

DRAFT SUPPORTING STATEMENT
FOR
DOE/NRC FORM 742C
"PHYSICAL INVENTORY LISTING"
AND NUREG/BR-0007, REVISION 7
"INSTRUCTIONS FOR THE PREPARATION AND DISTRIBUTION
OF MATERIAL STATUS REPORTS (DOE/NRC Forms 742C)"
(3150-0058)

EXTENSION

Description of the Information Collection

U.S. Nuclear Regulatory Commission (NRC) regulations require each licensee who is authorized to possess at any one time and location special nuclear material (SNM) in a quantity totaling more than one gram of contained uranium-235, uranium-233, or plutonium, or any combination thereof, to prepare and submit reports concerning SNM received, produced, possessed, transferred, consumed, disposed of, or lost. Each NRC licensee who has been selected for the application of International Atomic Energy Agency (IAEA) safeguards under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 75 is required to complete and submit Department of Energy (DOE)/NRC Form 742C, "Physical Inventory Listing," within 30 days after the start of a physical inventory. The instructions for completing Form 742C are in NUREG/BR-0007, "Instructions for the Preparation and Distribution of Material Status Reports."

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 U.S.-IAEA Safeguards Agreements and to satisfy various bilateral agreements for nuclear cooperation with other countries, 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, 74, and 150 to submit accounting reports. These reports are required to be submitted to the IAEA annually. The annual 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 parts 75.35 and 74.13 requires that each licensee identified by the Agreement submit material status annual 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

The 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 computer-readable report form enhances NRC's ability to collect and provide this data. This information is needed to satisfy the terms of the U.S.-IAEA Safeguards Agreements; and for the domestic inspection program.

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.

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately **99%** of the potential responses are filed electronically.

Form 742C is used by both NRC and the DOE. The 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 the 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. 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

Approximately 180 of these licensees are large, independent industrial firms, each with an estimated annual gross income of more than \$1 million and a staff of more than 500 people. The reporting burden for larger inventories is estimated to be 6 hours or less per licensee. The remaining approximately 205 licensees are facilities that maintain smaller inventories, less than 350 grams of nuclear material. Due to the smaller inventories, the reporting burden is estimated to be 2 hours or less per licensee.

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

Affected licensees are required to submit reports annually, as required in 10 CFR Part 74 (section 74.13). This is the minimum frequency of collection required to satisfy reporting regulations and as required by the facility's license to possess material. 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. 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 DOE/NRC Form 742C. The requirement to report within 60 days of the ending date is a reasonable measure to ensure timeliness in receipt of inventory data by NRC in order to maintain material accountability under its statutory responsibility pursuant to the Atomic Energy Act to assure protection of the common defense and security. Moreover, the U.S.-IAEA Safeguards Agreements specifies that reports are to be submitted within 30 days following the physical inventory by licensees selected and reporting pursuant to 10 CFR Part 75 (section 75.35).

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 the Office of Management and Budget (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 U.S.-IAEA Safeguards Agreements.

8. Consultations Outside of 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 the 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

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

The annual burden for a licensee for the preparation and submission of DOE/NRC Form 742C data is estimated to be 2 or 6 hours, depending on the size of the licensee. This time estimate includes reading the instructions for completing Form 742C (NUREG/BR-0007), "Instructions for the Preparation and Distribution of Material Status Reports." It is estimated, based on NRC staff knowledge of the industry as well as submittals to NRC in recent years that 385 licensees (180 large licensees and 205 small licensees) will each submit DOE/NRC Form 742C data each year, resulting in a total of approximately 385 reports submitted annually. For the smaller licensees, the burden will total to 410 hours (205 reports x 2 hours/report). For the larger licensees, the burden will total to 1,080 hours (180 reports x 6 hours/report). Thus, the total burden for all licensees will

be 1,490 hours. At \$278/hr, the cost to licensees would be \$414,220 (1,490 hours x \$278/hr).

The \$278 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019 (84 FR 22331, May 17, 2019).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the 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. The NRC costs for NMMSS operations were approximately \$1,900,000 during fiscal year 2019. This monetary value reflects the use of NMMSS for the collection of Form 742C data, and other associated data collections and operations.

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

15. Reasons for Change in Burden or Cost

The number of estimated reports and associated burden has not changed. The cost per hour has increased from \$265 to \$278 per hour, based on the increase in NRC's fee rule.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on DOE/NRC Form 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.