

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 U.S. 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, an 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 (with the exception of work conducted in off-shore waters which is authorized for an unlimited period of time in the calendar year). Any Agreement State licensee operating under the general license is required to file with the NRC regional office an 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, fax, or letter notification by the licensee, provided that the licensee files an NRC Form 241 within 3 days of the 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. It is estimated that approximately 60 percent of the responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

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 reducing the frequency of reporting or minimizing 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 was 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 2 years collected on an annual basis, the NRC estimates that it will receive 1,720 NRC Forms 241 annually from 200 Agreement State licensees (200 initial submittals); 1,520 changes; and 0 clarifications from Agreement State licensees who engage in activities (use of radioactive byproduct material) in non-Agreement States. This estimate represents maintaining the current pace submissions.

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 480 hours. This includes 100 hours for initial submissions (200 x 30 minutes); 380 hours for changes (1,520 x 15 minutes); and 0 hours for clarifications (0 x 15 minutes). The estimated cost to licensees is \$127,200 (480 hours x \$265/hour). See Table 1 for a breakdown of the number of forms submitted, burden hours, and costs.

13. Estimate of Other Additional Costs

There are no additional costs.

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 200 initial reciprocity requests, for a cost of \$159,000 (600 hours x \$265/hr); 1 hour/response for each of the 1,520 changes, for a cost of \$402,800 (1,520 hours x \$265/hr); and 15 minutes/response for each of the 0 clarifications, for a

cost of \$0 (0 hours x \$265/hr). Therefore, the total estimated annual cost to the Federal government is based on 2,120 hours for a cost of \$561,800 (2,120 hours/year x \$265/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

Based on experience and data collected on submissions on an annual basis for the last 2 years, the NRC expects the same pace of submissions to continue and therefore, to receive approximately the same number of submissions per year for the next clearance period. Since the last clearance period, the NRC has gained access to improved data collections methods. From 2015 to 2016, an average of 1,720 forms was estimated to be filed annually. The previous estimate was 1,020 forms (based on a review of the estimated actual number of forms received from 2011 to 2013), an overall increase of 700 forms. The number of initial submissions increased from 153 to 200 (an increase of 47 forms, 23.5 hours of burden); the number of changes to the initial forms submitted increased from 805 to 1,520 (an increase of 715 forms, 179 hours of burden); and the number of clarifications decreased from 62 to 0 (a reduction of 62 forms, 15.5 hours of burden).

As a result of the reduction in the estimated number of forms filed annually, the overall burden estimate has increased from 293.25 to 480 hours (a net increase of 186.75 hours).

The increase in initial submissions and submissions changing initial submissions may be attributed to improved data collections methods at the NRC. The decrease in Clarifications can be attributed to the Clarification category being phased out since that check box is no longer physically present on NRC Form 241.

In addition, the hourly rate decreased from \$272/hour to \$265/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 \$265/Hr
Initial Submittals	200	0.50	100	\$26,500
Changes	1,520	0.25	380	\$100,700
Clarifications	0	0.25	0	\$0
Total	1,720		480	\$127,200

Total Number of Respondents: 200
 Total Number of Responses: 1,520
 Total Reporting Burden: 480 hours (\$127,200)

TABLE 2
Federal Government Costs

	Number of Forms Received	Hours per Form	Total Hours	Cost at \$265/Hr
Initial Submittals	200	3.00	600	\$159,000
Changes	1,520	1.00	1,520	\$402,800
Clarifications	0	0.25	0	\$0
Total	1,720		2,120	\$561,800