

FINAL OMB SUPPORTING STATEMENT
FOR
DOE/NRC FORM 740M, CONCISE NOTE
AND
NUREG/BR-0006, REVISION 6
“INSTRUCTIONS FOR COMPLETING NUCLEAR MATERIAL TRANSACTION REPORTS,
(DOE/NRC FORMS 741 and 740M)”
(3150-0057)

EXTENSION

Description of the Information Collection.

The U.S. Nuclear Regulatory Commission (NRC) is required to collect nuclear material transaction information for domestic safeguards use and to make it available to the International Atomic Energy Agency (IAEA). One of the forms that NRC uses to collect this information is U.S. Department of Energy (DOE)/NRC Form 740M, “Concise Note.” Form 740M is used to provide additional information such as qualifying statements or exceptions to data on any of the other data forms required under the US/IAEA Safeguards Agreement (including DOE/NRC Forms 741, 742, and 742C). The licensees who are primarily affected are (1) facilities that have been notified by letter from NRC that they are subject to Part 75 and (2) licensees who import or export nuclear materials. However, any facility may use the DOE/NRC Form 740M to provide explanatory information concerning nuclear material transaction if they choose. NRC provides the form and instructions to all affected licensees, who must submit reports in computer readable format.

Licensees submit reports on a continuing basis when specified events occur, such as the receipt, transfer, or inventory adjustment of licensed material. The instructions for completing DOE/NRC Form 740M are in NUREG/BR-0006, “Instructions for Completing Nuclear Material Transaction Reports (DOE/NRC Form 741 and 740M).”

A. JUSTIFICATION.

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

In order for the United States to fulfill its responsibilities as a participant in the US/IAEA Safeguards Agreement and satisfy its domestic safeguards responsibilities, it is necessary for licensees affected by Part 75 and licensees who import or export nuclear material to submit DOE/NRC Form 740M, “Concise Note.” This submittal informs the U.S. or the IAEA of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the US/IAEA Safeguards Agreement.

2. Agency Use of Information.

NRC is required to collect nuclear material transaction information for domestic safeguards use and to make it available to the IAEA. NRC uses DOE/NRC Form 740M, together with NUREG/BR-0006 Revision 6 (the instructions for completing the forms), to

collect, retrieve, analyze, and submit required data to IAEA. Without the report form, NRC's ability to collect and provide these data would be severely limited.

3. Reduction of Burden Through Information Technology.

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means.

Form 740M is used by both NRC and the DOE. NRC provides the form and instructions to all affected licensees, who must submit reports in computer readable format. Once submitted by licensees, information from these forms is saved in a Nuclear Materials Management and Safeguards System (NMMSS). Common reporting forms are used to minimize the reporting burden on industry members required to provide 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.

It is estimated that 99% of the responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information.

No sources of similar information are available. There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections. In addition, the use of common reporting forms by DOE and NRC minimizes the reporting burden on industry members required to provide nuclear material data to one or both agencies.

5. Effort to Reduce Small Business Burden.

The burden on licensees will vary with the size and type of licensed operation. The burden on small licensees represents a small percent of the total burden. Further reduction would not enable to NRC to fulfill its international or domestic responsibilities.

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

Collection of the subject information corresponds to the physical movement or transmutation of special nuclear material or source material covered by the regulation. The information is generally collected from the shipper immediately following dispatch, and from the receiver within 10 days of receipt. A suggestion by reactor operators regarding delay of submittal of receiver's information to allow batch reporting on a monthly basis was reviewed and deemed to be inconsistent with international treaty commitments. NRC and industry continue to jointly examine some industry suggestions

to reduce reporting burden at annual meetings between the U.S. Government and nuclear industry representatives.

7. Circumstances which Justify Variation from OMB Guidelines.

There is no variation from OMB guidelines.

8. Consultations Outside NRC.

Opportunity for public comment on the information collection requirements for this clearance package has been published in the Federal Register on December 18, 2007 (72 FR 71701). No comments were received.

The NRC solicited comments on the combination of this collection with the information collection for DOE/NRC Form 741, currently cleared by OMB under clearance number 3150-0003. The NRC intended to combine these two clearances under a single clearance number; however, the NRC has reconsidered this decision due to a rulemaking that affects Form 741 but not Form 740M. Therefore, the NRC is seeking to renew the clearance for 740M as a stand-alone information collection. Note that the burden published in the Federal Register for Form 740M is the same as the burden reflected in the present supporting statement.

9. Payment or Gift to Respondents.

Not applicable.

10. Confidentiality of Information.

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions.

None.

12. Estimated of Annualized Burden and Burden Hour Cost.

Licensees submit reports on a continuing basis when specified events occur, such as the receipt, transfer, or inventory adjustment of licensed material. They must submit the reports in computer readable format. The data are then entered into the Nuclear Materials Management and Safeguards System (NMMSS), maintained by an NRC contractor. The information is not compiled or published.

NRC expects 15 licensees to submit an average of 10 DOE/NRC 740M forms each year, for an annual total of 150 reports. The burden of preparation and submission of each report is estimated to be 0.75 hour. The total resulting burden for required submissions of the form by all licensees will be 113 hours (15 licensees x 10 reports/licensee x 0.75 hr/report).

The annual cost to each respondent to comply with this requirement is estimated to be \$29,154 (113 hrs x \$258/hr). Cost estimates are calculated at a rate of \$258 per hour, which is based on NRC's fee recovery rate.

13. Estimate of Other Additional Costs.

There are no additional costs associated with this reporting requirement.

14. Estimated Annualized Cost to Federal Government.

The collected information is not submitted to the NRC. Licensees report directly to the DOE NMMSS contractor. The data contained in the NMMSS is available to various NRC staff who use it to perform their assigned job functions; however, the individual submissions are not reviewed by NRC staff.

15. Reason for Change in Burden or Cost.

There is no change in the burden for this collection. However, there has been an increase in the cost due to a change in the hourly rate from \$157/hr to \$258/hr.

16. Publication for Statistical Use.

None.

17. Reason for Not Displaying the Expiration Date.

Not applicable.

18. Exceptions to the Certification Statement.

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not used in this collection of information.