

U.S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 110 - Rules and Regulations for the Export and Import of Nuclear Equipment and Material
2. Current OMB approval number: 3150-0036
3. How often the collection is required: On occasion

0/1
DF03

BAF-4A
C+R-8

4. Who is 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 10 CFR 110 or to export incidental radioactive material that is a contaminant of shipments of more than 100 kilograms of non-waste material using existing NRC general licenses.

5. The number of annual respondents: 125

6. The number of hours needed annually to complete the requirement or request: reporting, 130 hours (1.3 hours per response); recordkeeping, 150 hours (1.2 hours per respondent). The total burden is 280 hours.

7. Abstract:

10 CFR 110 provides application, reporting, and recordkeeping requirements for exports and imports of nuclear material and equipment subject to the requirements of a specific license or a general license and exports of incidental radioactive material. The information collected and maintained pursuant to 10 CFR 110 enables the NRC to authorize only imports and exports which are not inimical to U.S. common defense and security and which meet applicable statutory, regulatory, and policy requirements.

Submit, by (insert date 60 days after publication in the Federal Register), comments that address the following questions:

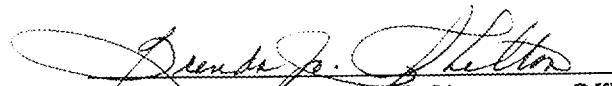
1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 E6, Washington, DC 20555-0001, or by telephone at 301-415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 28th day of October 1999.

For the Nuclear Regulatory Commission.


Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

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PDR

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Dated at Rockville, Maryland, this _____ day of _____ 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

* See previous concurrences

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For the Nuclear Regulatory Commission.

Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

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

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 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(f), General License for the Export of Source Material, requires that a person using the general licenses in paragraphs (a),(b),(c) or (d) 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(e), General License for the Export of Byproduct Material, requires that a person using the general licenses in paragraphs (a), (b), and (c) 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(c), Annual Report of Exports of Components, requires that a person using the general license to export nuclear components to certain countries submit an annual report to NRC of all exports made in 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), Reporting of Exports of Australian- and Canadian-Origin, requires that licensees notify NRC 40 days prior to export of Australian or Canadian-origin nuclear material or equipment (unless license specifically authorizes such 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 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.

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.

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 components exported under general license required by § 110.26(c) 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.

Reports of exports of Australian- and Canadian-origin nuclear material and equipment required by § 110.50(b)(3) are required to implement the provisions of the U.S. bilateral agreements with the Governments of Australia and Canada.

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; however, no responses have been submitted electronically.
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 general license in § 110.26 significantly reduces the regulatory burden on exporters of nuclear components. Therefore, the reporting requirement 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 the bilateral agreements with the Governments of 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 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 determine possible violators.

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

An opportunity to comment on the information collection requirements will be 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 §§ 110.26 and 110.50. Normally none of the information required by §§ 110.31 and 110.32 is not considered confidential or proprietary. However, when the exporter specifically requests NRC to keep information confidential, NRC will treat it as "Company Proprietary" as 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 125 exporters/importers of nuclear material and equipment. All licensees comply equally with the collections in §§ 110.19, 110.20, 110.26, 110.31, 110.32, 110.50(b)(3), 110.51, and 110.53. OMB has approved use of NRC Form 7 under 3150-0027 for the burden referred to in § 110.20. For the collection in § 110.31, we estimate 70 applications will be filed annually by letter and another 63 will be filed annually on NRC Form 7, approved under control number 3150-0027. 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 a cost of \$140 per hour, a reasonable estimate of the annual burden of Part 110 requirements on industry is as follows:

<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
110.19(b)	(approved under OMB 3150-0027)				
110.20(a)(1)	(approved under OMB 3150-0027)				
110.21(e)	(approved under OMB 3150-0027)				
110.22(f)	(approved under OMB 3150-0027)				
110.23(e)	(approved under OMB 3150-0027)				
110.26(c)	15	1	2	30	4,200
110.27(d)	(approved under OMB 3150-0002)				
110.31(a)-(e) and 110.32	2(import appl, except waste and facility export appls)	1	2	4	560
	2 (waste imports)	1	10	20	2,800

(Note: Burden approved for 63 other applications under OMB 3150-0027)

110.31(f)	1	1	1	1	140
110.50(a)(7)	0	0	0	0	0
110.50(b)(3)	10	1	0.5	5	700
110.51(a)	70	1	1	70	9,800
110.52(b)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0
TOTALS:	100	100	130		\$18,200

Annual Recordkeeping Burden:

<u>For Section</u>	<u>Annual Number Of Respondents</u>	<u>Hours per Respondent</u>	<u>Total Hours</u>	<u>Cost</u>
110.53(b)	125	1.2	150	\$21,000

Total annual burden is estimated at 280 hours at a cost of \$39,200 (280 x \$140).

13. Estimate of Other Additional Costs None.
14. 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 \$140 staff hour is \$42,000 (300 hours x \$140). (See OMB approval number 3150-0027 for additional costs associated with the collections referred to in §§ 110.21, 110.22, 110.23, and 110.31.)
15. Reasons for Changes in Burden or Cost
There is no change in burden. The change in cost reflects an increase in the annual labor cost to the Federal Government from \$120 to \$140 per staff hour.
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
Not applicable.