

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. 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.

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.¹ 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 materials 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.

¹ Agreement States include: AK, AL, AR, AZ, CA, CO, FL, GA, IA, IL, KS, KY, LA, MA, MD, ME, MN, MS, NC, ND, NE, NH, NM, NV, NY, OH, OK, OR, PA, RI, PR, SC, TN, TX, UT, VA, VI, VT, WA, and WI

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

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 (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 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.

5. Effort to Reduce Small Business Burden

Not Applicable.

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

The information collection is 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

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on March 17, 2017 (82 FR 14237). Three potential respondents from Agreement States were contacted by e-mail as part of the public consultation process. These potential respondents were from the States of Colorado, Rhode Island, and Washington, and have provided responses for previous information requests on this topic. 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).

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.

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.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

The NRC will issue one request annually to 37 Agreement States. It is estimated that 13 respondents from the 37 Agreement States will have sites of interest, and the remaining 24 respondents will have no sites of interest. The NRC staff estimates that there are a total of 45 sites of interest, based on current information on the actual number of sites in the Agreement States as of December 2016.

The 13 respondents with sites of interest will provide one response per site of interest. As a result, the NRC anticipates receiving 45 voluntary responses from these respondents including the requested information for each site. The average number of responses is 3.5 for each of the 13 respondents with sites of interest (45 sites / 13 Agreement States = 3.5 responses per Agreement State).

The average annual burden to provide the voluntary responses to the NRC is 8 hours for each of the 45 sites of interest. The 8 hour estimate is based on NRC staff experience and is unchanged from the previous OMB clearance package for this information collection. The estimated annual burden for the 13 Agreement States respondents with uranium recovery and/or complex materials sites is 360 hours (45 responses x 8 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 | 3.5 | 45 | 8 | 360 |

The 24 Agreement State respondents with no sites of interest will each provide one response to this request. As a result, the NRC anticipates receiving 24 voluntary responses from these respondents confirming there are no sites of interest. The average annual burden for each of these 24 respondents to verify whether they have any uranium recovery and/or complex sites under their purview is 3 hours. This estimate is based on NRC staff experience and is unchanged from the previous OMB clearance package for this information collection. Burden for Agreement States with no sites of interest is lower than burden for States with sites of interest because these States only report that they have no sites of interest.

The estimated annual burden for the 24 respondents with no sites 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 estimated burden for the 37 respondents is estimated to be 432 hours (360 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 total number of responses is 69 (45 responses from Agreement States for sites of interest + 24 responses

from Agreements States with no sites of interest). The annual cost is estimated to be \$114,480 (\$265/professional staff hour x 432 staff hours). State pay rates are assumed to be equal to the Federal pay rates shown in Item 14.

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Based upon staff estimates, NRC will spend about 400 professional hours annually on the exchange of site information with the Agreement States, including the time spent compiling and processing Agreement State responses for recordkeeping purposes at the conclusion of the collection. Using the staff hourly rate of \$265, the annual cost to the NRC is approximately \$106,000 (400 annual professional hours x \$265/hour rate).

15. Reasons for Change in Burden

The estimated burden has decreased by 37 hours from 469 hours to 432 hours. The burden has changed due to a decrease in the number of sites of interest from 50 to 45. Agreement States are requested to complete one response annually for each site of interest, or provide one response annually stating that the Agreement State has no sites of interest. A decrease of 5 sites of interest would decrease the estimated burden by 40 hours, while the addition of one Agreement State with no sites of interest would require an additional 3 hours.

In addition, the fee rate decreased from \$272 to \$265 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 expiration date is shown on the letter requesting the information from Agreement States.

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.