

SUPPORTING STATEMENT

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

Summary of Changes from Previously Approved Collection

- Decrease in burden due to DoD working closely with other Federal agencies to ensure contractors submit inputs to the appropriate agency, resulting in a reduction of responses to DoD.

A. JUSTIFICATION

1. Need for the Information Collection

This statement supports a request for renewal of an information collection requirement currently approved under OMB Control 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. Use of the Information

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. Use of Information Technology

Information technology is used approximately 100% of the time to reduce burden. 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.

4. Non-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. Burden on Small Business

The burden applied to small business 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. Less Frequent Collection

Less frequent collection of this information could result in compromise of sensitive defense information.

7. Paperwork Reduction Act Guidelines

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 collection. 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. Consultation and Public Comments

a. For the purpose of calculating respondent burden, DoD subject matter experts in the Office of the Deputy Assistant Secretary of Defense for Threat Reduction and Arms Control (ODASD(TRAC)) were contacted to obtain current data.

b. This information collection is consistent with the guidelines in 5 CFR 1320.6. In accordance with 5 CFR 1320.8(d), public comments were solicited in the *Federal Register* on May 13, 2021, at 86 FR 26209. No public comments were received.

c. A notice of submission to OMB for clearance of this information collection was published in the *Federal Register* on August 6, 2021, at 86 FR 43232.

9. Gifts or Payment

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

10. Confidentiality

This information is disclosed only to the extent consistent with prudent business practices and current regulatory, statutory, and Freedom of Information Act requirements. The collection of information does not include any personally identifiable information (PII) and records are not retrievable by PII; therefore, no Privacy Impact Assessment or Privacy Act System of Records Notice is required.

11. Sensitive Questions

No sensitive questions are involved in the information collection.

12. Respondent Burden, and its Labor Costs

Based on information provided by ODASD(TRAC) cognizant personnel, approximately 10 notifications, at most, 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:

Estimation of Respondent Burden Hours: DFARS 252.204-7010	
Number of respondents (1)	10
Responses per respondent (2)	1
Number of responses (3)	10
Hours per response (4)	1
Estimated hours (5)	10
Cost per hour (hourly wage) (6)	\$81
Annual public burden (7)	\$810

Notes:

(1) According to DoD subject matter experts, an average of 10 or fewer contractors (respondents) submit reports each year. The current estimate is changed from the 2018 estimate of 300 DoD respondents based on working closely with Department of Commerce, Department of Energy and the Nuclear Regulatory Commission to ensure that contractor inputs go through the appropriate Agencies.

(2) Contractors are estimated to submit an average of 1 report each.

(3) The number of responses is calculated by multiplying the number of respondents by the number of responses per respondent.

(4) The projected number of hours per response reflects the average amount of time required to gather, organize, and submit the required data. The current estimate is changed from the 2018 estimate of 3 hours per response based on better estimating methodology.

(5) The estimated hours are calculated by multiplying the number of responses by the estimated hours per response.

(6) The fully burdened rate of \$80 was developed using the Office of Personnel Management (OPM) 2021 basic hourly salary (for the rest of U.S. locality) of \$59.13 for a General Schedule (GS) 14, step 5, employee, plus a burden of 36.25 percent (per OMB Circular A-76, Attachment C), which equals \$80.56. This rate was rounded to \$81.

(7) The total annual public burden is calculated by multiplying estimated hours by the cost per hour.

13. Estimated nonrecurring costs.

There are no nonrecurring costs, i.e., capital and start—up, or operation and maintenance costs for contractors.

14. Estimated cost to the Government.

The total Government hourly and cost burden to receive, review, and analyze the information submitted by contractors is estimated as follows:

Estimation of Government Burden Hours: DFARS 252.204-7010	
Number of responses (1)	10
Hours per response (2)	1
Estimated hours (3)	10
Cost per hour (hourly wage) (4)	\$81
Annual Government burden (5)	\$810

Notes:

(1) See methodology for obtaining total number of responses summarized in paragraph 12 of this supporting statement.

(2) The estimated 1 hour per response is based on the average time required for the Government to receive, review, and analyze the information submitted by the contractor. This is changed from the previous estimate due to a better methodology on evaluating the inputs.

(3) The estimated hours are calculated by multiplying the number of responses by the estimated hours per response.

(4) The fully burdened rate of \$80.00 was developed using the Office of Personnel Management (OPM) 2021 basic hourly salary (for the rest of U.S. locality) of \$59.13 for a General Schedule (GS) 14, step 5, employee, plus a burden of 36.25 percent (per OMB Circular A-76, Attachment C), which equals \$80.56. This rate was rounded to \$81.

(5) The total annual Government burden is calculated by multiplying estimated hours by the cost per hour.

15. Reasons for changes in burden.

There is a change to the information collection requirements covered under OMB Control Number 0704-0454. The change is due to DoD working closely with Department of Commerce, Department of Energy, and the Nuclear Regulatory Commission to ensure that contractor inputs are submitted through the appropriate agencies. Better communication with the key stakeholders in the Federal Government ensures that inputs by contractors are made through the appropriate agencies resulting in a reduction of inputs to DoD. The following table summarizes the changes:

Change in Respondent Burden: 0704-0454			
Totals	2018	2021	Change
Number of respondents	300	10	-290
Responses per respondent	1	1	-
Number of responses	300	10	-290
Hours per response	1	1	-
Estimated hours	300	10	-290
Cost per hour (hourly wage)	\$76	\$81	\$5
Annual public burden	\$22,800	\$810	-\$21,990

16. Publication.

Results of this information collection will not be published.

17. Expiration date.

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

18. Certification.

There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.