

DRAFT OMB SUPPORTING STATEMENT FOR  
NRC FORM 7, "APPLICATION FOR NRC EXPORT/IMPORT LICENSE,  
AMENDMENT, OR RENEWAL"  
(3150-0027)

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REVISION TO THE CLEARANCE EXTENSION

DESCRIPTION OF THE INFORMATION COLLECTION

The Nuclear Regulatory Commission (NRC), under the Atomic Energy Act of 1954, as amended, (AEA) 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. All persons who wish to export or import nuclear equipment and material as specified in 10 CFR Part 110, Sections 110.8, 110.9, and 110.9a must provide certain information 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 AEA.

The public has submitted the required information on NRC Form 7 (OMB Clearance Number 3150-0027) for all licensing requests, (i.e., applications for export, import, combined export/import, amendments and renewals). This form has been revised to consolidate all license requests in one application form. A summary of the NRC Form 7 for providing the information required in 10 CFR §110.32 follows.

Part A is for NRC internal use. Parts B and E are completed by all applicants. Part C is completed by applicants for export or combined export/import licenses, amendments and renewals. Part D is completed by applicants for import or combined import/export licenses, amendments and renewals.

In Part B, to be completed by all applicants, Block 1 requires the name and complete physical address of the corporation or other entity with direct control over distribution of proposed exports(s) or imports(s), and where required records will be maintained and can be inspected. Blocks 1a through 1e require name and contact information identifying the best party to answer questions about an application, and applicants can use it to assign their own reference number to identify application documents. Block 2 requires the applicant to indicate the type of NRC licensing action requested by checking either export, import, combined export/import, amendment or renewal. Block 3 requires the applicant to provide contract number(s), if known, which may be useful references for reviewers. Blocks 4 and 5 require the anticipated date of the first and last shipments. Block 6 requires the applicant's proposed license expiration date.

In Part C, to be completed by applicants for export or combined licenses, amendments or renewals, Block 7 requires the names of the supplier(s) and other parties to the export not listed in Blocks 1, 8 or 9, including the complete physical address(es) where correspondence should be sent and where export(s) could be inspected. In Block 7a, the applicant must describe the functions to be performed and/or services to be provided by any of the parties listed in Block 7. Blocks 8 and 9 require the names and physical address(es) for each intermediate and ultimate foreign location. Blocks 8a and 9a require the applicant to describe how each consignee will use the export(s), including functions to be performed and/or services to be provided. Block 10 requires a description of key characteristics, including physical and chemical forms of radioactive materials (i.e., source, special nuclear or byproduct materials including sealed sources or devices and radioactive waste) nuclear facilities and equipment. Block 11 requires

the identification of foreign country obligations and the percentage of the total volume that is obligated to them.

In Part D, to be completed by applicants for import or combined licenses, amendments or renewals, Block 12 requires the name(s) and the address(es) of the foreign supplier(s) or exporters. In Block 12a, the license number for import(s) originally exported under a specific NRC license must be entered. Blocks 13 and 14 are to be completed if the applicant in Block 1 is not the sole intermediate or ultimate recipient. Blocks 13a and 14a require the entry of NRC or Agreement State Materials License number(s) including the expiration date(s) for each U.S. consignee. Blocks 13b and 14b require a description of the use of each consignee, the functions to be performed and the services to be provided is required. Block 15 requires a description of key characteristics, including physical and chemical forms, of radioactive materials and nuclear facilities. For source and/or special nuclear material including as radioactive waste, in Block 15a, the maximum total volume/element weight over license life in kilograms is required. For Appendix L byproduct material, including radioactive waste, the maximum total activity over license life in TBq is required. For Appendix P radioactive materials, maximum total activity per shipment in TBq for each material, whether in bulk or sealed source or device. In Blocks 15b-c, maximum enrichment/ weight percentage and maximum total isotope weight over the license life must be provided in kilograms. Block 16 requires the identification of foreign countries and the percentage of maximum total volume that may be obligated to them.

Part E is to be completed by all applicants. In Block 17, the applicant must indicate whether additional information is being provided. The attached, blank continuation page can be used to provide this information, and it can be copied for use as additional attachment sheets. In Block 17a, the applicant must check "yes" or "no" to verify whether domestic recipients' authorizations required for Appendix P materials are included with the application. Blocks 18a through c require signature certification, title of the authorized official of the legal entity applying for the License, Amendment or Renewal, and date.

## A. JUSTIFICATION

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

The NRC Form 7 is a multipurpose license application designed to allow persons to provide the minimum amount of information necessary for NRC to fulfill the statutory and regulatory requirements governing exports and imports of nuclear material and equipment under the NRC's authority. The form is clear, concise, easy to understand, and simple to prepare.

### 2. Agency Use of the Information

The Commission and the Executive Branch review the license applications submitted on NRC Form 7 to make required licensing determinations to ensure compliance with regulations. If applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue a license.

The Commission also reviews exports of incidental radioactive material filed on Form 7 before the export occurs, enabling the NRC to inform other interested parties, including import control authorities in foreign countries affected by the export.

3. Reduction of the 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 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. However, currently no responses are submitted electronically because the non-recurrence of each individual collection makes it difficult to reduce the burden through the use of technology. Each submittal is unique and is unlikely to be developed from other compiled information sources.

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.

5. Effort to Reduce Small Business Burden

The requirements specified in 10 CFR §§ 110.20, 110.31, and 110.32 are the same for large and small businesses, because the proliferation and policy concerns are the same; therefore, all businesses must provide the same data. To reduce the burden to small businesses, the NRC has established general licenses which exempt from new controls many of the shipments that were of particular concern to small businesses. Further, the NRC allows small businesses to apply for broad, long-term licenses to export materials to reduce burdens associated with paperwork expenses, license application fees, and uncertainties in delivery.

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

The information requested in 10 CFR §§ 110.20-110.23 cannot be collected on a less frequent basis because it reflects the 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 (USG) approval and consent of other involved parties.

The information requested in 10 CFR §§ 110.31-32 is submitted only when deemed necessary by respondents and is keyed to the decision criteria that guides the NRC in approving or denying applications. It specifically incorporates the requirements of the Atomic Energy Act of 1954, as amended. Therefore, if the collection is not conducted or is conducted on a less frequent basis, a person who wishes to export under NRC's export authority would be unable to do so because the NRC could not make the necessary determination on whether a license should be issued.

7. Circumstances Which Justify Variation from OMB Guidelines

None.

8. Consultations Outside the NRC

The opportunity for public comment was published in the Federal Register.

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).

11. Justification for Sensitive Questions

There are no sensitive questions.

12. Estimated Burden and Burden Hour Cost

All licensees comply equally with the requirements of 10 CFR §§ 110.19, 110.20, 110.21, 110.22, 110.23, 110.31, 110.32, and 110.51. Based upon our experience, for the collection in 10 CFR § 110.31, we estimate 170 applications will be filed annually on NRC Form 7. Using an average cost of \$238 per hour for reactor licenses, material licensees, and incidental radioactive material export filings, the annual cost required to prepare the NRC Form 7 is estimated as follows:

Annual Reporting or Disclosure Burden for NRC Form 7:

<u>Annual Number of Respondents</u>	<u>Annual Number of Responses per Respondent</u>	<u>Hours per Response</u>	<u>Total Hours</u>	<u>Cost</u>
160	1	2.4	384	\$91,392

(Incidental radioactive material export filings under 10 CFR §§ 110.19(b), 110.20(a)(1), 110.21(e), 110.22(f), 110.23(c); nuclear material and equipment export submissions Under 10 CFR §§ 110.31-110.32)

10	1	10	100	\$23,800
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(Radioactive waste export submissions under 10 CFR § 110.31-110.32)

The total annual burden is estimated at 484 (384 + 100) hours at a cost of \$115,192 (484 x \$238).

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

The collection of information under the NRC Form 7 is estimated to require a total of 5,550 hours annually. Approximately 3,000 professional staff hours per year are required to investigate, review and take action on the reported information referred to above in 10 CFR §§ 110.19-110.23, and 10 CFR §§ 110.31-110.32 as well as respond to public inquiries and to maintain and store the files. An additional 2,550 professional staff hours annually are required for NRC Form 7 to process 160 export, import and combined export/import applications, and 10 incidental radioactive material export filings. This is based on an average of 15 hours to process each of the estimated 170 annual responses processed annually ( $15 \times 170 = 2,550$ ). Therefore, the revised total annual cost to the Federal Government, at \$238 per hour for licenses, is \$1,320,900 ( $5,550$  professional staff hours  $\times$  \$238). There was a change in the overall cost because the hourly rate increased from \$201 to \$238. The previous total annual cost to the Federal Government, at \$201 per hour for licenses was \$1,567,800 ( $7,800$  professional staff hours  $\times$  \$201). The cost of NRC Form 7 and Part 110 is recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and 171.

15. Reasons for Changes in Burden or Cost

There has been a net decrease in the burden hours associated with this information collection. This net decrease is an adjustment to the current burden calculation. The net decrease is due to a reduction in the estimated number of licenses actually required (160 actual versus 316 estimated) when general licensees became subject to the requirement to apply for specific licenses for commodities listed under Appendix P to Part 110, and an increase in the number of incidental radioactive material export filings (10 actual versus 3 estimated) than were estimated at the previous renewal cycle. Therefore, the estimate of total annual respondents has decreased from 319 ( $316+3$ ) to 170 ( $160 + 10$ ), and the corresponding burden has decreased from 788 [ $(316 \times 2.4) + (3 \times 10) = 788$ ] to 484 [ $(160 \times 2.4) + (10 \times 10) = 484$ ] hours for NRC Form 7 in this information collection package.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.