

## SUPPORTING STATEMENT – PART A

OMB Control No. 0704-0454 – Defense Federal Acquisition Regulation Supplement (DFARS)  
Part 204, U.S.-International Atomic Energy Agency Additional Protocol

Summary of Changes from Previously Approved Collection

- Increase in burden due to use of the current hourly rate for 2024.

### 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

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source. 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 Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities. 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 of information is consistent with the guidelines delineated in 5 CFR 1320.5(d) (2). 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. Public Notice

i. A 60-day notice for the collection was published in the *Federal Register* on June 27, 2024, at [89 FR 53592](#). No public comments were received during the 60-day comment period.

ii. A 30-day notice for the collection was published in the *Federal Register* on September 27, 2024, at [89 FR 79260](#).

##### b. Consultation

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.

#### 9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection, other than remuneration to 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. No assurance of confidentiality is provided to respondents. A Privacy Act Statement is not required for this collection because DoD is not requesting individuals to furnish personal information for a system of records. A System of Record Notice (SORN) is not required for this collection because records are not retrievable by personally identifiable information (PII). A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

a. Estimation of Respondent Burden

Based on information provided by ODASD(TRAC) subject matter experts, an average of 10 or fewer contractors (respondents) submit reports each year. The current estimate has not changed from the 2021 estimate of 10 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. DoD estimates that contractors will submit an average of one report each and that it will take a contractor approximately one hour to prepare and submit each notification. The fully burdened rate of \$90 was developed using the Office of Personnel Management (OPM) 2024 basic hourly salary (for the rest of U.S. locality) of \$66.36 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 \$90.42. This rate was rounded to \$90. The estimated annual public burden is as follows:

Estimation of Respondent Burden Hours: DFARS 252.204-7010	
Number of respondents	10
Number of responses per respondent	1
Number of total annual responses	10
Hours per response	1

Annual respondent burden hours ( <i>Total annual responses * hours per response</i> )	10
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b. Labor Cost of Respondent Burden

Labor Cost of Respondent Burden: DFARS 252.204-7010	
Number of total annual responses	10
Hours per response	1
Cost per hour (hourly wage)	\$90
Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$90
Annual Labor Burden ( <i>Total annual responses * hours per response * hourly wage</i> )	\$900

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents to complete this collection other than the labor burden costs addressed in Section 12 of this document.

14. Cost to the Federal Government

DoD estimates that 1 hour per response is the average time required for the Government to receive, review, and analyze the information submitted by the contractor. The fully burdened rate of \$90 was developed using the OPM 2024 basic hourly salary (for the rest of U.S. locality) of \$66.36 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 \$90.42. This rate was rounded to \$90. The total Government hourly and cost burden to receive, review, and analyze the information submitted by contractors is estimated as follows:

Labor Cost to the Federal Government: DFARS 252.204-7010	
Number of responses	10
Hours per response	1
Estimated hours	10
Cost per hour (hourly wage)	\$90
Annual Government burden	\$900

15. Reasons for Change in Burden

There is a change in the burden due to an increase in the hourly rate from 2021 to 2024 based on updates to the OPM basic hourly salary (for the rest of U.S. locality). The following table summarizes the changes:

Change in Respondent Burden: 0704-0454			
Totals	2021	2024	Change
Number of respondents	10	10	-
Responses per respondent	1	1	-
Number of responses	10	10	-
Hours per response	1	1	-
Estimated hours	10	10	-
Cost per hour (hourly wage)	\$81	\$90	\$9
Annual public burden	\$810	\$900	\$90

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration date

DoD is not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

DoD is not requesting any exemptions to the provisions stated in 5 CFR 1320.9.