

OMB 3150-0183 “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

This collection of information does not contain information collections which are referenced in the Code of Federal Regulations. 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.

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 Federal and State Materials and Environmental Management Programs (FSME) 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). 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 34 Agreement States which regulate approximately 80 percent of the byproduct, source and special nuclear material licensees in the United States.

NRC evaluates 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.

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 February 26, 2004. 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 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 on-site portion of the IMPEP review. The Agreement States requested that such a list be developed to facilitate the IMPEP review.