

FINAL SUPPORTING STATEMENT FOR
COMPREHENSIVE DECOMMISSIONING PROGRAM,
INCLUDING ANNUAL DATA COLLECTION

EXTENSION

(3150-0206)–

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. To date, there are 37 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.

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. 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 close to 100% of the potential responses are filed electronically.

4. Efforts to Identify Duplication and Similar Use Information

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

There are no variations.

8. Consultation Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on November 22, 2010 (75 FR 71152). 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

It is estimated that 13 respondents from the 37 Agreement States will have sites of interest and provide a total of 59 voluntary responses to NRC's information requests pertaining to the status of their uranium recovery and/or complex sites undergoing decommissioning. It is estimated that the average number of responses is 4.5 for each of the 13 respondents (13 agreement states).

The average annual burden to provide the voluntary responses to the NRC is 10 hours for each of the 59 sites of interest, which are located in the 13 Agreement States. The total annual burden for the 13 Agreement States respondents with uranium recovery and/or complex sites will spend on these requests is 590 hours (59 responses x 10 hours).

STATES WITH SITES OF INTEREST	NO. OF RESPONDENTS	AVERAGE RESPONSES PER RESPONDENT	TOTAL RESPONSES (number of sites)	ANNUAL BURDEN PER RESPONSE (hours)	TOTAL ANNUAL BURDEN (hours)
Agreement States with Sites of Interest	13	4.5	59	10	590

It is estimated that 24 respondents from the 37 Agreement States will have no sites of interest, which will result in one (1) response for each respondent. The average annual burden to verify whether they have any uranium recovery and/or complex sites under their purview is 3 hours by the 24 respondents.

The total burden for the 24 respondents with no site of interest is 72 hours (24 respondents with no sites of interest x 3 hours).

STATES WITH NO SITES OF INTEREST	NO. OF RESPONDENTS	AVERAGE RESPONSES PER RESPONDENT	TOTAL RESPONSES	ANNUAL BURDEN PER RESPONDENT (hours)	TOTAL ANNUAL BURDEN (hours)
Agreement States with No Sites of Interest	24	1	24	3	72

The total burden for the 37 respondents (13 Agreement States respondents with sites of interest + 24 Agreement States respondents with no sites of interest) is estimated to be 662 hours (590 hours for the 13 Agreement States respondents with uranium recovery and/or complex sites + 72 hours for the 24 Agreement States respondents to verify that they do not have any sites of interest). The annual cost is estimated to be \$171,458 (\$259/professional staff hour x 662 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 760 professional hours annually on the exchange of site information with the Agreement States. Using the staff hourly rate of \$259, the annual cost to the NRC is approximately \$196,840 (760 annual professional hours x \$259/hour rate). Included in this cost estimate is management review and clerical staff support.

15. Reasons for Change in Burden

The estimated burden has decreased by 15 hours from 677 hours to 662 hours. The burden has changed for two reasons. First, the NRC decreased the estimated burden per response; and second, there has been an increase in the number of sites:

- *NRC decreased the estimated burden per response.* The burden estimates for providing voluntary responses to NRC's information requests have been updated to more accurately reflect the time required to respond. The estimates were reduced due to the fact that the respondents are primarily updating existing site information instead of generating new site summaries. In addition, many respondents are also using a web-based interface to provide updated site information. The previous burden estimate for Agreement States with sites of interest was 13 hours per response, which has been reduced to 10 hours per response in the current submission. The previous burden estimate for Agreement States with no sites of interest was 4 hours per response, which has been reduced to 3 hours per response in the current submission.
- *There has been an increase in the number of sites.* Agreement States must complete one response annually for each site of interest. The number of sites of interest has increased from 45 sites to 59 sites. In addition, the number of Agreement States with no sites of interest has increased from 23 to 24 Agreement States responding.

In addition, the fee rate increased from \$258 to \$259 per hour.

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

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

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.