

PDR

DESIGNATED ORIGINAL

P. Smith

Standard Form 83  
(Rev. September 1983)

# Request for OMB Review

## Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.  
Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Docket Library, Room 3201  
Washington, DC 20503

### PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request  U.S. Nuclear Regulatory Commission	2. Agency code  3 1 5 0
3. Name of person who can best answer questions regarding this request Spiros Droggitis	Telephone number ( 301 ) 504-2367
4. Title of information collection or rulemaking  Policy Statement, "Cooperation With States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities"	

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)  
42 USC 2201(o) or

6. Affected public (check all that apply)

1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms	5 <input type="checkbox"/> Federal agencies or employees
2 <input checked="" type="checkbox"/> State or local governments	4 <input type="checkbox"/> Businesses or other for-profit	6 <input type="checkbox"/> Non-profit institutions
		7 <input type="checkbox"/> Small businesses or organizations

### PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN) \_\_\_\_\_ or, None assigned

8. Type of submission (check one in each category)		Type of review requested
<b>Classification</b>	<b>Stage of development</b>	
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline

9. CFR section affected \_\_\_\_\_ CFR \_\_\_\_\_

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320?  Yes  No

11. If a major rule, is there a regulatory impact analysis attached?  Yes  No  
If "No," did OMB waive the analysis?  Yes  No

#### Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

12. (OMB use only) 9405310054 940525  
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OMB SUPPORTING STATEMENT FOR  
NRC'S PROGRAM OF COOPERATION WITH STATES  
(3150-0163)

Description of the Information Collection

The Atomic Energy Act of 1954 includes Section 274, "Cooperation With States" which authorizes the NRC to enter into agreements with any State, or group of States, to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. Also, Section 161 of the Atomic Energy Act allows 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." Based on these legislative provisions, the Commission has a number of programs and activities which involve coordination with States, requesting their input on proposed policies and rules, and exchanging information on reactor status, radioactive waste issues, transportation, emergency planning and preparedness and other topics. The information collection requirements for which 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," which was published at 57 FR 6462, February 25, 1992. The policy sets a uniform means for States to observe and participate in NRC inspections at nuclear power plants. State Programs (SP) has the responsibility within NRC for administering this policy statement and other programs involving interactions with States.

A. JUSTIFICATION

1. Need for the Collection of Information.

States are involved and interested in monitoring the safety status of nuclear power plants. 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. States have identified NRC inspections as one possible source of knowledge for their personnel regarding plant activities, and NRC, through the policy statement on Cooperation With States, has been amenable to accommodating the States' needs in this regard.

In order for States to be involved in NRC's inspection program, there is a number of information collections required:

- o The States must request, in writing, to observe an inspection, identifying the type of inspection activity and facility to be observed.

- o If a State is not the host State to a facility, the State must inform the host State of its request to NRC for observation of an inspection.

- o If a State desires to enter into an instrument of cooperation with the NRC, the State must identify the planned activities and propose a program that specifies qualification requirements. The State must transmit any findings to NRC in accordance with Federal and NRC regulations.

o Any State that holds an instrument of cooperation is encouraged to modify the agreement if necessary to conform with this policy statement.

o When a State observer's conclusions differ substantially from those of an NRC inspector, the State will notify the NRC team leader and forward those views in writing to the appropriate NRC Regional Administrator.

o SP and the Regional State Liaison Officers are the chief negotiators with States for Memoranda of Understanding which cover specific activities of cooperation such as low-level radioactive waste storage inspections, transportation and packaging or nuclear power plant inspections. This negotiation requires frequent exchange of information regarding the State's inspection programs, emergency planning criteria, etc.

## 2. Agency Use of the Information.

NRC uses this information to determine when a State has the desire to observe or accompany NRC on an inspection and if the State has special needs which would require specific training or meetings. NRC would also use this information to identify trends which may signal the need for additional NRC actions, policies or guidance. If the State is requesting an agreement to participate in an NRC inspection, NRC must determine that the State meets the following six criteria before it can begin a program of participation in NRC inspections: the State must propose a program that (1) Recognizes the Federal Government, primarily NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act; (2) is in accordance with Federal standards and regulations; (3) specifies minimum education, experience, training, and qualifications requirements for State representatives which are patterned after those of NRC inspectors; (4) contains provisions for the findings of State representatives to be transmitted to NRC for disposition; (5) would not impose an undue burden on the NRC and its licensees and applicants; and (6) abides by NRC protocol not to publicly disclose inspection findings prior to the release of the NRC inspection report.

## 3. Reduction of Burden Through Information Technology.

NRC encourages the use of information technologies to reduce the burden wherever applicable. However, requests for observation or participation in NRC inspections are not amenable to the use of information technology.

## 4. Effort to Identify Duplication.

The collection of the information required is not a duplication of other information the States must submit for other purposes because the information requested is strictly related to observation or participation in NRC inspection activities. The Information Requirements Control Automated System (IRCAS) was searched and no duplication was found.

## 5. Effort to use Similar Information.

There is no other information already available which can be used.

6. Effort to Reduce Small Business Burden.

None of the State agencies affected qualify as small business enterprises or entities.

7. Consequences of Less Frequent Collection.

The frequency of collection is dependent upon the States' needs at the time. There is no set frequency for when the States make a request.

8. Circumstances Which Justify Variation From OMB Guidelines.

There is no variation from OMB Guidelines.

9. Consultation Outside the NRC.

In preparing the policy statement on Cooperation With States, NRC requested public comments and considered a variety of comments from licensees, States and the public. In addition, State Programs is continuously interacting with various State organizations with whom it seeks advice and receives information on activities which might affect NRC or State nuclear activities.

10. Confidentiality of Information.

Proprietary and safeguards information would be handled with confidentiality. All other information would be made part of the public record.

11. Justification for Sensitive Questions.

The NRC does not require the State to submit any sensitive information.

12. Estimated Annualized Cost to the Federal Government.

It is estimated that the NRC staff expends an average of 1,000 professional hours annually in support of this program. Staff experience indicates approximately 500 hours of clerical time is expended annually. Based upon current estimates, using loaded labor rates of \$132/hour and \$45/hour, respectively, the annual cost to the Government would be approximately \$154,500 (1000 hrs. x \$132/hr. = \$132,000 + 500 hrs. x \$45/hr. = \$22,500). This cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR 170 and 171.

13. Estimate of Burden.

There is a universe of 50 potential respondents (the 50 States). It is estimated that the 50 States would expend an average of 20 hours annually providing a total of 50 responses to information requests from NRC for a total annual burden of 1,000 hours (20 hours per response x 50 responses). The total annual cost is \$132,000 (1,000 x \$132/hr).

14. Reasons for Change in Burden.

Based on 3 additional years of experience in implementing the program, NRC anticipates an average of only one response per State instead of the previously projected two responses per State annually.

15. Publication for Statistical Use.

There is no application of statistics in the information collection. There is no publication of this information.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35):

1. Type of submission, new, revision or extension: Revision
2. Title of the information collection: Policy Statement, Cooperation With States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities
3. The form number if applicable: Not applicable
4. How often the collection is required: On occasion
5. Who will be required or asked to report: States

6. An estimate of the number of responses: 50
7. An estimate of the total number of hours annually needed to complete the requirement or request: 1,000
8. The average burden per respondent: 20 hours
9. An indication of whether Section 3504(h), Pub. L. 96-511 applies:  
Not Applicable.
10. Abstract: States wishing to enter into an agreement with NRC to observe or participate in NRC inspections at nuclear power facilities are requested to provide certain information to the NRC to ensure close cooperation and consistency with the NRC inspection program as specified by the Commission's Policy of Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production and Utilization Facilities.

Copies of the submittals may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555.

Comments and questions can be directed by mail to the OMB reviewer:

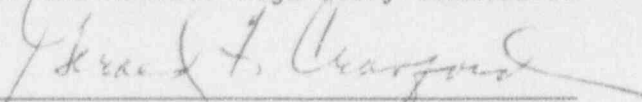
Troy Hillier  
Office of Information and Regulatory Affairs,  
NEOB-3019  
3150-0163  
Office of Management and Budget  
Washington, DC 20503

Comments can also be submitted by telephone at (202)395-3084.

The NRC Clearance Officer is Brenda Jo Shelton. (301) 415-7232.

Dated at Rockville, Maryland, this 25<sup>th</sup> day of May 1994.

For the Nuclear Regulatory Commission



Gerald F. Cranford, Designated Senior  
Official for Information Resources  
Management