

FINAL SUPPORTING STATEMENT
FOR
NRC FORM 7, "APPLICATION FOR NRC EXPORT/IMPORT LICENSE,
AMENDMENT, RENEWAL OR CONSENT REQUEST(S)"
(3150-0027)

REVISION

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, amendments, renewals and consent requests). Final rule under 10 CFR Part 110, Export and Import of Nuclear Equipment and Material; Updates and Clarifications (RIN 3150-AI16), became effective August 27, 2010. Part 110, Section 110.27 was amended to authorize imports of Category 1 and Category 2 quantities of byproduct material listed in Appendix P to Part 110. Therefore, references to combined export/import licenses, unique only to Appendix P byproduct materials, were removed from the regulation and the NRC Form 7. Also effective August 27, 2010, NRC removed the reporting requirement for exports of radioactive waste on Form 7. Consistent with these regulatory revisions, on August 27, 2010, the NRC Form 7 was revised by removing references to combined export/import and the reporting requirement for exports of radioactive waste. The changes made to NRC Form 7 do not impact the burden calculation.

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 licenses, amendments, renewals and consent requests. Part D is completed by applicants for import 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 export, import, amendment, renewal or consent request. 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 licenses, amendments, renewals or consent requests, 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. For source and/or special nuclear material including as radioactive waste, in Block 10a, 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 is required. In Blocks 11b-c, maximum enrichment/weight percentage and maximum total isotope weight over the license life must be provided in kilograms. 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 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 are 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 is required. 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 importing 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.

Completion of the NRC Form 7 is required to obtain an authorization to import or export nuclear equipment and material under NRC jurisdiction. The form supports an agency reporting requirement from the public to provide information to the NRC for its review and consideration in granting authorization to import or export nuclear equipment and material.

Section 110.19, Types of licenses, states that licenses for the export and import of nuclear equipment and material in this part consist of general licenses and specific licenses. A specific license is issued to a named person and is effective upon approval by the Commission of an application filed pursuant to the regulations in this part and issuance of licensing documents to the applicant.

Section 110.20 states that if an export or import is not covered by the NRC general licenses described in §§ 110.21 through 110.27, a person must file an application with the Commission for a specific license using NRC Form 7 in accordance with §§ 110.31 through 110.32.

Section 110.21 states that in paragraph (d) of this section, a general license is not applicable to export to any country listed in § 110.28, and does not authorize the export of special nuclear material in radioactive waste. These types of exports require licensees to file an application for a specific license using NRC Form 7.

Section 110.22 states that in paragraph (e) of this section, a general license is not applicable to export source material to any country listed in § 110.28, and does not authorize the export of source material in radioactive waste. These types of exports require licensees to file an application for a specific license using NRC Form 7.

Section 110.23 states that a general license is not applicable to export byproduct material (see Appendix L to this part) to any country listed in § 110.28 and that use of the general license is subject to certain limitations. If a limitation applies, the export requires licensees to file an application for a specific license using NRC Form 7.

Section 110.31, states that a person shall file an application for a specific license to export or import with the Deputy Director of the NRC's Office of International Programs,

using an appropriate method listed in § 110.4. Applications for an export, import, amendment, renewal license, consent request, or a request for an exemption from a licensing requirement under this part shall be filed on NRC Form 7. The application must be accompanied by the appropriate fee in accordance with the fee schedules in §§ 170.21 and 170.31 of this chapter. A license application will not be processed unless the specified fee is received. Each application on NRC Form 7 shall be signed by the applicant or licensee or a person duly authorized to act for and on behalf of the applicant or licensee. Each person shall provide in the license application, as appropriate, the information specified in § 110.32. The Commission also may require the submission of additional information if necessary to complete its review. An application may cover multiple shipments and destinations. The applicant shall withdraw an application when it is no longer needed. The Commission's official files retain all documents related to a withdrawn application.

Section 110.32, states that the following information is required on an application: name and address of applicant, supplier, intermediate and ultimate consignees; foreign obligations by country and percentage; shipment dates; and description of export and end use. Applications for import and export of radioactive waste require the volume, classification, physical and chemical characteristics, route of transit, and ultimate disposition. Applications for renewal of a specific license shall be filed on NRC Form 7 in accordance with §§ 110.31 and 110.32.

2. Agency Use of 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.

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 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

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on February 9, 2012 (77 FR 6827). NRC received one comment.

ENERGY**SOLUTIONS** submitted the following comment:

EnergySolutions commented on the instruction for Block 10 of NRC Form 7. Their comment stated that it is unclear as the language, "along with the overall waste classification (see 10 CFR 61.55) if exported for direct disposal at a Part 61 or equivalent Agreement State licensed facility;..." is included. EnergySolutions stated that they

know of no case when a person within the United States would be exporting radioactive material for purposes of direct disposal to a disposal site subject to 10 CFR Part 61 or an equivalent Agreement State site as such sites are all within the United State. They propose that this language be deleted.

Response:

The intent of the language in Block 10 was to address the export of radioactive waste for disposal in a foreign facility that is analogous to a 10 CFR Part 61 or equivalent Agreement State licensed facility. This is consistent with the definition of “radioactive waste” in 10 CFR 110.2 which states:

Radioactive waste, for the purposes of this part, means any material that contains or is contaminated with source, byproduct, or special nuclear material that by its possession would require a specific radioactive material license in accordance with this Chapter and is imported or exported for the purposes of disposal in a land disposal facility as defined in 10 CFR part 61, a disposal area as defined in Appendix A to 10 CFR part 40, or an equivalent facility....

(emphasis added)

The instructions for Block 10 have been clarified consistent with the definition of “radioactive waste” in 10 CFR Part 110 and to address EnergySolutions comment.

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

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 120 applications will be filed annually on NRC Form 7 (in the previous renewal cycle we estimated 160 applications were filed annually). Using an average cost of \$273 per hour for reactor licenses and material licensees, 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>
120	1	2.4	288	\$78,624

13. The total annual burden is estimated at 288 hours at a cost of \$78,624 (288 x \$273). 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 \$273/hour).

14. Estimated Annualized Cost to the Federal Government

The collection of information under the NRC Form 7 is estimated to require a total of 4,800 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 1,800 professional staff hours annually are required for NRC Form 7 to process 120 export, import, and consent requests. This is based on an average of 15 hours to process each of the estimated 120 annual responses processed annually (15 x 120 = 1,800). Therefore, the revised total annual cost to the Federal Government, at \$273 per hour for licenses, is \$1,310,400 (4,800 professional staff hours x \$273). The previous total annual cost to the Federal Government, at \$238 per hour for licenses was \$1,320,900 (5,550 professional staff hours x \$238). 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

The overall burden decreased by 196 hours, from 484 to 288, with a corresponding reduction in the number of respondents from 170 to 120 because of a reduction in the number of forms received, which resulted in a reduction of 47 responses and 190 burden hours. In addition, the burden was reduced because of the elimination of the requirement to file NRC Form 7 for the export of incidental waste, which resulted in a reduction of 3 responses and 6 burden hours. This requirement was eliminated on August 27, 2010, because the NRC removed the reporting requirement for exports of incidental radioactive material.

There was a change in the overall cost because the hourly rate increased from \$238 to \$273.

During this renewal period, NRC made clarifying changes to NRC Form 7. A third paragraph was inserted on page 1 of the NRC Form 7 instructions, as follows:

An application for a specific license to export or import or a request for an exemption from a licensing requirement must be accompanied by the appropriate fee in accordance with 10 CFR Part 170. The fee schedules are provided in §§ 170.21 and 170.31. The reference “**IMEX**” should be included on your form of payment. A license application will not be processed unless the specified fee is received.

In addition, the instructions for BLOCK 10 on page 2 of the instructions were revised by deleting text on the 11th line from the top left as follows:

“...for direct disposal at a Part 61 or equivalent Agreement State licensed facility...”

The line was replaced with the following:

“...for the purposes of disposal in a land disposal facility as defined in 10 CFR Part 61, a disposal area as defined in Appendix A to 10 CFR Part 40, or an equivalent facility;...”

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.