

Supporting Statement

Defense Federal Acquisition Regulation Supplement (DFARS) U.S.-International Atomic Energy Agency Additional Protocol OMB Control No. 0704-0454

A. JUSTIFICATION

1. **Requirement.** This justification supports a request for extension of an information collection requirement currently approved under OMB Clearance Number 0704-0454 for Defense Federal Acquisition Regulation Supplement (DFARS) 204.470, U.S.-International Atomic Energy Agency Additional Protocol, and the related clause at DFARS 252.204-7010, Requirement for Contractor to Notify DoD if the Contractor's Activities are Subject to Reporting Under the U.S.-International Atomic Energy Agency Additional Protocol.

The U.S.-International Atomic Energy Agency (IAEA) Additional Protocol (AP) permits the United States to declare exclusions from inspection requirements for activities, or associated locations or information, with direct national security significance. The clause at DFARS 252.204-7010 requires contractors to notify DoD if their activities are subject to reporting and potential inspection under the U.S.-IAEA AP so that DoD can determine the applicability of a national security exclusion. The clause is included in contracts for research and development or major defense acquisition programs involving fissionable materials (e.g., uranium, plutonium, neptunium, thorium, americium); other radiological source materials; or technologies directly related to nuclear power production, including nuclear or radiological waste materials.

2. **Purpose.** DoD requires this information to provide for protection of activities, or associated locations or information, with national security significance. DoD program managers will use the information to determine if IAEA inspectors may be granted access to a contractor's facility, or if a national security exclusion should be applied.

3. **Information Technology.** The clause requires a contractor to provide written notification to the applicable DoD program manager if the contractor is required to report its activities under the U.S.-IAEA AP. Information technology is used to the maximum extent practicable. Where the DoD, prospective offerors/bidders, and contractors are capable of electronic

interchange, this information collection requirement may be submitted electronically.

4. **Duplication.** As a matter of policy, DoD reviews the Federal Acquisition Regulation (FAR) to determine if adequate language already exists. This request for information applies solely to DoD and does not duplicate any other requirement. Similar information is not already available to the Government.

5. **Small Business.** The information collection associated with small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices. The requirements for information collection are only occasional, as the circumstances dictate.

6. **Consequences for Non-collection.** Less frequent collection of this information could result in compromise of sensitive defense information.

7. **Special Circumstances.** This collection is consistent with the guidelines in 5 CFR 1320.5(d), except the collection deviates from 1320.5(d)(2)(ii), which specifies a minimum of 30 days for respondents to prepare a written response to a collection of information after receipt of the information. Instead, the DFARS clause requires a contractor to immediately notify DoD if its activities are subject to reporting under the U.S.-IAEA AP. Immediate notification is needed to ensure that all relevant activities are reviewed for direct national security significance in sufficient time to prevent inappropriate disclosure of sensitive information.

8. **Public Comments and Consultation.** Public comments on the information collection were solicited in the Federal Register, as required by 5 CFR 1320.8(d) on April 27, 2015 ([80 FR 23260](#)). No comments were received.

9. **Payment to Respondents.** No payment or gift will be provided to respondents, other than remuneration of contractors under their contracts.

10. **Confidentiality.** The information collected will be disclosed only to the extent consistent with prudent business practice, current regulations, and statutory requirements. No assurance of confidentiality is provided to respondents.

11. **Sensitive Questions.** No sensitive questions are involved.

12. Estimates of Public Burden Hours and Associated Annualized Cost. Based on information provided by the DoD Nuclear Treaty Manager, approximately 300 notifications are expected annually. DoD estimates that it will take a contractor approximately one hour to prepare and submit each notification. The estimated annual cost to the public is as follows:

Number of respondents: 300.

Responses per respondent: 1.

Total responses: 300.

Hours per response: 1.

Total hours: 300.

Average wages: \$64*

Total public cost: \$19,200.

* The hourly rate is computed based on the Office of Personnel Management GS-14 step 5 hourly pay rate (\$46.92), without locality pay, plus 36.25% (\$17) benefits totaling \$63.93 per hour, rounded up to \$64 per hour. The 36.25% fringe benefit rate is derived from Circular No. A-76, Revised Supplemental Handbook (Memorandum M-08-13 dated March 11, 2008).

13. Estimated Nonrecurring Cost. DoD does not estimate any annual cost burden apart from the hour burden in Item 12.

14. DoD estimates that it will take the Government approximately 3 hours to review and process the information in each response. The estimated annual cost to the Government is as follows:

Total responses: 300.

Hours per response: 3.

Total hours: 900.

Average wages: \$64.*

Total Government cost: \$57,600.

* The hourly rate is computed based on the Office of Personnel Management GS-14 step 5 hourly pay rate (\$46.92), without

locality pay, plus 36.25% (\$17) benefits totaling \$63.93 per hour, rounded up to \$64 per hour. The 36.25% fringe benefit rate is derived from Circular No. A-76, Revised Supplemental Handbook (Memorandum M-08-13 dated March 11, 2008).

15. **Program Changes.** There are no changes to the information collection since the last OMB approval.

16. **Publication.** Results of this information collection will not be tabulated or published.

17. **Expiration Date.** DoD does not seek approval to not display the expiration date for OMB approval of the information collection.

18. **Certification.** DoD is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

Statistical methods will not be employed.