

FINAL SUPPORTING STATEMENT FOR
COOPERATION WITH STATES AT
COMMERCIAL NUCLEAR POWER PLANTS
AND OTHER NUCLEAR PRODUCTION AND UTILIZATION FACILITIES

(3150-0163)

EXTENSION

Description of the Information Collection

The Atomic Energy Act of 1954 (AEA) includes Section 274, "Cooperation with States," which authorizes the U.S. Nuclear Regulatory Commission (NRC) to enter into agreements with any State, or group of States, to perform health and safety inspections or other functions on a cooperative basis, as the Commission deems appropriate. Also, Section 161 of the AEA allows the NRC to "...utilize or employ the services of personnel of any government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable."

The information collection requirements for which renewal of the Office of Management and Budget (OMB) approval is being sought are contained in an existing NRC policy statement entitled, "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" ("Cooperation with States"), which was published at [57 Federal Register \(FR\) 6462](#) on February 25, 1992. The "Cooperation with States" policy statement sets a uniform means for States to observe and participate in NRC inspections at NRC-licensed facilities. Further, federally recognized Tribes may also observe and participate in NRC inspections at NRC-licensed facilities; however, this is a very infrequent occurrence.¹ Therefore, this supporting statement refers to States as the respondents to the information collection, although one federally recognized Tribe is included among the respondents to the information collection.

States that request to participate in inspections are expected to sign an instrument of cooperation (e.g., a memorandum of understanding) with the NRC and provide information as requested by the policy statement. Entering into an instrument of cooperation with the NRC is voluntary and a State is only subject to the information collection requirements if it wishes to sign an instrument of cooperation with the NRC. Currently, the NRC has 24 instruments of cooperation with 11 different States. States that would like to observe inspections and/or inspection entrance and exit meetings must submit a written request to the NRC but are not required to enter into an instrument of cooperation with the NRC.

An instrument of cooperation and the associated information requirements from a State are also required when a State wishes to assign a State Resident Engineer at an NRC-licensed facility. There are 94 operating power reactors located in 28 States; however, only one State (Illinois) has signed an instrument of cooperation with the NRC regarding Resident State Engineers. NRC Management Directive 5.2, "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" and the Directive Handbook (Agencywide Documents Access and Management System Accession No. [ML2463A140](#)) put the NRC's

¹ In 1997, after the Prairie Island Indian Community (PIIC) expressed interest in accompanying NRC inspectors during inspections at Prairie Island Nuclear Generating Plant, the Commission determined that tribal representatives could observe NRC inspections at the plant. The PIIC was authorized to observe NRC radiation protection inspections later that year.

“Cooperation with States” policy into action and outline how the NRC will interact with States on matters pertaining to nuclear power plants and other nuclear production or utilization facilities.

States that wish to observe NRC inspections and/or inspection entrance and exit meetings are subject to the following information requests—

- 1) Requests should be made in writing and should identify the specific inspection the State wishes to observe;
- 2) States must review and sign a “Protocol Agreement for State Observation of NRC Inspections” prior to conducting an observation; and
- 3) Prior to the inspection, the State will make advance arrangements with the licensee for site access training, badging, and obtaining the appropriate security clearance (if necessary). This typically involves coordinating with the licensee to provide identity information and taking a short site access training course either in-person at the site or online.

States that wish to participate in NRC inspections must propose an instrument of cooperation identifying the specific inspections with which they wish to assist the NRC, and containing specific elements, including specifying minimum education, experience, training, and qualifications requirements for State representatives. States that enter into an instrument of cooperation with the NRC regarding participation in NRC inspections may be subject to the following information requests—

- 1) Provide recommendations for NRC inspection plans on a monthly basis.
- 2) Allegations received by State Resident Engineers will be provided to the NRC.
- 3) Results of State inspections will be discussed in a timely manner with the NRC.
- 4) Situations with immediate safety or security significance will be immediately communicated to the licensee and the NRC.
- 5) Any written communications to the licensee will be made through the NRC.
- 6) The State and the NRC will meet periodically (at least annually) to exchange information on matters of common concern pertinent to the instrument of cooperation; and
- 7) Press releases regarding the State’s activities under the instrument of cooperation will be provided to the NRC before issuance.

The frequency of these information requests is dependent on whether an instrument of cooperation is being signed, and is primarily driven by the frequency of inspections and/or inspection entrance and exit meetings the State would like to either observe or participate in. Question number 12 below, “Estimated Burden and Burden Hour Costs,” estimated that among the 30 States that host NRC-licensed facilities, each State may wish to observe two inspections (and associated entrance and exit meetings) per year. Entering into an instrument of cooperation with the NRC is not considered to be a frequent event (24 of these instruments of cooperation have already been signed with 11 different States and thus are already in effect); and the NRC estimated potentially one new additional instrument of cooperation every 10

years). Because no new instruments of cooperation are anticipated during the three-year clearance period, no burden was included for this requirement.

This current information collection clearance request does not include any estimated burden for reimbursable inspections conducted under Section 274i. of the AEA. The NRC does not anticipate entering into new agreements for reimbursable inspections in the 2026-2028 time period, however, future clearance requests could again include estimates of burden for these agreements.

A. JUSTIFICATION

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

States are involved and interested in monitoring the safety status of NRC-licensed facilities. This involvement is, in part, in response to the States' public health and safety responsibilities and, in part, in response to their citizens' desire to become more knowledgeable about the safety of nuclear power plants and other nuclear production or utilization facilities. States have identified NRC inspections as one possible source of knowledge for their personnel regarding NRC-licensed facility activities, and the NRC, through the policy statement on "Cooperation with States," has been amenable to accommodating the States' needs in this regard.

The information collected is necessary to: 1) allow the States and the NRC to reach an agreement covering cooperative activities; 2) ensure clear roles for the State; 3) allow the needed coordination between States and the NRC for the conduct of inspections; 4) ensure that the State inspectors (i.e., State Resident Engineers) are qualified; 5) ensure that the information can be used by the NRC; and 6) address the results of the State activities (e.g., inspection results, inspection observations, and potential licensee violations identified as a result of the State inspection activities).

2. Agency Use of the Information

The information collected in accordance with "Cooperation with States" will be used to: 1) achieve a better understanding of the interests of States; 2) enable State observation or participation in inspections and/or entrance and exit meetings; 3) contribute to the NRC's oversight of regulated activities at nuclear power plants and nuclear production or utilization facilities; 4) develop inspection procedures; 5) identify potential violations of NRC regulatory requirements, non-conformances, and allegations; and 6) enable States to participate in the assessment and disposition of potential enforcement issues.

3. Reduction of Burden through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (e.g., CD-ROM, DVD), by facsimile or by email. It is

estimated that at least 90 percent of the potential responses made under this clearance are filed electronically.

4. Effort to Identify Duplication and Use of Similar Information

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

5. Effort to Reduce Small Business Burden

Federally recognized Indian Tribes, which may have less resources than States, may also request to observe inspections and/or inspection entrance and exit meetings. The NRC has made efforts to minimize the requirements for inspection observation by both States and Federally recognized Tribes. Site access training, badging, and obtaining the appropriate security clearance are necessary to observe an NRC inspection, however these activities are arranged by the NRC licensee and only require coordination on the part of the interested State or federally recognized Indian Tribe. Furthermore, the NRC allows States and Federally recognized Indian Tribes to determine the technical and professional competence of its representatives.

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

The frequency of these information requests are dependent on whether an instrument of cooperation is being signed, and are primarily driven by the frequency of inspections and/or inspection entrance and exit meetings the State would like to either observe or participate in. Information to initiate an instrument of cooperation is collected once upon development of the instrument of cooperation, and subsequently only if there are State personnel changes. Information is collected each time a State would like to observe and/or participate in an inspection, or an inspection entrance or exit meeting, at a commercial nuclear power plant or other nuclear production or utilization facility.

Not collecting this information or collecting it on a less-frequent basis would harm the States by limiting their ability to become knowledgeable about the safety of nuclear power plants and other nuclear production or utilization facilities operating in, or near, their State, and it would reduce the NRC's ability to be responsive to States' interests in performing health and safety inspections at NRC-licensed facilities. Because this information is required for initiation of the State's proposed instrument of cooperation, the frequency of the information collection cannot be changed. Furthermore, without the information collection, States would not be permitted to observe or participate in inspections and/or inspection entrance and exit meetings.

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 has been published in the *Federal Register* on September 25, 2025 (90 FR 46268).

The following respondents were contacted as part of the consultation process by email:

Bernard Bevill of the Arkansas Department of Health
Brian Goretzki of the Arizona Department of Health Services
Clark Eldrege of the Florida Bureau of Radiation Control
Courtney Eckstein of the Indiana State Department of Homeland Security
Michael Gries of the Nebraska Department of Health and Human Services
John Scrivani of the Virginia Department of Emergency Management

One comment was received on the docket. The comment expressed general support for the information collection and suggested that “A preformatted letter that includes the necessary details the States must submit when making a request to observe an inspection may prove to helpful and reduce redundancies.” The NRC staff determined that creating a preformatted letter for States is not necessary given the various relationships Regional Offices have with States. States are welcome to ask their NRC SLO for an example letter if desired. Additionally, NRC frequently accommodates verbal and email requests to observe inspections.

A second comment was received from the State of Indiana. The commenter expressed general support for the collection. Following is a summary of this individual's comments and NRC's Responses.

Comment 1

I would not say accurate for Indiana. Best course of action for Indiana would be to send a nuclear engineer HP and a REP staff member to shadow. While we would have to hire a nuclear engineer (100k) otherwise we would just pay for travel as it would be a part of their normal job functions.

NRC Staff Response

The intent of this program is not for states to hire additional staff solely for the purpose of participating in these observation opportunities. The NRC staff believes the volume and nature of work associated with this activity would not justify the hiring of a full-time nuclear engineer or other staff member. Rather, the NRC expects that, for interested states, participation could be best accomplished as a collateral duty for existing staff, such as a nuclear engineer, health physicist, or radiological emergency preparedness (REP) staff member, who already have relevant responsibilities.

Furthermore, participation in this information collection is entirely voluntary; states are not required to participate or to submit information if they choose not to do so. The NRC's burden estimate reflects the expectation that states would

utilize existing personnel, and that the associated burden would primarily involve travel and the time spent observing inspections—activities that align with the normal functions of state staff involved in nuclear safety and emergency preparedness.

The NRC will continue to monitor feedback and actual experience to ensure that burden estimates remain reasonable and accurately reflect the resources required for voluntary state participation.

Comment 2

The ways that enhancing the quality, utility, and clarity of the information can be achieved is by developing standardized reporting templates to ensure consistency across states, providing detailed guidance documents and examples to reduce ambiguity, and establishing a feedback system so states can suggest improvements based on real life experience. Another best practice is to present data given would be in a sit down (or web-based) conversation with the state and the NRC after the inspection. I know that is how my inspectors got the most out of shadowing Purdue 1 reactor.

NRC Staff Response

The NRC previously explored the development of standardized procedures and guidance for voluntary state participation, including efforts to create a State Liaison Officer (SLO) procedure. However, due to the significant variation in state programs and Agreement State structures, we expect difficulty gaining consensus on a single approach. As a result, any guidance or templates developed by the NRC must be written in a generic manner to accommodate the diversity of state programs and regulatory practices. This variability makes it challenging to implement a standardized reporting template that would be meaningful and practical for all states.

To support states in their voluntary participation, the NRC encourages state representatives to contact their NRC Regional State Liaison Officer (RSLO) for guidance or clarification regarding reporting or participation in inspection activities. The RLSOs are available to provide individualized assistance and to address state-specific needs.

Regarding feedback and post-inspection interactions, the NRC does hold post-inspection meetings with state participants when requested or when particular circumstances warrant further discussion. While such meetings are not conducted as a general practice for every inspection, the NRC is committed to supporting states that wish to provide feedback or have follow-up conversations. States are welcome to request a post-inspection meeting or discussion at any time through their RSLO.

Comment 3

The burden on state respondents can be minimized by combining reporting systems with existing required reporting systems to reduce duplicate data entry and be mindful of time and effort. Leveraging information already reported to

other federal or state agencies to avoid duplicate efforts for similar objectives, and scaling requirements to reflect the size and capacity of state agencies so that smaller regulators are not excessively burdened by the requirements. Along with making sure these types of surveys get to the right part of Radiation Sections in other states. Arkansas and North Carolina specifically have their material heads as SLOs instead of their response/ REP managers. Indiana is a state where all radiation/nuclear is together and we all work together, not all states or even the majority are like that.

NRC Staff Response

The NRC staff recognizes the importance of reducing duplicate data entry and leveraging information already reported to other federal or state agencies wherever possible. However, the information requested under this specific collection (a written request to observe inspections and/or inspection entrance and exit meetings, or documentation of an instrument of cooperation) is not available from any other source. States that wish to participate in these activities must provide this information directly to the NRC, as it is unique to the NRC's policy and participation process.

For states without an instrument of cooperation, participation is voluntary and initiated by submitting a written request to the NRC. There is no requirement for states to enter into an instrument of cooperation to observe NRC inspections; a written request is sufficient. If a state does not send this request, there is no alternative method for the NRC to obtain the necessary information.

The NRC does not conduct surveys under this information collection. Therefore, comments regarding survey distribution and ensuring surveys reach the appropriate section within state agencies are outside the scope of this information collection.

The NRC remains mindful of the diversity in state organizational structures and strives to ensure that communications regarding opportunities for cooperation are directed to the appropriate state contacts, including State Liaison Officers (SLOs) or other designated officials. States are encouraged to coordinate internally to determine the appropriate point of contact for NRC communications.

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 Title 10 of the *Code of Federal Regulations* (10 CFR) 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

There are 30 respondents to the information collection, including:

- 28 States with nuclear power plants or within 10 miles of a plant
- 8 States with 10 non-nuclear power plant facilities (i.e., fuel cycle facilities), and
- One Federally recognized Tribe within 10 miles of an NRC-licensed facility (i.e., Prairie Island).

The total unduplicated number of respondents for the collection is 30, due to some States having both nuclear power plants and fuel cycle facilities. The estimated burden for the information collection was provided by NRC Regional staff based on historical information from respondents that participated in or observed NRC inspections.

Participating in NRC inspections at nuclear power plants and non-nuclear power plant facilities (i.e., fuel cycle facilities) includes providing input on NRC inspection plans; providing allegation information to NRC; discussing inspection results with NRC; reporting immediate safety or security concerns to the NRC; meeting with NRC to discuss matters of concern common to the instrument of cooperation; providing press releases to the NRC (if applicable); and providing written communication to the licensee through the NRC. NRC staff estimate that one State's participation in an NRC inspection will entail a total of 143 responses over the course of inspection planning, conduct, and follow-up.

Observing NRC inspections at nuclear power plants and non-nuclear power plant facilities (i.e., fuel cycle facilities) includes: submitting written requests to observe inspection(s); reviewing and signing protocol agreement; and complying with licensee site access requirements. NRC staff estimates that they will receive a total of 60 responses for all activities related to State observation of NRC inspections (an estimate of two responses per inspection observed).

	Respondents	Responses per respondent	Responses	Burden per response	Total burden	Cost at \$317 per hour
Observing NRC Inspections	30	2	60	9	540	\$171,180
Participating in NRC Inspections	1	143	143	5	715	\$226,655
Developing a New Instrument of Cooperation	0	0	0	500	0	\$0
Total	30		203		1,255	\$397,835

No respondents are anticipated to develop a new instrument of cooperation during the clearance period. In the future, if a response is received, the NRC estimates that it would require 500 hours of burden. To develop a new instrument of cooperation, a respondent must specify minimum education, experience, training, and qualifications requirements for State representatives; and specify cooperative activities and roles for the State.

The \$317 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2024 (89 FR 51789; June 20, 2024).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

It is estimated that the NRC staff expends an average of 545 professional hours annually in support of this program, resulting in a cost of \$172,765 (545 hours x \$317 per hour).

15. Reasons for Changes in Burden or Cost

The estimated burden has decreased from 1,291 hours to 1,255 hours, a decrease of 36 hours. For this renewal, the NRC staff has based burden estimates on an unduplicated count of respondents, a correction which reduced the number of respondents from 33 to 30 and ensures that each State is counted only once in the totals.

In addition, the fee rate has increased from \$288 to \$317 per hour.

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

The Paperwork Reduction Act Statement is in the policy statement; however, it is impractical to put the expiration date in the policy statement (last published in 1992). 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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.