

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 WITH BURDEN ADJUSTMENT

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 NRC Form 241 and one copy 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 NRC Form 241 and one copy 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.

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 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 its 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, NRC Form 241 does not lend itself readily to the use of automated information technology because of the infrequency of submission by individual respondents.

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 to comment on the information collection requirements for this clearance extension 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. Estimate of Annualized Burden and Burden Hour Cost

The NRC receives 3,963 NRC Forms 241 annually from 167 Agreement State licensees--approximately 167 initial submittals; 600 revisions; and 3,196 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 1,032.5 hours which includes 83.5 hours for

initial submissions (167 x 30 minutes); 150 hours for revisions (600 x 15 minutes); and 799 hours for clarifications (3,196 x 15 minutes). This total burden has been rounded up to 1,033 hours. There is a change in cost because the hourly rate increased from \$144/hour to \$156/hour, the estimated cost is \$161,148(1,033 hours x \$156/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 167 initial reciprocity requests, for a cost of \$65,208 (418 hours x \$156/hr); 1 hour/response for each of the 600 revisions, for a cost of \$93,600 (600 hours x \$156/hr); and 15 minutes/response for each of the 3,196 clarifications, for a cost of \$124,644 (799 hours x \$156/hr). Therefore, the total estimated annualized cost to the Federal government is 1,817 hours or \$283,452 (1,817 hours/year x \$156/hr). This cost is fully recovered through fee assessment 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 (3,963 instead of the estimated 4,232, a reduction of 269), the overall burden estimate for NRC Form 241 has decreased from 1,104 to 1,032.5 hours, for a net reduction of 71.5 hours. Burden hours and net reduction have been rounded up to 1,033 and 72 hours. The number of initial submissions decreased by 17 from 184 to 167 submittals for a reduction of 9 hours; the number of revisions decreased by 412, from 1,012 to 600 for a reduction of 103 hours; and the number of clarifications increased 160 from 3,036 to 3,196 for an increase of 40 hours. In addition, there has been a decrease in the cost from \$321,264 to \$283,452 although there was an increase in the hourly rate from \$144/hour to \$156/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.