

FINAL SUPPORTING STATEMENT
FOR
10 CFR PART 63
DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A
GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA
(3150-0199)
EXTENSION

Description of the Information Collection

Part 63 of Title 10 of the Code of Federal Regulations (10 CFR) requires the State of Nevada, affected units of local government, or affected Indian Tribes or their representatives to submit information describing the purpose and services needed associated with a (1) request for consultation with the NRC staff regarding the status of site characterization and related NRC activities regarding the potential repository site (§63.62) or (2) facilitation of its participation in a license review for the potential repository (§63.63). The information submitted is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of the NRC staff resources to the consultation and participation efforts. Part 63 does not require the State, local governments, and affected Indian Tribes to submit any request. This is strictly voluntary on their part, and only if they desire to do so would the information in question be required of them.

Additionally, any person representing the State, local government, or affected Indian Tribe in submitting a request must also submit a statement of the basis of his or her authority to act in such representative capacity (§63.65). Such a statement is necessary to assure NRC that representatives for the State, local governments, and affected Indian Tribes have the authority to represent the State, local governments, or Indian Tribes in dealings with the NRC.

A. Justification

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

The Nuclear Waste Policy Act of 1982 (NWPAA) and 10 CFR Part 63 contain detailed provisions for the participation of the State, affected units of local government, and affected Indian Tribes in the process of site characterization and licensing activities of a high-level radioactive waste geologic repository. The NRC must follow many formal procedures and detailed schedules in meeting its responsibilities under the NWPAA and 10 CFR Part 63 (See also 10 CFR Part 2). 10 CFR Part 63 does not require the State, local governments, and affected 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, local government, and Indian Tribal plans for participation in order to accommodate State, local government, and Tribal desires for participation while at the same time following mandated procedures and schedules. In addition, where State, local government, and affected Tribal proposals for participation involve requests for funding the justification for such requests must be documented in order to assure appropriate uses of NRC funds.

Section 63.62 states that the Director shall make NRC staff available to consult with representatives of the State, affected units of local government, and affected Indian Tribes regarding the status of site characterization and related NRC regulatory activities. Section 63.62 also states that requests for consultation shall be made in writing to the Director. The State, local governments, and affected 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 the State, local governments, 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 63.63(b) states that the State, local government, or affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of the license application.

The proposal shall contain a description and schedule of how the State, local government, or affected Indian Tribe wishes to participate in the review, or what services or activities the State, affected unit of local government, 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 63.65 states that any person who acts under this subpart (Subpart C) as a representative for the State (or for the Governor or legislature thereof), local government, or for an affected Indian Tribe shall include in his or her request or other submission, or at the request of the Commission, a statement of the basis of his or her authority to act in such representative capacity.

Such a statement is necessary to assure NRC that representatives for the State, local governments, and affected Indian Tribes have the authority to represent the State, local governments, 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 or her to provide opportunities for the State, local government, and affected Indian Tribes to participate in the site characterization and licensing activities of the high-level radioactive waste geologic repository. It will also help the Director determine, for example, whether activities proposed by the State, local government, 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.

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 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.

5. Effort to Reduce Small Business Burden

No small businesses are affected by the information collection requirements, but some affected Indian Tribes might be considered small entities. The NRC staff's established program to provide information exchange with States, affected units of local government, and affected Indian Tribes could provide them 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 Frequent Collection

If the collection is not conducted, the Director will not have information that will enable him or her to provide opportunities for the State, local government, and affected Indian Tribes to participate in the site characterization and licensing activities of a high-level radioactive waste geologic repository. The information collection requirements only apply to a single submittal.

7. Circumstances Which Justify Variation 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 May 31, 2017 (82 FR 25015). The NRC contacted representatives of the Joint Timbisha Shoshone Tribal Group (Joe Kennedy), the State of Nevada Nuclear Waste Project Office (Robert Halstead), Clark County (Phil Klevorick), and the Nye County Nuclear Waste Repository Project Office (Darrell Lacy) to ask for their views on the information collection requirements.

Robert Halstead provided general support for the need for the proposed information collection. Both Mr. Halstead and Mr. Klevorick provided comments regarding the burden estimate and suggestions to enhance the information collection. In particular:

Is the burden estimate accurate?

Commenters stated that the number of respondents could be greater than the six estimated by the NRC, given there are currently seven Nevada parties with admitted contentions. Additionally, it can be expected that there would be increased requests for assistance should the licensing process resume after such a long period of inactivity.

NRC Response: The NRC staff considers reasonable the commenters statements that there could be greater than six participants and that there could be increased requests for assistance should the licensing process resume after an extended suspension given the number of parties that were admitted to the adjudicatory proceeding prior to its suspension. Although uncertainty exists regarding the resumption of the licensing process and how that could impact the number of requests for assistance, the NRC has increased the number of requests from 6 to 12 to account for the potential increased requests following a resumption of the licensing process.

Suggestions for enhancing information collection

A commenter addressed information in NRC's Licensing Support Network (LSN), but did not offer any specifics with respect to this information collection i.e., renewal of OMB's approval for the existing information collection entitled, "Disposal of High Level Radioactive Waste in a Geologic Repository at Yucca Mountain, Nevada." Another commenter (provided via telephone) stated that NRC should be proactive in its approach for providing assistance given the long period of delay in the hearing process. The same commenter stated that it would be appropriate for NRC to provide assistance as soon as the hearing process resumes to explain the hearing process, schedule, any changes from the previous process, and the areas where the NRC can provide further assistance. The commenter also pointed out that should the NRC revise the LSN requirements, it should expect that the parties would need NRC assistance to implement those requirements.

NRC Response: The NRC appreciates the suggestion that it should engage in outreach should the licensing process resume. The NRC staff, consistent with its role in the licensing proceeding and funding constraints, will consider opportunities to engage with external stakeholders should the licensing process resume.

Other Comments

In addition, the NRC received 7 comments from members of the public and organizations expressing various opinions regarding nuclear power, storage and disposal of nuclear waste, and disposal of high level waste at Yucca Mountain. These commenters did not provide any specific comments related to the information collection request.

9. Payments or Gifts to Respondents

Not applicable.

10. Confidentiality of the Information

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

11. Justification for Sensitive Questions

None.

12. Estimated Burden and Burden Hour Costs

Section	Number of Respondents	Frequency of Response	Annual Responses	Hours per Response	Annual Burden	Public Cost (\$265/Hr)
63.62 (Requests for consultation with NRC staff on Site Review)	12	once only	12	40	480	\$127,200
63.63 (Requests for NRC facilitation of participation in a license review)	12	once only	12	80	960	\$254,400
63.65 (Basis of authority to represent the State, local governments, or, affected Indian Tribes)	12	once only	12	1	12	\$3,180
Totals			12		1,452	\$384,780

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Section 63.62 involves NRC staff review of requests for consultation regarding the status of site characterization and certain regulatory activities. This should require no more than 40 hours of staff time per response. At \$265 per hour for staff time, this would be \$10,600 per respondent. The total for 12 responses is \$127,200.

Section 63.63 involves NRC staff review of proposals for participation in license reviews. This should require no more than 80 hours of staff time per response. At \$265 per hour, this would be \$21,200 per respondent. The total for 12 responses is \$254,400.

Section 63.65 involves NRC staff review of the statement of representation. This should require no more than one hour of staff time per response. At \$265 per hour, this would be \$265 per response. The total for 12 responses would be \$3,180.

Total cost to the government is \$384,780 (1,452 hours x \$265). Costs are not anticipated to be recurrent and thus cannot reasonably be annualized. 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

The burden has increased from 726 hours to 1,452 hours due to an increase from six to 12 in the number of respondents. The increase is based on comments received stating that there would be an increase in requests for assistance due to the number of admitted parties and the long period of time that the licensing proceeding has been suspended. The cost per hour decreased slightly from \$272 to \$265, however, the increase in the number of respondents resulted in an overall increase in the cost.

16. Publication for Statistical Use

None

17. Reason for Not Displaying Expiration Date

The recordkeeping and reporting requirements for this information collection are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Further, amending the regulatory text of the CFR 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.