

DRAFT OMB SUPPORTING STATEMENT FOR  
EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL  
10 CFR PART 110  
(3150-0036)  
REVISION REQUEST

DESCRIPTION OF THE INFORMATION COLLECTION

The Nuclear Regulatory Commission (NRC), under the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974, as amended, has authority for exercising export and import controls over nuclear equipment and material as specified in 10 CFR Part 110 Sections 110.8, 110.9, and 110.9a. Any person who wishes to export or import nuclear equipment and material under the provisions in 10 CFR 110 must provide certain information collection elements to enable the NRC and the Executive Branch to make required export and import licensing determinations. This clearance revision incorporates change in information collections contained in the final rule, "Export and Import of Nuclear Equipment and Materials," which was published in the Federal Register on November 22, 2000 (65 FR 70287), and approved by OMB on December 1, 2000.

A. JUSTIFICATION

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

All persons who wish to export or import nuclear equipment and material as specified in 10 CFR 110 Sections 110.8, 110.9, and 110.9a must provide certain information collection elements to enable the NRC and the Executive Branch to make required export and import licensing determinations to ensure compliance with NRC regulations and to satisfy statutory requirements of the Atomic Energy Act of 1954, as amended.

Section 110.7a(b), Notice of Information of Significant Implication, requires that each applicant or licensee notify the Regional Administrator, NRC, within two days of identifying any information that has a significant implication for public health and safety or common defense and security on a regulated activity.

Section 110.19(b), Types of Licenses, requires that a person using a general license under this part as authority to export incidental radioactive material that is contained in or a contaminant of a shipment that exceeds 100 kilograms in total weight shall file a completed NRC Form 7 before the export takes place. OMB has approved the collection under control number 3150-0027.

Section 110.20(a)(1), Filing of Export of Incidental Radioactive Material, requires that a person using a general license as authority to export incidental radioactive material contained in or a contaminant of a shipment exceeding 100 kilograms in total weight file an NRC Form 7 before the export takes place. OMB has approved the collection under control number 3150-0027.

Section 110.21(e), General License for the Export of Special Nuclear Material, requires that a person using the general licenses in paragraphs (a), (b), or (c) as authority to export special nuclear material as incidental radioactive material contained in or a contaminant of a shipment exceeding 100 kilograms in total weight shall file a completed NRC Form 7 before the export takes place. OMB has approved the collection under control number 3150-0027.

Section 110.22(g), General License for the Export of Source Material, requires that a person using the general licenses in paragraphs (a),(b),(c),(d) or (e) as authority to export source material as incidental radioactive material contained in or a contaminant of a shipment exceeding 100 kilograms in total weight shall file an NRC Form 7 before the export takes place. OMB has approved the collection under control number 3150-0027.

Section 110.23(b), Annual Report of Exports of Americium and Neptunium, requires that a person using the general license in paragraph (a) as authority to export americium and neptunium shall submit by February 1 of each year an annual report to NRC of all shipments made in the previous calendar year. The report requires a description of the material, quantity, approximate shipment dates, a list of recipient countries, end users and end use.

Section 110.23(c), General License for the Export of Byproduct Material, requires that a person using the general licenses in paragraph (a) as authority to export byproduct material as incidental radioactive material contained in or a contaminant of a shipment exceeding 100 kilograms in total weight shall file a completed NRC Form 7 before the export takes place. OMB has approved the collection under control number 3150-0027.

Section 110.26(d), Annual Report of Components Exported, requires that a person using the general license to export nuclear components shall submit by February 1 of each year an annual report to NRC of all components shipped during the previous calendar year. The report requires a description of the components keyed to the categories listed in Appendix A to Part 110; approximate shipment dates; and a list of recipient countries and end users keyed to the items shipped.

Section 110.27(d), Notice of Import, requires that an importer of formula quantities of strategic special nuclear material under general license provide the notifications required by §§ 73.27 and 73.72. OMB has approved the collection under control number 3150-0002.

Section 110.31, Applications for a Specific License to Export or Import (Original shipments, Amendments, Renewals), requires that a person file an application for a license to export or import nuclear material or equipment requiring specific authorization, with appropriate fee in accordance with 10 CFR 170. Applications should be filed on NRC Form 7 (OMB has approved the collection under 3150-0027), except that applications for import of material or for export of a production or utilization facility should be filed by letter in accordance with § 110.51. A person is required to provide the information specified in § 110.32.

The Commission may require more information. An application shall be withdrawn when not needed.

Ordinarily, an application for license renewal or amendment is filed by letter. As specified in § 110.51, a license renewal must be filed 30 days or more before the license expires for it to remain valid while the NRC acts on the application. The NRC uses the same procedures and criteria to review a renewal and an amendment as used for the original license application.

Section 110.32, Information Required in an Application for a Specific License/NRC Form 7, states that the following information is required on an application: name and address of applicant, supplier, intermediate and ultimate consignees; country of origin of equipment and material; shipment dates; and description of export and end use. Applications for import and export of radioactive waste and for export of incidental radioactive material require the volume, classification, physical and chemical characteristics, route of transit, and ultimate disposition. Applications for radioactive waste import also require name of waste generator and status of disposition. For license renewal and license amendment, the collections are generally less because NRC already has the original license application, which contains most of the required information to enable NRC to make the necessary determinations for approval.

Section 110.50(a)(7), Notice of Defective Packaging, requires that export and import licensees notify the NRC if they know or have reason to believe that the packaging requirements for nuclear material covered by their licenses have not been met.

Section 110.50(b)(3), Notification of the Export of Foreign Nuclear Equipment or Material, requires that, unless a license specifically authorizes the export of foreign nuclear equipment or material, licensees shall notify the NRC in writing at least 40 days prior to the intended shipment date to enable the U.S. Government to obtain confirmation that the foreign government has given its consent to the intended export.

Section 110.51(a), Amendment and Renewal of Licenses, specifies that a licensee may submit an application to renew a license or to amend a license.

Section 110.52(b), Revocation, Suspension, Modification of Licenses, allows the NRC to request additional information from licensees to determine whether a license should be revoked, suspended, or modified.

Section 110.53(b), Record Retention, requires that licensees maintain records concerning their exports or imports for five years, except that byproduct material records must be retained for three years.

## 2. Agency Use of Information

The notification requirement in § 110.7a(b) enhances the capability of the Commission to respond rapidly and effectively if such a threat were to materialize on a regulated activity.

The filing of an NRC Form 7 required by § 110.20(a)(1) before export of incidental radioactive material helps to ensure that an exporter will not ship radioactive waste for disposal in another country under the guise of shipping usable materials for recycling or resource recovery.

Annual reports of americium and neptunium exported under general license required by § 110.23(b) provide the NRC with data which the U.S. Government must report to the International Atomic Energy Agency (IAEA).

Annual reports of components exported under general license required by § 110.26(d) provide NRC with additional assurance against the improper accumulation of sensitive components in the country of import.

The notice of import of a formula quantity of strategic special nuclear material required by § 110.27(d) is used to assure that the material is adequately protected at all times within the geographical limits of the U.S.

License applications required by §§ 110.31, 110.32, and 110.51 are used by the Commission and the Executive Branch to make required export and import licensing determinations. If applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue a license authorizing the export or import.

Notices of defective packaging required by § 110.50(a)(7) facilitate NRC's ability to enforce the packaging requirements of 10 CFR Part 71 and to take possible enforcement action against licensees for packaging violations.

Prior notification of shipments of foreign nuclear equipment and material required by § 110.50(b)(3), not specifically noted on a license, are required for the NRC to implement the provisions of U.S. Government bilateral agreements for cooperation in the peaceful uses of nuclear energy (Atomic Energy Act of 1954, as amended, Section 123) with other Governments. These agreements are negotiated by the Executive Branch and enable the U.S. Government to obtain confirmation that the foreign government has given its consent to the intended shipment prior to export.

The additional information that the Commission may require from licensees as specified in § 110.52(b) is used by the NRC to make necessary statutory, regulatory, and policy determinations in connection with prospective actions to revoke, suspend or modify an export or import license.

Shipment records required by § 110.53(b) are used for NRC inspection to ensure compliance with regulations and are necessary in connection with prospective enforcement actions against possible violators of Part 110.

### 3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this collection. Licensees and applicants may utilize information technology if they so desire. Advance copies of letters of application and reports may be sent to the NRC by e-mail or facsimile. Electronic signature will be available in the near

future, under the Government Paperwork Elimination Act those who wish to use it by following the instructions on the NRC website at [www.nrc.gov](http://www.nrc.gov).

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to determine agency duplication. None was found.

5. Effort to Reduce Small Business Burden

The requirements specified in 10 CFR Part 110 are the same for large and small businesses, because the proliferation and policy concerns are the same; thus, all businesses must provide the same data.

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

The information requested in § 110.20 cannot be collected less frequently because it reflects the International Atomic Energy Agency (IAEA) Code of Practice on the International Transboundary Movement of Radioactive Waste to help ensure that radioactive waste coming into or leaving the U.S. is subject to U.S. Government approval and consent of other involved parties.

The information requested in 110.23(b) must be collected on a yearly basis to comply with a U.S. Government reporting commitment to the IAEA.

The general license in §110.26 significantly reduces the regulatory burden on exporters of nuclear components, so the reporting requirement in § 110.26(c) is reasonable and less burdensome on exporters than submitting specific license applications.

The information requested in §§ 110.31-32 is the minimum amount necessary for NRC to fulfill the statutory and regulatory requirements governing exports and imports of nuclear material and equipment. The information is submitted only when deemed necessary and is keyed to the decision criteria that guides the NRC in approving or denying applications. Schedules are not imposed. If the collection is less frequent, a person who wishes to export or import under 10 CFR 110 would be unable to do so because the NRC could not make the necessary determinations to approve applications. If the collection in § 110.50(a)(7) is less frequent, the licensee could possibly ship improperly packaged nuclear materials which may endanger the health and safety of the public.

If the collection in § 110.50(b)(3) is less frequent, the U.S. Government might violate the provisions of U.S. bilateral agreements with other Governments. The report is not frequently required because the origin of the material is normally identified before the export license is issued, and, accordingly, is authorized for export on the face of the license.

The maintaining of records in § 110.53 does not contain any special requirements and probably coincides to a large extent with the licensees' records holdings; thus, the regulatory impact is minimal. If the information is not retained, the NRC would be unable to verify compliance with requirements.

7. Circumstances Which Justify Variation From OMB Guidelines

The reason for retaining records for five years for each export or import except for byproduct material, where records shall be retained for three years, is that these exports or imports are relatively more important with respect to nuclear nonproliferation.

Requiring the applicant or licensee to notify the Commission within two days of identifying information having a significant implication for public health and safety or common defense and security on a regulated activity enables the Commission to respond rapidly and effectively to a threat to the public health and safety or the common defense and security. This collection requirement is contained in other parts of NRC's regulations. No notifications are expected.

8. Consultations Outside the NRC

The opportunity for public comment on the information collections has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

The NRC provides no pledge of confidentiality for the collections referred to in §§ 110.23, 110.26 and 110.50. None of the information required by §§ 110.31 and 110.32 is considered confidential or proprietary. If the exporter specifically requests NRC to keep information confidential, it will be treated as "Company Proprietary" in accordance with 10 CFR Section 2.790. The confidentiality of information is not applicable for records referred to in § 110.53 as exporters and importers maintain their own records.

11. Justification for Sensitive Questions

There are no sensitive questions.

12. Estimated Burden and Burden Hour Cost

There are approximately 140 exporters/importers of nuclear material and equipment. All licensees comply equally with the collections in §§ 110.19, 110.20, 110.23, 110.26, 110.31, 110.32, 110.50(b)(3), 110.51, and 110.53. OMB has approved the use of NRC Form 7 under 3150-0027 for the burden referred to in § 110.20. We estimate that a total of 70 new applications, amendments and renewals will be filed by letter, as follows: for § 110.31(a)-(e), 2 new facility applications and 2 import applications; for § 110.51, 30 amendments

and 36 renewals. (Note: Another 70 new applications will be filed on NRC Form 7, approved under OMB 3150-0027.) The average license term is 2 years. For the collections in §§ 110.7a(b), 110.50(a)(7), and 110.52(b), no notifications are anticipated during the next three years. Based upon information from exporters and importers and using the current average cost of \$154 per hour for reactor licensees and material licensees, a reasonable estimate of the annual burden of Part 110 requirements on industry is as follows:

### ANNUAL REPORTING BURDEN

Section	Annual No. of Respondents	Annual No. of Responses per Respondent	No. of Responses	Burden Per Response	Total Annual Burden Hours	Total Annual Cost
110.7a(b)	0	0	0	0	0	\$0
110.19(b)*						
110.20(a)(1)*						
110.21(e)*						
110.22(f)*						
110.23(b)	1	1	1	.5	.5	\$77
110.23(c)*						
110.26(d)	16	1	16	2	32	\$4,928
110.27(d)*						
110.31(a)-(e) facility export application	2	1	2	1	2	\$308
110.31(a)-(e) import application	2	1	2	2	4	\$616
110.31(f)	1	1	1	1	1	\$154
110.32 waste imports application **	2	1	2	10	20	\$3,080
110.50(a)(7)	0	0	0	0	0	\$0
110.50(b)(3)	14	1	14	.5	7	\$1,078
110.51(a) Amendments	32	1	32	1	32	\$4,928
110.51(a) Renewals	36	1	36	1	36	\$5,544
110.52(b)	0	0	0	0	0	\$0
TOTAL	106		106		134.5	\$20,713

\* Approved under OMB 3150-0027

\*\* (Note: Burden for 70 other applications under OMB 3150-0027)

Total annual reporting burden is 134.5 hours at a cost of \$20,713 (134.5 hrs. X \$154).



### ANNUAL RECORDKEEPING BURDEN

Section	Annual No. of Recordkeepers	Annual Hours per Recordkeeper	Total Annual Burden Hours	Total Annual Cost
110.53(b) (Applications)	70	1.2	84	\$12,936
110.53(b) (NRC Form 7)	70	1.2	84	\$12,936
TOTAL	140		168	\$25,872

Total annual recordkeeping burden is 168 hours at a cost of \$25,872 (168 hrs. X \$154).  
Universe of Respondents: 140 exporters/importers

Total Burden for 10 CFR Part 110: 302.5 hours (Reporting 134.5 + Recordkeeping 168) at a cost of \$46,585 (302.5 hrs. x \$154).

#### 13. Estimate of Other Additional Costs

For licensees subject to 10 CFR Part 110, it is most likely that purchase of equipment and services were made before October 1, 1995, to achieve regulatory compliance with requirements not associated with this information collection, for reasons other than to provide information or keep records for the government, or as part of customary and usual business or private practices.

NRC has determined that the storage and equipment costs per foot are approximately \$45. The quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 percent of the recordkeeping burden cost. Therefore, the storage cost for this clearance is estimated to be approximately \$9.68 (157.2 recordkeeping hours x \$154/hr x .0004).

#### 14. Estimated Annualized Cost to the Federal Government

The collection of information under 10 CFR Part 110 requires approximately 6,000 NRC professional staff hours per year to investigate, review and take action on the reported information associated with the collections referred to above. The annual labor cost to the Federal Government at an average of \$154 per staff hour for reactor and materials licensees is \$924,000 (6,000 hours x \$154). (A subset of this annual labor cost of \$462,000 or 3,000 staff hours is approved by OMB for the costs associated with NRC Form 7 for the collections referred to in §§ 110.21, 110.22, 110.23, and 110.31 (see 3150-0027). The costs for both OMB 3150-0036 and OMB 3150-0027 are recovered fully through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Changes in Burden or Cost

The overall burden increased by 18 hours from 285 to 303 hours because of (1) the addition of 6 recordkeepers which were inadvertently omitted in the change worksheet which implemented the Final Rule, Export and Import of Nuclear Equipment and Material approved by OMB on 12/01/2000. The omitted recordkeepers in the final rule worksheet resulted in a burden increase of 7 hours from 150 to 157 hours; (2) the staff re-estimated the number of recordkeepers, resulting in an increase of 9 recordkeepers from 131 to 140, with a resulting burden increase of 11 hours from 150 to 168 hours. Thus, the recordkeeping burden increased from 150 to 168 hours, while the reporting burden remained unchanged.

The burden and cost to the Federal Government increased by 5,700 hours from 300 to 6,000 hours to reflect a correction in the methodology used to calculate burden and a re-estimate of professional staff hours needed to meet the requirements of 10 CFR Part 110 in light of that correction. Staff time was re-estimated to include the hours needed to review incoming information, answer questions, and complete the entire licensing process required by 10 CFR Part 110. The re-estimation was based on 5 professional staff completing the reviews at an estimated 1,200 hours annually for each.

The change in cost reflects an increase in the annual labor cost to the Federal Government from \$140 to \$154 per staff hour for reactor and materials licensees.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.