

**SUPPORTING STATEMENT
U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY & SECURITY**

**AMENDMENT TO:
CHEMICAL WEAPONS CONVENTION (CWC) REGULATIONS AND
HANDBOOK AND FORMS**

OMB NUMBER 0694-0091

On July 12, 2006, the Office of Management and Budget (OMB) approved the renewal of the information collection package for implementing the Chemical Weapons Convention (CWC) program. The CWC paperwork package supports collection of information required under the CWC Regulations (CWCR) (15 CFR 710-722) and the CWC Handbook and Forms for Schedule 1, 2 and 3 chemicals and unscheduled discrete organic chemicals (UDOCs).

This revision to the existing collection involves two changes: 1) the addition of a new declaration requirement and associated form that will have minimal impact on the scope of the collection for certain inspectable UDOC plant sites; and 2) clarification of records review requirements for inspections and recordkeeping requirements of the CWCR. The background and impact of each of these issues is discussed below.

The total annual impact on burden hours to implement both changes is estimated to be an increase of **31 hours**.

Detailed Explanation of Changes:

A. SECTION 715 .1(d) - ROUTINE INSPECTIONS OF DECLARED UDOC PLANT SITES AND NEW UDOC "CHANGE IN INSPECTION STATUS" FORM.

The CWC information collection package is being revised to add a new declaration requirement to the CWCR (§715.1(d)(2)) and a new form, entitled "*Change In Inspection Status Form*," to the CWC Handbook and Forms for declared UDOC plant sites (see Attachment 1 for form). The UDOC "*Change In Inspection Status Form*" should be submitted by a plant site that is currently declared¹ and inspectable² based upon its

¹ A plant site is **subject to declaration if:** 1) it produced by synthesis during the previous calendar year more than 200 metric tons aggregate of UDOCs; or 2) comprises one or more plants which produced by synthesis during the previous calendar year more than 30 metric tons of a UDOC containing the elements phosphorus, sulfur or fluorine (PSF plants and PSF-chemical).

production activities that occurred in the previous calendar year, but which anticipates its activities in the current calendar year will not exceed the inspection threshold and, therefore, will not be subject to on-site verification by international inspectors of the Organization for the Prohibition of Chemical Weapons (OPCW) in the next calendar year.

Background:

Treaty requirements: Paragraph 3 of Part IX of the Verification Annex (VA) of the CWC establishes an initial declaration requirement for UDOC plant sites that meet certain production threshold requirements. A State Party will submit to the Technical Secretariat of the OPCW an initial declaration for each UDOC plant site that meets these declaration requirements within 30 days of the Convention entering into force for a State Party. Paragraph 3 of Part IX of the VA further requires each State Party to submit to the Technical Secretariat an “annual update” to the information submitted in its initial declaration in order to accurately reflect the current status (declared, declared/inspectable) of UDOC plant sites within the State Party. The UDOC annual update declaration should include: 1) information on changes to a declared plant site’s activities; 2) declarations for new declared and declared/inspectable plant sites; and 3) identification of plant sites that are no longer declared as part of the State Party’s UDOC declaration. The annual update declaration is due to the Technical Secretariat within 90 days after the beginning of each calendar year.

The Technical Secretariat views a State Party’s initial declaration and any annual updates thereto as an accurate representation of declared and declared/inspectable plant sites until it is otherwise advised of any changes, regardless of when the annual update declaration is submitted.

Current CWCR and Form Requirements: Section 715.1(b)(1) and (2) of the CWCR require UDOC plant sites to submit an *Annual Declaration on Past Activities*³ or a “*No Changes*” *Certification Form*⁴ to the Department of Commerce no later than February 28th of the year that follows the calendar year in which the UDOC activities took place. The

² A plant sites is **subject to inspection if** it produced by synthesis during the previous calendar year more than 200 metric tons aggregate of UDOCs (including any amount of a PSF-chemical).

³*Annual Declaration on Past Activities for UDOCs* provides information on production quantities and activities of declared UDOC plant sites that occurred during the previous year.

⁴*No Changes Authorization Form* for UDOCs may be submitted by a declared UDOC plant site if there are no updates or changes to any information (except the certifying official and dates signed and submitted) in the plant site’s previously submitted annual declaration on past activities.

U.S. Government then forwards an annual update declaration to the OPCW within 90 days (generally March 31st) after the beginning of the calendar year in which the declarations were submitted to BIS.

Section 716.1(b)(4) of the CWCR state that a UDOC plant site is subject to inspection only if it produced in excess of 200 metric tons aggregate of UDOCs during the previous calendar year.

Since U.S. declarations are not due to BIS until February 28 of the year that follows the calendar year in which the UDOC activities took place, there is no mechanism in the CWCR for determining which UDOC plant sites are subject to inspection and notifying the OPCW prior to submission of the U.S. annual update declaration to the OPCW. **In other words, a plant site cannot be subject to inspection for the previous calendar year if a declaration has not yet been submitted to the OPCW – thereby establishing a “90-day gap” in which U.S. UDOC plant sites are not subject to inspection by the OPCW.**

Since U.S. declarations are not due to BIS until February 28 of the year that follows the calendar year in which the UDOC activities took place, there is no mechanism in the CWCR for determining which UDOC plant sites are subject to inspection and notifying the OPCW prior to the conclusion of the 90-day period for submission of the U.S. annual update declaration to the OPCW. **Universal application of this approach would interfere with the OPCW’s conduct of UDOC inspections in States Parties for the first 90 days of each year, thereby undermining the verification regime of the CWC.**

The revision to the CWCR and addition of the “*Change In Inspection Status*” Form described below will allow the U.S. Government to fully implement the verification provisions of Part XI of the Verification Annex of the CWC.

Revised CWCR and Form Requirements: To rectify the “90-day gap” in which UDOC plant sites may be excluded from inspection by the OPCW, BIS proposes to establish §715.1(d)(2) of the CWCR that would require declared and inspectable plant sites that anticipate to not produce more than 200 metric tons aggregate of UDOCs (including any amount of PSF-chemicals) during the current calendar year to submit a “*Change In Inspection Status Form*” no later than December 15th of each year. The U.S. Government will then inform the OPCW [within 15 calendar days (generally no later than December 30)] that such plant sites are not subject to inspection during the next calendar year.

The “*Change In Inspection Status Form*” requires UDOC plant sites to submit minimal information to notify the Department of Commerce that their inspection status will change in the next calendar year, including: company and plant site name, U.S. code number (plant site code), name and title of the certifying official, date signed and submitted, and the reporting year to which the change in inspection status applies.

A plant site that submitted a “*Change In Inspection Status Form*” must still submit an *Annual Declaration on Past Activities* by February 28th of the next calendar year unless its

activities did not exceed the declaration thresholds established by §715.1(a)(1) of the CWCR. However such plant sites may choose to submit their *Annual Declaration on Past Activities* in lieu of the *“Change In Inspection Status Form”* by December 15, which will serve as notification of change in inspection status during the first 90 days of the next calendar year as well as meet its obligation to submit an *Annual Declaration on Past Activities*.

If a plant site anticipates that it will not produce by synthesis more than 200 metric tons aggregate of UDOCs (including any amount of PSF-chemicals) and it does not submit a “Change In Inspection Status Form,” it remains subject to the declaration requirements of §715.1 of the CWCR and will be subject to inspection by the OPCW until at least the U.S. Government submits its annual update declaration to the OPCW 90 days after the beginning of the calendar year.

B. SECTIONS 716 AND 721 - INSPECTION RECORDS REVIEW AND RECORDKEEPING REQUIREMENTS

The CWCR information collection package is being revised to clarify that the facility must provide access to OPCW Inspection Teams for all records used to prepare declarations, and otherwise comply with the CWCR, up through the date of the inspection, even when an inspection takes place during the first 90 days of a calendar year prior to submission of the U.S. annual declaration on past activities to the OPCW. It clarifies that records include all materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. Such records are necessary during an inspection to demonstrate to the OPCW Inspection Team that the inspection aims have been verified. Finally, this revision will clarify the scope of associated recordkeeping requirements for verifying the non-diversion of Schedule 1 and Schedule 2 chemicals.

These revisions will have minimal impact because industry already uses such records to prepare declarations and has provided such records to the OPCW Inspection Team during previous inspections conducted under the CWCR.

Background:

Treaty requirements: Parts VI-IX of the Verification Annex of the Convention establish the aims for inspections. For Schedule 1, 2, 3 and UDOC inspections, the inspection aims are to verify the consistency of activities contained in declarations and to verify the absence of the production of Schedule 1 chemicals, except in accordance with Part VI of the Annex. For Schedule 1 and 2 inspections, there is an additional aim to verify the non-diversion of Schedule 1 and Schedule 2 chemicals, respectively. The Annexes do not address the specific types of records necessary to achieve these inspection aims.

Current Sections 716.4(e) and 721.2(a): The inspection provisions under Section 716.4(e) of

the CWCR state that a facility must provide the Inspection Team with access to all supporting materials and documentation used to prepare the declaration. Similarly, the recordkeeping provisions of §721.2 require the facility to retain supporting materials and documentation used to prepare the declaration.

These provisions do not specify the types/scope of records that should be used by the facility to prepare a declaration, and retained in support of such declaration. Moreover, these provision do not clearly indicate that facilities are required to make available to the Inspection Team, and to retain, all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock during the current and previous calendar years, as applicable.

Revised Section 716.4(e) and Section 721.2(a): Revised §716.4(e) would clearly indicate that the facility must make available for inspection all supporting materials and documentation used to prepare declarations, and otherwise comply with the CWCR up through the date of inspection, available to OPCW inspection team, even when an inspection takes place prior to the facility's submission of its *Annual Declaration on Past Activities* to BIS or the submission of the U.S. annual declaration on past activities to the OPCW. This section will indicate that such records shall include all materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. This change is intended to ensure that inspections achieve the verification objectives described in the CWCR, including verification that a facility's activities are consistent with the information contained in its declarations and non-diversion of Schedule 1 and Schedule 2 chemicals. .

Consistent with the above revisions to §716.4(e) noted above, Section 721.2(a) will also clarify that recordkeeping requirements include all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. This clarification is being made to ensure that the CWCR records review and recordkeeping requirements fully conform with the inspection aims described in the inspection provisions of the CWCR, which include verifying the non-diversion of Schedule 1 and Schedule 2 chemicals.

C. TOTAL ESTIMATED INCREASE IN BURDEN HOURS (PER ANNUM).

The above-described revisions to the CWCR are expected to increase the annual burden hours related to declarations, reports, amendments, notifications and compliance requests under this collection from 4,471 to 4,502. As a result, the total annual burden hours for this collection will increase from 10,811 to 10,842 hours; i.e., 4,502 (for declarations, reports, amendments and compliance requests) + 6,340 (for inspections) = 10,842 total burden hours (see Attachment 3 for Burden Hour Chart for Declarations, Reports, Amendments, Notifications and Compliance Reviews).

Section 715.1(d) - Routine inspections of declared UDOC plant sites and new “Change In Inspection Status” Form. In support of determining the estimated burden on UDOC plant sites for submitting a *“Change In Inspection Status Form,”* Attachment 2 lists the number of declared and inspectable plant sites for reporting years 1999 through 2005. Attachment 3 identifies the number of UDOC plant sites that would have been to eligible to submit the *“Change In Inspection Status Form”* because their inspection status changed from declared/inspectable in the previous calendar year to only declared for the next calendar year.

The total estimated annual burden hours for UDOC plant sites to submit a *“Change In Inspection Status Form”* is 31 hours. However, as noted above, this burden could be mitigated if the plant site is eligible for and chooses to submit early its *Annual Declaration on Past Activities*.

Sections 716 and 721 - Inspection Records Review and Recordkeeping Requirements. To assess the additional burden hours and associated costs for the records to verify non-diversion of Schedule 1 and Schedule 2 records, BIS conducted a voluntary survey of nine Schedule 2 facilities, of which five facilities responded (see Attachment 5 for format of survey). Specifically, BIS requested these facilities to estimate the time to prepare and maintain records used to determine non-diversion of Schedule 1 and 2 chemicals, including for example, records on production, processing and consumption, transfer, inventory, or otherwise disposed. All five facilities indicated that they already use and maintain such records in order to prepare their declarations or for other internal procedures. Therefore, BIS has determined that there is no additional burden or cost on industry to use and maintain records for verification of non-diversion of Schedule 1 and 2 chemicals.

This proposed rule amends Section 716.4(e) of the CWCR to clarify that a facility undergoing inspection must provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the CWCR, including records related to activities that have taken place at the facility since the beginning of the previous calendar year (i.e., up to and including the date of the inspection), regardless of whether or not the facility has submitted its *Annual Declaration on Past Activities* to BIS at the time of the inspection.

Regarding the requirement for facilities to provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations, including records related to activities that have taken place at the facility since the beginning of the beginning of the calendar year, but for which a *Annual Declaration on Past Activities* has not been submitted at the time of the inspection, BIS has determined that there is no additional burden or cost on industry as facilities have been providing access to such records for all inspections that have occurred since implementation of inspection verification regime in April 2000.

**LIST OF ATTACHMENTS FOR THE
REVISION TO INFORMATION COLLECTION**

OMB Form Number 0694-00910694-0091

| Attachment Number | Attachment Name | Page Numbers |
|------------------------------|--|---------------------|
| 1 | “Change In Inspection Status” Form and Instructions | 8 - 9 |
| 2 | Number of Declared and Inspectable UDOC Plant Sites for CYs 1997-2005 | 10 |
| 3 | Estimated number of UDOC facilities that would have been eligible to submit the “Change In Inspection Status” Form for CYs 1997-2005 | 11 |
| 4 | Burden Hour Chart for Declarations, Reports, Notifications and Compliance Reviews | 12 - 14 |
| 5 | Survey Format for Collection of Information from Industry to Determine Estimated Burden Hours and Cost for Maintaining Records and Information for Non- Diversion of Schedule 2 Chemicals | 15-16 |

| | | |
|---|--|---------------------------------------|
| | U.S. DEPARTMENT OF COMMERCE | DATE RECEIVED (Leave Blank) |
| | Bureau of Industry and Security | |
| “CHANGE IN INSPECTION STATUS” | | |
| <p>This “Change in Inspection Status” Form may only be used by an Unscheduled Discrete Organic Chemical (UDOC) plant site if:</p> <p>the plant site is “declared” and subject to inspection based on production by synthesis in excess of 200 metric tons aggregate of UDOCs (including any amount of PSF-chemicals) during the previous calendar year; and</p> <p>the plant site does <u>not</u> anticipate producing by synthesis in excess of 200 metric tons aggregate of UDOCs during the remainder of the current calendar year.</p> | | |
| <p>NOTE: This “Change in Inspection Status Form” must be submitted <i>no later than December 15th</i> of the current calendar year. The purpose of this form is to ensure your plant site will not be selected for inspection during the first 90 days of the next calendar year if your current calendar year activities are not anticipated to exceed the CWC Regulations’ inspection threshold (§715.1(d)).</p> | | |
| B.1 | Company Name: | |
| B.2 | Plant Site Name: | |
| B.3 | Plant Site USC Code: | |
| B.4 | Date Submitted (YYYY-MM-DD): | |
| B.5 | CERTIFICATION | |
| <p>I hereby certify that the inspection status for the declared plant site is below the inspection threshold (i.e., less than 200 metric tons aggregate of UDOCs) for the current year and is</p> | | |
| <p>Name and title of responsible official (type or print):</p> | | |
| Signature: | | |
| Date Signed (YYYY) | | |
| B.6 | <p>REPORTING YEAR:</p> <hr/> <p>Change in Inspection Status for the Current Calendar Year (YYYY):</p> | |

| | |
|------------|----------------------------------|
| B.7 | General Optional Comment: |
|------------|----------------------------------|

Declaration requirements for Unscheduled Discrete Organic Chemicals (UDOCs) are set forth in Part 715 of the CWC Regulations (15 CFR 715). You may submit this form to ensure that your plant site will not be selected for inspection by the Organization for the Prohibition of Chemical Weapons (OPCW) during the first 90 days of the next calendar year if:

- 3) your plant site is currently subject to inspection by the OPCW as outlined under Section 715.1(d) of the CWC Regulations because it produced by synthesis in excess of 200 metric tons aggregate of UDOCs during the previous year; and
- 4) your plant site is not anticipating to exceed the 200 metric ton aggregate production threshold during the current calendar year.

The “Change in Inspection Status Form” must be submitted no later than *December 15th of the current calendar year*. This form may only be used to certify that the inspection status of the plant site will change based on current year activities. If you do not submit a “Change in Inspection Status” Form, your plant site will continue to be subject to inspection (during the first 90 days of the next calendar year) until: (1) a new Annual Declaration on Past Activities (ADPA) has been submitted that declares the production range for the plant site as below the inspection threshold and thereby changes the inspection status; or (2) your plant site is not required to submit an ADPA (Note: The OPCW will be informed that your plant site is no longer subject to declaration – see Question B.7).

NOTE 1: In lieu of submitting a “Change in Inspection Status” Form, you may submit an Annual Declaration on Past

forth in Part 715 of the CWC Regulations (15 CFR 715).

Activities (ADPA) by December 15 if you are certain the aggregate production threshold for the plant site will not change before the end of the current calendar year.

Note 2: Upon receipt of the “Change In Inspection Status” Form or ADPA, the Department of Commerce will inform the OPCW that your plant site is not inspectable during the next calendar year, if appropriate.

Your signature on the “Change in Inspection Status” Form authorizes the Department of Commerce to inform the OPCW that your plant site will not be subject to inspection during the next calendar year thereby eliminating the possibility that an inspection may occur during the first 90 days of the next calendar year.

If after submitting a “Change in Inspection Status” Form, you determine that the production for the plant site actually exceeded 200 metric tons aggregate threshold, you must submit by February 28 an ADPA (i.e., Certification Form, UDOC Form - Parts A and B, and Form B) and indicate on Form B the reason the plant site exceeded the inspection threshold after submission of the “Change in Inspection Status” Form.

Question B.1 through B.3 Company Name and Plant Site name and USC Code: Provide the name of the company, plant site and the plant site USC code.

Questions B.4 and B.5 Date Submitted and Certification: The Certification must be signed and dated by the owner, operator, or

senior management official who certifies the accuracy and completeness of the information submitted. The certification signature block must contain an original signature. The date submitted block should indicate the date the certification is submitted.

Question B.6 Reporting Year: Provide the current year for which the information applies.

Question B.7: General Optional Comment: Provide any voluntary comments regarding your plant site (e.g., no longer subject to declaration).

ATTACHMENT 2

NUMBER OF DECLARED AND INSPECTABLE UDOC PLANT SITES

| Reporting ⁵ Year | Number of Declared UDOC Plant Sites | Number of Inspectable UDOC Plant Sites |
|--------------------------------|--|---|
| CY 1999 | 650 | 650 |
| CY 2000 | 632 | 620 |
| CY 2001 | 626 | 612 |
| CY 2002 | 592 | 581 |
| CY 2003 | 579 | 568 |
| CY 2004 | 566 | 557 |
| CY 2005 | 554 | 546 |

⁵ The *Annual Declaration on Past Activities* for a reporting year is due to the Department of Commerce (postmarked) by February 28th of the year that follows the calendar year in which the UDOC activities took place.

ATTACHMENT 3

**ESTIMATED NUMBER OF UDOC FACILITIES
THAT WOULD HAVE BEEN ELIGIBLE TO
SUBMIT THE "CHANGE IN INSPECTION STATUS" FORM**

| | |
|--------------------|----------|
| CY 1999 CY 2000 | 4 of 622 |
| CY 2000 CY 2001 | 6 of 620 |
| CY 2001 CY 2002 | 7 of 612 |
| CY 2002 CY 2003 | 3 of 581 |
| CY 2003 CY 2004 | 3 of 568 |
| CY 2004 CY 2005 | 2 of 557 |

ATTACHMENT 4

BURDEN HOUR CHART FOR DECLARATIONS, REPORTS, AMENDMENTS, NOTIFICATIONS AND COMPLIANCE REVIEWS

The information in this chart is based upon actual declarations, reports, amendments, notifications and records submitted by U.S. chemical facilities and trading companies for Reporting Year (RY) 2005 activities, as required by the Chemical Weapons Convention Regulations (CWCR) (15 CFR Parts 710-722). Certain facilities may have submitted multiple declarations or reports under different chemical regimes. This data includes RY 2005 Declarations on Annual Anticipated Activities, Annual Declaration on Past Activities (ADPA), Annual Reports on Exports and Imports and any amendments thereto (excluding cases returned without action), which were received by the Department of Commerce's Bureau of Industry and Security (BIS) during Calendar Years (CYs) 2005 and 2006.

For the UDOC *"Change In Inspection Status" Form*, the data field accounts for the estimated number of facilities that would have been eligible to submit the new form in order to be excluded from possible inspection during the first 90 days of the next calendar year (see Attachment 3). The number of declarations was derived by first identifying the number of declared and inspectable facilities in CYs 1999 through 2005 (see Attachment 2), and then identifying the number of facilities that would have been eligible to submit *the UDOC "Change In Inspection Status" Form*, because they were declared and inspectable in the previous calendar year but were only declarable for the applicable reporting year (i.e., not subject to inspection) (see Attachment 3). The burden hours for completing this form is estimated to be the same as for the UDOC *"No Changes" Certification Form* because the amount of time to collect information and prepare the form is the same (5.1 burden hours x 6 UDOC plant sites eligible to submit a *"Change In Inspection Status" Form* = 31 hour increase in burden hours).

| CHEMICAL REGIME | BURDEN HOURS | ACTUAL NUMBER OF DECLARATIONS, REPORTS, & AMENDMENTS RECEIVED* & ESTIMATED NUMBER OF REQUESTS FOR COMPLIANCE INFORMATION | TOTAL BURDEN HOURS |
|-------------------|--------------|--|--------------------|
| SCHEDULE 1 | 10.6 ** | 3 | 32 |
| SCHEDULE 2 | 11.9 ** | 47 | 559 |
| SCHEDULE 3 | 2.5 *** | 127 | 318 |
| UDOC'S | 5.3 *** | 495 | 2624 |
| UDOC "No Changes" | 5.1 **** | 55 | 281 |

| | | | |
|---|--------------------------|---------------|-----------|
| UDOC "Change in Inspection Status" | 5.1***** | 6 | 31 |
| SCHEDULE 1 EXPORT/IMPORT ADVANCE NOTIFICATIONS | 0.17 x 3 = 0.51 ***** | 1 | 1 |
| Compliance Review Requests | 1.7 ***** | 50 (estimate) | 85 |
| TOTAL | | 867 | 4502 |

* These numbers include all annual declarations on anticipated and past activities and annual reports on exports and import for RY 2005. All amendments received (e.g., amendment submitted based on an inspection finding) are also included in these numbers.

** These estimates are based on the average time required to complete each page of the UDOC forms in our field test times the total number of pages in the Schedule 1 and 2 declarations. For example, for Schedule 1, this would be as follows:

(5.3 hours/4 UDOC pages) x 8 Schedule 1 pages = 10.6 hours.

*** These estimates were derived from our field test. The sample size for Schedule 3 was two respondents. The sample size for UDOCs was four respondents.

**** This estimate was obtained by comparing the difference in the amount of time to "type" a "No Changes" Certification Form (one page) versus a complete ADPA (three pages). A proficient typist took 0.1 hours to type a "No Changes" Certification Form and 0.3 hours to type an ADPA (0.3 - 0.1 = 0.2 hour). The amount of time to collect the support documentation to prepare a UDOC declaration remains unchanged. Accordingly, only 0.2 hours (typing time) was subtracted from the amount of time to collect the information and prepare the complete ADPA (5.3 - 0.2 = 5.1). The final CWC Regulations, including authorization for the new UDOC "No Changes" Certification Form, was published in the Federal Register on April 27, 2006. Therefore, facilities were not authorized to submit this reporting form for the CY 2005 declaration on past activities. The estimate number of 55 was determined based on the number of facilities that would have been eligible to submit the UDOC "No Changes" Certification Form. Accordingly actual UDOCs submitted was 550 of which 55 were eligible for, and are reported under, the UDOC "No Changes" Certification Form (550 - 55 = 495).

***** **The burden hours for completing the "Change In Inspection Status" Form are estimated to be the same as the UDOC "No Changes" Certification Form because the**

amount of time to collect information and prepare would be the same (see item ** above).**

***** This estimate is based on the estimated time required to complete the notification, on company letterhead, per respondent (10 minutes) times the estimated number of responses per respondent (3) times the actual number of plant sites or trading companies (1).

***** This estimate is based upon an estimated 50 requests to industry for typical compliance related information during a calendar year ($50 \times 1.7 = 85$ hours). The final CWC Regulations, including authorization for BIS to conduct compliance reviews, was published in the Federal Register on April 27, 2006. Therefore, BIS does not have actual statistics for this collection and is reporting the original estimated number.

ATTACHMENT 5

**SURVEY FORMAT USED FOR COLLECTION OF INFORMATION FROM
INDUSTRY TO DETERMINE ESTIMATED BURDEN HOURS AND COST FOR
MAINTAINING RECORDS AND INFORMATION FOR NON-DIVERSION OF
SCHEDULE 2 CHEMICALS**

+++++

BURDEN HOUR CHART

**Estimate of Hours
Required to Prepare and Maintain Records
to Demonstrate Non-Diversion of Schedule 2 Chemicals**

Company Name: _____
Point-of-Contact: _____
USC Code: _____
Plant Site Name: _____

Please estimate the number of minutes/hours required to prepare and maintain the below listed records on an annual basis for Schedule 2 activities (i.e., production, processing and consumption) that you declared in your CY 2005 Annual Declaration on Past Activities or Combined Declaration.

Note: Certain activities or record types may not be applicable to your facility, in which case, please leave the item blank.

| Schedule 2 Activity | Record | Number of Minutes/Hours Annually | | Record Already Used to Prepare Declarations? (Yes / No) |
|---------------------|--|----------------------------------|-------------|---|
| | | Preparation | Maintenance | |
| Production | Quantities of reactant(s) used to produce Schedule 2 chemical | | | |
| | Analysis of the Schedule 2 chemical produced in the final product and in waste stream(s), if applicable and if available | | | |
| | Quantities of the Schedule 2 chemical produced if the concentration is above 30% and of other chemicals produced as by-products to the Schedule 2 chemical | | | |
| | Batch records of Schedule 2 chemical production | | | |
| | Quantities of the Schedule 2 chemical sold, transferred off-site or otherwise disposed of, by transaction | | | |

| | | | | |
|--------------------|---|--|--|--|
| | Inventory of the Schedule 2 chemical and any adjustments to inventory | | | |
| Processing | Quantities of Schedule 2 chemical purchased or transferred on-site, by transaction | | | |
| | Batch records of the Schedule 2 chemical processed | | | |
| | Quantities of the final product resulting from processing of the Schedule 2 chemical if the concentration is above 30% | | | |
| | Quantities of other chemicals with which the Schedule 2 chemical is processed | | | |
| | Analysis of the Schedule 2 chemical in the product and in waste stream(s), if applicable and if available | | | |
| | Quantities sold, transferred off-site, or otherwise disposed of, of the processed product containing Schedule 2 chemical | | | |
| | Inventory of the Schedule 2 chemical and any adjustments to inventory | | | |
| | Inventory of the processed product containing Schedule 2 chemical and any adjustments to inventory | | | |
| Consumption | Quantities of Schedule 2 chemical purchased or transferred on-site, by transaction | | | |
| | Schedule 2 chemical inventory and any adjustments to inventory | | | |
| | Analysis of the Schedule 2 chemical and of Schedule 2 chemical in waste stream(s), if applicable and if available | | | |
| | Quantities of other reactants to the Schedule 2 chemical | | | |
| | Quantities of chemicals produced from the Schedule 2 chemical | | | |
| | Analysis of chemicals produced from the Schedule 2 chemical, if applicable and if available | | | |