

OMB FINAL SUPPORTING STATEMENT FOR  
OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT  
PROGRAMS REQUESTS TO AGREEMENT STATES FOR INFORMATION

NEW COLLECTION  
OMB No. 3150-XXXX

Description of the Information Collection

Section 274 of the Atomic Energy Act recognizes the need and establishment of programs for cooperation between the U.S. Nuclear Regulatory Commission (NRC) and the States to control the radiation hazards associated with the use of radioactive materials. This provision is implemented as specified in Article VI of the Exhibit Standard Agreement in NRC Management Directive 5.8, which discusses Section 274(b) agreements with States, and Articles V or VI in current State agreements. To further the objective of cooperation in the decommissioning program area, information on uranium recovery and complex sites being decommissioned in Agreement States will be requested. The information requests will take the form of annual questionnaires, e.g., electronic surveys and facsimiles.

Agreement States will be asked to provide information about uranium recovery and complex sites undergoing decommissioning regulated by the Agreement States on an annual basis. The information request will allow the NRC to compile, in a centralized location, more complete information on the status of decommissioning and decontamination in the United States in order to provide a national perspective on decommissioning.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection Information

In 1959, Section 274 of the Atomic Energy Act was enacted to provide a statutory basis under which the Federal Government could relinquish to the States portions of its regulatory authority. The amendments made it possible for the States to license and regulate byproduct, source materials, and small quantities of special nuclear material including the decommissioning of materials facilities (nuclear reactors were excluded) that possess, process or otherwise handle radioactive materials. The mechanism for the transfer of NRC's authority to a State is an agreement between the Governor of the State and the NRC. There are 34 Agreement States. Currently, there are a number of licenses that are undergoing termination under the jurisdiction of the Agreement States. As part of the NRC's comprehensive decommissioning program, information about uranium recovery and complex sites undergoing decommissioning and license termination, under the jurisdiction of the Agreement States, is being requested by the NRC.

This will be used in the NRC's continuous improvement program, and for documenting lessons learned and making them available, so that improvements in decommissioning and a national decommissioning perspective can be obtained and shared.

ADAMS Accession Numbers

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2. Agency Use of Information

The annual collection of data from the individual Agreement States will enable the NRC to enhance openness with the public as well as allow the creation of a repository of decommissioning information. The data will also be utilized in preparing responses to Congressional inquiries and requests for information from other sources. There is no source for obtaining such necessary information other than from the Agreement States.

Confidential financial information will not be made public, but will be used internally to assess the adequacy of funding mechanisms and improvements in guidance for licensing decisions in order to minimize sites having insufficient financial resources to perform and complete decommissioning. Additionally, lessons learned from the Agreement States' overall experience with the adequacy of decommissioning-related funding mechanisms will be shared with all the Agreement States.
3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. The NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, E-mail, special Web-based interface, or other means. It is estimated that more than 50 percent of the potential responses will be filed electronically.
4. Efforts to Identify Duplication and Similar Use Information

No sources of similar information are available, and 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

There is no impact or burden on small business because the recipients of the requests are State agencies.
6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

The information collection will be an annual action, which addresses specific sites regulated by the Agreement States. The consequences of not collecting current Agreement State uranium recovery and complex decommissioning site information could potentially impact the American public's confidence that the U.S. program for the decommissioning of uranium recovery and complex sites is being effectively overseen.
7. Circumstances Which Justify Variation From OMB Guidelines

Not applicable.
8. Consultation Outside the NRC

An opportunity for public comment on the Information Collection Requirements for this clearance package was published in the Federal Register on July 26, 2007 (72 FR 41091). No comments were received..

9. Payment or Gift to Respondents  
Not applicable.
10. Confidentiality of the Information  
Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).
11. Justification for Sensitive Questions  
Except for the financial information relating to decommissioning funding, the NRC is not requesting that the Agreement States submit any sensitive information on a systematic basis. Because of the inadequate funding experienced in the cases of legacy sites, the funding amounts, mechanisms, and degree of sufficiency to complete decommissioning will be requested. This information is necessary to promote a national perspective on the regulation of nuclear facilities, which will eventually be decommissioned in the U.S. irrespective of their location in Agreement States or non-Agreement States.
12. Estimated Burden and Burden Hour Cost  
Of the 34 Agreement States, it is estimated that there are currently 11 Agreement States that regulate 45 sites of interest.

The 11 Agreement States are expected to expend approximately 585 staff hours annually providing voluntary responses to NRC information requests pertaining to the status of their uranium recovery and/or complex sites undergoing decommissioning. Based on historical data of NRC staff compiling similar information for NRC regulated sites, the 11 Agreement States will expend an average of 13 hours per site. Thus, the 11 Agreement States with uranium recovery and/or complex sites will spend approximately 585 hours on these requests (45 sites of interest x 13 hours per site = 585 hours).

STATES WITH SITES OF INTEREST	NO. OF RESPONDENTS	AVERAGE RESPONSES PER RESPONDENT	TOTAL RESPONSES (# of Sites)	ANNUAL BURDEN PER RESPONDENT	TOTAL ANNUAL BURDEN	NOTES
Agreement States with Sites of Interest	11	4.1	45	13	585	

The remaining 23 States are expected to expend 4 hours each verifying whether they have any uranium recovery and/or complex sites under their purview. The 23 Agreement States with no expected sites of interest are estimated to spend approximately 92 hours verifying this (23 Agreement States with no sites of interest x 4 hours per Agreement State = 92 hours).

STATES WITH NO SITES OF INTEREST	NO. OF RESPONDENTS	AVERAGE RESPONSES PER RESPONDENT	TOTAL RESPONSES	ANNUAL BURDEN PER RESPONDENT	TOTAL ANNUAL BURDEN	NOTES
Agreement States with No Sites of Interest	23	1	23	4	92	

The total amount of time spent by all 34 Agreement States is estimated to be 677 hours (585 hours for the 11 Agreement States with uranium recovery and/or complex sites + 92 hours for the 23 Agreement States to verify that they do not have any sites of interest). The annualized professional cost is about \$174,666 (\$258 per professional staff hour x 677 staff hours). Included in this cost estimate is management review and clerical staff support. State pay rates are assumed to be equal to the Federal pay rates shown in item 14.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Based upon staff estimates, NRC will spend about 1013 professional hours annually on the exchange of site information with the Agreement States. Using the staff hourly rate of \$258, the annual cost to the NRC is approximately \$261,354. Included in this cost estimate is management review and clerical staff support.

15. Reasons for Change in Burden

This is a new information collection request, therefore, there is no previously estimated burden.

16. Publication for Statistical Use

Currently, there are no plans to publish this information for statistical use.

17. Reason for Not Displaying the Expiration Date

There are no reasons.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.