

**SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Additional Protocol to the U.S.-IAEA Safeguards
Agreement Report Forms
OMB CONTROL NO. 0694-0135**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

To implement the Protocol Additional (AP) to the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America, on October 31, 2008, Department of Commerce (DOC) published the Additional Protocol Regulations (15 CFR Parts 781 through 799) as a notice of final rulemaking. The Nuclear Regulatory Commission (NRC) also published revisions to the applicable NRC regulations (10 CFR Parts 75 and 110) on December 23, 2008 as a direct rule.

The DOC's Bureau of Industry and Security (BIS) and NRC developed joint handbooks and report forms for collecting information from the commercial nuclear industry, other U.S. persons, and NRC and Agreement State licensees for the U.S. to comply with its AP commitments. Annual reports must be submitted to DOC by January 31st of the year following any year in which the nuclear fuel cycle-related activities took place or in which there were changes to previously reported activities. Export reports must be submitted to DOC 15 days passed the end of each quarter.

There are two separate handbooks and related forms for collecting information from the public for implementing the Protocol. The first handbook is for locations and the second is for sites of IAEA-Selected Facilities. The below tables describes each form, including the form number, a brief description of the information to be collected on the form, and the correlation to the specific sub-article of the Protocol.

Handbook for Locations and related forms:

| FORM | DESCRIPTION OF INFORMATION COLLECTED ON FORM | SUB-ARTICLE |
|------|---|-------------|
| AP-1 | Certification | n/a |
| AP-2 | Contact Information | n/a |
| AP-3 | Research and Development with U.S. Government (USG) Involvement | 2.a.i |
| AP-4 | Research and Development without U.S. Government Involvement | 2.b.i |
| AP-5 | Nuclear-related manufacturing, assembly and construction activities | 2.a.iv |
| AP-6 | Information on uranium hard rock mines | 2.a.v |
| AP-7 | Information on concentration plants | 2.a.v |
| AP-8 | Holdings of impure source materials | 2.a.vi.a |

| | | |
|-------|---|--------------|
| AP-9 | Imports and exports of impure source materials | 2.a.vi.c |
| AP-10 | Holdings of safeguards-exempted materials | 2.a.vii.a&b |
| AP-11 | Location of safeguards-terminated materials | 2.a.viii |
| AP-12 | Processing of safeguards-terminated waste materials | 2.a.viii |
| AP-13 | Exports of specified equipment and non-nuclear material | 2.a.ix.a |
| AP-14 | Imports of specified equipment and non-nuclear material | 2.a.ix.b |
| AP-15 | Supplemental information report | 2.b.ii & 2.c |
| AP-16 | Continuation | n/a |
| AP-17 | No Changes Report | 3.b |

Handbook for Sites of IAEA-Selected Facilities and related forms:

| FORM | DESCRIPTION OF INFORMATION COLLECTED ON FORM | SUB-ARTICLE |
|------|---|--------------|
| AP-A | Certification | n/a |
| AP-B | Contact Information | n/a |
| AP-C | Building information | 2.a.iii |
| AP-D | Research and Development with U.S. Government Involvement | 2.a.i |
| AP-E | Research and Development without U.S. Government Involvement | 2.b.i |
| AP-F | Nuclear-related manufacturing, assembly and construction activities | 2.a.iv |
| AP-G | Information on concentration plants | 2.a.v |
| AP-H | Holdings of impure source materials | 2.a.vi.a |
| AP-I | Imports and exports of impure source materials | 2.a.vi.c |
| AP-J | Holdings of safeguards-exempted materials | 2.a.vii.a&b |
| AP-K | Location of safeguards-terminated materials | 2.a.viii |
| AP-L | Processing of safeguards-terminated waste materials | 2.a.viii |
| AP-M | Exports of specified equipment and non-nuclear material | 2.a.ix.a |
| AP-N | Imports of specified equipment and non-nuclear material | 2.a.ix.b |
| AP-O | Supplemental information report | 2.b.ii & 2.c |
| AP-P | Continuation | n/a |
| AP-Q | No Changes Report | 3.b. |

Information required by Protocol sub-article:

| Sub-article | Information Required to be Declared to the IAEA |
|-------------|--|
| 2.a.i | <u>Research and development activities with U.S. Government involvement</u> – General description of activity and location information for: <u>not</u> involving nuclear materials, that are funded, specifically authorized or controlled by, or carried out on behalf of, the United States. |
| 2.a.iii | <u>Site building information</u> -- General description of each building on each site, including its use and, if not apparent from that description, its contents. A map of the site is required. This information will be for sites |

| | |
|--------------------|--|
| | of facilities selected by the IAEA for the application of safeguards from the U.S. 'Eligible Facilities List' for which a design information questionnaire has previously been submitted. |
| 2.a.iv | <u>Manufacturing activities</u> -- Description of the scale of operations for each location involved in the manufacturing activities specified and listed in detail in Annex I of the AP (e.g., manufacture of centrifuge rotor tubes, diffusion barriers, zirconium tubes, nuclear grade graphite, and reactor control rods). |
| 2.a.v | <u>Uranium mines and concentration plants and thorium concentration plants</u> – Identification of location, operational status and estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, the current annual production of such mines and concentration plants for the U.S. as a whole. |
| 2.a.vi.(a) | <u>Holdings of Impure Source Material</u> -- Chemical composition, quantity, use, description of intended use of such material, and building or room where material is held for each location. |
| 2.a.vi.(b).and (c) | <u>Exports and Imports of Impure Source Material</u> -- Chemical composition, quantity, intended use of such material for each location, the date of each export from the U.S. and the destination/country of import, the date of import into the U.S., the country of export, the current location and intended use of each import into the U.S. of such material for specifically non-nuclear purposes |
| 2.a.vii(a) and (b) | <u>Holdings of Safeguards-Exempted Materials</u> – Quantity, use and location of nuclear material exempted from safeguards pursuant to Articles 36(b) and 37 of the Safeguards Agreement. |
| 2.a.viii | <u>Location of Safeguards-Terminated Waste Material</u> -- Location of further processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Safeguards Agreement |
| 2.a.ix(a) | <u>Exports</u> -- Each export out of the U.S. of specified equipment and non-nuclear material, including the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export must be declared on a quarterly basis. |
| 2.a.ix(b) | <u>Imports</u> – Upon receipt of a request from the IAEA, an import of equipment or non-nuclear material covered in Annex II of the AP (List of Specified Equipment and Non-Nuclear Material for the Reporting of Imports) must be declared for information to verify imports. |
| 2.b.i. | <u>Research and development activities without U.S. Government involvement</u> -- Research and development activities not involving nuclear material and funded and conducted by non-government entities. |

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The United States is required to submit annual declarations to the IAEA, quarterly declarations on exports of nuclear and nuclear-related equipment and materials, and amended declarations thereto. In addition, upon request by the IAEA, the United States will also submit additional information to resolve a question or inconsistency with the U.S. declaration.

The DOC and NRC collect reports from the public pursuant to the DOC final AP Regulations and the NRC Regulations, respectively, in order to obtain the necessary information to compile the U.S. declaration. Under the MOA with the NRC, Commerce will receive reports on behalf of the NRC and Agreement State licensees, pursuant to NRC regulations.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines (i.e., OMB, Department of Commerce, and specific operating unit guidelines.)

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The report forms are available in portable document format (PDF) and can be printed and submitted, or information can be directly entered onto the forms, printed, and submitted. DOC also deployed a joint DOC-NRC website, www.ap.gov that contains the PDF data fillable forms.

Due to budgetary constraints, DOC has been unable to develop the Internet-based system for collecting reports from the public.

4. Describe efforts to identify duplication.

The Additional Protocol requires that additional information, beyond that which is currently being collected pursuant to the U.S.-IAEA Safeguards Agreement, be declared to the IAEA. The 'total' information required for U.S. compliance with the Additional Protocol, as to be collected under DOC's final AP Regulations and NRC Regulations, has not been previously obtained from the public. It is determined, therefore, that this is not a significant duplication of information necessary for implementing the Protocol. However, there is certain information collected, as described below, but this information is not sufficient to comply with specific Protocol requirements.

- 1 Under the Safeguards Agreement, NRC collects information regarding buildings on sites of IAEA-Selected Facilities in applications for NRC licenses, but this information will not fully meet the Article 2.a(iii) reporting requirement. The information collected and contained in the design information questionnaire (DIQ) relates to only the building where the nuclear

material is located, whereas the Additional Protocol requires information to be declared on every building on the site of the IAEA-Selected Facility, including a detailed map of the site, and the use of the building and its content.

- 2 NRC and the Department of Energy (DOE) collect certain information on nuclear material from the public, including NRC and Agreement State licensees. DOE's Energy Information Administration (EIA) administers a survey to collect statistical data on the U.S. uranium industry. The data includes pounds of uranium ore concentrate produced on an annual and quarterly basis as well as number of operating and standby mills, concentration plants and by-product recovery plants. This information is not fully sufficient to comply with the requirements of Article 2.a(v) of the Additional Protocol because the EIA survey only captures the total operational and standby domestic mining activities and the Additional Protocol requires information on permanently closed down mines. NRC only licenses "in-situ" recovery facilities and does not collect information on open pit or underground (deep mining) facilities. Finally, most mines, mills and concentration plants are located in Agreement States and report directly to the Agreement State. This information is collected at the state level and is not directly available to the U.S. government.

Department of Labor's Mine Safety and Health Administration (MSHA) administers the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) to enforce compliance with mandatory safety and health standards as a means to eliminate fatal accidents; to reduce the frequency and severity of nonfatal accidents; to minimize health hazards; and to promote improved safety and health conditions in the nation's mines. MSHA carries out the mandates of the Mine Act at all mining and mineral processing operations in the United States, regardless of size, number of employees, commodity mined, or method of extraction. MSHA gathers information (i.e., company name, mine name, address, operational status) from the mining industry on a quarterly basis. This information is not sufficient to satisfy the information needed for Article 2.a(v) of the AP because it does not include mines whose operational status was designated as abandoned, decommissioned, or under environmental restoration (e.g., mining operations that are shut down and personnel and infrastructure are not in place to resume mining activities)

- 3 NRC collects information on the inventories of source materials (depleted uranium, natural uranium and thorium) to which foreign obligations have been assigned. Source material without foreign obligations may be transferred between facilities, which are required under the Protocol. This information is, therefore, not sufficient to satisfy the information required under Article 2.a.(vi) of the Protocol.
- 4 There is currently no information collected from the public regarding research and development (R&D) on nuclear fuel cycle activities not involving nuclear material (e.g., development of enrichment technology) that is not funded by the U.S. government. Most U.S. government funding for fuel cycle-related R&D is provided by the DOE's, Office of Nuclear Energy, however, NRC's Office of Research also funds some activities. The information collected by DOE and NRC on R&D activities will not fully meet the Article 2.a(i) and 2.b(ii) reporting requirements.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

DOC and NRC are sensitive to the needs of small businesses; however this collection must be conducted to ensure the United States is in full compliance with its obligations under the Additional Protocol. This procedure, conducted under the final AP Regulations and NRC's Regulations for Safeguards on Nuclear Material-Implementation of U.S./IAEA Agreement, is governed by national security, foreign policy and proliferation of weapons of mass destruction requirements.

Respondents consist of government, small businesses, academic institutions, private company contractors, and other private entities. To minimize the burden on small businesses and other small organizations, the AP Report forms have been developed to only collect the minimum amount of information necessary from the public for the U.S. to comply with its AP treaty requirements. In addition, DOC and NRC provide outreach to the public through seminars and published documents, providing pertinent information on the impending implementation of the Additional Protocol. These efforts familiarize the public with the Additional Protocol and assist their understanding and compliance with the DOC and NRC Additional Protocol requirements.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Article 3 of the Additional Protocol requires the United States to submit annual and quarterly declarations for all public and private entities engaged in certain commercial nuclear fuel cycle related activities. If the requested collections are made less frequently or not at all, the United States will not be able to meet its reporting obligations and will then be in technical non-compliance with the requirements of the Additional Protocol, an international treaty that has the force of law. Also the President's policy objectives would be in jeopardy if this collection is not conducted, as enumerated in National Security Strategy of the U.S. of America of 2006.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The notice requesting public comment was published in the Federal Register on May 27, 2014, page 30080. No comments were received.

DOC and NRC held preliminary meetings with representatives from the Nuclear Energy Institute (NEI) to discuss the potential impact of anticipated DOC and NRC regulations (pursuant to the AP) on the U.S. commercial nuclear industry. NEI representatives were able to give very rough parameters of the types of companies and organizations that potentially would and would not be affected by implementation of the AP.

After these meetings, however, it was determined that a more targeted survey needed to be conducted to identify the number of possible entities that will be impacted by implementing the AP through promulgating DOC's final notice of advanced rule making and amending NRC's regulations.

The starting basis for developing the list of recipients of the survey was through three publications:

- 1 Dynmeridian report of June 15, 2000, on the "Cost Estimates for Implementation of the Additional Protocol to the U.S.-IAEA Safeguards Agreement;"
- 2 EIA's report of May 2003, on the "Uranium Industry Annual 2002;"
- 3 Lawrence Livermore National Laboratory report of October 2003, on the "Survey of Potentially Declarable Activities on Nuclear Fuel Cycle Related Research and Development under Article 2 of the U.S. Additional Protocol – A Preliminary Report."

The survey was conducted by DOC's Office of Strategic Industries and Economic Security (SIES), within the DOC, to get the best estimate possible (next to an actual data collection of the entire population) of the number of U.S. companies, organizations and other U.S. persons that will potentially have reporting requirements under the AP. This study, along with reviews conducted by the NRC on activities conducted by its licensees, indicated that potentially 119 locations and 10 sites of IAEA-Selected Facilities from the U.S. Eligible Facilities List licensed by the NRC will have reporting requirements pursuant to DOC and NRC regulations under the AP.

In order to assess the time and cost burden to the public associated with completing the AP report forms, DOC sent a letter requesting time estimates from nine pre-selected companies and organizations. The letter included a handbook containing background information on the AP and the anticipated reporting requirements, as well as the draft AP report forms, with detailed instructions, definitions and supplements to aid in the completion of the forms, as appropriate (one handbook and set of forms is for commercial nuclear industry and other U.S. persons with reportable locations, and the other handbook and set of report forms is for sites of U.S. facilities selected by the IAEA from the U.S. Eligible Facilities List). The respondents were also encouraged to provide any comments or suggestions resulting from their review of the draft forms and handbook. Of the nine pre-selected companies and organizations, only seven

responded to the time estimate request.

In addition, a Notice of Inquiry (FR Doc. 02-29513) was published in the Federal Register on November 20, 2002, requesting information to estimate the potential impact that implementing the Additional Protocol will have on the public and to gain a better understanding of the universe of locations that may be affected by implementation, when the Additional Protocol enter into effect. Comments to this Notice of Inquiry were received from the Nuclear Energy Institute (NEI) and one company, USEC, Inc.

Representatives from NEI commented that, “NEI does not foresee significant burdens on industry from ratification and imposition of the U.S. Additional Protocol ... Increased burdens can be expected for such agencies in extracting and reporting required information to the Department of Commerce and for entities engaged in nuclear research and development.” Regarding impact on uranium and thorium mines and mills, the NEI commented that, “NEI, foresees...a minor impact on uranium licensees to slightly broaden annual EIA filings to include mine or mill throughput capacity,” and also noted that, “NEI foresees the largest impact of protocol implementation on the Research and Development Activities area of the fuel cycle. Information on such research activities has not, to the best of our knowledge, ever been tabulated by the U.S. government.”

USEC representatives commented that, “Pending answers to our questions, enactment of implementing legislation and promulgation of implementing regulations, USEC is not able to reach conclusions regarding the extent to which the Additional Protocol may compromise the protection of confidential business information or Restricted Data. Nor is it able, at this time, to estimate the cost of compliance with the data submission and other requirements of the Additional Protocol.”

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no plans to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Article 15 of the AP protects confidential business information (CBI) by mandating that the IAEA maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets. In addition to the national security exclusion, the U.S. Additional Protocol includes all the protections for commercially sensitive information contained in the Model Protocol. For example:

- 1 Information on nuclear R&D activities that must be declared to the IAEA is limited to location and general description and does not include details or results;

- 2 Similarly, the required information on nuclear-related manufacturing is also limited to location and the scale of operation without details;
- 3 Access is designed to be infrequent;
- 4 Inspection activities are limited and relevant to detection of undeclared nuclear material and activities or to resolve a question of inconsistency related to the declaration;
- 5 The IAEA is required to maintain a stringent regime for protection against disclosure of commercial, technological and industrial confidential information, and the regime is subject to periodic review and approval by the United States and other Board members;
- 6 Only those individuals to whom the United States agrees may be assigned by the IAEA to conduct inspections in the United States under the U.S. safeguards agreement or for access under the U.S. Additional Protocol;
- 7 Whenever requested by the United States, managed access arrangements must be used to prevent disclosure of proliferation sensitive information, or proprietary or commercially sensitive information;
- 8 Both the IAEA and its officers or employees may be subject to legal process in the event of unauthorized disclosure of confidential information. The IAEA can withdraw immunity of inspectors in cases of abuse.

The United States Additional Protocol Implementation Act exempts information reported to, or otherwise acquired by, the U.S. government pursuant to the AP from disclosure through a Freedom of Information Act (FOIA) request (5 USC 552). This FOIA exemption will ensure additional protection against any unauthorized release of information. In addition, complementary access to locations and sites in the United States will be conducted consistent with the Fourth Amendment to the U.S. Constitution.

In addition, the DOC or NRC Host Team facilitating the inspection will implement managed access measures, if applicable, as described under the DOC final AP Regulations and NRC's Regulations on Safeguards on Nuclear Material-Implementation of U.S./IAEA Agreement. These include actions to prevent the dissemination of sensitive information (e.g., removal of sensitive papers from office spaces; shrouding of sensitive displays, stores and equipment; and logging off computer systems and turning off data indicating devices).

As stated in Section 221 of the United States Additional Protocol Implementation Act, in the event of a complementary access to a privately owned or operated facility, no employees from Environmental Protection Agency (EPA), Mine Safety and Health Administration (MSHA), or Occupational Safety and Health Administration (OSHA) may participate in the access. In the case of access to a federal facility, accompanying officials from other government agencies (i.e., OSHA or EPA) cannot conduct a concomitant inspection to ensure compliance with the given agency's regulations or issue citations and/or fines based on non-compliance with those regulations.

Finally, information submitted by the public to the DOC or NRC is protected from release to the public under Section 231 of the United States Additional Protocol Implementation Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The total burden for this joint DOC-NRC information collection is 844 hours at a cost of \$43,642. The estimated burden hours and costs are described below in three sections, including AP report handbooks and forms (joint DOC-NRC), and complementary access and compliance review of locations (DOC only). The summary for each of the three sections include:

- 1 *Joint report forms* -- 731 total estimated burden hours at a cost of \$37,799.
- 2 *DOC only complementary access* – 96 total estimated burden hours per complementary access at a cost of \$4,964.
- 3 *DOC only compliance reviews* – 17 total estimated burden hours at a cost of \$879.

AP Report Handbooks and Forms (Joint DOC and NRC collection)

The total burden for submitting reports for forms and reports submission by persons and locations under DOC's final AP Regulations and NRC's Regulations and by sites under NRC's regulations is 488 responses x 1 hour and 30 minutes = 732 total hours and a cost \$37,799. This estimate is based on the actual number of forms and reports submitted for the reporting year 2010 activities.

Burden Hours for Locations – Seventy four locations submitted information on the report DOC and NRC forms for an approximate 561 total burden hours. The result is based upon the sum of the number of forms submitted for each activity multiplied by the estimated average number of hours to complete each type of report form as provided by companies from previous survey.

Burden Hours for Sites – Eight sites submitted information on the NRC forms for an approximate of 170 total burden hours. This result is based upon the sum of the number of forms for these 8 sites conducting each activity multiplied by the estimated average number of hours to complete each type of report form provided by the two sites from previous survey. The total burden hours for sites decreased significantly and remain the same after the first reporting year because there are few changes to the initial reports.

Estimated Cost for Locations and Sites -- The estimated annual cost to all respondents (locations and sites) is \$37,799. The cost per hour for the respondents was derived from the cost per hour

of the salaries and overhead of the Federal employees working on this project. Thus, the estimated total annual cost burden to all respondents and record keepers is 731 hours x \$43.09/hour (GS-13 Step 1) x 1.2 (20% Overhead) = \$37,799.

DOC estimates that the total burden hours and cost for the joint AP report forms will continue to be similar in future. Also once the optional electronic tool for the public to create and submit reports becomes available, the burden hours may reduce.

Estimated Burden Hour Table

The total estimated burden hours in 2010 for this joint collection include locations regulated by both the DOC and NRC and sites regulated by NRC. The burden hours (731) are broken into three separate sub-tables, as follows: sub-table A for DOC locations; sub-table B for NRC locations, and sub-table C for NRC sites, as well as the related reference notes.

SUB-TABLE A -- DEPARTMENT OF COMMERCE

| Locations | | | | |
|------------------------------|-------------------------------|---------------------------------------|---------------------------------|------------------------------------|
| AP Forms | No. of Forms Completed | Time Estimate Responses (min.) | Avg. Time Estimate (min) | Total Time Per Form (min.)* |
| AP-1 ¹ | 35 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 798 |
| AP-2 ² | 64 | 120, 120, 30, 20, 20, 15, 15 | 48.6 | 3110.4 |
| AP-3 ³ | 42 | 480, 240 | 360 | 15120 |
| AP-4 ³ | 4 | 480, 240 | 360 | 1440 |
| AP-5 ⁴ | 16 | 240, 180, 10 | 143 | 2288 |
| AP-6 ⁵ | 19 | 120, 72, 30 | 74 | 1406 |
| AP-7 ⁵ | 0 | 120, 72, 30 | 74 | 0 |
| AP-8 ⁶ | 0 | 120, 60 | 90 | 0 |
| AP-9 ⁷ | 0 | --- | 30 | 0 |
| AP-10 ⁸ | 0 | --- | --- | --- |
| AP-11 ⁸ | 0 | --- | --- | --- |
| AP-12 ⁸ | 0 | --- | --- | --- |
| AP-13 ⁹ | 0 | --- | 30 | 0 |
| AP-14 ¹⁰ | 0 | --- | --- | --- |
| AP-15 ¹¹ | 0 | --- | --- | --- |
| AP-16 ¹² | 11 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 250.8 |
| Total (Burden Hrs.)** | | | | 406.9 |

SUB-TABLE B -- NUCLEAR REGULATORY COMMISSION - LOCATIONS

| Locations Table | | | | |
|------------------------------|------------------------|--------------------------------|--------------------------|-----------------------------|
| AP Forms | No. of Forms Completed | Time Estimate Responses (min.) | Ave. Time Estimate (min) | Total Time Per Form (min.)* |
| AP-1 ¹ | 33 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 752.4 |
| AP-2 ² | 33 | 120, 120, 30, 20, 20, 15, 15 | 48.6 | 1603.8 |
| AP-3 ³ | 0 | 480, 240 | 360 | 0 |
| AP-4 ³ | 0 | 480, 240 | 360 | 0 |
| AP-5 ⁴ | 4 | 240, 180, 10 | 143 | 572 |
| AP-6 ⁵ | 0 | 120, 72, 30 | 74 | 0 |
| AP-7 ⁵ | 12 | 120, 72, 30 | 74 | 888 |
| AP-8 ⁶ | 3 | 120, 60 | 90 | 270 |
| AP-9 ⁷ | 0 | --- | 30 | 0 |
| AP-10 ⁸ | 0 | --- | --- | --- |
| AP-11 ⁸ | 0 | --- | --- | --- |
| AP-12 ⁸ | 0 | --- | --- | --- |
| AP-13 ⁹ | 169 | --- | 30 | 5070 |
| AP-14 ¹⁰ | 0 | --- | --- | --- |
| AP-15 ¹¹ | 0 | --- | --- | --- |
| AP-16 ¹² | 3 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 68.4 |
| Total (Burden Hrs.)** | | | | 153.7 |

SUB-TABLE C -- NUCLEAR REGULATORY COMMISSION - LOCATIONS

| Sites Table | | | | |
|------------------------------|---------------------|--------------------------------|--------------------------|-----------------------------|
| AP Forms (Site) | No. Forms Completed | Time Estimate Responses (min.) | Ave. Time Estimate (min) | Total Time Per Form (min.)* |
| AP-A ¹ | 3 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 68.4 |
| AP-B ² | 3 | 120, 120, 30, 20, 20, 15, 15 | 48.6 | 145.8 |
| AP-C ¹³ | 23 | 180, 132 | 360 | 8280 |
| AP-D ³ | 4 | 480, 240 | 360 | 1440 |
| AP-E ³ | 0 | 480, 240 | 143 | 0 |
| AP-F ⁴ | 2 | 240, 180, 10 | 74 | 148 |
| AP-G ⁵ | 0 | 120, 72, 30 | 74 | 0 |
| AP-H ⁶ | 0 | 120, 60 | 90 | 0 |
| AP-I | 0 | --- | 30 | 0 |
| AP-J ⁸ | 0 | --- | --- | --- |
| AP-K ⁸ | 0 | --- | --- | --- |
| AP-L ⁸ | 0 | --- | --- | --- |
| AP-M ⁹ | 0 | --- | 30 | 0 |
| AP-N ¹⁰ | 0 | --- | --- | --- |
| AP-O ¹¹ | 0 | --- | --- | --- |
| AP-P ¹² | 5 | 60, 30, 20, 15, 15, 10, 10 | 22.8 | 114 |
| Total (Burden Hrs.)** | | | | 169.9 |

Complementary Access by the IAEA to Locations (DOC only)

The total estimated burden hours for implementing complementary access to locations under the final AP Regulations is 96 hours and cost is \$4,964. DOC's final AP Regulations establish the authority for conducting complementary access by the IAEA to locations included in the U.S. declaration as well as locations that are not included in the U.S. declaration as agreed to by the U.S. government. Complementary access to locations will include, but is not limited to, preparing records, reviewing reports previously submitted by the location, identifying and protecting confidential business and other critical information, and developing a pre-inspection briefing for inspectors about the location.

The estimate burden hour is based on the two complimentary access conducted by the IAEA in 2010 at NRC locations. At each location, personnel times of 3 employees were utilized for 2 days (3 employees x 8 hr/employee-day x 2 days = 48 hours): one day for preparation and one day for actual complimentary access by the IAEA. It is estimated that the IAEA will continue to request complimentary access to two locations annually. Thus the estimated burden hour per calendar year is 48 hours per complementary access x 2 locations = 96 hours and corresponding cost is 96hrs x \$43.09/hour (GS-13 Step 1) x 1.2 (20% Overhead) = \$4,964.

Compliance Reviews (DOC only)

The total estimated burden hours for implementing compliance reviews of locations under the final AP Regulations is 17 hours and \$879. DOC's final AP Regulations establish the authority for contacting any person or location subject to the final AP Regulations to determine whether it is in compliance with the reporting and recordkeeping requirements of the final AP Regulations. Any person or location subject to the final AP Regulations receiving such a request for information will be required to provide such information to DOC within a 30-day time period. An extension of the submission deadline may be requested. This provision does not, in itself, impose a requirement to create records or maintain existing records. The recordkeeping requirement that apply to persons and locations are set forth in Part 786 of the final AP Regulations.

DOC estimates that the burden to implement this provision of the final AP Regulations is approximately 17 hours, which is based on a survey that DOC conducted of persons/facilities subject to a similar provision of the CWC Regulations. Specifically, DOC conducted a survey of persons/facilities that responded to past requests for voluntary information under the CWC Regulations in which it was estimated that 1.7 burden hours are required to comply with each request for information. DOC estimates that it will issue 10 requests for information from a person or location per calendar year under the final AP Regulations (10 requests x 1.7 hours = 17 hours x \$43.09/hour (GS-13/1) = \$1581 x 1.2 (20% overhead) = \$879).

The following table summarizes the information provided in question 12.

| IC Title | Responses | Hours | Dollars |
|-------------------------------|------------------|--------------|-----------------|
| Joint Report Form | 488 | 732 | 37,799 |
| DOC only complementary access | 2 | 96 | 4,964 |
| DOC only compliance reviews | 10 | 17 | 879 |
| Totals | 500 | 845 | \$43,642 |

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

This collection involves a recordkeeping requirement of three years, as specified in DOC’s final AP Regulations. The estimated recordkeeping cost for this collection of **\$5,400**.

The largest of companies is anticipated to file less than 100 pages of forms or letters per year. Although the quantity of actual records required to support these forms and letters varies from company to company, most of these records are already being saved in some form by each company for other purposes (i.e., Environmental Protection Agency, Occupational Safety and Health Administration, Nuclear Regulatory Commission, Department of Energy (Energy Information Administration), Department of Labor (Mine Safety and Health Administration), Department of State, Department of Transportation)). A company may also have its own internal policy in which such documents are maintained from year to year. Note that such records, while useful for other purposes, are not normally in a format useful to AP reports, and therefore cannot be substituted for reports.

A worst case assumption is a tenfold excess of underlying records for each submitted form or letter (i.e., 1,000 pages for the largest of companies). Given a three year record retention period, as specified in the AP Regulations, this amounts to a total permanent storage of 3,000 pages of documents to be contained in a filing cabinet occupying 1.5 square feet of office space. Estimate of office space costs in the Washington, DC area range from approximately \$35/sq. ft. to \$55/sq. ft., with an average value of \$45/sq. ft. /year. Applying this worst case assumption to the 80 reportable locations received 2010 activities yields an estimated recordkeeping cost for this collection of \$5,400 (1.5 sq. ft. x \$45/sq. ft. x 80 reports). It must be emphasized that this is a worst case assumption only. Most respondents will file far less than the anticipated 100 pages per largest of companies and hence will have much lower recordkeeping expenses.

14. Provide estimates of annualized cost to the Federal government.

The estimated annualized cost to DOC and NRC for reports is **\$883,920**. This estimate is the cost for personnel to receive, process, validate, aggregate, archive the data, develop automatic data collection system and other activities for implementing the reporting and complementary access requirements for the Additional Protocol. The annual cost is based on the annual salaries of the 3 part-time DOC employees and 1 full-time NRC employee), and 2 part-time employees that will provide contractual support (DOC contractors). Also included is the annual cost for equipment and printing needs.

Number of Personnel

| | Cost (USD) |
|---|-------------------|
| 1 full-time NRC employee GS 14, Step 1: (2080 hrs/yr x \$50.92/hr) x 1.2 (Overhead) | \$ 127,096 |
| 3 part-time DOC employees (2 GS-15, Step 5 and 1 GS-14, Step 6) [(2 x 312 hrs/yr x \$67.88/hr) + (832 hrs/yr x \$59.40/hr)] x 1.2 (Overhead) | \$ 110,134 |

| | |
|--|--------------------|
| 1 solution architect, 1 system engineer & 4 software engineers for 10 months * | \$1,200,000 |
| 2 software engineers, 2 testing engineers & 1 system engineer for 6 weeks * | \$ 100,000 |
| 1 FTE for Configuration and Testing Engineer throughout the development and Testing process (12 months) * | \$ 160,000 |
| User Acceptance and Deployment Support (400 hrs) * | \$ 40,000 |
| Equipment * | \$ 50,000 |
| Printing Cost | \$ 75,000 |
| Total Cost | \$1,735,262 |

* For the development of the electronic collection data system

15. Explain the reasons for any program changes or adjustments.

All burden estimates have been adjusted based on actual data collected over the past three years.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish information obtained under this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOC is requesting exemption from printing the expiration date on forms for this collection of information because the implication of an expiration date would only serve to confuse the public. The presence of an expiration date would tend to give the public the impression that these collections are only temporary and are no longer required after the expiration date.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.