

# Request for OMB Review

PDR

P. Smith

### Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Docket Library, Room 3201  
Washington, DC 20503

### PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request  U.S. Nuclear Regulatory Commission	2. Agency code  3 1 5 0
3. Name of person who can best answer questions regarding this request  Elaine Hemby	Telephone number  (301) 504-2341
4. Title of information collection or rulemaking  10 CFR 110, Export and Import of Nuclear Equipment and Material	

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)  
42 USC 2201(o) or

6. Affected public (check all that apply)

1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	5 <input type="checkbox"/> Federal agencies or employees
2 <input type="checkbox"/> State or local governments	4 <input checked="" type="checkbox"/> Businesses or other for-profit	6 <input type="checkbox"/> Non-profit institutions
		7 <input checked="" type="checkbox"/> Small businesses or organizations

### PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)  
\_\_\_\_\_, or, None assigned

Classification	Stage of development	Type of review requested
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline

9. CFR section affected  
\_\_\_\_\_, CFR \_\_\_\_\_

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320?  Yes  No

11. If a major rule, is there a regulatory impact analysis attached?  Yes  No  
If "No," did OMB waive the analysis?  Yes  No

### Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

250061

12. (OMB use only)

D102



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

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 listed in 10 CFR Part 110 Sections 110.8, 110.9, and 110.9a. All persons who wish to export or import the nuclear equipment and material must provide certain information collection elements to enable the NRC and the Executive Branch to make required export/import licensing determinations.

A. JUSTIFICATION

1. Need for the Collection of Information.

- a. Notification of Information Having a Significant Implication. Section 110.7a requires that each applicant or licensee must 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. This requirement enhances the capability of the Commission to respond rapidly and effectively if a threat to public health and safety or common defense and security were to materialize on a regulated activity.
- b. Annual Reports of Components Exported Under General License Provision. Section 110.26(c) requires all persons who export pursuant to the general license provisions for the export of nuclear reactor components to certain countries to provide to the NRC an annual report of all components shipped during the previous calendar year. The report must include: (1) a description of the components keyed to the categories listed in Appendix A to Part 110; (2) approximate shipment dates; and (3) a list of recipient countries and end users keyed to the items shipped. The report enables the Commission to monitor exports to provide additional assurance against the improper accumulation of sensitive in the country of import.
- c. Advance Notice of Import. Section 110.27(c) requires that any person importing special nuclear material under a general import license for byproduct, source, or special nuclear material shall provide advance notification of such imports to the Commission as specified in §73.27. These notifications are controls and procedures required of a licensee to assure the Commission that the material is adequately protected at all times within the geographical limits of the United States.

- d. Applications for Export and Import Licenses. Section 110.30(a) requires license applications from all persons in the U.S. who wish to export or import nuclear material or equipment requiring specific authorization. As specified in §110.30(b), the application must be accompanied by a fee in accordance with the fee schedule in §§170.21 and 170.31. Section 110.30(c) states that a license application should be filed on NRC Form 7, except that an import license application and a production or utilization facility export license application should be filed by letter. Most applications are submitted on the multipurpose export license application NRC Form 7 which was developed for use with respect to the export of most different types of nuclear material and equipment under the NRC's authority. (The NRC Form 7 information collection is also described separately under OMB approval number 3150-0027.)

Section 110.30(d) requires a person to provide in the license application for a specific license the information specified in §110.31. Section 110.30(d) provides that the Commission may require additional information from the applicant to complete its review. Section 110.30(e) provides that an application may cover multiple shipments and destinations, and §110.30(f) states that the applicant shall withdraw an application when it is no longer needed.

Section 110.31 specifies that the following information is required on the application: name and address of applicant, supplier, intermediate consignee, and ultimate consignees; country of origin of equipment or material; proposed dates of shipments; description of the equipment or material; and description of end use in sufficient detail to permit accurate evaluation of the justification for the proposed export or import.

These information collection elements enable the Commission and the Executive Branch to make required export/import licensing determinations to ensure compliance with regulations.

- e. Notifications of Defective Packaging. Section 110.50(a)(7) requires export or import licensees to notify the Commission promptly if they know or have reason to believe that the packaging requirements for any nuclear material covered by their licenses have not been met. This provision facilitates the Commission's ability to enforce the packaging requirements of 10 CFR Part 71 by stipulating that licensees are not exempted from responsibility for assuring proper packaging of nuclear materials.

Primary responsibility for assuring proper packaging arrangements remains with the actual shipper of the material under Part 71 requirements. However, licensees, under

Section 110.50(a)(7), have an incentive to take necessary corrective steps to assure proper packaging of their licensed materials. Accordingly, Section 110.50(a)(7) provides the Commission with additional assurances that proper packaging is being accomplished with minimal additional regulatory impact on licensees. It also provides the Commission with a basis for taking possible enforcement action against licensees in cases of packaging violations.

- f. Reporting of Exports of Australian-Origin and Canadian-Origin Nuclear Material and Equipment. Section 110.50(b)(3) requires export licensees to notify the Commission 40 days prior to export of Australian-origin or Canadian-origin nuclear material or equipment (unless the license specifically authorizes such export). This requirement is derived from the provisions of the U.S.-Australian Agreement for Cooperation on the Peaceful Uses of Nuclear Energy and the U.S.-Canadian Agreement for Cooperation on the Peaceful Uses of Nuclear Energy.
  - g. Amendment, Renewal, Revocation, Suspension, and Modification of Licenses. Section 110.51 requires licensees to submit an application 30 days or more prior to expiration of the license. Section 110.52 provides guidelines for the NRC to request additional information from licensees to determine whether a license should be revoked, suspended, or modified.
  - h. Record Retention Period. Section 110.53(b) requires licensees to maintain records concerning exports and imports. Licensees shall retain these records for five years after each export or import except that byproduct material records shall be retained for three years.
2. Agency Use of Information. Records must be retained to ensure compliance with regulations and to allow verification of that compliance. NRC/OIP reviews the annual report of components exported under general license to ensure that sensitive component exports are not being accumulated. The Commission and the Executive Branch review the license applications to make required export/import licensing determinations. If applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue a license authorizing the export or import. The Commission uses the notification of defective packaging to enforce the packaging requirements of 10 CFR Part 71 and to take possible enforcement action against licensees. The Commission uses the reports of exports of Australian- and Canadian-origin nuclear material and equipment to implement the provisions of the U.S. bilateral agreements with Australia and Canada. The records of shipments retained by the licensees must be made available for NRC inspection purposes upon request and, as such, are necessary in connection with any prospective NRC enforcement actions against possible violators of Part 110's provisions. If the requested

information is not retained, the Commission would be unable to determine possible violators of Part 110.

3. Reduction of Burden Through Information Technology. There are no legal obstacles to reducing the burden associated with this information collection. Licensees and applicants may utilize information technology if they so desire.
4. Effort to Identify Duplication. The Information Requirements Control Automated System (IRCAS) was searched to determine agency duplication. None was found.
5. Effort to Use Similar Information. No such similar information exists.
6. Effort to Reduce Small Business Burden. The requirements specified in 10 CFR Part 110 must be the same for large and small businesses, because the proliferation concerns are the same; therefore, all businesses must provide the same data.
7. Consequences of Less Frequent Collection. The general license provision referred to in Section 110.26(c) greatly reduces the regulatory burden on exporters of nuclear components; therefore, the reporting requirement is reasonable and less burdensome than submitting specific license applications. The information requested in Sections 110.30-31 is submitted whenever deemed necessary by exporters/importers. No schedules are imposed. The information referred to in Section 110.50(a)(7) cannot be collected less frequently, because the licensee could possibly ship improperly packaged nuclear materials which may endanger the health and safety of the public. The information referred to in Section 110.50(b)(3) cannot be collected less frequently, because the U.S. may violate the provisions of the U.S. bilateral agreements with Australia and Canada. 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 records referred to in Section 110.53(b) do not contain any special requirements and probably coincide to a large extent with the licensees' records holdings; therefore, the regulatory impact is minimal.
8. 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 nonproliferation of nuclear related activities.

The applicant or licensee must notify the Commission within two days of identifying any information as having a significant implication for public health and safety or common defense and security on a regulated activity to enable the Commission to respond rapidly and effectively to a threat to the public health and safety or the common defense and security.

9. Consultations Outside the NRC. Since the submission of the last clearance, public comments have been elicited, through an advance notice of proposed rulemaking and a proposed rule, on possible changes to the licensing requirements in 10 CFR Part 110 for the import of low-level radioactive waste for disposal. The comments received are being taken into account in writing the final rule.
10. Confidentiality of Information. The NRC provides no pledge of confidentiality for the collection of information referred to in Sections 110.26(c), 110.50(a)(7), and 110.50(b)(3). The information requested in Sections 110.30-31 will be treated as company proprietary at the request of the applicant. The confidentiality of information is not applicable for the records referred to in Section 110.53(b) because exporters and importers maintain their own records.
11. Justification for Sensitive Questions. There are no sensitive questions.
12. Estimated Annualized Cost to the Federal Government. The collection of information under 10 CFR Part 110 requires approximately 300 NRC professional staff hours per year to investigate, review, and take action on the license applications and to process subsequent actions with regard to issued licenses. Annual labor cost to the Federal Government at \$132 staff hour is \$39,600 (300 hours x \$132). (This estimate does not cover the information collection costs associated NRC Form 7 which is covered separately under OMB approval number 3150-0027 and is the most significant cost to the Federal Government under 10 CFR 110. This cost is fully recovered by fee assessments to NRC licensees pursuant to 10 CFR Part 171.
13. Estimate of Burden. There are approximately 125 exporters/importers of nuclear material and equipment. All licensees comply equally with the requirements of Sections 110.26(c), 110.30-31, and 110.53(b) and (4), 110.51(b) and (c), and 110.53(b). (However, the most significant burden is that required by NRC Form 7 which is covered separately under OMB approval number 3150-0027.) With regard to the reports referred to in Section 110.50(a)(7), none are anticipated during the next three years.

Based upon our information from exporters and importers and using a cost of \$132 per hour, a reasonable estimate of the annual burden of Part 110's requirements on industry is as follows:

Annual Reporting or Disclosure Burden:

<u>For Sections</u>	<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>
110.7a(b)	0	0	0	0	\$ 0
110.26(c)	12	1	2	24	3,168
110.27(c)	[Burden approved separately under OMB 3150-0092]				
110.30(a)-(e)	5 (StdApp)	1	1	5	660
and 110.31	5 (RadWas)	1	20	100	13,200
	[150 others--approved separately under OMB 3150-0027]				
110.30(f)	1	1	1	1	132
110.50(a)(7)	0	0	0	0	0
110.50(b)(3)	10	1	0.5	5	660
110.51(b)(c)	60	1	0.5	30	3,960
110.52(b)	0	0	0	0	0
Totals	93			165	\$21,780

Annual Recordkeeping Burden:

<u>For Section</u>	<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>
110.53(b)	125	0	1.2	150	\$19,800

Total annual burden is estimated at 315 hours at a cost of \$41,580 (315 x \$132).

14. Reasons for Change in Burden. The revised burden reflects the anticipated codification of a rule that will amend the NRC's import regulations to require specific licenses prior to the import of low-level radioactive waste which is presently generally licensed. The overall licensee burden is expected to increase due to an increase in the estimated time per response of these applications filed. The revised burden also reflects an additional burden due to inclusion of a previously uncleared section.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.



NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection

SUMMARY: The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision
2. The title of the information collection: 10 CFR Part 110 - Rules and Regulations for the Export and Import of Nuclear Equipment and Material
3. The form number if applicable: Not applicable
4. How often the collection is required: On occasion

5. Who will be required or asked to report: Any person in the U.S. who wishes to export or import nuclear material and equipment subject to the requirements of a specific license
6. An estimate of the number of responses: 93
7. An estimate of the number of respondents: 125
8. An estimate of the number of hours needed to complete the requirement or request: 315 (Reporting - 165 hours (1.77 hours per response); recordkeeping - 150 hours (1.2 hours per recordkeeper))
9. An indication of whether Section 3504(h), Pub. L. 96-511 applies:  
Not applicable
10. Abstract:

10 CFR 110 provides application, reporting, and recordkeeping requirements for the export and import of nuclear equipment and material. The information collected and maintained pursuant to 10 CFR 110 enables the NRC to authorize only those imports and exports which are not inimical to U.S. common defense and security and which meet any other U.S. statutory and policy requirements.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street (Lower Level), N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer:

Troy Hillier

Office of Information and Regulatory Affairs (3150-0036)

NEOB-3019

Office of Management and Budget

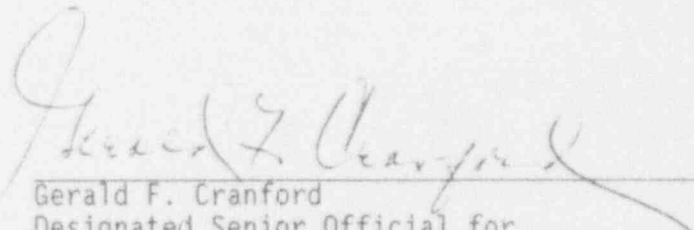
Washington, DC 20503.

Comments can also be submitted by telephone at 202/395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301/492-8132.

Dated at Bethesda, Maryland this *23rd* day of *February*, 1994.

For the U.S. Nuclear Regulatory Commission

  
Gerald F. Cranford  
Designated Senior Official for  
Information Resources Management