PDR

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request

U.S. Nuclear Regulatory Commission

2. OMB control number

[√] a. 3150 - 0183 [ ] b. None

3. Type of information collection *(check one)*

[ ] a. New collection
[ ] b. Revision of a currently approved collection
[√] c. Extension of a currently approved collection
[ ] d. Reinstatement, **without change**, of a previously approved collection for which approval has expired
[ ] e. Reinstatement, **with change**, of a previously approved collection for which approval has expired
[ ] f. Existing collection in use without an OMB control number

4. Type of review requested *(check one)*

[√] a. Regular [ ] c. Delegated
[ ] b. Emergency - Approval requested by (date):

5. Will this information collection have a significant economic impact on a substantial number of small entities?

[ ] a. Yes [√] b. No

6. Requested expiration date

[√] a. Three years from approval date
[ ] b. Other (Specify):

7. Title

Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement and IMPEP Questionnaire

8. Agency form number(s) *(if applicable)*

Not applicable

9. Keywords

Radiation Protection, Nuclear Materials, Intergovernmental Relations

10. Abstract

States wishing to become an Agreement State are requested to provide and maintain certain information to NRC and need to ensure that the Radiation Control Program under the Agreement remains adequate and compatible with the requirements of Section 274 of the AEA. NRC conducts periodic evaluations through IMPEP questionnaire to ensure that these programs are compatible with NRC's, meet the applicable parts of AEA, and protect public health and safety.

11. Affected public *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Individuals or households
[ ] b. Business or other for-profit
[ ] c. Not-for-profit institutions
[ ] d. Farms
[ ] e. Federal Government
[P] f. State, Local or Tribal Government

12. Obligation to respond *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Voluntary
[ ] b. Required to obtain or retain benefits
[P] c. Mandatory

13. Annual reporting and recordkeeping hour burden

a. Number of respondents: 32
b. Total annual responses: 50
1. Percentage of these responses collected electronically: 100.0 %
c. Total annual hours requested: 244,088
d. Current OMB inventory: 223,920
e. Difference: 20,168
f. Explanation of difference
1. Program change: 14,460
2. Adjustment: 5,528

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*

a. Total annualized capital/startup costs: 0
b. Total annual costs (O&M): 0
c. Total annualized cost requested: 0
d. Current OMB inventory: 0
e. Difference: 0
f. Explanation of difference
1. Program change:
2. Adjustment:

15. Purpose of information collection *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Application for benefits
[P] b. Program evaluation
[ ] c. General purpose statistics
[ ] d. Audit
[P] e. Program planning or management
[ ] f. Research
[ ] g. Regulatory or compliance

16. Frequency of recordkeeping or reporting *(check all that apply)*

[√] a. Recordkeeping [ ] b. Third-party disclosure
[√] c. Reporting
[√] 1. On occasion [ ] 2. Weekly [ ] 3. Monthly
[ ] 4. Quarterly [ ] 5. Semi-annually [√] 6. Annually
[ ] 7. Biennially [√] 8. Other (describe) **every 4 years**

17. Statistical methods

Does this information collection employ statistical methods?

[ ] Yes [√] No

18. Agency contact *(person who can best answer questions regarding the content of this submission)*

Name: **Rosetta Virgilio**

Phone: **301-415-2307**

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b) (3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention periods for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8 (b) (3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, or mandatory);
- (v) Nature of extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Authorized Agency Official	Date
Signature of Senior Official or designee Brenda Jo. Shelton, NRC Clearance Officer, Office of the Chief Information Officer	Date 3/27/2001

FINAL OMB SUPPORTING STATEMENT FOR NRC POLICY STATEMENT, "CRITERIA FOR GUIDANCE OF STATES AND NRC IN DISCONTINUANCE OF NRC REGULATORY AUTHORITY AND ASSUMPTION THEREOF BY STATES THROUGH AGREEMENT," MAINTENANCE OF EXISTING AGREEMENT STATE PROGRAMS, REQUESTS FOR INFORMATION THROUGH THE INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP) QUESTIONNAIRE, AND AGREEMENT STATE PARTICIPATION IN IMPEP (3150-0183) REVISION

Description of the Information Collection

States seeking to regulate certain Atomic Energy Act (Act) radioactive materials are requested to submit information directly to the Nuclear Regulatory Commission's (NRC) Office of State and Tribal Programs (STP) related to the management, structure and performance of their radiation control programs (RCPs) in accordance with the terms and conditions of Section 274 of the Act and the criteria identified in the NRC Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement" (46 FR 7540, January 23, 1981; as amended by policy statements published at 46 FR 36969, July 16, 1981, and 48 FR 33376, July 21, 1983) (Attachment 1). This policy statement identifies the factors considered by the NRC prior to approving new or amended Agreements. A State which has entered into such an Agreement is referred to as an Agreement State. Presently, there are 32 Agreement States which regulate 75 percent of the byproduct, source and special nuclear material licensees in the United States.

NRC is required to evaluate Agreement State programs to ensure that its RCP remains adequate and compatible with the requirements of Section 274 of the Act. NRC issued two final policy statements: "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs" on September 3, 1997 (62 FR 46517). The former policy statement establishes Agreement State program principles and describes the respective roles and responsibilities of the NRC and the States in the administration of the Agreement State RCP. Further, this policy statement provides guidance in delineating the NRC's and the State's respective responsibilities and expectations. The latter policy statement clarifies the meaning and use of the terms "adequate" and "compatible," as applied to an Agreement State radiation control program. Further, this policy statement provides guidance to the Agreement States, NRC staff, and the public to make clear how the NRC intends to evaluate the adequacy and compatibility of Agreement State programs. On October 16, 1997, NRC rescinded the May 28, 1992, General Statement of Policy "Guidelines for NRC Review of Agreement State Radiation Control Programs, 1992" (62 FR 53839), since it was superseded by the above final policies.

NRC has implemented a process, noticed in the Federal Register, known as the Integrated Materials Performance Evaluation Program (IMPEP) to evaluate NRC Regional licensing and inspection programs and Agreement State RCPs in an integrated manner using common performance indicators ("Evaluation of Agreement State Radiation Control Programs," 60 FR 54734, October 25, 1995, and 62 FR 53839, October 16, 1997). NRC conducts this program

using Management Directive 5.6, "Integrated Materials Performance Evaluation Program" dated November 5, 1999. These reviews are performance-based evaluations of the programs and, for Agreement States, are routinely conducted approximately, but no less frequently than, every four years. IMPEP review teams are composed of NRC staff and Agreement State staff. A questionnaire (Attachment 2) is utilized by IMPEP review teams to gather information about the RCP to assist the IMPEP team in conducting the evaluation of the adequacy of the State's program to protect public health and safety and in determining the compatibility of the program with NRC's regulatory program. The IMPEP questionnaire also includes a request for material to be available for the onsite portion of the IMPEP review. The Agreement States requested that such a list be developed to facilitate the IMPEP review.

The questionnaire requests information about the following RCP performance indicators:

a. Status of the Material Inspection Program
b. Technical Quality of Inspections
c. Technical Staffing and Training
d. Technical Quality of Licensing Actions
e. Response to Incidents and Allegations
f. Legislation and Program Elements Required for Compatibility
g. Sealed Source and Device Evaluation Program
h. Low-Level Radioactive Waste Disposal Program
i. Uranium Recovery Program

A. JUSTIFICATION

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

Section 274 of the Act permits the NRC to relinquish portions of its regulatory authority to States. The mechanism for this transfer of authority is a formal Agreement between the Governor of the State and the NRC. The Act requires the NRC to perform periodic reviews of each Agreement State to ensure that its RCP remains adequate and compatible with requirements of the Act.

The information covered by this request is required by the NRC in order to evaluate: (1) the adequacy of a State's RCP to protect public health and safety, and (2) the compatibility of a State's RCP with the NRC's program.

2. Agency Use of the Information.

As required by the Act, information received from States under this program assists the NRC in determining: (1) the adequacy of a State's RCP to protect public health and safety, and (2) the compatibility of a State's RCP with the NRC's program.

3. Reduction of Burden Through Information Technology.

Each Agreement State is provided with a questionnaire via electronic distribution. This results in a significant decrease in clerical and reproduction costs.

4. Effort to Identify Duplication and Similar Use Information.

The Information Requirements Control Automated System (IRCAS) was searched for any agency duplication. None was found. This information collection is unique to each Agreement State, and no similar information exists.

5. Effort to Reduce Small Business Burden.

None of the State agencies affected qualify as small business enterprises or entities.

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

Collection of information less frequently than in association with periodic IMPEP reviews of Agreement States, which are currently conducted no less frequently than every four years, would significantly reduce the efficiency and effectiveness of those reviews. Gathering information at the time of the review assures that the determination of the adequacy of the protection of public health and safety and the compatibility of an Agreement State program with NRC programs are based on current information.

7. Circumstances Which Justify Variation From OMB Guidelines.

There is no variation from OMB guidelines.

8. Consultation Outside the NRC.

The questionnaire was evaluated during the interim implementation of IMPEP conducted in FY 96, and final implementation of IMPEP in FY 97 and 00. Comments received during the interim and final implementation have been reflected in the updated questionnaire. Opportunity for public comment was published in the Federal Register on December 15, 2000 (65 FR 78515). There were no comments received.

9. Payment or Gift to Respondents.

Not applicable.

10. Confidentiality of the Information.

Proprietary information would be handled with confidentiality. All other information would be made part of the public record.

11. Justification for Sensitive Questions.

The NRC does not require the State to submit any sensitive information.

12. Estimated Burden and Burden Hour Cost.

Questionnaire

Approximately eight of the existing 32 Agreement States are requested to respond to an IMPEP questionnaire annually. They expend an average of 53 hours per Agreement State program, or a total of 424 hours annually. This burden does not include the burden to Agreement State licensees, which is included in OMB clearances for each 10 CFR Part.

Policy Statement and Maintenance of Program

It is estimated that a State seeking an Agreement expends 12,900 hours over a three-year period or 4,300 hours annually (12,900 hours divided by 3 years) preparing a proposal for a new Agreement.

Agreement State staff team members participate annually in 8 IMPEP Agreement State reviews and one NRC Regional review for a total of 1,620 staff hours per year effort. It is estimated that 20 percent or a total of 324 hours annually (.2 x 1,620 staff hours) of this burden is spent on the information collection activities. Thus, the average burden per review is 36 hours (324 hours per year divided by 9 reviews).

It is estimated that each of the 32 Agreement States expend approximately 18,675 staff hours annually (32 States x 18,675 staff hours = 597,600 total hours) to maintain all activities associated with their programs. Of the 597,600 hours, it is further estimated that approximately 40 percent of that time or a total of 239,040 hours (.4 x 597,600 hours) is expended on information collection activities. The information collection activities include such things as documentation of issuance of licenses, preparation of inspection reports and correspondence, preparation of regulations, documentation of training of Agreement State staff, preparation and documentation of procedures to implement the Agreement State program and general responses to the public. Thus, the average burden for the maintenance of existing Agreement States is 7,470 hours (239,040 total burden hours divided by 32 States).

The summary table on the next page indicates the estimated annual burden for the information collection activities as discussed above required by the IMPEP questionnaire, policy statement for new Agreement States, participation in the IMPEP program, and maintenance of the existing Agreement States.

DESCRIPTION	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES	BURDEN PER RESPONSE	TOTAL ANNUAL BURDEN
Questionnaire	32	8	53 hours	424 hours
New Agreement States	1 every 3 years	1	12,900 hours/3 years	4,300 hours
IMPEP Participation	32	9	36 hours	324 hours
Maintaining Existing Agreement States	32	32	7,470 hours	239,040 hours
		50		244,088 hours

13. Estimate of Other Additional Costs.

None.

14. Estimated Annualized Cost to the Federal Government.

NRC expends about 9,000 professional staff hours annually evaluating review information of established Agreement States in support of the IMPEP review program. Of this 9,000 hours, it is further estimated that approximately 30 percent of that time or a total of 2,700 hours (.3 x 9,000 staff hours) is expended on information collection activities. Staff experience indicates approximately 270 hours of clerical time is expended annually. Based upon current estimates, using rates of $143/hour and $60/hour respectively, the annual cost to the Federal Government is approximately $402,300.

NRC expends about 8,100 professional staff hours annually evaluating information submitted by established Agreement States in maintenance of their program. Of this 8,100 hours, it is further estimated that approximately 25 percent of that time or a total of 2,025 hours (.25 x 8,100 hours) is expended on information collection activities. Staff experience also indicates approximately 202.5 hours of clerical time is also expended annually. Based upon current estimates, using rates of $143/hour and $60/hour respectively, the annual cost to the Federal Government is approximately $301,725.

NRC expends about 2,700 professional staff hours annually evaluating proposal information from a new applicant under consideration to become an Agreement State. This assumption is based on the receipt of a new proposal approximately every three years. Of this 2,700 hours, it is further estimated that approximately 20 percent of that time or a total of 540 hours (.2 x 2,700 hours) is expended on information collection activities. Staff experience indicates approximately 54 hours of clerical time is also expended annually. Based upon the above noted rates, the annual cost to Federal Government is approximately $80,460.

Therefore, the total annual cost to the Federal Government to review new and existing Agreement States is approximately $784,485.

15. Reasons for Change in Burden.

There has been an overall burden increase of 20,168 hours from 223,920 hours to 244,088 hours annually. The number of Agreement States has increased from 30 to 32 for an additional 700 hours. The burden for Agreement States to prepare IMPEP Questionnaire were re-estimated based on a survey of 7 Agreement States that increased from 360 hours to 424 hours for an additional 64 hours. The annual burden for IMPEP participation by Agreement States was re-estimated because of a decrease from 10 to 9 reviews, resulting in a decrease in burden from 360 to 324 hours (- 36 hours). The burden for reporting and recordkeeping for maintaining all activities associated with existing Agreement States has increased from 219,600 hours to 239,040 hours for an additional 19,440 hours. A correction in the number of responses increased from 8 to 50 for an increase of 42 responses, because the number of recordkeepers is captured as responses for the first time.

16. Publication for Statistical Use.

There is no application of statistics in the information collection. There is no publication of this information.

17. Reason for Not Displaying the Expiration Date.

It is impractical to put the expiration date in the Policy Statement for "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Though Agreement." Doing so would require republishing the policy statement every time a renewal of the information collection requirements was approved by OMB.

18. Exceptions to the Certification Statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.

D - R - A - F - T REVISIONS
October 27, 2000

Approved by OMB[1]
No. 3150-0183
Expires 5/31/2001

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Name of State/Regional Program
Reporting Period: Month XX, [YEAR], to Month XX, [YEAR]

A. COMMON PERFORMANCE INDICATORS

I. Status of Materials Inspection Program

1. Please prepare a table identifying the licenses with inspections that are overdue by more than 25% of the scheduled frequency set out in NRC Inspection Manual Chapter 2800. The list should include initial inspections that are overdue.

Licensee Name	Insp. Frequency (Years)	Due Date	Months O/D

2. Do you currently have an action plan for completing overdue inspections? If so, please describe the plan or provide a written copy with your response to this questionnaire.

3. Please identify individual licensees or groups of licensees the State/Region is inspecting more or less frequently than called for in NRC Inspection Manual Chapter 2800 and state the reason for the change.

4. Please complete the following table for licensees granted reciprocity during the reporting period.

---

[1] Estimated burden per response to comply with this voluntary collection request: 45 hours. Forward comments regarding burden estimate to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Priority	Number of Licensees Granted Reciprocity Permits Each Year	Number of Licensees Inspected Each Year
Service Licensees performing teletherapy and irradiator source installations or changes	YR YR YR YR	YR YR YR YR
1	YR YR YR YR	YR YR YR YR
2	YR YR YR YR	YR YR YR YR
3	YR YR YR YR	YR YR YR YR
4		
All Other		

5. For NRC Regions, did you establish numerical goals for the number of inspections to be performed during this review period? If so, please describe your goals, the number of inspections actually performed, and the reasons for any differences between the goals and the actual number of inspections performed.

II. Technical Quality of Inspections

6. What, if any, changes were made to your written inspection procedures during the reporting period?

7. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

   Inspector Supervisor License Cat. Date

8. Describe internal procedures for conducting supervisory accompaniments of inspectors in the field.
9. Describe or provide an update on your instrumentation and methods of calibration. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available through the review period?

III. Technical Staffing and Training

10. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

Name	Position	Area of Effort	FTE%

11. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, if appropriate.

12. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapters 1246; for Agreement States, please describe your qualifications requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements.

13. Please identify the technical staff who left the RCP/Regional DNMS program during this period.

14. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

IV. Technical Quality of Licensing Actions

15. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Also identify any new or amended licenses that now require emergency plans.

16. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.

17. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

18. For NRC Regions, identify by licensee name, license number and type, any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed.

V. Responses to Incidents and Allegations

19. For Agreement States, please provide a list of the reportable incidents (i.e., medical misadministration, overexposures, lost and abandoned sources, incidents requiring 24 hour or less notification, etc. See Handbook on Nuclear Material Event Reporting in Agreement States for additional guidance.) that occurred during the review period. Information included in previous submittals to NRC need not be repeated (i.e., those submitted under OMB clearance number 3150-0178, Nuclear Material Events Database). The list should be in the following format:

Licensee Name	License #	Date of Incident/Report	Type of Incident

20. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated?

21. For Agreement States, for incidents involving failure of equipment or sources, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

22. Identify any changes to your procedures for handling allegations that occurred during the period of this review.

VI. General

23. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review. Describe the results of any program audits completed during the review period.

24. For NRC Regions, briefly describe any recent efforts, or future plans, on your part to: (1) improve the safety performance of licensees operating below acceptable levels for ensuring public health and protection, (2) increase the public confidence in your program, (3) increase your effectiveness, and efficiency, or (4) reduce any unnecessary regulatory burden for your stakeholders.

25. Provide a brief description of your program's strengths and weaknesses. These strengths and weaknesses should be supported by examples of successes, problems or difficulties which occurred during this review period.

B. NON-COMMON PERFORMANCE INDICATORS

I. Legislation and Program Elements Required for Compatibility

26. Please list all currently effective legislation that affects the radiation control program (RCP).

27. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

28. Please complete the enclosed table based on NRC chronology of amendments. Identify those that have not been adopted by the State as detailed in the current RATS form, explain why they were not adopted, and discuss any actions being taken to adopt them. Identify the regulations that the State has adopted through legally binding requirements other than regulations.

29. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

II. Sealed Source and Device Program

30. Prepare a table listing new and revised SS&D registrations of sealed sources and devices issued during the review period. The table heading should be:

SS&D Registry Number	Manufacturer, Distributor or Custom User	Product Type or Use	Date Issued	Type of Action

31. What guides, standards and procedures are used to evaluate registry applications?

32. Please include information on the following questions in Section A, as they apply to the Sealed Source and Device Program:

Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

III. Low-Level Waste Program

33. Please include information on the following questions in Section A, as they apply to the Low-level Waste Program:

Status of Materials Inspection Program - A.I.1-3, A.I.5
Technical Quality of Inspections - A.II.6-9
Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

IV. Uranium Mill Program

34. Please include information on the following questions in Section A, as they apply to the Uranium Mill Program:

Status of Materials Inspection Program - A.I.1-3, A.I.5
Technical Quality of Inspections - A.II.6-9
Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

TABLE FOR QUESTION 28.

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Any amendment due prior to 1993. Identify each regulation (refer to the Chronology of Amendments)				
Emergency Planning; Parts 30, 40, 70	4/7/93			
Standards for Protection Against Radiation; Part 20	1/1/94			
Safety Requirements for Radiographic Equipment; Part 34	1/10/94			
Notification of Incidents; Parts 20, 30, 31, 34, 39, 40, 70	10/15/94			
Quality Management Program and Misadministrations; Part 35	1/27/95			
Licensing and Radiation Safety Requirements for Irradiators; Part 36	7/1/96			
Definition of Land Disposal and Waste Site QA Program; Part 61	7/22/96			
Decommissioning Recordkeeping: Documentation Additions; Parts 30, 40, 70	10/25/96			
Uranium Mill Tailings: Conforming to EPA Standards; Part 40	7/1/97			
Timeliness in Decommissioning Parts 30, 40, 70	8/15/97			
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use; Parts 30, 32, 35	1/1/98			
Frequency of Medical Examinations for Use of Respiratory Protection Equipment	3/13/98			

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Low-Level Waste Shipment Manifest Information and Reporting	3/1/98			
Performance Requirements for Radiography Equipment	6/30/98			
Radiation Protection Requirements: Amended Definitions and Criteria	8/14/98			
Medical Administration of Radiation and Radioactive Materials.	10/20/98			
Clarification of Decommissioning Funding Requirements	11/24/98			
10 CFR Part 71: Compatibility with the International Atomic Energy Agency	4/1/99			
Termination or Transfer of Licensed Activities: Recordkeeping Requirements.	6/16/99			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act	1/9/2000			
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	2/27/2000			
Criteria for the Release of Individuals Administered Radioactive Material	5/29/2000			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations; Final Rule	6/27/2000			
Radiological Criteria for License Termination	8/20/2000			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea	1/2/2001			
Deliberate Misconduct by Unlicensed Persons	2/12/2001			

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations; Clarifying Amendments and Corrections	7/9/2001			
Minor Corrections, Clarifying Changes, and a Minor Policy Change	10/26/2001			
Transfer for Disposal and Manifest; Minor Technical Conforming Amendments	11/20/2001			
Radiological Criteria for License Termination of Uranium Recovery Facilities	6/11/2002			
Respiratory Protection and Controls to Restrict Internal Exposures	2/2/2003			

MATERIALS REQUESTED TO BE AVAILABLE FOR
THE ONSITE PORTION OF AN IMPEP REVIEW

ORGANIZATION CHARTS

Clean, sized 8½ X 11" including names and positions

- ☐ One showing positions from Governor down to Radiation Control Program Director (RCPD)
- ☐ One showing positions of current radiation control program with RCPD as Head
- ☐ Equivalent charts for LLRW and mills programs, if applicable

LICENSE LISTS

- ☐ Printouts of current licenses, showing total, as follows:

Name	License #	Location	License Type	Priority	Last Inspection	Due Date

Sort alphabetically
Also, sort by due date and by priority (if possible)

THE FOLLOWING LISTS

- ☐ List of open license cases, with date of original request, and dates of follow up actions
- ☐ List of licenses terminated during review period.
- ☐ Copy of current log or other document used to track licensing actions
- ☐ Copy of current log or other document used to track inspections
- ☐ List of Inspection frequency by license type
- ☐ List all incidents occurring during the review period. Show whether incident is open or closed and whether it was reported to the NRC
- ☐ List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC
- ☐ List of all wrongdoings occurring during the review period. Show whether the allegation is open or closed

THE FOLLOWING DOCUMENTS

- ☐ All State regulations
- ☐ Statutes affecting the regulatory authority of the state program
- ☐ Standard license conditions
- ☐ Technical procedures for licensing, model licenses, review guides
- ☐ SS&D review procedures
- ☐ Instrument calibration records
- ☐ Inspection procedures and guides
- ☐ Inspection report forms
- ☐ Records of results of supervisory accompaniments of inspectors
- ☐ Emergency plan and communications list
- ☐ Procedures for investigating allegations
- ☐ Procedures for investigating incidents
- ☐ Enforcement procedures, including procedures for escalated enforcement, severity levels, civil penalties (as applicable)
- ☐ Copies of job descriptions
- ☐ Copies of audits or self audits conducted

UNITED STATES NUCLEAR REGULATORY COMMISSION
RULES and REGULATIONS
TITLE 10, CHAPTER 1, CODE OF FEDERAL REGULATIONS—ENERGY

COMMISSION NOTICES
POLICY STATEMENTS

AGREEMENT STATES

46 FR 7540
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Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Statement of Policy.

SUMMARY: The Nuclear Regulatory Commission has revised its statement of policy regarding criteria for guidance of States and NRC in discontinuance of NRC regulatory authority and assumption of regulatory authority by States through agreement. This action is necessary to make editorial changes to update the policy statement, to allow States to enter into agreements for low-level waste only, and to incorporate the provisions and requirements of the Uranium Mill Tailings Radiation Control Act of 1978. Adoption of this policy will allow interested States to enter into agreements with the NRC and regulate low-level waste sites only. Additionally, those States that meet the criteria for the regulation of uranium mills and tailings may exercise regulatory authority over these sources as provided by the Uranium Mill Tailings Radiation Control Act of 1978, as amended.

The revised statement of policy reflects the following principal changes:

1. Modification of Criterion 27 to allow a State to seek an agreement for the regulation of low-level waste as a separate category.
2. Inclusion of additional criteria for States wishing to continue regulating uranium and thorium processors and mill tailings after November 8, 1981.
3. Editorial and clarifying changes to make the statement current.

DATES: This policy statement is effective January 23, 1981.

FOR FURTHER INFORMATION CONTACT: John F. Kendig, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-492-7787.

SUPPLEMENTARY INFORMATION:

1. These criteria were developed to implement a program, authorized by Pub. L. 86-373 which was enacted in the form of a new section to the Atomic Energy Act (Section 274) and approved by the President on September 23, 1959 and amended by Pub. L. 95-604 approved November 8, 1978. These criteria are intended to indicate factors which the Commission intends to consider in approving new or amended agreements. They are not intended to limit Commission discretion in viewing individual agreements or amendments. In accordance with these statutory provisions, when an agreement between a State and the NRC is effected, the Commission will discontinue its regulatory authority within that State over one or more of the following materials: byproduct material as defined in Section 11e(1) of the Act (radioisotopes), byproduct material as defined in Section 11e(2) of the Act (mill tailings or wastes), source material (uranium and thorium), special nuclear material (uranium 233, uranium 235 and plutonium) in quantities not sufficient to form a critical mass and permanent disposal of low-level waste containing one or more of the materials stated above but not including mill tailings.

2. An agreement may be effected between a State and NRC: (1) upon certification by the Governor that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement and the State desires to assume regulatory responsibility for such materials; and (2) after a finding by the Commission that the State program is in accordance with the requirements of subsection o of section 274 and in all other respects compatible with the Commission's program for the regulation of such materials, and is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. It is also necessary that the State have enabling legislation authorizing its Governor to enter into such an agreement.

3. The original criteria were published on March 24, 1961 (26 FR 2537) after discussions with various State officials and other State representatives, to provide guidance and assistance to the States and the AEC (now NRC) in developing a regulatory program which would be compatible with that of the NRC. The criteria were circulated among States, Federal agencies, labor and industry, and other interested groups for comment.

4. The criteria require that the State authority consider the total accumulated occupational radiation exposure of individuals. To facilitate such an appoach, it is the view of the NRC that an overall radiation protection program is desirable. The maximum scope of each State's radiation protection program is not, however, a necessary or appropriate subject for coverage in the criteria. Consequently, the criteria are silent on the question of whether a State should have a total regulatory program covering all sources of radiation, including those not subject to control by the NRC under the Atomic Energy Act, such as x-rays, radium, accelerators, etc.

5. These revised criteria provide for entering into an agreement for a separate category of materials, namely, low-level waste material in permanent disposal facilities. They also provide new criteria for States wishing to continue regulating uranium and thorium processing and the wastes resulting therefrom under the provisions of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604) after November 8, 1981. The revised criteria also contain a number of editorial changes such as changing AEC to NRC where appropriate to conform to present practice and law.

6. Inquiries about details of the criteria or other aspects of the NRC Federal-State Relations Program should be addressed to the Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Criteria [1]

Objectives

1. *Protection.* A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Radiation Protection Standards [2]

[1] The criteria were first adopted in February 1961 (26 FR 2537, March 24, 1961, and amended in November 1965 (30 FR 13644, December 4, 1965). Minor editorial changes were made in June 1968 to reflect the authority of the U.S. Department of Transportation and Organization change in NCRP.

[2] Suggested State regulations and State legislation will give content to all criteria enunciated.

2. *Standards.* The State regulatory rogram shall adopt a set of standards or protection against radiation, which hall apply to byproduct, source and pecial nuclear materials in quantities ot sufficient to form a critical mass.

3. *Uniformity in Radiation Standards.* t is important to strive for uniformity in echnical definitions and terminology, articularly as related to such things as nits of measurement and radiation ose. There shall be uniformity on aximum permissible doses and levels f radiation and concentrations of adioactivity, as fixed by Part 20 of the RC regulations based on officially pproved radiation protection guides.

4. *Total Occupational Radiation xposure.* The regulatory authority shall onsider the total occupational radiation xposure of individuals, including that om sources which are not regulated by

5. *Surveys, Monitoring.* Appropriate rveys and personnel monitoring under e close supervision of technically ompetent people are essential in chieving radiological protection and all be made in determining mpliance with safety regulations.

6. *Labels, Signs, Symbols.* It is esirable to achieve uniformity in bels, signs and symbols, and the sting thereof. However, it is essential at there be uniformity in labels, signs, d symbols affixed to radioactive oducts which are transferred from rson to person.

7. *Instruction.* Persons working in or equenting restricted areas [3] shall be structed with respect to the health sks associated with exposure to dioactive materials and in precautions minimize exposure. Workers shall ve the right to request regulatory thority inspections as per 10 CFR 19, ction 19.16 and to be represented ring inspections as specified in ction 19.14 of 10 CFR 19.

8. *Storage.* Licensed radioactive aterial in storage shall be secured ainst unauthorized removal.

9. Radioactive Waste Disposal.

(a) Waste disposal by material users. he standards for the disposal of dioactive materials into the air, water d sewer, and burial in the soil shall be accordance with 10 CFR Part 20. olders of radioactive material desiring release or dispose of quantities or ncentrations of radioactive materials excess of prescribed limits shall be quired to obtain special permission om the appropriate regulatory thority.

Requirements for transfer of waste for e purpose of ultimate disposal at a nd disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97-425).

10. *Regulations Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases or circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

Prior Evaluation of Uses of Radioactive Materials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. this guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum, experience in the use of radioisotopes or radiation.

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine, and to assist in obtaining,

[3] "Restricted area" means any area access to hich is controlled by the licensee for the purpose radiation protection of individuals from exposure radiation and radioactive materials. "Restricted ea" shall not include any area used as residential arters, although a separate room or rooms in a idential building may be set apart as a restricted ea.

compliance with regulatory requirements.

Freqency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials, the obtaining of injunctive relief, and the imposing of civil or criminal penalties.

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures. In order to evaluate some complex cases, the State regulatory staff may need to be supplemented by consultants or other State agencies with expertise in geology, hydrology, water quality, radiobiology and engineering disciplines.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training-radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These persons should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

Special Nuclear Material, Source Material and Tritium

21. *Conditions Applicable to Special Nuclear Material, Source Material and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium, and (2) periodic inventory data.

22. *Special Nuclear Material Defined.* Special nuclear material, in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium 233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination should not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200}$$

(This definition is subject to change by future Commission rule or regulation.)

Administration

23. State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

a. Formulation of rules of general applicability;

b. Approving or denying applications for licenses or authorization to possess and use radioactive materials, and

c. Taking disciplinary actions against licensees.

Arrangements For Discontinuing NRC Jurisdiction

24. *State Agency Designation.* The State should indicate which agency or agencies will have authority for carrying on the program and should provide the NRC with a summary of that legal authority. There should be assurances against duplicate regulation and licensing by State and local authorities, and it may be desirable that there be a single or central regulatory authority.

25. *Existing NRC Licenses and Pending Applications.* In effecting the

discontinuance of jurisdiction, appropriate arrangements will be made by NRC and the State to ensure that there will be no interference with or interruption of licensed activities or the processing of license applications, by reason of the transfer. For example, one approach might be that the State, in assuming jurisdiction, could recognize and continue in effect, for an appropriate period of time under State law, existing NRC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier reexamination or termination of the license.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

27. *Coverage, Amendments, Reciprocity.* An agreement providing for discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State may relate to any one or more of the following categories of materials within the State, as contemplated by Public Law 86-373 and Public Law 95-604:

a. Byproduct materials as defined in section 11e(1) of the Act,

b. Byproduct materials as defined in section 11e(2) of the Act,

c. Source materials,

d. Special nuclear materials in quantities not sufficient to form a critical mass,

e. Low-level wastes in permanent disposal facilities, as defined by statute or Commission rules or regulations containing one or more of the materials stated in a, c, and d above but not including byproduct material as defined in Section 11e(2) of the Act;

but must relate to the whole of such category or categories and not to a part of any category.[4] If less than the five categories are included in any discontinuance of jurisdiction, discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State of the others may be accomplished subsequently by an amendment or by a later agreement.

The agreement may incorporate by reference provisions of other documents, including these criteria, and the agreement shall be deemed to incorporate without specific reference the provisions of Pub. L. 86-373 and Pub. L. 95-604 and the related provisions of the Atomic Energy Act.

[4] A State which does not wish to continue regulation of uranium and thorium processors and byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act as amended, after November 8, 1981 pursuant to Pub. L. 95-604 may obtain authority over all source material licenses within the State except for uranium or thorium processors.

Arrangements should be made for the reciprocal recognition of State licenses and Federal licenses in connection with out-of-the-jurisdiction operations by a State or Federal licensee.

28. *NRC and Department of Energy Contractors.* The State should provide exemptions for NRC and DOE contractors which are substantially equivalent to the following exemptions:

a. Prime contractors performing work for the DOE at U.S. Government-owned or controlled sites;

b. Prime contractors performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;

c. Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. Government-owned vehicle or vessel; and

d. Any other prime contractor or subcontractor of DOE or NRC when the State and the NRC jointly determine (i) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety and (ii) that the exemption of such contractor or subcontractor is authorized by law.

Additional Criteria for States Regulating Uranium or Thorium Processors and Wastes Resulting Therefrom After November 8, 1981

Statutes

29. State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements or Public Law 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA) as follows:

a. Authority to regulate the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

b. That an adequate surety (under terms established by regulation) will be provided by the licensee to assure the completion of all requirements established by the (cite appropriate State agency) for the decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with the generation or disposal of such byproduct material.

c. If in the States' licensing and regulation of byproduct material or of any activity which produces byproduct material, the State collects funds from the licensee or its surety for long-term surveillance and maintenance of such material, the total amount of the funds collected by the State shall be transferred to the U.S. if custody of the byproduct material and its disposal site is transferred to the Federal Government upon termination of the State license. (See 10 CFR 150.32.) If no default has occurred and the reclamation or other bonded activity has been performed, funds for the purpose are not to be transferred to the Federal Government. The funds collected by the State shall be sufficient to ensure compliance with the regulations the Commission establishes pursuant to Section 161X of the Atomic Energy Act.

d. In the issuances of licenses, an opportunity for written comments, public hearing (with transcript) and cross examination is required.

e. In the issuances of licenses, a written determination of the action to be taken based upon evidence presented during the public comment period and which is subject to judicial review is required.

f. A ban on major construction prior to completin of the written environmental analysis stipulated in Criterion 31.

g. An opportunity shall be provided for public participation through written comments, public hearings, and judicial review of rules.

30. In the enactment of any supporting legislation, the State should take into account the reservations of authority to the U.S. in UMTRCA as stated in 10 CFR 150.15a and summarized by the following:

a. The establishment of minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of the byproduct material.

b. The determination that prior to the termination of a license, the licensee has complied with decontamination, decommissioning and reclamation standards, and ownership requirements for sites at which byproduct material is present.

c. The requirement that prior to termination of any license for byproduct material, as defined in Section 11e.(2), of the Atomic Energy Act or for any activity that results in the production of such material, title to such byproduct material and the disposal site be transferred to the Federal Government or State at the option of the State, provided such option is exercised prior to termination of the license.

d. The authority to require such monitoring, maintenance, and emergency measures after the license is terminated as necessary to protect the public health and safety for those materials and property for which the State has assumed custody pursuant to Pub. L. 95-604.

e. The authority to permit use of the surface or subsurface estate, or both of the land transferred to the United States or State pursuant under provision of the Uranium Mill Radiation Tailings Control Act.

f. The authority to exempt land ownership transfer requirements of Section 83(b)(1)(A).

31. It is preferable that State statutes contain the provisions of Section 6 of the Model Act. But the following may be accomplished by adoption of either procedures by regulation or technical

criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:[a]

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licensed activities (see Item 36b.(1).

Regulations

32. State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o (see 10 CFR 40 and 10 CFR 150.31(b)).

Organizational Relationships Within the States

33. Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between the agencies and/or regions and the Program Director should be clearly drawn.

b. Those States that will utilize personnel from other State Departments or federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment. Utilization of an applicant's environmental report in lieu of a lead agency assessment of the proposed project is not adequate or appropriate. However, the lead agency may prepare an environmental assessment based upon an applicant's environmental report. Other credible information may be utilized by the State as long as such information is verified and documented by the State.

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

In order to bring an environmental assessment to a satisfactory conclusion, it is highly recommended that an initial scoping document be developed which clearly delineates the area and scope of work to be performed by each agency within a given time constraint.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services. In those instances where non-governmenatal consultants are utilized, procedures should be established to avoid conflict of interest consistent with State law and administrative procedures.

Medical consultants recognized for their expertise in emergency medical matters, such as the Oak Ridge and Hanford National Laboratories, relating to the intake or uranium and its diagnosis thereof associated with uranium mining and milling should be identified and available to the State for advice and direct assistance.

During the budget preparation, the State should allow for funding costs incurred by the use of consultants. In addition, consultants should be available for any emergencies which may occur and for which their expertise would be needed immediately.

Personnel

34. Personnel needed in the processing of the license application can be identified or grouped according to the following skills: Technical; Administrative; and Support.

a. Administrative personnel are those persons who will provide internal guides, policy memoranda, reviews and management services necessary to assure completion of the licensing action. Support personnel are those persons who provide secretarial, clerical support, legal, and laboratory services. Technical personnel are those individuals who have the training and experience in radiation protection necessary to evaluate the enginering and radiological safety aspects of a uranium concentrator. Current indications are that 2 to 2.75 total professional person years' effort is needed to process a new conventional mill license, in situ license, or major renewal, to meet the requirements of UMTRCA. This number includes the effort for the environmental assessment and the in-plant safety review. It also includes the use of consultants. Heap leach applications may take less time and is expected to take 1.0 to 1.5 professional staff years' effort, depending on the circumstances encountered. Current indications are that the person years effort for support and legal services should be one secretary for approximately 2 conventional mills and ½ staff years for legal services for each noncontested mill case. The impact on environmental monitoring laboratory support services is difficult to estimate but should be added into the personnel requirements.

In addition, consideration should be given to various miscellaneous post-licensing ongoing activities including the issuance of minor amendments, inspections, and environmental surveillance. It is estimated that these activities may require about 0.5 to 1 person years effort per licensed facility per year, the latter being the case for a major facility. These figures do not include manpower for Title I activitives of UMTRCA.

b. In evaluating license applications the State shall have access to necessary specialities, e.g., radiological safety, hydrology, geology and dam construction and operation.

In addition to the personnel qualifications listed in the "Guide for Evaluation of State Radiation Control Programs," Revision 3, Feoruary 1, 1980, the regulatory staff involved in the regulatory process (Radiation) should have additional training in Uranium Mill Health Physics and Environmental Assessments.

c. Personnel in agencies other than the lead agency are included in these total person year numbers. If other agencies are counted in these numbers then it shall be demonstrated that these personnel will be available on a routine and continuing basis to a degree claimed as necessary to successfully comply with the requirements of UMTRCA and these criteria. The arrangements for making such resources available shall be documented, such as an interagency memorandum of understanding and confirmed by budgetary cost centers.

Functions To Be Covered

35. The States should develop procedures for licensing, inspection, and preparation of environmental assessments.

a. *Licensing*

(1) Licensing evaluations or

[a] It is strongly recommended that a 30-day period be provided for public review.

essments should include in-plant
liological safety aspects in
upational or restricted areas and
ironmental impacts to populations in
estricted areas from the plant.
2) It is expected that the State will
iew, evaluate and provide
umentation of these evaluations.
ms which should be evaluated are:
a) Proposed activities;
b) Scope of proposed action;
c) Specific activities to be conducted;
d) Administrative procedures;
e) Facility organization and
liological safety responsibilities,
thorities, and personnel
alifications;
(f) Licensee audits and inspections;
(g) Radiation safety training programs
workers;
(h) Radiation safety program, control
d monitoring;
(i) Restricted area markings and
cess control;
(j) At existing mills, review of
onitoring data, exposure records,
ensee audit and inspection records,
d other records applicable to existing
ills;
(k) Environmental monitoring;
(l) Emergency procedures,
diological;
(m) Product transportation; and
(n) Site and physical decommissioning
ocedures, other than tailings.
(o) Employee exposure data and
oassay programs.
b. *Environmental Assessment*
(1) The environmental evaluation
ould consist of a detailed and
ocumented evaluation of the following
ems:
(a) Topography;
(b) Geology;
(c) Hydrology and water quality;
(d) Meteorology;
(e) Background radiation;
(f) Tailings retention system;
(g) Interim stabilization, reclamation,
nd Site Decommissioning Program;
(h) Radiological Dose Assessment;
(1) Source terms
(2) Exposure pathway
(3) Dose commitment to individuals
(4) Dose commitment to populations
(5) Evaluation of radiological impacts
o the public to include a determination
f compliance with State and Federal
egulations and comparisons with
ackground values
(6) Occupational dose
(7) Radiological impact to biota other
han man
(8) Radiological monitoring programs,
re-occupational and operational
(i) Impacts to surface and
roundwater, both quality and quantity;
(j) Environmental effects of accidents;
and
(k) Evaluation of tailings management
alternatives in terms of regulations.
(2) The States are encouraged to
examine the need to expand the scope
of the assessment into other areas such
as:
(a) Ecology;
(b) Environmental effects of site
preparation and facility construction on
environment and biota;
(c) Environmental effects of use and
discharge of chemicals and fuels; and
(d) Economic and social effects.
c. *Inspections*
(1) As a minimum, items which should
be inspected or included during the
inspection of a uranium mill should
adhere to the items evaluated in the in-
plant safety review. The principal items
recommended for inspection are:
(a) Administration;
(b) Mill circuit, including any
additions, deletions, or circuit changes;
(c) Accidents/Incidents;
(d) Part 19 or equivalent requirements
of the State;
(e) Action taken on previous findings;
(f) A mill tour to determine
compliance with regulations, and license
conditions;
(g) Tailings waste management in
accordance with regulations and license
conditions (see NRC Reg. Guide 3.11.1);
(h) Records;
(i) Respiratory protection in
accordance with license conditions or 10
CFR Part 20.
(j) Effluent and environmental
monitoring;
(k) Training programs;
(l) Transportation and shipping;
(m) Internal review and audit by
management;
(n) Exit interview; and
(o) Final written report documenting
the results of the inspection and findings
on each item.
(2) In addition, the inspector should
perform the following:
(a) Independent surveys and
sampling.
(3) Additional guidance is contained
in appropriate NRC regulatory and
inspection guides. A *complete*
inspection should be performed at least
once per year.
d. *Operational Data Review*
(1) In addition to the reporting
requirements required by the regulations
or license conditions, the licensee will
submit in writing to the regulatory
agency within 60 days after January 1
and July 1 of each year, reports
specifying the quantity of each of the
principal radionuclides released to
unrestricted areas in liquid and in
gaseous effluents during the previous six
months of operation. This data shall be
reported in a manner that will permit the
regulatory agency to confirm the
potential annual radiation doses to the
public.
(2) All data from the radiological and
non-radiological environmental
monitoring program will also be
submitted for the same time periods and
frequency. The data will be reported in
a manner that will allow the regulatory
agency to conform the dose to receptors.

Instrumentation

36. The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

a. The State will submit its list of instrumentation to the NRC for review. Arrangements should be made for calibrating such equipment.

b. Laboratory-type instrumentation should be available in a State agency or through a commercial service which has the capability for quantitative and qualitative analysis of radionuclides associated with natural uranium and its decay chain, primarily; U-238, Ra-226, Th-320, Pb-210, and Rn-222, in a variety of sample media such as will be encountered from an environmental sampling program.

Analysis and data reduction from laboratory analytical facilities should be available to the licensing and inspection authorities in a timely manner. Normally, the data should be available within 30 days of submittal. State acceptability of quality assurance (QA) programs should also be established for the analytical laboratories.

c. Arrangements should also be completed so that a large number of samples in a variety of sample media resulting from a major accident can be analyzed in a time frame that will allow timely decisions to be made regarding public health and safety.

d. Arrangements should be made to participate in the Environmental Protection Agency quality assurance program for laboratory performance.

[7590-01-P]

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

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

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: Policy Statement for the "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement," Maintenance of Existing Agreement State Programs, Request for Information through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.

3. The form number if applicable: None

4. How often the collection is required: There are four activities that occur under this collection: IMPEP reviews conducted no less frequently than every four years; for States interested in becoming Agreement States; participation by Agreement States in the IMPEP reviews; and annual requirements for Agreement States to maintain their programs.

5. Who will be required or asked to report: 32 Agreement States who have signed Section 274b Agreements with NRC.

6. An estimate of the number of responses: 50

7. The estimated number of annual respondents: 32

8. An estimate of the total number of hours needed annually to complete the requirement or request: For States interested in becoming an Agreement State: Approximately 4,300 hours. For Agreement State participation in 9 IMPEP reviews (8 State and 1 NRC Region): 324 hours (an average of 36 hours per review). For maintenance of existing Agreement State programs: 239,040 hours (an average of 7,470 hours per State). For Agreement State response to 8 IMPEP questionnaires: 424 hours (an average of 53 hours per program). The total number of hours annually is 244,088 hours (5,048 reporting and 239,040 recordkeeping hours).

9. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable.

10. Abstract: States wishing to become an Agreement State are requested to provide certain information to the NRC as specified by the Commission's Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement." Agreement States need to ensure that the Radiation Control Program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Atomic Energy Act (Act) and must maintain certain information. NRC conducts periodic evaluations through IMPEP to ensure that these programs are compatible with the NRC's, meet the applicable parts of the Act, and are adequate to protect public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, Maryland 20852. 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 should be directed to the OMB reviewer listed below by (insert date 30 days after publication in the Federal Register). Comments received after this date will be

considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Amy Farrell
Office of Information and Regulatory Affairs (3150-0183)
NEOB-10202
Office of Management and Budget
Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 27th day of March 2001.

For the Nuclear Regulatory Commission.

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

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Amy Farrell
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For the Nuclear Regulatory Commission.

/RA/

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

Document Name: A:\FINAL FRN & SS for 3150-183 ***See previous concurrence.**

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