

DRAFT SUPPORTING STATEMENT
FOR
DESIGN INFORMATION QUESTIONNAIRE - IAEA N-71 AND ASSOCIATED FORMS N-72,
N-73, N-74, N-75, N-76, N-77 N-91, N-92, N-93, N-94
(10 CFR SECTION 75.10)
(3150-0056)

EXTENSION

Description of the Information Collection

In order for the United States (US) to fulfill its obligations under the US/International Atomic Energy Agency (IAEA) Safeguards Agreement (INFCIRC/288) and its Initial Protocol, the U.S. Nuclear Regulatory Commission (NRC) must collect information from licensees about their facilities and provide it to the IAEA. Specifically, licensees affected by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 75 and related sections of Parts 40, 50, 60, 63, 70, and 150 must submit information concerning their facilities using either IAEA Form N-71 "Design Information Questionnaire" and the appropriate associated IAEA Form (based on the specific type of facility, as listed below), or Form N-91 "Information in Respect of Nuclear Material Outside Facilities."

The IAEA, a United Nations Organization, developed Forms N-71 through N-94 to standardize the data collection process for all countries that must report design information required by IAEA Safeguards Agreements (INFCIRC/153). Information contained in these forms includes how nuclear material is shipped/received, measured, stored, processed, documented, disposed, etc., for the licensed facility. 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 IAEA forms associated with specific facility types 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-76, "Geological Repositories"
- N-77, "Spent Fuel Encapsulation 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 for the specific facility type, Form N-91 may be used by certain outside facilities. Information contained in this form documents how nuclear material is shipped/received, measured, stored, processed, documented, disposed, etc., for the licensed site.

- N-91, "Information in Respect of Nuclear Material Outside Facilities"

The US eligible facilities list filed by the NRC with the Secretary of State or their designee identifies facilities eligible for IAEA safeguards under the US/IAEA Safeguards Agreement. All facilities that appear on the U.S. eligible facilities 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. Holders of construction permits may be requested in writing by the NRC 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, 60.47, 63.47, 70.21(g), and 150.17a. NRC issues written requests for information when the IAEA selects facilities listed on the U.S eligible facilities list for performing reporting and recordkeeping activities.

A. JUSTIFICATION

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

The design information collected includes information concerning nuclear material subject to IAEA safeguards under the US/IAEA Safeguards Agreement (and Initial Protocol) and the features of selected facilities relevant to safeguarding such material. The IAEA Design Information Questionnaire is completed by a facility in order to provide the facility description; the form, quantity, location and flow of nuclear material being used; facility layout and containment features; and procedures for nuclear material accountancy and control. The IAEA will use the design information to develop a facility specific safeguards approach, determine material balance areas and key measurement points, establish an essential equipment list and develop a design verification plan.

Section 75.10(a) requires each licensee subject to the provisions of Part 75 to submit facility information to the Commission in response to a written request. IAEA Form N-71 (and the appropriate associated IAEA Form) or IAEA Form N-91 is used to collect this information.

Section 75.10(b) requires each licensee to identify the facility information which includes: 1) labeling its general character, purpose, nominal capacity (thermal power level), and geographic location, and the name and address to be used for routine purposes; 2) a description of the general arrangement and layout of equipment within the installation; 3) a description of features of the facility relating to material accounting, containment, and surveillance; and 4) a description of the existing and proposed procedures at the facility for nuclear material accounting and control, with special reference to material balance areas established by the licensee, measurement of flow, and procedures for physical inventory taking; (5) a map of the site and information on buildings on the site.

Section 75.10(c) requires each licensee to submit to the Commission information with respect to any modification or change at the facility affecting the information given under Section 75.10(a). This information is required in order to ensure that the current information is provided to IAEA.

Section 75.10(d) specifies that the information in paragraphs (b) and (c) of this section, except for the information specified in paragraph (b)(5) of this section, must be prepared on IAEA approved Design Information Questionnaire forms (Form N-71 and associated forms or other forms supplied by the Commission). IAEA Form N-91, or other forms, must include: 1) identification of features of facility and nuclear material in sufficient detail to facilitate verification, 2) determination of material balance areas and key measurement points, 3) establishment of nominal timing and procedures for physical inventory, 4) record and report requirements and evaluation procedures, 5) establishment of requirements and procedures for verification of the quantity and location of nuclear material, 6) selection of containment and surveillance methods and techniques at the strategic points at which they are to be applied, and 7) information on organizational responsibility for material control and accounting. This information is collected by NRC and forwarded to the IAEA.

Section 75.10(f) specifies that the applicant's, licensee's, or certificate holder's security rules for physical protection that will impact the IAEA inspectors at the facility must be included in the facility information only when and to the extent specifically requested by the Commission.

Section 75.10(g) specifies that health and safety rules that are to be observed by IAEA inspectors at the facility must be included in the facility information provided to the Commission.

Section 75.10(h) specifies that information must be provided on the need to manage IAEA access to the facility to protect health and safety or to protect classified, proprietary, or other sensitive information or other protective measures.

2. Agency Use of the Information

The design information is used by the NRC staff to provide official declarations to the IAEA about U.S. nuclear facilities in an effort to fulfill U.S. obligations under the US/IAEA Safeguards Agreement (and Initial Protocol). NRC continues to use the information provided in these forms to collect, retrieve, analyze, and submit the data to the IAEA to fulfill its reporting responsibilities during facility construction, commissioning, operation, maintenance, shut-down, and closed-down (state of preservation or decommissioning). 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 respondents to use information technology when it would be beneficial to them. It is estimated that approximately 100% 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

NRC has determined that the licensees required to submit these forms are not small entities or businesses.

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

If the collection and transmittal of design information for IAEA selected facilities were not conducted, the United States would not meet its obligations under the US/IAEA Safeguards Agreement (INCIRC/288). The U.S. is signatory to the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT).

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

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register*.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR Section 9.17(a) and 10 CFR Section 2.390(b). 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 IAEA, which classifies the information as "Safeguards Highly 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 4 licensees submit updates to Form N-71 and the associated forms. The average burden for completing Form N-71 and its associated form is 360 hours. Updates are requested when facilities perform any modification relevant to the application of the provisions of the Safeguards Agreement. The average burden associated with updating the forms is approximately one-quarter that required for a new submission. The average burden for updating Form N-71 and its associated form is 90 hours. Based on information from the IAEA, NRC anticipates four licensees will update their form in the next three years (90 hours x 4 = 360 hours) and two licensees will submit a full form (360 hours x 2 = 720 hours). Therefore the total burden over the next three years will be 1080 hours (360 hours + 720 hours), or an annual burden of 360 hours. The annual cost for completing Form N-71 and its associated form is \$95,400 (360

hours x \$265). The total annual responses will be 2.0 (6 responses / 3 years). In certain cases, Form N-91 may be used in place of N-71 and the appropriate associated form. However, the NRC does not expect to receive any submissions of form N-91 during the next 3-year clearance. If a licensee were to submit a Form N-91, the estimated burden to complete N-91 is \$47,700 (\$265/hr x 180 hours). However, the actual annual burden is estimated to be \$0 since no responses are anticipated. The \$265/hr cost calculation is based on the agency's fee rate.

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Approximately 90 hours is expended annually for processing, reviewing and evaluating, and further disseminating each IAEA Form N-71 update (and the appropriate associated IAEA Form). The estimated annual cost to the government is \$47,700 (90 hours/form x 2.0 responses x \$265/hr). This cost is fully recovered through license fees assessed to NRC licensees pursuant to 10 CFR Parts 170 and/or 171. The \$265/hr cost calculation is based on the agency's fee rate.

15. Reasons for Change in Burden or Cost

The annual burden remains at 360 hours. Burden hours will continue to be attributed to selection/de-selection for IAEA safeguards of eligible facilities from the list provided to the IAEA under the US/IAEA Safeguards Agreement. In addition, there has been a decrease in the overall cost as a result of a decrease in the fee rate from \$272/hr to \$265/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.