FORMS N-72, N–73, N-74, N–75, N-91,N–92, N–93, N-94
(10 CFR SECTION 75.11)
(3150-0056)

Extension

Description of the Information Collection

In order for the United States to fulfill its responsibilities as a participant in the US/IAEA Safeguards Agreement, it is necessary for licensees affected by 10 CFR Part 75 and related sections of Parts 40, 50, 70, and 150 to submit information concerning their installation for the use of the International Atomic Energy Agency (IAEA). IAEA Form N-71 (and the appropriate associated IAEA Form below), "Design Information Questionnaire," or Form N–91 “Information in Respect of Nuclear Material Outside Facilities” is used for the collection of this information. Forms N-71 through N-94 are forms that were developed by the International Atomic Energy Agency (IAEA), a United Nations Organization.

The NRC is required to collect information from NRC licensed facilities to satisfy the U.S. Government obligations undertaken with the IAEA pursuant to the US/IAEA Safeguards Treaty. Information contained in these forms document how nuclear material is measured, stored, processed, documented, measured, disposed, etc., for the licensed site. Information collected through these forms is used by the IAEA to document nuclear material handling activities at a licensed facility and to help the IAEA establish its procedures for independently verifying nuclear material movements within an NRC-licensed facility. The associated forms are the following:

- N–72, “Research and Power Reactors”
- N–73, “Conversion and/or Fuel Fabrication Plants”
- N–74, “Reprocessing Plants”
- N–75, “ISOTOPIC Enrichment Plants”
- N–92, “Research and Development Facilities (Locations of Nuclear Material in Amounts Greater Than One Effective Kilogram)”
- N–93, “Critical (Sub-Critical) Facilities”
- N–94, “Separate Storage Installations”

In place of IAEA Form N–71 (and the appropriate associated IAEA Form), Form N–91 may be used by certain outside facilities. Information contained in this form documents how nuclear material is measured, stored, processed, documented, measured, disposed, etc., for the licensed site.

- N–91, “Information in Respect of Nuclear Material Outside Facilities”

All facilities that appear on the U.S. eligible list are required to complete and submit an IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N-91 upon written request by the NRC. The U.S eligible list is a list filed with the Commission by the Secretary of State or his designee of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement. Holders of construction permits may be requested in writing by the Commission to

submit an IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N–91. In addition, applicants for certain source or special nuclear material licenses are required to submit an IAEA Form N–71 (and the appropriate associated IAEA Form) or Form N–91 as specified in 10 CFR Sections 40.31(g), 50.78, 70.21(g), and 150.17(a).

A. JUSTIFICATION

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

The information required by IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N–91, as indicated in 10 CFR Part 75.11, includes identification of the installation, description of the general arrangement of the installation, a description of features of the installation, a description of the existing and proposed procedures at the installation for nuclear material accounting and control, and information with regard to any modification of the installation.

The information submitted on IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N–91 is used by the NRC staff to provide information to the IAEA on nuclear installations so that the United States can fulfill its responsibilities as a participant in the US/IAEA Safeguards Agreement.

2. Agency Use of the Information

NRC uses the information in Form N-71 (and the appropriate associated IAEA Form) or Form N–91 to collect, retrieve, analyze as necessary, and submit the data to IAEA to fulfill its reporting responsibilities. Without this report form, NRC's ability to collect and provide this data would be severely limited.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages applicants and licensees to use information technology when it would be beneficial to them. 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. However, because of the types of information and the infrequency of submission, the reports do not readily lend themselves to the use of technological collection techniques for submission. It is estimated that approximately 50% of the potential response are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. NRC has in place an on-going 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

NRC has determined that the licensees required to submit IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N–91 are not small entities or businesses as those terms are used in the Regulatory Flexibility Act.

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

The report is required by international agreement. If the collection were not conducted, the United States would not be in compliance with an international agreement to which it is a signatory.

7. Circumstances Which Justify Variation from OMB Guidelines

The requirements under this collection of information conform to the OMB guidelines in 5 CFR 1320.6

8. Consultations Outside the NRC

The opportunity for public comment on the information collection requirements was published in the Federal Register on March 11, 2005 (70 FR 12243). No Comments were received.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidentiality is provided for this collection of information. The completed IAEA Form N-71 (and the appropriate associated IAEA Form) or Form N–91 is submitted to the International Atomic Energy Agency, which classifies the information as "Safeguards Confidential," meaning that the information may not be released to any other country, company, or individual.

11. Justification for Sensitive Questions

None.

12. Estimate of Burden and Burden Hour Cost

During the past 3 years, NRC requested that 3 licensees submit Form N–71 and the associate form. Based on information from the IAEA, NRC estimates that during the next 3-year clearance, NRC will be required to request the submission of forms N–71 and N–75 from 3 licensees (also 1 annually). Based on 1 response, the average annual burden is estimated to be 360 hours.

In certain cases, Form N–91 may be used in place of N–71 (and the appropriate associated IAEA Form). The estimated burden to complete N-91 is 180 hours.

However, no responses are expected over the next 3 years. Therefore, no burden is estimated for this form.

13. Estimate of Other Additional Costs
Not Applicable.

14. Estimated Annualized Cost to the Federal Government

Approximately 20 hours is expended annually for processing, reviewing and evaluating, and further disseminating each IAEA Form N-71 (and the appropriate associated IAEA Form). The estimated annual cost to the government is $3,120.00 (20 hours/form x 1 form x $156/hr). This cost is fully recovered through license fees assessed to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden or Cost

The overall burden for completing IAEA Form N–71 and the associated form has remained the same. However, there has been an increase in the overall cost as a result of an increase in the professional hourly rate from $144/hr to $156/hr.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

Not applicable.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.