

Request for OMB Review

PDR - Paulette Smith

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department, agency and Bureau/office originating request U. S. Nuclear Regulatory Commission	2. Agency code 3 1 5 0
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3. Name of person who can best answer questions regarding this request Richard Gramann	Telephone number (301) 415-8118
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4. Title of information collection or rulemaking
10 CFR Part 150 - Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)
42 USC 2201(o)

6. Affected public groups (check all that apply):

<input type="checkbox"/> Individuals or households	<input type="checkbox"/> Farms	<input type="checkbox"/> Federal agencies or employees
<input type="checkbox"/> State or local governments	<input checked="" type="checkbox"/> Businesses or other for-profit	<input type="checkbox"/> Non-profit institutions
		<input checked="" type="checkbox"/> Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN) _____ or None assigned

Classification	Stage of development	Type of review requested
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline

8. CFR section affected: _____ CFR _____

9. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? Yes No

10. If a major rule, is there a regulatory impact analysis attached? Yes No

11. If No, did OMB waive the analysis? Yes No

Certification for Regulatory Submissions

By submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable agency directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

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12. (OMB use only)

120000

DF02/1

SUPPORTING STATEMENT
FOR
10 CFR PART 150
EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY
IN AGREEMENT STATES AND IN OFFSHORE WATERS
(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 the Information Collection

10 CFR Section 150.16(a) requires each Agreement State licensee who transfers or receives special nuclear material to complete and distribute a DOE/NRC Form 741 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 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 by OMB under clearance number 3150-0003, which should be referred to for 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 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 of foreign origin or who imports 1 kilogram or more of uranium or thorium of any origin to complete and distribute 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 by OMB under clearance number 3150-0003, which should be referred to for 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 of September 30 of each year a statement of his source material inventory.

The information contained in the statement is placed in and maintained by the Nuclear Materials Management and Safeguards System (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 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 or more than 15 pounds of such material at any one time or 150 pounds of such material in any one calendar year.

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 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 the Nuclear Materials Management and Safeguards System (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 government 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 any 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 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 by OMB under clearance number 3150-0013, which should be referred to for information collection 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 by OMB under clearance number 3150-0020, which should be referred to for information collection burden and supporting data.

2. Agency Use of 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 computer readable form. This change eliminated the need for hard copy forms and reduced the burden on licensees through the use of current information technology.

Other reports which may be occasioned by 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

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 also 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.

5. Effort to Use Similar Information

NRC and the Department of Energy (DOE) jointly utilize a Nuclear Materials Management and Safeguards System (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 is required.

6. Effort to Reduce Small Business Burden

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.

7. Consequences of Less Frequent Collection

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.

8. 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.

9. Consultation Outside of the 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.

10. Confidentiality of Information

Some proprietary information may be included when necessary to provide 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. Sensitive Questions. None.

12. Estimate of Burden.

a. Estimated Hours Required to Respond to the Information Requirement

<u>Section</u>	<u>No. of Licensee Response Annually</u>	<u>Staff Hours Per Submittal</u>	<u>Total Annual Licensee Burden (hrs)</u>
150.16(a) 150.17(a)	See 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)	See OMB Clearance No. 3150-0013		
150.31(b)(1)	See OMB Clearance No. 3150-0020		
TOTAL	63		150

b. Estimated Annual Cost

Section

150.16(a), 150.17(a)	See OMB Clearance No. 3150-0003
150.17(b)	The annual cost to each respondent to comply with this requirement is estimated to be \$264. The total annual cost to all affected licensees is estimated to be \$15,840 (60 respondents x 2 hrs x \$132 per hour).
150.16(b), 150.17(c) 150.19(c)	The expected annual cost for reporting one incident for all licensees is estimated to be \$3,960 (3 respondents x 10 hrs x \$132 per hour).
150.17a	No Agreement States have been selected to date and no plans by IAEA to select at this time.
150.20(b)(1)	See OMB Clearance No. 3150-0013
150.31(b)(1)	See OMB Clearance No. 3150-0020

c. Source of Burden Data and Method of Estimating Burden

This data is based on informal consultations by the staff with a small number of typical licensees and analysis of actual submissions of reports. Cost data is based on \$132 per hour.

13. Reasons for Change in Burden

There is no change in burden.

14. Estimated Annualized Cost to the Federal Government

Annual Cost - NRC Staff Review (Professional effort - 5 min/report @ \$132/hr)	=	\$ <u>693</u>
Annual Cost - Clerical Processing (Clerical effort - 60 min/form @ \$60/hr)	=	\$ <u>*</u>
Annual Administrative Costs (Postage, Handling, envelopes, etc.)	=	\$ <u>140</u>
Annual Cost for Record Holdings	=	\$ <u>*</u>
Annual Printing Costs	=	\$ <u>140</u>
Annual Cost for Storage of Forms in NRC Supply (\$2.10 per 1,000)	=	\$ <u>2</u>
Annual ADP Cost	=	\$ <u>*</u>
TOTAL ANNUAL COST		\$ <u>975*</u>

These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Publication for Statistical Use None.

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.

* 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: FY 94, \$1.1 million. 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).

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping

Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. 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
3. The form number if applicable: Not applicable.
4. How often the collection is required: Reports are required as occasioned by the occurrence of specified events, such as the receipt or transfer of licensed radioactive material, or actual or attempted theft of licensed material. An annual statement of source material inventory is required of certain licensees.
5. Who will be 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.

6. An estimate of the number of responses: 63.
7. An estimate of the total number of hours needed annually to complete the requirement or request: 2.38 hours per response, for a total of 150 hours annually.
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies:
Not applicable.
9. Abstract: 10 CFR Part 150 provides certain exemptions from NRC regulations for persons in Agreement States. Part 150 also defines activities in Agreement States 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.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer:

Troy Hillier

Office of Information and Regulatory Affairs (3150-0032)

NEOB-10202

Office of Management and Budget

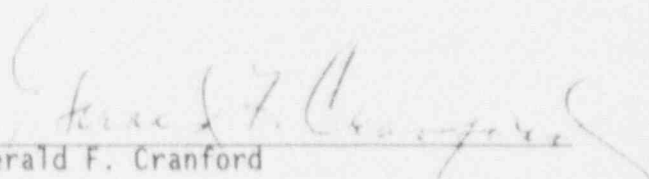
Washington, DC 20503

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 415-7232.

Dated at Rockville, Maryland, this 17th day of July 1994.

For the Nuclear Regulatory Commission


Gerald F. Cranford

Designated Senior Official

for Information Resources Management