

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

REVISION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations pertaining to the disposal of high-level waste radioactive wastes in geologic repositories in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 60 require States and affected Indian Tribes to submit 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 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 10 CFR Part 63 (66 FR 55792, November 2, 2001). 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).

A. Justification

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

The Nuclear Waste Policy Act of 1982 (NWPA), as amended, 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, as described in its adjudicatory rules in 10 CFR Part 2. The information collections under Part 60 are voluntary. The information is only required if a State or Tribe wants to participate in the process. The Director of the Office of Nuclear Materials Safety and Safeguards must have the requested information on State and Indian Tribal plans for participation in order to accommodate their participation while following mandated procedures and schedules.

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 NRC's Office of Nuclear Material Safety and Safeguards (NMSS) 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, but only if they wish to obtain the NRC consultation services.

Making the NRC staff available for consultation with representatives of States and affected Indian Tribes represents a potentially major commitment of the NRC resources. The Director must have a sufficient basis for approving this commitment of resources. A written request for consultation is the minimum requirement, which could provide a sufficient 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 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 the NRC to carry out, and how the services or activities proposed to be carried out by the NRC would contribute to such participation.

The Director of NMSS 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 the 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 the 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 NMSS, who has programmatic responsibility for the NRC's high-level radioactive waste program. It will be used by the Director to implement 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 process for 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.

3. Reduction of Burden through Information Technology

The NRC has issued *Guidance for Electronic Submissions to the NRC*, which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 80% of the 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.

5. Effort to Reduce Small Business Burden

No small businesses are affected by the information collection requirements, but some Indian Tribes could be considered small entities. The NRC staff's established program to provide information exchange with States and Tribes would 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 January 31, 2019 (84 FR 821). The NRC received no public comments in response to the Federal Register Notice. The NRC was unable to seek comment outside of the Federal Register notice for the following reasons: (a) the current national policy, consistent with statute, is geological disposal of high-level waste in a potential repository at Yucca Mountain, Nevada; (b) 10 CFR Part 60, the subject of regulation for this information collection notice, is not applicable to a potential repository at Yucca Mountain, Nevada; (c) NRC is not aware of sites being considered or identified for geological disposal of high-level waste in the United States other than Yucca Mountain; and (d) NRC, as an independent regulatory agency, is not involved with potential repository site selection.

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 considered confidential or proprietary is requested.

11. Justification for Sensitive Questions
None.

12. Estimated Burden and Burden Hour Cost

The \$275 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2018 (83 FR 29622, June 25, 2018).

The likelihood that a licensing action pertaining to high-level radioactive waste repository sites under 10 CFR Part 60 during the next three years is low. However, if the one estimated request was submitted, the total anticipated burden and costs to one respondent is estimated at 121 hours, or \$33,275 (121 x \$275 per hour). Burden and costs are broken out as follows:

Section	No. of Respondents	Frequency of Responses	Annual Responses	Burden Per Response	Annual Burden	Annual Cost \$275
60.62	6	Once only	6	40	240	\$ 66,000
60.63	6	Once only	6	80	480	\$ 132,000
60.65	6	Once only	6	1	6	\$ 1,650
Total			6	121	726	\$ 199,650

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

Currently, the likelihood that a licensing action pertaining to high-level radioactive waste repository sites under 10 CFR Part 60 during the next three years is low. 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 \$275 per hour for staff time, this would be \$11,000 per respondent. The total for six responses is \$66,000.

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 \$275 per hour, this would be \$22,000 per respondent. The total for six responses is \$132,000.

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 \$275 per hour, this would be \$275 per response. The total for six responses is \$1,650.

Total cost to the government is \$199,650 (726 hours x \$275 per hour). 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 the NRC through appropriations from the Nuclear Waste Fund established by the Department of Energy pursuant to the Nuclear Waste Policy Act of 1982.

15. Reasons for Change in Burden or Cost

The number of respondents was increased from one to six to be generally more consistent with the number of respondents anticipated for a similar licensing action associated with 10 CFR Part 63. However, there is no current licensing action under 10 CFR Part 60 and the likelihood of any licensing action in the next three years is low. Additionally, the hourly fee rate has changed since the last clearance from \$279 to \$275. Thus, the overall cost has changed from \$33,759 to \$199,650 primarily due to the increase in respondents and the associated increase in the total hours of burden from 121 to 726 hours.

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.