

SUPPORTING STATEMENT
FOR
DOE/NRC FORM 742C
"PHYSICAL INVENTORY LISTING"
(3150-0058)

REVISION

Description of the Information Collection

NRC regulations in 10 CFR Part 75 establish a system of nuclear material accounting and nuclear material control to implement the Agreement between the United States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States. Each licensee under this Agreement must establish, maintain, and follow written material accounting and control procedures, including submission of material status reports. The material status report must include a computer-readable DOE/NRC Form 742C, "Physical Inventory Listing," that is used for the semiannual submission of the inventory of nuclear material. The instructions for completing Form 742C are in NUREG/BR-0007, "Instructions for Completing Material Balance Report and Physical Inventory Listing," approved under OMB Clearance No. 3150-0004. These reports are required to be submitted within 30 days of March 31 and September 30 of each year. Under the proposed rule (10 CFR Parts 70, 72, and 74, Material Control and Accounting), submittal of DOE/NRC Form 742C would be tied to the physical inventory instead of specified dates of March 31 and September 30 of each year. This change would result in the majority of licensees submitting only one report a year instead of two. Only the two Category I facilities would continue to submit reports semiannually. Currently, there are no Category II facilities that would be required to report every 9 months. There are no changes to the information required to be reported.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

In order for the United States to fulfill its responsibilities as a participant in the US/IAEA Safeguards Agreement and to satisfy bilateral agreements with Australia and Canada and its domestic safeguards responsibilities, it is necessary for licensees affected by 10 CFR Part 75 and related sections of Parts 30, 40, 50, 70, 72, 74, and 150 to submit accounting reports. The accounting reports for each IAEA material balance area must include material status reports based on a physical inventory of nuclear materials actually present.

10 CFR 75.35 requires that each licensee identified by the Agreement submit material status reports for each physical inventory taken as part of the material accounting and control procedures. A computer-readable DOE/NRC Form 742C is used for the collection of the information on the physical inventory of nuclear material.

2. Agency Use of the Information

NRC is required to collect nuclear material inventory information and make it available to the IAEA. The use of DOE/NRC Form 742C, together with NUREG/BR-0007, the instructions for completing the form, enables NRC to collect, retrieve, analyze as necessary, and submit the

data to IAEA to fulfill its reporting responsibilities. Use of this report form, in ADP format, enhances NRC's ability to collect and provide this data.

This information is needed to provide to the Australian and Canadian Governments a periodic report showing the inventory of all materials in each U.S. facility that is subject to their respective Bilateral Agreements; to satisfy the terms of the US/IAEA Safeguards Agreement; and for the domestic inspection program.

3. Reduction of Burden Through Information Technology

NRC requires licensees using DOE/NRC Forms 741, 741A, 740M, 742, and 742C to submit such reports in a computer-readable format. The requirement eliminates the need for hard copy forms and reduces the burden on licensees through the use of current information technology. Currently, approximately 72 percent of licensees submit this information electronically.

4. Effort to Identify Duplication and Use Similar Information

In general, information required by NRC in reports or records concerning the transfer, receipt, or change in inventory of source or special nuclear material does not duplicate other Federal information collection requirements and is not available from any source other than applicants or licensees. Portions of the needed information might be contained in other information submittals to NRC or other Federal agencies. However, duplication, if any, is slight, and the collection of this information by use of specified forms and other required reports and records is the most effective and least burdensome means of obtaining the information.

Submission of similar information on the inventory of nuclear material to the Federal government has been minimized by NRC and the Department of Energy (DOE) jointly utilizing the Nuclear Materials Management and Safeguards System (NMMSS). Common reporting forms are used to minimize the reporting burden on industry members required to provide nuclear material data to one or both agencies in accordance with prevailing regulations or contractual obligations. The licensee is thus able to file one report to meet the requirements of both agencies. Compliance with specific reporting requirements is monitored by the agency for which the specific data are required.

5. Effort to Reduce Small Business Burden

Most of the licensees affected by reporting requirements using this form have an estimated annual gross income of more than \$1 million and a staff of more than 500 people. The NRC has determined that the respondents are not small businesses as that term is used in the Regulatory Flexibility Act.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

Current affected licensees are required to submit reports semiannually (within 30 days of March 31 and September 30). Under the proposed rule, the requirements would change to annually

for most licensees (except for the two Category I licensees and any future Category II licensees). This schedule is reasonable because the submission will coincide with taking a physical inventory. The collection and recording of data for inventory purposes is a continuing process that the licensee carries out throughout the year for the licensee's internal records. Currently, at the specified times for inventory reports, the licensee simply submits the accumulated data from the licensee's records, based either on book inventory or on data from a physical inventory, to NRC on Form 742C. Under the proposed rule, most licensees would have sixty days from the beginning of the physical inventory in which to submit its forms unless they were reporting under Part 75. Category I facilities would have 45 days from the beginning of the physical inventory. The US/IAEA Safeguards Agreement specifies that reports are to be submitted within 30 days following the physical inventory (submitted under Part 75).

If licensees are not required to submit these reports, NRC will not be able to maintain material accountability under its statutory responsibilities of the Atomic Energy Act.

7. Circumstances which Justify Variation From OMB Guidance

Contrary to OMB guidelines in 5 CFR 1320.5(d), 10 CFR 75.35 requires submission of the report within 30 days or less. This requirement is necessary to satisfy the terms of the US/IAEA Safeguards Agreement (INFCIRC/288).

8. Consultations Outside of NRC

Opportunity for public comment on the information collection requirements has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Proprietary information must be included when necessary to provide an adequate response. An application to withhold such information from public disclosure may be made in accordance with the provisions of 10 CFR 2.790. If any of this information is of particular sensitivity, a request may be made that such information not be physically transmitted to the IAEA; such a request must refer to, and must conform with, 10 CFR 74.12.

11. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

The burden for preparation and submission of each report is estimated to be 6 hours. It is estimated, based on submittals to NRC in recent years, that approximately 178 licensees will each submit a DOE/NRC Form 742C once per year and two licensees will submit reports twice

a year, resulting in a total of approximately 182 reports submitted annually. Currently, there are no facilities that will report every 9 months. Thus, the total burden for all licensees will be 1,092 hours/year. This is a reduction of 1068 hours (2160 - 1092) from the currently approved burden.

The cost to licensees is calculated at a rate of \$143 per hour, based on NRC's fully recoverable fee rate. The annual cost per response to comply with this requirement is estimated to be \$858 (6 hrs/report x 1 reports x \$143/hr). The total annual cost to all affected licensees is estimated to be \$156,156.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

The collection of information requires an average of 5 minutes/form of NRC staff time. Therefore, for approximately 178 respondents reporting annually and 2 respondents reporting semi-annually, the estimated annualized cost to the Federal government will be 15 hours/year (5 minutes/ report x 182 reports/year = 15.17 hours/year). Annual labor costs at \$143 per staff hour will be \$2,169. These costs are fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171. Other costs are attributed to operating the Nuclear Materials Management and Safeguards System (NMMSS).¹

15. Reasons for Change in Burden or Cost

Under the proposed rule, most licensees (all but 2) will now only be required to submit DOE/NRC Form 742C once a year instead of semiannually. This will result in reducing the burden by almost half.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on DOE/NRC Form 742C.

¹ NRC and DOE share the cost of operating the Nuclear Materials Management and Safeguards System (NMMSS). Current NRC cost of the system for FY01 is \$1,400,000. This cost is attributable to nuclear materials transaction and accounting report forms. This includes the cost of ADP, record holding, and clerical processing of all forms (DOE/NRC Forms 741, 741A, 740M, 742, and 742C).

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.