

DRAFT OMB SUPPORTING STATEMENT
FOR
NRC FORM 241
REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES,
AREAS OF EXCLUSIVE FEDERAL JURISDICTION, OR OFFSHORE WATERS
(3150-0013)

EXTENSION REQUEST

Description of the Information Collection

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the Nuclear Regulatory Commission (NRC) to enter into an agreement with the Governor of any State providing for discontinuance of certain regulatory authority of the Commission. A State that has signed such an agreement with the NRC allowing the State to regulate the use of radioactive material within that State is referred to as an Agreement State. Under NRC's regulations in 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274," the NRC refrains from exercising certain licensing authority in Agreement States and exempts licensees in those States from certain NRC licensing requirements.

Under the reciprocity provisions of 10 CFR Part 150, any Agreement State licensee who engages in activities (use of radioactive byproduct material) in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters under the general license in Section 150.20 is required to file with the NRC 4 copies of NRC Form 241 and 4 copies of its Agreement State license at least 3 days before engaging in each such activity. The 3 day time schedule permits the NRC regional office time to schedule inspections of these activities.

A. JUSTIFICATION

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

Section 150.20 establishes a general license whereby NRC authorizes any licensee who holds a specific license from an Agreement State to conduct the same activity in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters for a period not to exceed 180 days in any calendar year. Any Agreement State licensee who engages in activities under the general license in Section 150.20 is required to file with the NRC regional office 4 copies of NRC Form 241 and 4 copies of its Agreement State license at least 3 days before engaging in each such activity. The regional administrator of the NRC regional office may authorize an Agreement State licensee to commence activity upon notification by telephone of intent to conduct the proposed activity under the general license, provided that NRC Form 241 is filed within 3 days after the telephone notification. The regional administrator may also waive the requirements for filing additional copies of NRC Form 241 during the remainder of the calendar year following the receipt of the initial NRC Form 241 from a licensee engaging in activities under the general license.

Receipt of the information on NRC Form 241 is necessary to make NRC aware of Agreement State licensees' activities in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters so that NRC can determine whether the activities are conducted in accordance with NRC requirements for protection of the public health and safety.

2. Agency Use of the Information

The report informs NRC of the locations and dates of activities conducted in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters by Agreement State licensees under the general license in 10 CFR 150.20. This notification permits the NRC regional office to schedule inspections of the activities to determine whether the activities are conducted in accordance with NRC requirements for protection of the public health and safety.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden through information technology. The NRC encourages applicants and licensees to use new automated information technology when it is beneficial to them. However, NRC Form 241 does not lend itself readily to the use of automated information technology for submission because of the limited information required and the infrequency of submission. Consequently, the current percentage of electronic submissions is zero.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found.

The Agreement State licensees do not routinely submit information to the NRC. Therefore, there is no similar information available to NRC that can be used to keep track of the Agreement State licensees' activities conducted in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters under the general license provided for in 10 CFR 150.20.

5. Effort to Reduce Small Business Burden

Some of the Agreement State licensees who use byproduct material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters are small businesses. However, because the health and safety consequences of improper handling or use of byproduct material are the same for large and small entities, it is not possible to reduce the burden on small businesses by less frequent or less complete reporting. In addition, the burden of the notification is slight.

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

If the information on NRC Form 241 is not collected, the NRC will not be aware of Agreement State licensees' activities involving byproduct material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters. The forms are submitted only as the specified uses occur. NRC Form 241 must be submitted prior to each such activity, but the NRC regional office may waive the requirement for filing additional forms during the remainder of the calendar year following the receipt of the initial NRC Form 241 from the Agreement State licensee.

7. Circumstances Which Justify Variation from OMB Guidelines

Contrary to the Office of Management and Budget guidelines in 5 CFR 1320.5(d), Section 150.20 requires that 4 copies of NRC Form 241 and the Agreement State specific license be filed with the NRC regional administrator for the region in which the Agreement State that issues the specific license is located. The NRC regional office retains one copy of each and sends one copy to the Agreement State that issued the specific license, one copy to the State in which the activities are to be conducted, and one copy to the NRC regional office in which this latter State is located. These copies are needed so that those offices can all be made aware of the activities in their jurisdictions and the activities authorized by the Agreement State license and so that the NRC regional office can schedule inspections of these activities.

8. Consultations Outside the NRC

An opportunity for public comment on the information collection requirements for this clearance package has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

None. The information submitted to NRC on Form 241 is available to the public.

11. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

The NRC receives 4,232 NRC Forms 241 annually--approximately 184 initial submittals; 1,012 revisions; and 3,036 clarifications from Agreement State licensees who engage in activities (use of radioactive byproduct material) in non-

Agreement States. The total burden for the NRC Form 241 is 1,104 hours which includes 92 hours for initial submissions (184 x 30 minutes); 253 hours for revisions (1,012 x 15 minutes); and 759 hours for clarifications (3,036 x 15 minutes). There is a change in cost because the hourly rate increased from \$121/hour to \$144/hour, the estimated cost is \$158,976 (1,104 hours x \$144/hour).

13. Estimate of Other Additional Costs

This requirement only involves submitting a Form to the NRC. There are no recordkeeping requirements and thus no additional cost.

14. Estimated Annualized Cost to the Federal Government

It is estimated that the annual cost to the government for the review, acknowledgment, deficiency requests, and further dissemination of each NRC Form 241 is about 2.5 hours annually for each of the 184 initial reciprocity requests, for a cost of \$66,240 (460 hours x \$144/hr); 1 hour/response for each of the 1,012 revisions, for a cost of \$145,728 (1,012 hours x \$144/hr); and 15 minutes/response for each of the 3,036 clarifications, for a cost of \$109,296 (759 hours x \$144/hr). Therefore, the total estimated annualized cost to the Federal government is 2,231 hours or \$321,264 (2,231 hours/year x \$144/hr). This cost is fully recovered through license fees charged to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

Based upon the actual number of responses received during the last 3 years (4,232 instead of the estimated 4,600, a reduction of 368), the overall burden estimate for NRC Form 241 has decreased from 1,200 to 1,104 hours, for a net reduction of 96 hours. The number of initial submissions decreased by 16 from 200 to 184 submittals for a reduction of 8 hours; the number of revisions decreased by 88, from 1,100 to 1,012 for a reduction of 22 hours; and the number of clarifications decreased by 264 from 3,300 to 3,036 for a reduction of 66 hours. There is a change in cost because the hourly rate increased from \$121/hour to \$144/hour.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed on NRC Form 241.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.