

DRAFT SUPPORTING STATEMENT
FOR
10 CFR PART 60
DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES
(3150-0127)
EXTENSION REQUEST

Description of the Information Collection

Part 60 requires States and Indian Tribes to submit certain information to the NRC if they: (1) request consultation with the NRC staff regarding review of a potential repository site (§ 60.62) or (2) wish to participate in a license review for a potential repository (§ 60.63). Any person representing a State or Indian Tribe must also submit a statement of the basis of his or her authority to act in such representative capacity (§ 60.65).

A. Justification

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

The Nuclear Waste Policy Act of 1982 (NWPA) and 10 CFR Part 60 contain detailed provisions for the participation of States and Indian Tribes in the process of siting and developing a high-level radioactive waste geologic repository. The NRC must follow many formal procedures and detailed schedules in meeting its responsibilities under the NWPA and Part 60. Part 60 does not require States and Indian Tribes to submit any proposals. This is strictly voluntary on their part, and only if they desire to do so would the information in question be required of them. The Director of the Office of Nuclear Materials Safety and Safeguards must have complete information on State and Indian Tribal plans for participation in order to accommodate State and Tribal desires for participation while at the same time following mandated procedures and schedules. In addition, where State and Tribal proposals for participation involve requests for funding, the justification for such requests must be documented in order to assure productive uses of NRC funds.

Section 60.62 states that the Director shall make NRC staff available to consult with representatives of States and affected Tribes regarding site review for an area approved by the President for site characterization. Section 60.62 also states that requests for consultation shall be made in writing to the Director. Only if States and Tribes wish to obtain these services would they be required to submit any supporting information.

Making NRC staff available for consultation with representatives of States and affected Indian Tribes represents potentially a major commitment of NRC resources. The Director must have a firm basis for approving this commitment of resources. A written request for consultation is the minimum requirement which could provide a firm basis for the commitment of NRC resources.

Section 60.63 states that whenever an area has been approved by the President for site characterization, a State or affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of a site characterization plan and/or license application.

The proposal shall contain a description and schedule of how the State or affected Indian Tribe wishes to participate in the review, or what services or activities the State or affected Indian Tribe wishes NRC to carry out, and how the services or activities proposed to be carried out by NRC would contribute to such participation.

Section 60.65 states that any person who acts under this subpart (Subpart C) as a representative for a State (or for the Governor or legislature thereof) or for an affected Indian

Tribes shall include in his request or other submission, or at the request of the Commission, a statement of the basis of his authority to act in such representative capacity.

Such a statement is necessary to assure NRC of the status of representatives. NRC must provide States and Indian Tribes numerous opportunities for participation in the site review and licensing procedures. It is a common practice for States and Indian Tribes to be represented by legal counsel in dealing with Federal agencies. NRC must be assured of the authority of persons it deals with to represent States or Indian Tribes to avoid potential duplication and/or failure to transmit information to appropriate parties.

2. Agency Use of Information

The information requested will be reported to the Director of the Office of Nuclear Material Safety and Safeguards, who has programmatic responsibility for NRC's high-level radioactive waste program. It will be used by him to carry out requirements for States and Indian Tribes to participate in the siting and development of high-level radioactive waste geologic repositories. The Director has established a mechanism in the Division of High-Level Waste Management within his office to deal with State and Indian Tribe participation. Staff resources are available to assure that reported information is used in a timely and useful fashion. NRC usually sets a time limit for review and action on funding requests of 60 days.

3. Reduction of Burden Through Information Technology

There is no legal obstacle to the use of information technology. Moreover, NRC encourages its use; however, currently no responses are submitted electronically. The non-recurrence of each individual collection makes it difficult to reduce the burden through the use of technology. However, respondents are encouraged to use modern information technologies to collect, analyze, submit, and store the information required under these provisions.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found. No other sources of similar information are available.

5. Effort to Reduce Small Business Burden

No small businesses are affected by the information collection requirements, but some Indian Tribes might be considered small entities. The NRC staff's established program to provide information exchange with States and Tribes could provide such Tribes with assistance in preparation of the requested information.

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

If the collection is not conducted, the Director will not have information that will enable him to carry out requirements for States and Indian Tribes to participate in the siting and development of high-level radioactive waste geologic repositories. The information collection requirements only apply to a single submittal.

7. Circumstances Which Justify Variations from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside NRC

Opportunity for public comment on the information collection requirements will be published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

NRC provides no pledge of confidentiality for this collection of information.

11. Sensitive Questions

None.

12. Estimated Burden and Burden Hour Cost

<u>Section</u>	<u>Number of Respondents</u>	<u>Frequency of Response</u>	<u>Annual Responses</u>	<u>Hrs/Response</u>	<u>Annual Burden</u>	<u>Public Cost (\$140/Hr)</u>
60.62	2	Once only	2	40	80	\$11,200
60.63	2	Once only	2	80	160	\$22,400
60.65	2	Once only	2	1	2	\$ 280
			—	—	—	—
Total			6	121	242	\$33,880

13. Estimate of Other Additional Costs

None. For licensees subject to 10 CFR Part 60, it is most likely that purchases of equipment and services were made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

Section 60.62 involves NRC staff review of requests for consultation. This should require no more than 40 hours of staff time per response. At \$140 per hour for staff time, this would be \$5,600 per respondent. The total for two responses is \$11,200.

Section 60.63 involves NRC staff review of proposals for participation in site review and licensing procedures. This should require no more than 80 hours of staff time per response. At \$140 per hour, this would be \$11,200 per respondent. The total for two responses is \$22,400.

Section 60.65 involves NRC staff review of the statement of representation. This should require no more than one hour of staff time per response. At \$140 per hour, this would be \$140 per response. The total for two responses would be \$280.

Total cost to the government is \$33,880 (242 hours x \$140/hr). Cost are not anticipated to be recurrent and thus cannot reasonably be annualized. Rather, all costs are likely to be incurred within a year or two following selection of a repository site or submittal of a license application. These costs are fully recovered by NRC through appropriations from the Nuclear Waste Fund which was established by the Department of Energy pursuant to the Nuclear Waste Policy Act of 1982.

15. Reasons for Change in Burden or Cost

There is no change in burden.

16. Publication for Statistical Use

None.

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. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection:
10 CFR Part 60 - "Disposal of High-Level Radioactive Wastes in Geologic Repositories"
2. Current OMB approval number: 3150-0127

3. How often the collection is required: The information need only be submitted one time.

4. Who is required or asked to report: State or Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of a potential high-level waste geologic repository site, or wishing to participate in a license application review for a potential geologic repository.

5. The number of annual respondents: Two.

6. The number of hours needed annually to complete the requirement or request: An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and 1 hour per response for statements of representative authority. The total burden for all responses is estimated to be 242 hours.

7. Abstract: Part 60 requires States and Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of a potential repository site, or wish to participate in a license application review for a potential repository. Representatives of States or Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the States and Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts. On February 22, 1999, the Commission proposed to modify its generic criteria for disposal of spent nuclear fuel and high-level radioactive wastes in geologic repositories

at 10 CFR Part 60 to make clear that they will not apply, nor be the subject of litigation, in any NRC licensing proceeding for a repository at Yucca Mountain (64 FR 8639). Information collection requirements applicable to the licensing of a geologic repository at Yucca Mountain were proposed at that time, in 10 CFR Part 63, and will be issued later this year.

Submit, by (insert date 60 days after publication in the Federal Register), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

- 4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 E 6, Washington, DC 20555-0001, by telephone at (301) 415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 2nd day of February, 2000.

For the Nuclear Regulatory Commission.

/RA/

Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

*See previous concurrences.

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