

PDR

83

# Request for OMB Review

DESIGNATED ORIGINAL

## Important:

Do not use this form for the following purposes: Do not use the same SF 83 to request review of Executive Order 12291 review and approval under the Paperwork Reduction Act.  
Approved for use only for this request is for review under E.O. 12291. Do not use Part I to request the regulatory certification. If this request is for review under the Paperwork Reduction Act and 5 CFR 1320.10, Part I must be completed on the paperwork certification.

## Certified By

Send three copies of this form, the material under review, and 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. Do you have a copy of this form in your office?	2. Agency code
U. S. Nuclear Regulatory Commission	3 1 5 0
3. Name of person who is submitting this request	4. Telephone number
Richard H. Gramann	301 492-0456

10 CFR Part 150 - Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters under Section 274

5. Agency code (if different from 2) and U.S. Code, Public Law, and Executive Order

42 2201(o)

6. Affected parties (check all that apply)	7. Federal agencies or employees
<input type="checkbox"/> Individuals and households	<input type="checkbox"/> Federal agencies or employees
<input type="checkbox"/> State, local, or tribal governments	<input type="checkbox"/> Non-profit institutions
<input checked="" type="checkbox"/> Businesses or other for-profit	<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. Regulatory number (if any)	8. Type of review requested
_____ or None assigned <input type="checkbox"/>	1 <input type="checkbox"/> Standard
	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Emergency
	4 <input type="checkbox"/> Statutory or judicial deadline
9. CFR section affected	10. Does this regulation contain requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320.10?
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. If a copy has, where a regulatory impact analysis is made?	1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No
_____	3 <input type="checkbox"/> Yes 4 <input type="checkbox"/> 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 policy directives have been complied with.

Signature of Regulatory Official	Date
Signature of Program Official	Date

12. OMB use only

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**PART III — Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.**

3. **Abstract.** Describe needs, uses and affected public in 50 words or less.

**"Nuclear Facilities, Nuclear Material Accounting, Radiation Safety"**

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.

4. **Type of information collection (check only one)**

Information collections not contained in rules

1 ☐ Regular collection

2 ☐ Emergency submission (Form A, not attached)

Information collections contained in rules

3 ☒ Existing regulation (no change proposed)

6 ☐ Final or interim final without prior NPRM

4 ☐ Notice of proposed rulemaking (NPRM)

A ☐ Regular submission

5 ☐ Final NPRM not previously published

B ☐ Emergency submission (if notification attached)

7 Enter date of expected or actual Federal

Register publication of this stage of rulemaking (month/day/year) \_\_\_\_\_

5. **Type of review requested (check only one)**

1 ☐ New collection

4 ☐ Reinstatement of a previously approved collection for which approval has expired

2 ☐ Revision of a currently approved collection

5 ☐ Existing collection in use without an OMB control number

3 ☒ Extension of the expiration date of a currently approved collection with or without a change in the substance or in the method of collection

6. Agency report form number(s) (include standard optional form number(s))

None

7. Annual burden of this collection

1. Number of respondents	100
2. Number of responses per respondent	0.63
3. Total annual responses (line 1 times line 2)	63
4. Hours per response	2.38
5. Total hours (line 3 times line 4)	150

8. Annual recordkeeping burden

1. Number of recordkeepers	
2. Annual hours per recordkeeper	
3. Total recordkeeping hours (line 1 times line 2)	
4. Recordkeeping retention period	years

9. Total annual burden

1. Required (line 7 plus line 8-3)	150
2. Current total, voluntary	150
3. Difference (line 1 minus line 2)	0
4. Explanation of difference	
5. Comment	

10. Collection subject to OMB control number or instrument number

3150-0032

11. Requested expiration date

3 years from approval date

12. Are the respondents primarily educational agencies or institutions, or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☒ No

13. Do any respondents use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? ☐ Yes ☒ No

14. Regulatory authority for the information collection

10

CFR Part 150

or

FR

or Other (specify) \_\_\_\_\_

**Paperwork Certification**

15. In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Paperwork Reduction Act, and any other applicable information policy directives have been complied with.

Signature of program official

Date

Signature of agency head, the senior official or an authorized representative

Date

William G. McDonald, Director  
Office of Administration and Resources Management

6/10/88

SUPPORTING STATEMENT FOR  
10 CFR PART 150, EXEMPTIONS AND CONTINUED REGULATORY  
AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS

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 Collection of Information.

Section 150.16(a)

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.

Section 150.16(b)

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.

Section 150.17(a)

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.

Section 150.17(b)

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.

Section 150.17(c)

10 CFR Section 150.17(c) requires each 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.

Section 150.17a

10 CFR Section 150.17a requires 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 Part 75, 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.

Section 150.19(c)

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.

Section 150.20(b)(1)

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 (revised) has been previously approved by OMB under clearance number 3150-0013, which should be referred to for information collection and supporting data.

Section 150.31(b)(1)

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

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.

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

The information collected is not available from any other Federal program.

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 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. Estimated of Cost to the Federal Government

Annual Cost - NRC Staff Review (Professional effort - 5 min/report @ \$60/hr)	=	\$ <u>1,210</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>1,492*</u>

\*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 88, \$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).

13. 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

<u>Section</u>	
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 \$120. The total annual cost to all affected licensees is estimated to be \$7,200 (60 respondents x 2 hrs x \$60 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 \$1,800 (3 respondents x 10 hrs x \$60 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 in CY 1983. Cost data is based on \$60 per hour.

14. Reasons for Change in Burden

No change has occurred since preparation of last clearance.

15. Publication for Statistical Use

None