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

EXTENSION

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).

In the past three years, there were no reported burden hours and cost for the information collection requirements under Part 60. All of the reported burden hours and cost for the information collection requirements for disposal of high-level radioactive wastes in a geologic repository over 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. Geologic disposal at Yucca Mountain is regulated under of 10 CFR Part 63 (66 FR 55792, November 2, 2001). The 10 CFR Part 60 was also revised in November 2, 2001 and states at '60.1 that 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 many formal procedures and detailed schedules in meeting its

responsibilities under the NWPA and Part 60 (See 10 CFR Part 2). 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 plans 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 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 also states that requests for consultation shall be made in writing to the Director. The States and Tribes would be required to submit information about what services they need, and for what purpose the services are needed, only if they wish to obtain NRC consultation services.

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 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.

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: (1) are suitable in light of the type and magnitude of impacts which the State or affected Indian Tribe may bear and (2) will enhance communications between NRC and the State or affected Indian Tribe, make a productive and timely contribution to the license 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.

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 that representatives for the States and affected Indian Tribes have the authority to represent the States or Indian Tribes in dealings with the NRC.

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. It will also help the Director determine, for example, whether activities proposed by the State or affected Indian Tribe would enhance communications, would contribute to the license review in a timely and productive manner and would be authorized by law. The Director has established a mechanism in the Division of Spent Fuel Alternative Strategies Safety within his office to deal with State, local government, and affected 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 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 on 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. It is estimated that approximately 50% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. 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

   Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on August 1, 2012 (77 FR 45697). No comments were received.

9. Payment or Gift to Respondents

   Not applicable.

10. Confidentiality of Information

    Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

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 $33,154 (121 x $274 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
60.62	1	Once only	1	40	40	$ 10,960
60.63	1	Once only	1	80	80	$ 21,920
60.65	1	Once only	1	1	1	$ 274
Total			3	121	121	$ 33,154

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 0 hours, the storage cost for this clearance is $0.00 (0 hours x 0.0004 x $274/hour).

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 requirements 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 $274 per hour for staff time, this would be $10,960 per respondent. The total for one response is $10,960.

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 $274 per hour, this would be $21,920 per respondent. The total for one response is $21,920.

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 $274 per hour, this would be $274 per response. The total for one response is $274.

Total cost to the government is $33,154 (121 hours x $274/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 $238 to $274/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.