

DRAFT OMB SUPPORTING STATEMENT
FOR
DOE/NRC FORM 740M, CONCISE NOTE
AND
NUREG/BR-0006, REVISION 7
“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 Forms 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 7 (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. It is estimated that 99% of the responses are filed electronically.

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 a 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.

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 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.

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 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 hour/report).

The total annual cost to all respondent to comply with this requirement is estimated to be \$30,736 (113 hours x \$272/hour). Cost estimates are calculated at a rate of \$272 per hour, which is based on NRC's fee recovery rate.

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping

burden is estimated to be 0 hours, the storage cost for this clearance is \$00.00 (0 hours x 0.0004 x \$272/hour).

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 that uses 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

The burden for this collection has not changed. However, due to an increase in the NRC's fee recovery rate from \$259/hour to \$272/hour, there was a corresponding increase in the total annual cost to all respondents.

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.