

OMB SUPPORTING STATEMENT FOR
OFFICE OF STATE AND TRIBAL PROGRAMS REQUESTS TO
AGREEMENT STATES FOR INFORMATION
(3150-0029)
REVISION TO CLEARANCE EXTENSION

Description of the Information Collection

Section 274(g) of the Atomic Energy Act authorizes and directs the U.S. Nuclear Regulatory Commission (NRC) to cooperate with the States in the formulation of standards for protection against hazards of radiation to assure that State and NRC programs will be coordinated and compatible. As part of the NRC cooperative post-agreement program with the States, information on licensing and inspection practices, and/or incidents, and other technical and statistical information is exchanged. Agreement State comments are also solicited in the areas of proposed implementing procedures relative to NRC Agreement State program policies. The information requests take the form of one-time surveys, e.g., telephonic and electronic surveys/polls and facsimiles (questionnaires). The information collection requests have been expanded to take into account the impact of NRC/Agreement State working groups and the re-defining of the Agreement State Program through the "Statement of Principles and Policy for the Agreement State Program," the "Policy Statement on the Adequacy and Compatibility of Agreement State Programs," and the associated implementing procedures, including the "Integrated Materials Performance Evaluation Program."

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection Information

Prior to 1954, atomic energy activities were largely confined to the Federal government. Only the Federal government issued licenses to users of radioactive material. In that year, the enactment of the Atomic Energy Act made it possible for private commercial firms to enter the field. Because of the hazards, Congress determined these activities should be regulated under a system of licensing to protect the health and safety of radiation workers and the public. The NRC, as a successor to the Atomic Energy Commission, is charged by Congress with this responsibility.

Protection of public health and safety has traditionally been a State responsibility, but the 1954 Act did not carve out any specific role for the States. In 1959, Section 274 of the Atomic Energy Act was enacted to spell out a State's role and to provide a statutory basis under which the Federal government could relinquish to the States portions of its regulatory authority. The 1959 amendments made it possible for the States to license and regulate byproduct, source materials, and small quantities of special nuclear material. The mechanism for the transfer of NRC's authority to a State is an agreement between the Governor of the State and the NRC. Thirty-three States have entered into such Agreements with NRC. These States now regulate approximately 79 percent of byproduct, source and special nuclear material licenses in the United States, as permitted by Section 274 of the Atomic Energy Act. NRC expects one more State, Minnesota, to become an Agreement States during FY 2005.

Responsibility for regulating the approximate 22,000 specifically licensed users of radioactive materials is shared between the NRC and the 33 Agreement States. Agreement States regulate a range of fewer than 100 licenses to more than 2,000 licenses. As part of the NRC cooperative post-agreement program with the States, information on licensing and inspection practices, and/or incidents, and other technical and statistical information is voluntarily exchanged.

2. Agency Use of Information

The periodic one-time collection of data from the individual Agreement States enables the NRC and States to identify issues and plan and evaluate options for future actions. The data are also 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.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection through the use of information technology. The NRC encourages the respondents to use any innovative technology which would reduce the burden. The percentage of responses collected electronically is approximately 95 percent.

4. Effort to Identify Duplication and Similar Use Information

These one-time or as-needed information collections address specific generic issues and events or procedures and guidance that are unique to the Agreement States and are not addressed by use of existing data collections. The Information Requirements Control Automated System (IRCAS) was searched and no duplication was found.

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 collections are a one-time or as-needed action, which address specific issues generic to the Agreement States. The consequences of not collecting information, such as licensing and inspection practices, incidents and other technical and statistical information, could potentially impact the American public health and safety and also hamper the identification and evaluation of issues and options for the development of program responses to national problems. Further, the opportunity for valuable Agreement State review and comment on proposed policy and program updates and revisions would not be timely or eliminated altogether.

7. Circumstances Which Justify Variation From OMB Guidelines

Because information would be collected in the most expedient manner possible in order to respond to an exigent or unique circumstance which could affect public health and safety, it is possible that such a request would require a response in less than 30 days.

8. Consultation Outside the NRC

The opportunity for public comment on the information collections requirements was published in the Federal Register on January 15, 2004 (69 FR 2364), and no comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Proprietary, official use only and safeguards information would be handled with confidentiality, as required under 10 CFR 2.790(d) and 10 CFR 73.1(b)(1). All other information would be made part of the public record.

11. Justification for Sensitive Questions

The NRC does not require the Agreement States to submit any sensitive information on a systematic basis.

12. Estimated Burden and Burden Hour Cost

Based upon recent Agreement State responses, the 33 Agreement States are expected to expend approximately 1,035 staff hours annually providing about 138 voluntary responses to approximately 20 NRC information requests. NRC receives an average of 4.18 responses per respondent (138 divided by 33 = 4.18 responses per respondent). All Agreement States do not respond to each request. The increased number of responses is due to an increase in the number of Agreement States from 32 to 33. Based on historical data, the Agreement States expend an average of 7.5 hours per response (1,035 hours divided by 138). Thus, the Agreement States spend 1,035 hours on these requests (4.18 responses per respondent X 33 respondents X 7.5 hours per response = 1,035 hours). The annualized professional cost is about \$163,530 (\$158 per professional staff hour x 1,035 staff hours). For clerical support, the estimated cost is \$6,240 [\$60 per hour x 104 hours (10 percent of professional staff time)]. Total Agreement State cost is, therefore, approximately \$169,770 (\$163,530 plus \$6,240). Because the States are not required to maintain records of their responses, State professional and clerical 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 122 professional hours annually on the exchange of information with the 33 Agreement States. Staff experience indicates another 25 hours of clerical time will also be expended annually. Using the professional and clerical staff hourly rates of \$158 and \$60, respectively, the annual cost to the NRC is approximately \$21,000.

15. Reasons for Change in Burden

Although the average number of NRC requests is expected to remain the same (20), the overall burden increased by 30 hours, from 1,005 to 1,035 hours because of an increase in the number of Agreement States from 32 to 33 and an increase in the number of responses from 134 to 138. The overall burden estimate per Agreement State response is expected to remain at 7.5 hours per response. The professional staff hourly rate increased from \$143 to \$158.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

In the case of an exigent or unique circumstance which would trigger a telephonic NRC survey of Agreement States, the expiration date for OMB approval will be verbally transmitted.

18. Exceptions to the Certification Statement

Not applicable.

B. **COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable.