

FINAL 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

NRC regulations pertaining to the disposal of high-level waste radioactive wastes in geologic repositories in 10 CFR Part 60 require States and affected Indian Tribes to submit certain information to the NRC if they: (1) request consultation with the NRC staff with respect to an area that has been approved by the President for site characterization, as provided in § 60.62, or (2) wish to participate in license reviews, as provided in § 60.63. Any person representing a State or affected Indian Tribe must also submit a statement of the basis of his or her authority to act in such representative capacity (§ 60.65).

All of the reported burden hours and cost for the information collection requirements under part 60 in the past three years pertained to the U.S. Department of Energy's proposed high-level waste site at Yucca Mountain, Nevada, and no other sites. In November 2001, the regulations changed by the issuance of 10 CFR Part 63 (66 FR 55792, November 2, 2001), which was promulgated specifically to regulate disposal of high-level radioactive wastes in a geologic repository at Yucca Mountain.

10 CFR Part 60 was also revised. As provided in §60.1, the regulations in 10 CFR Part 60 no longer apply to the licensing of a geologic repository at Yucca Mountain. All of the information collection requirements pertaining to Yucca Mountain were included in 10 CFR Part 63, and were approved by the Office of Management and Budget under control number 3150-0199 (§ 63.8). The information collection burden in 10 CFR Part 63 was estimated at 121 hours per response, on average. The approved information collection requirements contained in 10 CFR Part 63 appear in §§ 63.62, 63.63, and 63.65.

It is expected that there will be no licensing actions pertaining to any high-level radioactive waste repository sites under 10 CFR Part 60 during the next three years. Therefore, no burden or hour cost for the information collection requirement is expected under Part 60 during the next three years.

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 affected Indian Tribes in the process of siting and developing a high-level radioactive waste geologic repository. The NRC must follow mandated formal procedures and 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 60.10 requires each applicant or licensee to notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security.

Section 60.62 states that whenever an area has been approved by the President for site characterization, and upon request of a State or an affected Indian Tribe, the Director of the Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards shall make NRC staff available to consult with representatives of such States and Tribes. Section 60.62 requires 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(b) states that whenever an area has been approved by the President for site characterization, a State or an 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 must 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.

The Director of the Office of Nuclear Materials Safety and Safeguards shall arrange for a meeting between the representatives of the State or affected Indian Tribe and the NRC staff to discuss any proposal submitted under paragraph (b) of this section, with a view to identifying any modifications that may contribute to the effective participation by such State or Tribe.

Subject to the availability of funds, the Director shall approve all or any part of a proposal, as it may be modified through the meeting described above, if it is determined that the proposed activities are suitable in light of the type and magnitude of impacts which the State or affected Indian Tribe may bear. The proposed activities will enhance communications between NRC and the State or affected Indian Tribe, make a productive and timely contribution to the review; and are authorized by law.

The Director will advise the State or affected Indian Tribe whether its proposal has been accepted or denied, and if all or any part of proposal is denied, the Director shall state the reason for the denial.

Proposals submitted under this section, and responses thereto, shall be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

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 Tribe 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.

Proof of representation would need to be of the form that would indicate approval from the entity being represented. As an example of providing proof of representation, a letter to the NRC, on the official letterhead of the State and signed by an representative of the State, could be submitted through the regular mail or by fax; emails should not be submitted. The letter could indicate the name of the State person sending the letter and his/her position with the State; the name of the legal counsel or other persons being designated to represent the State in licensing procedures; the licensing procedures that he/she will be involved with and the time period for the involvement; and general information about the designated representative, including full name, address, and phone number. Having this information would provide a mechanism for NRC to follow up on any questions the NRC may have on the authenticity of any claim of representation.

## 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 ensure 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 are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. Since no licensing actions pertaining to any high-level radioactive waste repository sites under 10 CFR Part 60 are expected during the next three years, no electronic submissions for this clearance are anticipated.

4. Effort to Identify Duplication and Use Similar Information

There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

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 NRC will not have information that will enable the Director to carry out requirements for States and affected Indian Tribes to participate in the siting and development of high-level radioactive waste geologic repositories.

7. Circumstances Which Justify Variations from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside NRC

The opportunity for public comment on the information collection requirements was published in the Federal Register on March 31, 2006. No comments were received.

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

As indicated under Paragraph 14 below, no licensing actions pertaining to high-level radioactive waste repository sites under 10 CFR Part 60 are anticipated during the next three years. Therefore, no burden or cost for the information collection requirements is expected under Part 60 during the next three years. However, if requests were submitted, the total anticipated burden and costs to one respondent is an estimated 121 hours or \$23,837 (121 x \$197 per hour). Burden and costs are broken out as follows:

Section	No. of Respondents	Frequency of Response	Annual Responses	Burden Per Response	Annual Burden	Annual Cost
60.10	1	0	0	10	0	0
60.62	1	Once only	1	40	40	\$ 7,880
60.63	1	Once only	1	80	80	\$15,760
60.65	1	Once only	1	1	1	\$ 197
Total			3	121	121	\$23,837

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Currently, it is expected that there will be no licensing actions pertaining to any high-level radioactive waste repository sites under 10 CFR Part 60 during the next three years. Therefore, no burden or hour cost for the information collection requirement are expected under Part 60 during the next three years. However, if requests were submitted, the following costs are anticipated:

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 \$197 per hour for staff time, this would be \$7,880 per respondent. The total for one response is \$7,880.

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 \$197 per hour, this would be \$15,760 per respondent. The total for one response is \$15,760.

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 \$197 per hour, this would be \$197 per response. The total for one response is \$197.

Total cost to the government is \$23,837 (121 hours x \$197/hr). Costs 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 the overall burden. However, cost estimates have changed since the last clearance resulting in an increase in the fee per hour from \$156 to \$197/hour.

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.