

FINAL OMB SUPPORTING STATEMENT FOR
DESIGN INFORMATION QUESTIONNAIRE - IAEA NB71 AND ASSOCIATED FORMS N-72,
NB73, N-74, NB75, N-91, NB92, NB93, 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/International Atomic Energy Agency (IAEA) Safeguards Agreement, the Nuclear Regulatory Commission (NRC) must collect information from licensees about their installations and provide it to the IAEA. Specifically, licensees affected by 10 CFR Part 75 and related sections of Parts 40, 50, 70, and 150 must submit information concerning their installations 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 Treaties. Information contained in these forms includes 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 IAEA forms associated with specific facility types are the following:

- NB72, "Research and Power Reactors"
- NB73, "Conversion and/or Fuel Fabrication Plants"
- NB74, "Reprocessing Plants"
- NB75, "ISOTOPIIC Enrichment Plants"
- NB92, "Research and Development Facilities (Locations of Nuclear Material in Amounts Greater Than One Effective Kilogram)"
- NB93, "Critical (Sub-Critical) Facilities"
- NB94, "Separate Storage Installations"

In place of IAEA Form NB71 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 measured, stored, processed, documented, measured, disposed, etc., for the licensed site.

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

The U.S eligible facilities list filed by the NRC with the Secretary of State or their designee identifies installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement. 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. 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 NB71 (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 150.17a. 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 information collected 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 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 provided in these forms to collect, retrieve, analyze, 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 respondents 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. It is estimated that approximately 50% 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. NRC has in place an ongoing 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 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

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

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on March 24, 2011 (76 FR 16644). No comments were received.

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 9.17(a) and 10 CFR 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 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 2 licensees submit updates to Form NB71 and the associated form. The average burden for completing Form N-71 is 360 hours. Updates are requested when facilities perform any modification relevant to the application of the provisions of the Safeguards Agreement. Updating by licensees has occurred infrequently (less than once every ten years). 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 is 90 hours.

Based on information from the IAEA, NRC anticipates two licensees will update

their form in the next three years (90 hours x 2 = 180 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 900 hours (180 hours + 720 hours = 900 hours), or an annual burden of 300 hours. The total annual responses will be 1.3 (4 responses / 3 years).

In certain cases, Form N-91 may be used in place of NB71 (and the appropriate associated IAEA 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 \$46,620 (\$259/hr x 180 hours). However, the actual annual burden is estimated to be \$0 since no responses are anticipated.

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 \$6,734.00 (20 hours/form x 1.3 responses x \$259/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 NB71 and the associated forms has decreased slightly from 360 burden hours to 300 burden hours. Previously there were three submissions and zero updates and currently there are two submissions and two updates over 3 years. This has resulted from the construction and operation of new facilities which are eligible for selection by the IAEA for application of international safeguards. As discussed above, after selection by IAEA, licensees are required to complete IAEA Form N-71 and associated forms. In addition, there has been an increase in the overall cost as a result of an increase in the fee rate from \$258/hr to \$259/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.