

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING FORM. DO NOT USE THE SAME SF 83 TO SIMULTANEOUSLY REQUEST 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 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 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, WASHINGTON, D.C. 20503 —ATTENTION DOCKET LIBRARY ROOM 3201

PART I.

1. DEPARTMENT/AGENCY and BUREAU/OFFICE
ORIGINATING REQUEST

2. AGENCY
CODE

3. NAME AND TELEPHONE NUMBER OF PERSON WHO
CAN BEST ANSWER QUESTIONS REGARDING
THIS REQUEST

U.S. Nuclear Regulatory Commission

3 1 5 0

Steven J. Brown (301)427-4186

4. TITLE OF INFORMATION COLLECTION OR RULE/MAKING

10 CFR Part 73 Physical Protection of Plants and Materials

5. LEGAL AUTHORITY FOR INFORMATION COLLECTION OR RULE
(CITE UNITED STATES CODE, PUBLIC LAW, OR EXECUTIVE
ORDER)

42 USC 2201(o) OR

6. AFFECTED PUBLIC (CHECK ALL THAT APPLY)

- 1. INDIVIDUALS OR HOUSEHOLDS
- 2. STATE OR LOCAL GOVERNMENTS
- 3. FARMS
- 4. BUSINESSES OR OTHER FOR-PROFIT
- 5. FEDERAL AGENCIES OR EMPLOYEES
- 6. NON-PROFIT INSTITUTIONS
- 7. SMALL BUSINESSES OR ORGANIZATIONS

PART II. COMPLETE THIS PART ONLY IF THE REQUEST IS FOR OMB REVIEW UNDER EXECUTIVE ORDER 12291.

7. REGULATORY INFORMATION NUMBER (RIN)

8. CFR SECTION AFFECTED

CFR

9. TYPE OF SUBMISSION

CLASSIFICATION

- 1. MAJOR
- 2. NONMAJOR

STAGE OF DEVELOPMENT

- 1. PROPOSED OR DRAFT
- 2. FINAL OR INTERIM FINAL, WITH PRIOR PROPOSAL
- 3. FINAL OR INTERIM FINAL, WITHOUT PRIOR PROPOSAL

TYPE OF REVIEW REQUESTED

- 1. STANDARD
- 2. PENDING
- 3. EMERGENCY
- 4. STATUTORY OR JUDICIAL DECREE

10. DOES THIS REGULATION CONTAIN REPORTING OR RECORD-KEEPING REQUIREMENTS THAT REQUIRE OMB APPROVAL UNDER THE PAPERWORK REDUCTION ACT AND 5 CFR 1320?

YES NO

11. IF A MAJOR RULE, IS THERE A REGULATORY IMPACT ANALYSIS ATTACHED?

1. YES 2. NO — IF NO, DID OMB WAIVE THE ANALYSIS?
3. YES 4. NO

12. DOES THIS REGULATION AFFECT ANY TRADE SENSITIVE ACTIVITY?

YES NO

CERTIFICATION FOR REGULATORY SUBMISSIONS: IN 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 POLICY DIRECTIVES HAVE BEEN COMPLIED WITH.

SIGNATURE OF PROGRAM OFFICIAL

DATE

SIGNATURE OF AUTHORIZED REGULATORY CONTACT

DATE

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PDR ORG EUSOMB
PDR

SUPPORTING STATEMENT FOR
10 CFR PART 40, Domestic Licensing of Source Material
10 CFR PART 70, Domestic Licensing for Special Nuclear Material
and
10 CFR PART 73, Physical Protection of Plants and Materials

I. JUSTIFICATION:

- A. On March 3, 1980, the United States signed the Convention on the Physical Protection of Nuclear Material (The Convention). The purpose of the Convention is to provide for the establishment and maintenance of adequate physical security with respect to international shipment of significant quantities of source or special nuclear material. A review of NRC requirements and procedures disclosed that the following amendments must be made to NRC regulations in order to comply with the provisions of the Convention.

PART 40

In order to comply with the provisions of the Convention concerning international shipments of natural uranium other than in the form of ore or ore residue in amounts exceeding 500 kilograms (hereafter referred to as natural uranium), sections of Part 40 are amended to:

1. Issue a general license to carriers of transient shipments of natural uranium, §40.23(a);
2. Require advance notification to NRC concerning transient shipments of natural uranium, §40.23(b); unscheduled stops 40.23(c);
3. Require that licensees who transport transient shipments of natural uranium between countries that are not party to the Convention provide NRC assurances that the material will be protected during international transport at levels required by the Convention, §40.23(b)(vii);
4. Require that NRC be notified of export shipments of natural uranium; §40.66; and
5. Require that NRC be notified in advance of import shipments of natural uranium from countries not party to the Convention and that the licensee provide assurances that the material will be protected during international transport at levels required by the Convention, 40.67.

PART 70

In order to comply with the provisions of the Convention, section 70.20b is amended to:

1. Issue a general license to carriers of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel, §70.20b(a);
2. Require 14 day advance notification to NRC concerning transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate and low strategic significance, and irradiated reactor fuel, §70.20b(f); unscheduled stops 70.20b(g);

3. Require that transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate and low strategic significance and irradiated reactor fuel be protected at an equivalent level as domestic shipments of the same material, §70.20b(c); and
4. Require licensees to provide assurances to NRC that transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate and low strategic significance and irradiated reactor fuel between nations not party to the Convention will be protected during international transport at levels described by the Convention, 70.20b(f)(3)(vii).

PART 73

In order to comply with the provisions of the Convention, the advance notification requirements of Parts 73 are amended to:

1. Require 14 day advance notification to NRC regional offices and to headquarters concerning export and import shipments of formula quantities of strategic special nuclear material and special nuclear material of moderate strategic significance, §73.72;
2. Require 14 day advance notice to NRC headquarters concerning export shipments of special nuclear material of low strategic significance and irradiated reactor fuel, §73.73; and
3. Require 14 day advance notice and assurance of protection concerning importation of Convention-defined nuclear materials from countries not party to the Convention, §73.74.

B. Practical Utility of the Information Collection

All the information collected as a result of the proposed amendments is used to assure the physical protection of nuclear materials during international transport. The information collection requirements are based upon the provisions of Article 4 of the Convention.

C. Duplication of Other Collections of Information

These information collection requirements do not duplicate any other collection of information.

D. Consultations Outside the NRC

There are no outside consultations.

II. DESCRIPTION OF INFORMATION COLLECTION

A. Numbers and Type of Respondents

These reporting requirements affect approximately 75 NRC licensees who export, import or carry Convention-defined nuclear materials. Of those 75, it is estimated that 3 will be reporting under Part 40, 2 under Part 70, and 70 under Part 73.

B. Reasonableness of the Schedule for Collecting Information

There is no set schedule for collecting this information. The information is sent by a licensee 14 days prior to an import, export or transient shipment of Convention-defined materials.

C. Method of Collecting the Information

There are no alternate methods for collecting this information. All other methods do not allow for the timely notification of receiving or transient states.

D. Adequacy of the Description of Information

The proposed amendments itemize the information that needs to be reported. No special records need to be retained by the licensee in order to furnish the required data.

E. Record Retention Period

These amendments do not require record retention by licensees.

F. Reporting Period

The information is to be submitted 14 days prior to a shipment.

G. Copies Required to be Submitted

For import and export of Category I and II materials, copies of the advance notification must be sent to NRC Headquarters and the Administrator of the appropriate NRC Regional Office. For transient, import and export shipments of other forms of Convention-defined nuclear material, one notification copy must be sent to NRC headquarters.

III. ESTIMATE OF BURDEN

A. Estimated Hours Required to Respond to the Collection

<u>PART</u>	<u>No. of Licensee Responses Annually</u>	<u>Staff Hours Per Submittal</u>	<u>Total Annual Licensee Burden (HRS)</u>
40	45	1	45
70	30	1	30
73	1225	1	1225
TOTAL	<u>1300</u>		<u>1300</u> hours

B. Estimated Cost to Respond to the Collection

<u>PART</u>	<u>Total Annual Licensee Burden (HRS)</u>	<u>Cost per Notification</u>	<u>Total Annual Licensee Burden (\$)</u>
40	45	\$100	\$ 4,500
70	30	\$100	3,000
73	1225	\$100	122,500
	<hr/>		<hr/>
TOTAL	1300		\$130,000

C. Source of Burden Data and Method for Estimating Burden

The estimate of \$130,000 per year is based upon 1300 reportable shipments at \$100 per notification. Of these, approximately 45 will be reports under Part 40, 30 under Part 70, and 1,225 under Part 73. The estimate of \$100 includes salaries, processing time, overhead, postage and stationary costs. Estimates are based upon an informal telephone survey of affected licensees.

IV. ESTIMATE OF THE COST TO THE FEDERAL GOVERNMENT

The annual cost to NRC is estimated to be \$39,702.25. This cost is distributed as follows: Part 40 - \$1,375; Part 70 - \$915; Part 73 - \$37,412.25. This figure is derived from the following estimates:

Annual cost processing an estimated 1300 notifications per year

(Professional effort - 30 min/notification at \$40.00 per hour) \$26,000.00

(Clerical effort - 30 min/notification at \$20.00 per hour) 13,000.00

Annual Cost - Administrative (e.g., stationary and distribution to the Department of State)

(\$.50 x 1300 notifications) 650.00

Annual Cost - anticipated record holdings

(1/4 cu.ft. x \$209.00/cu.ft.) 52.25

TOTAL ANNUAL COST \$39,702.25