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

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 a discontinuance of certain regulatory authority of the NRC. A State that has signed such an agreement with the NRC is referred to as an “Agreement State,” and it is allowed to regulate the use of radioactive material within that State. In addition, 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 (such as the use of radioactive byproduct material) in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters is required to file, with the NRC regional administrator for the region in which the Agreement State that issues the specific license is located, NRC Form 241, a copy of the Agreement State specific license, and the appropriate fee as prescribed in Section 170.31 at least 3 days before engaging in each such activity. This form includes information on locations and dates of activities. 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

10 CFR 150.20 establishes a general license through which NRC authorizes any Agreement State licensee with a specific license 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 operating under the general license is required to file with the NRC regional office NRC Form 241, a copy of the Agreement State specific license, and the appropriate fee as prescribed in Section 170.31 at least 3 days before performing work. However, the regional administrator of the NRC regional office may authorize an Agreement State licensee to commence activity based on a telephone notification by the licensee, provided that the licensee files NRC Form 241 within 3 days of the telephone notification.

Receipt of the information on NRC Form 241 is necessary to make the NRC aware of Agreement State licensee’s work in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters. The NRC can then determine whether the work is conducted in accordance with NRC requirements for protection of the public health and safety.

2. Agency Use of the Information

The report informs the 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. 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. The 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. The NRC estimates that no licensees will submit their forms electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

The Agreement State licensees do not routinely submit information to the NRC. Therefore, there is no similar information available to the 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 the less frequency of reporting or recordkeeping procedures.

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 work performed by Agreement State licensees 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

This information collection is consistent with OMB Guidelines.

8. Consultations Outside the NRC

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

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

Based on the average number of submissions for the past 3 years, the NRC estimates that it will receive 1,756 NRC Forms 241 annually from 172 Agreement State licensees (172 initial submittals); 475 changes; and 1,109 clarifications from Agreement State licensees who engage in activities (use of radioactive byproduct material) in non-Agreement States.

The NRC estimates that initial submissions require 30 minutes to complete, whereas both changes and clarifications require 15 minutes to complete.

The total burden for the NRC Form 241 is 482 hours. This includes 86 hours for initial submissions (172 x 30 minutes); 119 hours for changes (475 x 15 minutes); and 277 hours for clarifications (1,109 x 15 minutes). The estimated cost to licensees is $124,838 (482 hours x $259/hour). See Table 1 for a breakdown of the number of forms submitted, burden hours, and costs.

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 0 hours, the storage cost for this clearance is $00.00 (0 hours x 0.0004 x $259/hour).

14. Estimated Annualized Cost to the Federal Government

It is estimated that the annual cost to the government for review and acknowledgment for forms, deficiency requests, and further dissemination of each NRC Form 241 is based on 3 hours annually for each of the 172 initial reciprocity requests, for a cost of $133,644 (516 hours x $259/hr); 1 hour/response for each of the 475 changes, for a cost of $123,025 (475 hours x $259/hr); and 15 minutes/response for each of the 1,109 clarifications, for a cost of $71,743 (277 hours x $259/hr). Therefore, the total estimated annual cost to the Federal government is based on 1,268 hours for a cost of $328,412 (1,268 hours/year x $259/hr). This cost is fully recovered through license fees charged to NRC licensees pursuant to 10 CFR Parts 170 and/or 171. See Table 2 for a breakdown of costs to the Federal Government.

15. Reasons for Changes in Burden or Cost

The NRC reviewed the actual number of responses received during the last 3 years in order to estimate the number of forms that will be submitted during the clearance period. From 2008 to 2010, an average of 1,756 forms was filed annually. The previous estimate was 2,188 forms (based on a review of the actual number of forms received from 2005 to 2008), an overall reduction of 432 forms. The number of initial submissions increased from 140 to 172 (an increase of 32 forms and 166 hours); the number of changes increased from 412 to 475 (an increase of 63 forms and 63 hours); and the number of clarifications decreased from 1,636 to 1,109 (a reduction of 527 forms and 132 hours).

As a result of the reduction in the estimated number of forms filed annually, the overall burden estimate has decreased from 582 to 482 hours, a net reduction of 100 hours.

The increase in initial submissions may be attributed to an increase in the number of Agreement State licensees as a result of three States signing agreements with the NRC to become Agreement States between 2008 and 2010.

In addition, the hourly rate increased from $238/hour to $259/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.

TABLE 1

Annual Reporting Burden

	Number of Responses	Burden Hours per Response	Total Burden Hours	Cost at $259/Hr
Initial Submittals	172	0.50	86	$22,274
Changes	475	0.25	119	$30,821
Clarifications	1,109	0.25	277	$71,743
Total	1,756		482	$124,838

Total Number of Respondents: 172

Total Number of Responses: 1,756

Total Reporting Burden: 482 hours ($124,838)

TABLE 2

Federal Government Costs

	Number of Forms Received	Hours per Form	Total Hours	Cost at $259/Hr
Initial Submittals	172	3.00	516	$133,644
Changes	475	1.00	475	$123,025
Clarifications	1,109	0.25	277	$71,743
Total	1,756		1,268	$328,412