

PDR

DESIGNATED ORIGINATOR

Standard Form 83  
(Rev. September 1983)Request for OMB Review By Reefers

## 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 the 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

James A. Shaffner

Telephone number

(301) 427-4623

4. Title of information collection or rulemaking

10 CFR Part 61 - Licensing Requirements for Land Disposal of Radioactive Waste

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

42 USC 2201(a) or

6. Affected public (check all that apply)

1 ☐ Individuals or households3 ☐ Farms5 ☐ Federal agencies or employees2 ☐ State or local governments4 ☒ Businesses or other for profit6 ☐ Non-profit institutions7 ☒ 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)

Classification

1 ☐ Major2 ☐ Nonmajor

Stage of development

1 ☐ Proposed or draft2 ☐ Final or interim final, with prior proposal3 ☐ Final or interim final, without prior proposal

Type of review requested

1 ☐ Standard2 ☐ Pending3 ☐ Emergency4 ☐ 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?

1 ☐ Yes 2 ☐ No

If "No," did OMB waive the analysis?

3 ☐ Yes 4 ☐ 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)

Previous editions obsolete  
NSN 7540-00-634-4034

83 108

Standard Form 83 Rev. 11-83  
Prescribed by  
5 CFR 1320.11-18605220532 860515  
PDR ORG EUSOMB  
PDR

**PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.**

13. Abstract—Describe needs, uses and affected public in 50 words or less

"Radioactive waste disposal, Nuclear waste management"

10 CFR Part 61 establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste.

14. Type of information collection (check only one)

Information collections not contained in rules

1 ☐ Regular submission

2 ☐ Emergency submission (certification attached)

Information collections contained in rules

3 ☒ Existing regulation (no change proposed)

6 Final or interim final without prior NPRM

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): \_\_\_\_\_

4 ☐ Notice of proposed rulemaking (NPRM)

A ☐ Regular submission

5 ☐ Final, NPRM was previously published

B ☐ Emergency submission (certification attached)

15. Type of review requested (check only one)

1 ☐ New collection

4 ☐ Reinstatement of a previously approved collection for which approval has expired

2 ☐ Revision of a currently approved collection

3 ☐ Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

5 ☒ Existing collection in use without an OMB control number

16. Agency, report form number(s) (include standard/optional form number(s))

N/A

22. Purpose of information collection (check as many as apply)

1 ☐ Application for benefits

2 ☐ Program evaluation

3 ☐ General purpose statistics

4 ☒ Regulatory or compliance

5 ☐ Program planning or management

6 ☐ Research

7 ☐ Audit

17. Annual reporting or disclosure burden

1 Number of respondents

1

2 Number of responses per respondent

350,015

3 Total annual responses (line 1 times line 2)

350,015

4 Hours per response

0.08

5 Total hours (line 3 times line 4)

10,695

18. Annual recordkeeping burden

1 Number of recordkeepers

2

2 Annual hours per recordkeeper

2,030

3 Total recordkeeping hours (line 1 times line 2)

4,160

4 Recordkeeping retention period

99 years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)

14,765

2 In current OMB inventory

0

3 Difference (line 1 less line 2)

14,765

Explanation of difference

14,765

4 Program change

5 Adjustment

23. Frequency of recordkeeping or reporting (check all that apply)

1 ☒ Recordkeeping  
Reporting

2 ☒ On occasion

3 ☐ Weekly

4 ☒ Monthly

5 ☐ Quarterly

6 ☐ Semi-annually

7 ☒ Annually

8 ☐ Biennially

9 ☐ Other (describe) \_\_\_\_\_

20. Current (most recent) OMB control number or comment number

None

24. Respondents' obligation to comply (check the strongest obligation that applies)

1 ☐ Voluntary

2 ☐ Required to obtain or retain a benefit

3 ☒ Mandatory

21. Requested expiration date

3 years from approval date

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☒ No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? ☐ Yes ☒ No

27. Regulatory authority for the information collection

10 CFR Part 61

or

FR

or, Other (specify): \_\_\_\_\_

**Paperwork Certification**

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320 Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official

Date

Signature of agency head, the senior official or an authorized representative

Date

Patricia G. Horry, Director  
Office of Administration

*Patricia G. Horry*

5-15-86

SUPPORTING STATEMENT  
FOR  
10 CFR PART 61  
LICENSING REQUIREMENTS FOR LAND DISPOSAL  
OF RADIOACTIVE WASTE

Justification

Need for and Practical Utility of the Information Collection

NRC regulations in 10 CFR Part 61 establish, for land disposal of radioactive waste, the procedures, criteria, and terms and conditions upon which the Commission issues licenses for the disposal of low-level radioactive wastes containing byproduct, source, and special nuclear material received from other persons. The regulations are issued pursuant to the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974, as amended.

In order to obtain a license under Part 61, an applicant must submit general, technical, institutional, and financial information. Such information is needed to permit the Commission to determine that the proposed activities can be conducted safely and that they will not be inimical to the common defense and security and will not constitute an unreasonable risk to the public health and safety or the environment.

The information included in the applications, reports and records is reviewed by the NRC staff to ensure the provision of an adequate level of protection of public health and safety, common defense and security, and the environment. Information concerning the requirements imposed by specific sections is provided below.

Section 61.3(b) requires that an application be filed and license be obtained before commencement of construction of a land disposal facility.

The information submitted in the application pursuant to this section and other sections described below is reviewed by various NRC organizational units to assess the adequacy of the applicant's physical plant, equipment, organization, training, experience, procedures and plans for protection of the public health and safety, common defense and security, and the environment. The NRC review and the findings derived therefrom form the basis for NRC decisions concerning the issuance, modification, or revocation of licenses for land disposal of radioactive waste.

Section 61.10 requires that an application contain information as set forth in Sections 61.11 through 61.16 and indicates that an environmental report in accordance with 10 CFR Part 51 must also accompany the application.

Section 61.11 outlines general information needed to clearly identify the applicant, to describe the applicant's qualifications, and to provide an overview of the project. This information is used to determine who is the legally appropriate licensee, that the applicant can safely conduct the proposed activities, and to understand the scope of the proposed activities.

Section 61.12 specifies the information required to be submitted concerning the disposal site, including: (a) natural and demographic site characteristics; (b) design features of the land disposal facility and the disposal units; (c) principal design criteria and their relationship to the performance objectives; (d) design basis natural events or phenomena and their relationship to the principal design criteria; (e) codes and standards applied to the design and which will apply to construction of the facilities; (f) construction and operation of the facility; (g) site closure plan; (h) natural resources at the site that could attract exploitation; (i) radioactive material to be disposed of; (j) quality control program for design, construction, operation and closure; (k) radiation safety program for control and monitoring of radioactive effluents; (l) environmental monitoring program and plan for corrective measures; and (m) administrative procedures to be applied to control activities at the land disposal facility. This information is needed to permit NRC to determine that the performance objectives of Subpart C of Part 61 and the technical requirements of Subpart D will be met.

Section 61.13 specifies additional technical analyses that must be submitted, including: (a) protection of the general public from releases of radioactive material by various pathways; (b) protection of individuals from inadvertent intrusion; (c) protection of individuals during operations; and (d) natural processes, such as erosion, settlement of wastes, and drainage, that affect the need for ongoing active maintenance after closure. This information is also required to permit a determination that the performance objectives of Subpart C will be met.

Section 61.14 specifies the information required to be provided by the site land owner or potential land owner to enable the Commission to determine that adequate institutional arrangements have been made for long-term care of the disposal site.

Section 61.15 requires the submission of financial information sufficient to demonstrate that the financial qualifications of the applicant are adequate to carry out the activities for which the license is sought and meet other financial assurance requirements as specified in Subpart E. This information is needed for NRC to determine that there will be sufficient funds to safely carry out disposal and long-term care.

Section 61.16 specifies information concerning safeguards and safety, including criticality, that may be required with regard to special nuclear material. This section primarily reflects existing requirements in other parts of the Commission's regulations concerning special nuclear material, and is needed since Part 70 licenses will no longer be issued to waste disposal licensees. The information is reviewed by the NRC licensing staff to assure safety, security, and accountability of special nuclear material.

Section 61.20 requires applicants to file three copies of the application and retain 85 copies for distribution in accordance with instructions from NRC. The additional copies are required to be provided for review by affected State and local governments, Indian tribes, other Federal agencies, and other persons or entities affected by or involved in the determination on the application.



Section 61.22(b) requires that the applicant supplement or update the application as necessary prior to issuance of a license. This requirement is needed to ensure that the Commission receives information concerning any changes in the activities proposed to be carried out or new information regarding the proposed activities.

Section 61.26 requires that an application for an amendment of a license must be filed in accordance with Section 61.20 and must fully describe the changes desired. This information is reviewed by the NRC licensing staff to ensure that the desired amendments will afford an adequate level of protection of the public health and safety, the common defense and security, and the environment.

Section 61.27 requires that an application for renewal or site closure must be filed in accordance with Sections 61.10 through 61.16, 61.20, and 61.28. Section 61.28 specifies the information required in an application for site closure following disposal operations. The information will be reviewed by the NRC staff to determine whether, in the case of a renewal, the requirements for a new license are met, and for site closure, whether there is reasonable assurance that the long-term performance objectives of Subpart C of Part 61 will be met.

Section 61.30 specifies that the licensee may apply for an amendment to transfer the license to the site owner. The application will be reviewed by the NRC staff in order to make necessary findings to ensure that the license for the site can be safely transferred from the site operator to the site owner. The site owner provides licensed institutional control and care of the site for up to 100 years.

Section 61.31 specifies that, following the period of institutional control, the licensee may apply for an amendment to terminate the license. The application will be reviewed by the NRC licensing staff in order to make necessary findings that institutional control requirements have been met, that any additional requirements resulting from new information developed during the institutional control period have been met, and that permanent monuments or markers warning against intrusion have been installed.

Section 61.53 requires the licensee to provide and maintain a basic environmental monitoring system prior to license submittal, during construction and operation, and after the site is closed. The information is needed for the Commission to evaluate site characteristics prior to licensing and then to provide an early warning if radioactive releases are occurring in quantities or in a manner not anticipated in licensing the site.

Section 61.55(a)(2)(iv) specifies that a licensee may submit a proposal for disposal, pursuant to Section 61.58, of waste greater than Class C. This requirement is needed to allow licensees the flexibility of safely disposing of waste that does not fit into existing categories. The information submitted will be reviewed by the licensing staff to determine whether the proposal as to waste form and disposal method will provide an adequate level of protection of the public health and safety and the environment.

Responsibility for greater than Class C waste was transferred to the Department of Energy under the Low Level Radioactive Waste Policy Amendments Act of 1985. Therefore, no burden is expected to be incurred under this section.

Section 61.57 requires that each package of waste accepted by the licensee must be clearly labeled by the shipper to identify whether it is Class A waste, Class B waste, or Class C waste in order to help insure proper disposal.

Section 61.61 requires each applicant to show that its financial position is such that the estimated costs of conducting all licensed activities can be met. This is needed to help ensure that the facility will be constructed, operated, and closed according to the license.

Section 61.62 requires the applicant to provide assurance that sufficient funds, including sureties, will be available to carry out orderly disposal site closure and stabilization. This information will be reviewed by the NRC staff to ensure that sufficient funds are available for completion of the closure plan, including contingencies to assure adequate closure in the event of licensee financial problems or early closure.

Section 61.63 requires the applicant to provide a copy of a binding arrangement between the applicant and the disposal site owner that ensures that sufficient funds will be available to cover the costs of monitoring and any required maintenance during the institutional control period. This is necessary to assure that sufficient funds are available for post-closure activities.

Section 61.72 allows a State or tribal governing body whose interest is affected by a near-surface disposal facility to submit a formal proposal for participation in the review of a license application. This information is necessary in order to provide a State or tribal body greater input during the licensing process.

Section 61.80 specifies requirements for maintaining records and filing reports. Subsection (a) requires licensees to maintain records and make reports that may be required by the conditions of the license or by the rules, regulations and orders of the Commission. Records and reports provide a primary basis for determination that licensees receive, possess, transfer, and dispose of material as authorized in the license and in accordance with the regulations and orders of the Commission. This requirement provides additional regulatory support for those conditions and provisions and serves to remind licensees that they must comply not only with Part 61 but with other Commission regulations and with specific license conditions. The burden associated with those other requirements is accounted for in the clearances for those regulations.

Subsection (b) requires licensees to maintain records that are required by the regulations or license conditions for the period specified in the regulation or license condition. If a retention period is not otherwise specified, those records must be maintained for the duration of the license and transferred to the officials specified in Section 61.80(e) upon termination unless the Commission otherwise authorizes their disposition.

Subsection (c) authorizes the licensee to use reproduced copies or microfilm for recordkeeping.

Subsection (d) provides that in the event there is a conflict between the regulations, license conditions, or other written approval or authorization pertaining to the retention period for a record, the longest retention period specified takes precedence.

Subsection (e) provides that specified data on disposal of wastes at the site must be transferred on license termination to a specified local, state, or Federal government official.

The records, record transfers, and record maintenance requirements in Subsections (a)-(e) are needed to provide information to the Commission and other responsible agencies for use in determining that activities are being conducted safely and in accordance with license requirements and other applicable requirements such as leases or local ordinances. The information is needed to evaluate environmental monitoring data and deal with contingencies. Data on the wastes would be essential in planning and conducting remedial actions at the sites should they be necessary.

Subsection (f) requires that the licensee keep records on the waste received for disposal, including date received, location in the disposal site, condition of the waste package as received, any discrepancies between the manifest and the waste actually received, and any evidence of leaking or damaged packages or radiation or contamination levels in excess of regulatory limits. The licensee must also describe any repackaging operations and provide any other information that may be required by license condition. This information will be used to help generate inventory data and data on the condition of the waste for estimating source terms and identifying problem shippers who need to improve their programs for preparing waste for shipment. The data will be used by the operators to evaluate waste handling procedures to be sure the procedures are adequate to protect workers handling waste in the condition in which it actually arrives, not just as it is expected to arrive.

Subsections (g) and (j) provide that the licensee must comply with specified safeguards reporting requirements contained in Parts 30, 40, and 70 of the Commission's regulations. Information submitted pursuant to these requirements is needed for the NRC to carry out its statutory responsibility to protect the common defense and security and to permit NRC to take any necessary action in response to a criticality accident or loss or theft of nuclear material.

Subsection (h) requires an annual financial report. The stability and financial soundness of disposal site operators is important to prevent abandonment of the sites or inability to carry out disposal in accordance with approved procedures because of shortage of funds. The financial information will be reviewed by the NRC staff for early warning of the possible development of such problems.

Subsection (i) requires an original and two copies of an annual report on site activities. The information to be reported includes summaries of environmental releases, environmental monitoring data, waste disposed of, maintenance activities, and new data on the site, if any. Such summary data is needed to help the Commission monitor the continuing validity of the initial findings on which the license was issued.

Subsection (k) provides that the licensee must comply with specified provisions of Parts 30, 40, and 70 for any transfer by the licensee of byproduct, source, or special nuclear material.

#### Reduction of Burden Through Information Technology

The regulations provide flexibility for the use of improved information technology in information collection and recordkeeping. The approach throughout Part 61 was to specify the necessary information but not to specify how the information must be maintained. For example, no application form is specified and Section 61.80(c) explicitly allows the use of microfilm for recordkeeping.

#### Efforts to Identify Duplication

The Federal Information Locator System was searched to determine NRC and other Federal agency duplication. No duplication was found.

#### Use of Similar Information

Section 61.21 specifically provides an opportunity for the applicant to avoid repetition in filing licensing submittals:

"61.21 Elimination of repetition.

In its application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Commission if these references are clear and specific."

#### Effort to Reduce Small Business Burden

Applicants for operation of a disposal site may be small businesses. However, since the total number of applicants is expected to be small and the information needs are the same for both large and small entities, it is not possible to reduce the burden on small businesses by less frequent or less complete reporting or recordkeeping procedures.

#### Consequences of Less Frequent Collection

Less frequent information collection would compromise NRC ability to make licensing decisions and monitor the continuing safety of disposal operations. Applications are required only when a licensing action is required. Reports are required annually on financial status and site operations. Less frequent reports would not give early warning of potential problems.

#### Circumstances Which Justify Variation from OMB Guidelines

The rule conforms to OMB guidelines in requiring only three copies of the application, but varies from the guidelines in requiring that 85 copies be retained by the applicant for distribution in accordance with instructions from NRC. The additional copies are required to be provided for review by affected State and local governments, Indian tribes, other Federal agencies, and other persons or entities affected by or involved in the determination on the application.



Consultations Outside NRC

Development of Part 61 involved extensive public input. Two commercial firms operate the three active disposal sites: Chem-Nuclear Systems, Inc. and US Ecology, Inc. Formal and informal comments by these companies were considered. States were actively involved. (States are likely to be the long-term care licensee). The host states for the operating sites are South Carolina, Washington, and Nevada. Both companies and the three states submitted formal comments on Part 61 when it was proposed.

Confidentiality of Information

None, except for proprietary information.

Sensitive Questions

None.

Estimate of Compliance Burden

Reporting Requirements

<u>Section</u>	<u>No. of Respondents</u>	<u>No. of Annual Responses per Respondent</u>	<u>Licensee Staff Hours Per Submittal</u>	<u>Total Annual Licensee Burden (Hrs)</u>
61.3(b))	1	0.33	9,000	3,000
61.10		- Included in 61.3(b) above or in 10 CFR Part 51, OMB No. 3150-0021.		
61.11		- Included in 61.3(b) above.		
61.12		- Included in 61.3(b) above.		
61.13		- Included in 61.3(b) above.		
61.14		- Included in 61.3(b) above.		
61.15		- Included in 61.3(b) above.		
61.16		- Included in 61.3(b) above or in OMB Clearances 3150-0009 or 3150-0002.		
61.20		- Included in 61.3(b) above.		
61.22(b)	1	0.33	2,000	660
61.26	1	0.33	275	92
61.27		No burden anticipated for period of this clearance.		
61.28		- Included in 61.27 above.		
61.30		No burden anticipated for period of this clearance.		
61.31		No burden anticipated for period of this clearance.		
61.53	1	12	80	960
61.55(a)(2)(iv)		None		
61.57	1	350,000	0.05	5,833
61.61		- Included in 61.3(b) above.		
61.62		- Included in 61.3(b) above.		
61.63		- Included in 61.27 above.		

Estimate of Compliance Burden

Reporting Requirements (cont'd)

<u>Section</u>	<u>No. of Respondents</u>	<u>No. of Annual Responses per Respondent</u>	<u>Licensee Staff Hours Per Submittal</u>	<u>Total Annual Licensee Burden (Hrs)</u>
61.72		- Included in 61.3(b) above.		
61.80(g), (j)		- Included in OMB Clearances 3150-0017, 3150-0020, and 3150-0009		
61.80(h)	1	1	20	20
61.80(i)	1	1	40	40
Total		<u>350,015</u>		<u>10,605</u>

Recordkeeping Requirements

	<u>No. of Recordkeepers</u>	<u>Annual Hrs per Recordkeeper</u>	<u>Total Recordkeeping Hours</u>	<u>Record Retention Period</u>
61.80(a)-(f)	2	2,080	4,160	Duration of License
61.80(k)		- Included in OMB Clearances 3150-0017, 3150-0020, and 3150-0009		
Total Recordkeepers -	<u>2</u>	Total	<u>4,160</u>	
		Recordkeeping Hours		

TOTAL LICENSEE BURDEN HOURS - 14,765

Estimated Annual Cost to Respondents

The estimated annual cost per respondent to respond to the collection is \$442,950 (\$60/hr X 7382.5 hrs). Total annual industry cost is \$885,900.

The burden and cost estimates are based on NRC staff analyses. Costs are estimated based on a \$60 hourly rate.

Estimated Annual Cost to the Federal Government

The estimated annual cost to the government for years 1 - 10 is \$443,040. The estimated annual cost to the government for years 11 - 30 is \$285,840.