

PDR

INSTANTIATED ORIGINAL

Standard Form **83**
(Rev. September 1983)

Request for OMB Review *Paulette 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
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3. Name of person who can best answer questions regarding this request Ron Hauber	Telephone number (301) 492-0336
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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?
If "No," did OMB waive the analysis?

1 <input type="checkbox"/> Yes	2 <input type="checkbox"/> No
3 <input type="checkbox"/> Yes	4 <input type="checkbox"/> 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 9012310071 901221 PDR DRG EUSOMB PDR	Date <i>FO2</i> <i>01/11</i>

12. (OMB use only)

200030

SUPPORTING STATEMENT FOR

Export and Import of Nuclear Equipment and Material 10 CFR Part 110

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 Section 110.8 and 110.9. 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. Annual Reports of Components Exported Under General License Provision.

Section 110.26 requires all persons who export pursuant to the general license provisions for the export of nuclear reactor components to certain countries to provide NRC with an annual report of all exports made. This report enables the Commission to monitor exports to provide additional assurance against the improper accumulation of sensitive component exports.

b. Applications for Export and Import Licenses. Sections 110.30 and 110.31 require license applications from all persons in the U.S. who wish to export or import nuclear material or equipment requiring specific authorization. Most applications are submitted on a multipurpose export license application Form NRC 7 which was developed for use with respect to the export of most different types of nuclear material and equipment under NRC's authority. (The NRC Form 7 information collection is also described separately under OMB approval No. 31-50-0027.) Import license applications, and consolidated license applications are submitted by letter. The information collection elements enable the Commission and the Executive Branch to make required export/import licensing determinations to ensure compliance with regulations.

c. Notifications of Defective Packaging. Section 110.50(a)(7) requires export or import licensees to notify the Commission promptly if they become aware of defective packaging arrangements for any nuclear material covered by their licenses. 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 100.50(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.

- d. 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.
 - e. 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 NRC to request additional information from licensees to determine whether a license should be revoked, suspended, or modified.
 - f. Record Retention Period. Section 100.53(b) requires each licensee to maintain records concerning his exports and imports. The licensee 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. IP 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 Section 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 of byproduct material is that these exports or imports are relatively more important with respect to non-proliferation of nuclear related activities.
9. Consultations Outside the NRC. No consultations have been held with other federal, state, or local government agencies or with other persons regarding the collections of information since the submission of the last clearance.

10. Confidentiality of Information. 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 \$92 staff hour is \$27,600 (300 hours x \$92). (This estimate does not cover the information collection cost associated NRC-Form 7 which is covered in OMB approval number 3150-0027 and is the most significant cost to the federal government under 10 CFR 110.
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). (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 information from exporters and importers and using a cost of \$92 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>
110.26(c)	12	1	2	24	\$2,208
110.30-31	10	1	1	10	920
	200 (approved separately under OMB 3150-0027)			-	-
110.50(a)(7)	0	-	0	0	0
110.50(b)(3)	10	1	0.5	5	460
110.51(b)(c)	60	1	0.5	30	2,760
110.52	0	-	-	-	0
	<u>92</u>			<u>69</u>	<u>6,348</u>

Annual Recordkeeping Burden:

110.53(b)	125	-	1.2	150	1,800
TOTAL Annual Burden	157	-		219	\$20,148

14. Reasons for Change in Burden

We have increased the industry burden for the number of reports submitted by industry under Section 110.26(c) based on the numbers of reports received by NRC. Further, we have decreased the number of notifications received from industry under Section 110.50(b)(3) based on the actual number of notifications received by NRC over a specified period of time.

A. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.