

FINAL OMB SUPPORTING STATEMENT FOR
IAEA DESIGN INFORMATION QUESTIONNAIRE FORMS
(10 CFR SECTION 75.11)
(3150-0056)

EXTENSION

Description of the Information Collection

In order for the United States to fulfill its obligations under the US/International Atomic Energy Agency (IAEA) Safeguards Agreement (INFCIRC/288) and its Initial Protocol, the Nuclear Regulatory Commission (NRC) must collect information from licensees about their facilities and provide it to the IAEA. Specifically, licensees affected by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 75 and related sections of Parts 40, 50, 60, 63, 70, and 150 must submit information concerning their facilities using IAEA Design Information Questionnaire (DIQ) Forms based on the specific type of facility, as listed below:

- Research and Power Reactors DIQ Form
- Conversion and/or Fuel Fabrication Plants DIQ Form
- Reprocessing Plants DIQ Form
- Isotopic Enrichment Plants DIQ Form
- Geological Repositories DIQ Form
- Spent Fuel Encapsulation Plants DIQ Form
- Research and Development Facilities DIQ Form
- Critical (Sub-Critical) Facilities DIQ Form
- Separate Storage Installations DIQ Form

The U.S eligible facilities list filed by the NRC with the Secretary of State or their designee identifies facilities eligible for IAEA safeguards under the US/IAEA Safeguards Agreement. All facilities that appear on the U.S. eligible facilities list are required to complete and submit an IAEA DIQ Form upon written request by the NRC. Holders of construction permits may be requested in writing by the NRC to submit an IAEA DIQ Form. In addition, applicants for certain source or special nuclear material licenses are required to submit an IAEA DIQ Form as specified in 10 CFR Sections 40.31(g), 50.78, 60.47, 63.47, 70.21(g), and 150.17a. The NRC issues written requests for information when the IAEA selects facilities listed on the U.S eligible facilities list for performing reporting and recordkeeping activities.

A. JUSTIFICATION

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

The design information collected includes information concerning nuclear material subject to IAEA safeguards under the US/IAEA Safeguards Agreement (and Initial Protocol) and the features of selected facilities relevant to safeguarding such material. The IAEA Design Information Questionnaire is completed by a facility in order to provide the facility description; the form, quantity, location and flow of nuclear material being used; facility layout and containment features; and procedures for nuclear material accountancy and control. The IAEA will use the design information to develop a facility specific safeguards approach, determine material balance areas and key measurement points, establish an essential

equipment list and develop a design verification plan.

2. Agency Use of the Information

The design information is used by the NRC staff to provide official declarations to the IAEA about U.S. nuclear facilities in an effort to fulfill U.S. obligations under the US/IAEA Safeguards Agreement (and Initial Protocol). The NRC continues to use the information provided in these forms to collect, retrieve, analyze, and submit the data to the IAEA to fulfill its reporting responsibilities during facility construction, commissioning, operation, maintenance, shut-down, and closed-down (state of preservation or decommissioning). Without this report form, NRC's ability to collect and provide this data would be severely limited.

3. Reduction of Burden Through Information Technology

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 95% of the potential responses are filed electronically.

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.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

The NRC staff have determined that the licensees required to submit these forms are not small entities or businesses.

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

If the collection and transmittal of design information for IAEA selected facilities were not conducted, the United States would not meet its obligations under the US/IAEA Safeguards Agreement (INCIRC/288). The U.S. is signatory to the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT).

7. Circumstances Which Justify Variation from OMB Guidelines

The requirements under this collection of information conform to the OMB guidelines in Title 5 of the *Code of Federal Regulations* (5 CFR), Section 1320.6.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on March 31, 2023 (88 FR 19333). Four licensees affected by these forms were contacted by email. Four

copies of the same out-of-scope comment were submitted electronically to the docket. No other comments or responses were received.

9. Payment or Gifts 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). The completed IAEA DIQ Form is submitted to the International Atomic Energy Agency, which classifies the information as "Safeguards Highly Confidential," meaning that the information may not be released to any other country, company, or individual.

11. Justification for Sensitive Questions

None.

12. Estimate of Burden and Burden Hour Cost

The average burden for completing DIQ Form is 360 hours. Updates are requested when facilities perform any modification relevant to the application of the provisions of the Safeguards Agreement. The average burden associated with updating the forms is approximately one-quarter that required for a new submission. The average burden for updating DIQ Form is 90 hours.

Based on information from the IAEA, NRC anticipates four licensees will update their DIQ forms in the next three years (90 hours x 4 = 360 hours) and two licensees will submit new DIQ forms (360 hours x 2 = 720 hours). Therefore, the total burden over the next three years will be 1080 hours (360 hours + 720 hours), or an annual burden of 360 hours. The annual cost for completing DIQ Form is \$104,400 (360 hours x \$290). The total annual responses will be 2.0 (6 responses / 3 years).

The \$290 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 2022 (87 FR 37214, June 22, 2022).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Approximately 90 hours is expended annually for processing, reviewing and evaluating, and further disseminating each IAEA DIQ Form update. The estimated annual cost to the government is \$52,200 (90 hours/form x 2.0 responses x \$290/hr). The \$290/hr cost calculation is based on the agency's fee rate.

15. Reasons for Change in Burden or Cost

The annual burden and estimated responses remain at 360 hours and 2 responses. Burden hours will continue to be attributed to selection/de-selection for

IAEA safeguards of eligible facilities from the list provided to the IAEA under the US/IAEA Safeguards Agreement. In addition, there has been an increase in the overall cost as a result of an increase in the fee rate from \$278/hr to \$290/hr.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on the forms.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.