

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.
2. The title of the information collection:
10 CFR Part 60 - Disposal of High-Level Radioactive Wastes in Geologic Repositories
3. The form number if applicable: Not applicable.
4. How often the collection is required: The information need only be submitted one time.
5. Who will be required or asked to report: States or Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of a potential high-level waste geologic repository site, or wishing to participate in a license application review for a potential geologic repository.



6. An estimate of the number of responses: 6
7. The estimated number of annual respondents: 2
8. An estimate of the total number of hours needed annually to complete the requirement or request: An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and one hour per response for statements of representative authority. The total burden for all responses is estimated to be 242 hours.
9. An indication of whether Section 3507(d), Pub. L. 104-13 applies:
Not applicable.
10. Abstract: 10 CFR Part 60 requires States and Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of a potential repository site, or wish to participate in a license application review for a potential repository. Representatives of States or Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the States and Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov

(Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by (insert date 30 days after publication in the Federal Register):

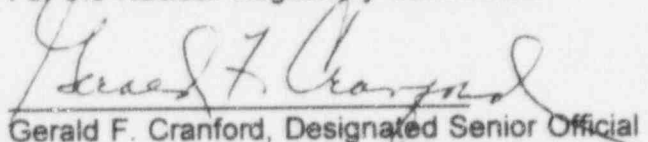
Edward Michlovich
Office of Information and Regulatory Affairs (3150-0127)
NEOB-10202
Office of Management and Budget
Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this *7th* day of *April* 1997.

For the Nuclear Regulatory Commission


Gerald F. Cranford, Designated Senior Official
for Information Resources Management

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503

1. Agency/Subagency originating request U.S. Nuclear Regulatory Commission		2. OMB control number <input checked="" type="checkbox"/> a. 3150 - 0127 <input type="checkbox"/> b. None	
3. Type of information collection (check one) <input type="checkbox"/> a. New collection <input checked="" type="checkbox"/> b. Revision of a currently approved collection <input type="checkbox"/> c. Extension of a currently approved collection <input type="checkbox"/> d. Reinstatement, without change , of a previously approved collection for which approval has expired <input type="checkbox"/> e. Reinstatement, with change , of a previously approved collection for which approval has expired <input type="checkbox"/> f. Existing collection in use without an OMB control number		4. Type of review requested (check one) <input checked="" type="checkbox"/> a. Regular submission <input type="checkbox"/> c. Delegated <input type="checkbox"/> b. Emergency - Approval requested by (date): 5. Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> a. Yes <input checked="" type="checkbox"/> b. No	
		6. Requested expiration date <input checked="" type="checkbox"/> a. Three years from approval date <input type="checkbox"/> b. Other (Specify):	
7. Title 10 CFR 60, Rules of General Applicability to Domestic Licensing of Byproduct Material			
8. Agency form number(s) (if applicable) Not applicable			
9. Keywords High-level waste, Reporting and recordkeeping requirements			
10. Abstract 10 CFR 60 requires States and Indian Tribes to submit information to the NRC if they request consultation with the NRC staff concerning the review of a potential repository site or wish to participate in the license application review. The information is used to commit NRC staff resources.			
11. Affected public (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Individuals or households <input type="checkbox"/> d. Farms <input checked="" type="checkbox"/> b. Business or other for-profit <input type="checkbox"/> e. Federal Government <input type="checkbox"/> c. Not-for-profit institutions <input checked="" type="checkbox"/> f. State, Local, or Tribal Government		12. Obligation to respond (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Voluntary <input checked="" type="checkbox"/> b. Required to obtain or retain benefits <input type="checkbox"/> c. Mandatory	
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>2</u> b. Total annual responses <u>6</u> 1. Percentage of these responses collected electronically <u>0</u> % c. Total annual hours requested <u>242</u> d. Current OMB inventory <u>244</u> e. Difference <u>(2)</u> f. Explanation of difference 1. Program change 2. Adjustment <u>(2)</u>		14. Annual reporting and recordkeeping cost burden (in thousands of dollars) a. Total annualized capital/startup costs <u>0</u> b. Total annual costs (O&M) <u>0</u> c. Total annualized cost requested <u>0</u> d. Current OMB inventory <u>0</u> e. Difference <u>0</u> f. Explanation of difference 1. Program change 2. Adjustment	
15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") <input type="checkbox"/> a. Application for benefits <input checked="" type="checkbox"/> e. Program planning or management <input type="checkbox"/> b. Program evaluation <input type="checkbox"/> f. Research <input type="checkbox"/> c. General purpose statistics <input type="checkbox"/> g. Regulatory or compliance <input type="checkbox"/> d. Audit		16. Frequency of recordkeeping or reporting (Check all that apply) <input type="checkbox"/> a. Recordkeeping <input type="checkbox"/> b. Third-party disclosure <input checked="" type="checkbox"/> c. Reporting 1. On occasion <input type="checkbox"/> 2. Weekly <input type="checkbox"/> 3. Monthly 4. Quarterly <input type="checkbox"/> 5. Semi-annually <input type="checkbox"/> 6. Annually 7. Biennially <input checked="" type="checkbox"/> 8. Other (describe) <u>One-time</u>	
17. Statistical methods Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		18. Agency contact (person who can best answer questions regarding the content of this submission) Name: <u>Bob O'Connell</u> Phone: <u>301-415-7877</u>	

ORG

C428
XBAF-4A

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions).
 - (i) It uses effective and efficient statistical survey methodology; and
 - (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

4/7/97

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

Part 60 requires States and Indian Tribes to submit certain information to the NRC if they (1) request consultation with the NRC staff regarding review of a potential repository site (60.62), or (2) wish to participate in a license review for a potential repository (60.63). Any person representing a State or Indian Tribe must also submit a statement of the basis of his or her authority to act in such representative capacity (60.65).

A. Justification

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

The Nuclear Waste Policy Act of 1982 (NWSA) and 10 CFR Part 60 contain detailed provisions for the participation of States and 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 NWSA and 10 CFR Part 60. 10 CFR 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 60.62 states that the Director shall make NRC staff available to consult with representatives of States and affected Tribes regarding site review for an area approved by the President for site characterization. Section 60.62 also states 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 states that whenever an area has been approved by the President for site characterization, a State or 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, of 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.

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.

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 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

The NRC foresees no opportunity to reduce the burden of information submittal through use of information technology. Each submittal is unique, is made only once, and is unlikely to be developed from other compiled information sources.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found. No other sources of similar information are available.

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 Frequent Collection

If the collection is not conducted, the Director will not have information that will enable 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 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

An invitation to comment on the information collection requirements in 10 CFR Part 60 was published in the Federal Register on December 20, 1996 (61 FR 76351). No comments were received.

9. Payments or Gifts to Respondents

Not applicable.

10. Confidentiality

NRC provides no pledge of confidentiality for this collection of information.

11. Sensitive Questions

None.

12. Estimated Burden and Burden Hour Costs

<u>Section</u>	<u>Number of Respondents</u>	<u>Frequency of Response</u>	<u>Annual Responses</u>	<u>Hrs/Response</u>	<u>Annual Burden</u>	<u>Public Cost (\$120/Hr)</u>
60.62	2	Once only	2	40	80	\$9,600
60.63	2	Once only	2	80	160	\$19,200
60.65	2	Once only	2	1	2	\$240
Total			6		242	\$29,040

13. Estimate of Additional Costs

None. For licensees subject to 10 CFR Part 60, it is most likely that purchases of equipment and services were made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Estimated Annualized Cost to the Federal Government

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 \$120 per hour for staff time, this would be \$4,800 per respondent. The total for two responses is \$9,600.

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 \$120 per hour, this would be \$9,600 per respondent. The total for two responses is \$19,200.

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 \$120 per hour, this would be \$120 per response. The total for two responses would be \$240.

Total cost to the government is \$29,040 (242 hours x \$120/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

The burden has decreased from 244 hours to 242 hours because fewer requests are expected under section 60.65 for a representative of a State or Indian Tribe to submit a statement of authority to act as a representative.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying 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.