

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)  
  
EXTENSION

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 Nuclear Material Safety and Safeguards related to the management, structure, and performance of their radiation control programs (RCP) 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). This policy statement identifies the factors considered by NRC prior to approving new or amended Agreements. A State that has entered into such an Agreement is referred to as an Agreement State. Presently, there are 37 Agreement States, which regulate approximately 87 percent of the byproduct, source, and certain special nuclear material licensees in the United States.

The 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. The 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 for adequacy and compatibility. These performance-based reviews are conducted in accordance with Management Directive 5.6, “Integrated Materials Performance Evaluation Program (IMPEP)” and are routinely conducted approximately every 4 years. A questionnaire (Attachment 1) 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 determining the compatibility of the program with the NRC’s regulatory program. The IMPEP questionnaire also includes a request for material to be available for the on-site portion of the IMPEP review. The Agreement States requested that such a questionnaire be developed to facilitate the IMPEP review.

The questionnaire requests information about the following RCP performance indicators:

- a. Technical Staffing and Training
- b. Status of Materials Inspection Program
- c. Technical Quality of Inspections
- d. Technical Quality of Licensing Actions

- e. Technical Quality of Incident and Allegation Activities
- f. Compatibility Requirements
- 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 NRC and the Governor of the State. The Act requires the NRC to perform periodic reviews of each Agreement State to ensure that its RCP remains adequate and compatible with the requirements of the Act.

The information covered by this request is required by 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 NRC's program.

### 2. Agency Use of Information

As required by the Act, information received from the 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 NRC's program.

### 3. Reduction of Burden Through Information Technology

There are no legal obstacles to reduce the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. On October 10, 2003, the NRC issued a regulation in the *Federal Register* (68 FR 58791) consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. The NRC estimated that approximately 100 percent of the potential 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. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

### 5. Effort to Reduce Small Business Burden

These information collections do not affect small businesses.

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

The collection of information less frequently than in association with periodic IMPEP reviews of Agreement States, which are currently conducted approximately every 4 years, would significantly reduce the efficiency and effectiveness of those reviews. The NRC believes that gathering information at the time of the review assures that the determination of the adequacy to protect public health and safety and the compatibility of an Agreement State program with NRC's program is based on current information.

7. Circumstances Which Justify Variation from OMB Guidelines

There is no variation from 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 on July 13, 2016 (81 FR 45309). No comments were received in response to 81 FR 45309. Additionally, stakeholders were contacted via State and Tribal Communications (STC) letter, "Federal Register Notice – Request For Comments On The Office Of Management And Budget (OMB) Approval For The Renewal Of Clearance 3150-0183 (STC-16-060)," which notified stakeholders of the solicitation for public comment on the information collection. The stakeholders contacted consisted of the Agreement States, and Non-Agreement States who have the intent to become an Agreement State (i.e., Vermont and Wyoming). No comments were received in response to this communication. One brief comment from a private citizen was received stating, "I do not support."

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of 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

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

12. Estimated Burden and Burden Hour Cost

This information collection affects 39 respondents during the 3-year clearance period: 37 existing Agreement States plus two Agreement State applicants.

Questionnaire

The NRC has requested approximately 9 of the existing 37 Agreement States to respond to an IMPEP questionnaire annually. They expend an average of 53 hours per Agreement State program, or a total of 477 hours annually, for a cost of \$127,836 (477 hours x \$268/hr). This estimate includes the recordkeeping burden for the IMPEP questionnaire. This burden does not include the burdens to Agreement State licensees, which are included in OMB clearances for each 10 CFR Part.

#### Policy Statement and Maintenance of Program

*New Agreement State Applications.* The NRC estimated that a State seeking an Agreement expends approximately 8,250 hours over a 3-year period or 2,750 hours annually (8,250 hours divided by 3 years) preparing a proposal for a new Agreement. The NRC staff estimates receiving two new Agreement applications over the next three years at an annual cost of \$737,000 (2,750 hours x \$268/hr) each. The total annual cost for two new Agreement applications over the next three years is \$1,474,000 (\$737,000 multiplied by 2 Agreement applications). There is no additional recordkeeping burden associated with new Agreement State applications.

*Participation in IMPEP Reviews.* IMPEP review teams are composed of NRC staff and Agreement State staff. The Agreement State staff team members participate annually in 9 Agreement State IMPEP reviews, one NRC Regional review and 1 Agreement State follow-up review. Each review is estimated to take 180 hours for a total of 1,980 staff hours per year (180 hours x 11 reviews). This estimate is based on the length of time for States to conduct the entire review (prepare, conduct, and document the review). The NRC estimated that 20 percent or a total of 396 hours annually (0.2 x 1,980 hours) of this burden is spent on the information collection activities. Thus, the average burden per review is 36 hours (396 hours per year divided by 11 reviews). There is no additional recordkeeping burden associated with participation in IMPEP reviews. The annual cost for participation in the IMPEP program is estimated to be \$106,128 (396 hours x \$268/hr).

*Agreement State Program Maintenance.* The number of hours to maintain Agreement State programs (expressed in full-time equivalents or FTE) varies depending on the number of licensees in the State and the scope of their Agreement (for example, some States have authority for special programs like low-level waste or uranium recovery that would require additional FTE). Based on knowledge of each State's program, the NRC estimates that it takes the Agreement States approximately 391 FTE annually (an average of 10.57 FTE per state for 37 Agreement States) to maintain their programs, or a total of 703,800 hours annually (391 FTE x 1,800 hours per FTE). For the purpose of this analysis, the NRC estimated that 40 percent of this burden is spent on information collection activities associated with the Agreement State program implementation. This will constitute a total paperwork burden of 281,520 hours

per year ( $0.40 \times 703,800$ ). This estimate includes any burden associated with recordkeeping.

From this data, the NRC estimated that the average burden for each Agreement State is 7,608.65 hours per year on paperwork (281,520 hours per year divided by 37 Agreement States). The annual cost for Agreement State program maintenance is therefore estimated to be \$75,447,360 (281,520 hours x \$268/hr).

The following summary table 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 State programs. The total burden for this information collection is estimated to be 287,893 hours with a cost of \$77,155,324 (287,893 hours x \$268/hr).

Description	Number of Respondents	Responses Per Respondent	Number of Responses	Burden Hours Per Response	Total Annual Burden Hrs	Cost @\$268/hr
Questionnaire	9	1	9	53	477	\$127,836
New Agreement States	2	1	2	2,750	5,500	\$1,474,000
IMPEP Participation	11	1	11	36	396	\$106,128
Maintaining Existing Agreement States	37	1	37	7,608.65	281,520	\$75,447,360
<b>TOTAL</b>	<b>39</b>		<b>59</b>		<b>287,893</b>	<b>\$77,155,324</b>

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Based on data from the agency's time and labor reporting system, NRC staff expends approximately 8,372 staff-hours annually evaluating review information of established Agreement States in support of the IMPEP review program. Of these 8,372 hours, it is estimated that approximately 30 percent or a total of 2,512 hours ( $0.30 \times 8,372$  hours) is expended on information collection activities. Based upon current estimates, using the rate of \$268 per hour, the annual cost to the Federal Government is approximately \$673,216 (2,512 hours x \$268/hr).

The NRC expends approximately 7,389 staff-hours annually evaluating information submitted by established Agreement States in maintenance of their program. Of these 7,389 hours, the NRC estimated that approximately 25 percent or a total of 1,847 hours ( $0.25 \times 7,389$  hours) is expended on information collection activities. Based upon current estimates, using rate of \$268 per hour,

the annual cost to the Federal Government is approximately \$494,996 (1,847 hours x \$268/hr).

The NRC expends approximately 1,575 staff-hours annually evaluating a State application to become an Agreement State. Of these 1,575 hours, it is estimated that approximately 20 percent or a total of 315 hours ( $0.20 \times 1,575$  hours) is expended on information collection activities. Based upon the above noted rates, the annual cost to Federal Government is approximately \$84,420 (315 hours x \$268/hr) per application. The total annual cost to the Federal Government for two State applications is approximately \$168,840 (\$84,420 multiplied by 2 State applications).

Therefore, the total annual cost to the Federal Government to review new and existing Agreement States is approximately \$1,337,052 (\$673,216 + \$494,996 + \$168,840).

15. Reasons for Change in Burden or Cost

There has been an overall burden increase of 2,750 hours from 285,143 hours to 287,893 hours annually. This increase is due to the fact that the NRC staff has updated the burden estimate for two States to prepare new agreement applications. In the last supporting statement for the renewal of this information collection, the NRC staff estimated a total of 4,300 hours annual burden for a State to prepare a new Agreement application (12,900 hours total burden over 3 years). Based on past experience and gained efficiency with the completion of three new Agreements (Pennsylvania, Virginia, and New Jersey) in the past years, the NRC estimates an annual burden of 2,750 hours per Agreement (8,250 hours total burden over 3 years).

Finally, the hourly rate changed from \$272 per hour to \$268 per hour.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The NRC believes that 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 Through Agreement." By supplying the expiration, the NRC would be required to republish the policy statement every time a renewal of the information collection requirements is approved by OMB. The expiration date appears on the IMPEP questionnaire.

18. Exceptions to the Certification Statement

No exceptions

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.