

FINAL OMB SUPPORTING STATEMENT FOR
NRC FORMS 540 AND 540A
UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST (SHIPPING PAPER)
AND
NUREG/BR-0204, "INSTRUCTIONS FOR COMPLETING NRC'S
UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST"
(3150-0164)

EXTENSION REQUEST

Description of the Information Collection

Current industry practice requires standardized forms to meet Department of Transportation (DOT), NRC, and State requirements. NRC Form 540 is specifically designed to meet DOT requirements. Although DOT requires the information, it does not require that it be completed on a Federal form.

NRC Form 540 and continuation Form 540A were developed by NRC at the request of low-level waste industry groups. The completed NRC Form 540 contains information needed to satisfy DOT shipping paper requirements in 49 CFR Part 172 and the waste tracking requirements of the NRC's 10 CFR Part 20. NUREG/BR-0204, Rev. 2, contains instructions for completing NRC Forms 540, 540A, 541, 541A, 542, and 542A.

A. JUSTIFICATION

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

To meet existing regulations, each shipment of low-level waste (LLW) is currently accompanied by a manifest that describes the shipment contents as required in 10 CFR Part 20 and the DOT regulations in 49 CFR Part 172. Presently, there are three LLW disposal facilities in operation. The detailed information requested on NRC Form 540 will enhance the ability of NRC and State regulatory agencies to control and safely regulate disposal of LLW. Licensees must use NRC Form 540 and related forms pursuant to Appendix G of 10 CFR Part 20.

2. Agency Use of Information

The agency and States require the information on NRC Forms 540 and 540A to meet DOT shipping paper requirements and NRC tracking requirements.

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 95% of the potential responses are filed electronically.

The Department of Energy (DOE) has developed software (LOW-TRACK) to allow licensees to prepare NRC Form 540 electronically and makes the software available free to licensees. However, DOT requires that shipping papers physically accompany the shipment. Therefore, the data for NRC Form 540 cannot be transmitted between waste generators, brokers, and waste disposal facilities solely 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

The required information is necessary from all shippers of LLW. To the extent that small entities may make fewer waste shipments than larger entities, fewer manifests would be required of small entities and their burden would be proportionately less. DOE has developed free software (LOW-TRACK) for LLW shippers' use. NRC has evaluated this software to ensure that all regulatory requirements are met.

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 at all or is conducted less frequently, NRC and State regulatory agencies will not be able to obtain information needed to control and safely regulate disposal of LLW.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside the NRC

The opportunity for public comment on the information collections requirements for this clearance package was published in the Federal Register on March 16, 2010 (75 FR 12575). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the 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. Justification for Sensitive Questions

This information collection does not involve sensitive questions.

12. Estimated Burden and Burden Hour Cost

It is estimated that 5,600 NRC Forms 540 will be processed annually by 220 NRC and Agreement States licensees. The average burden to complete the form is estimated to be 0.75 hours. The total industry burden for completion of the form is estimated at 4,200 hours annually (5,600 forms x 0.75 hrs). Based on the availability of software (LOW-TRACK is free), it is estimated that almost all licensees prepare the manifests electronically. Professional personnel will complete this information. Therefore, total cost is estimated to be \$1,079,400 (4,200 hrs x \$257/hr).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The estimated annual cost to the Federal Government will be approximately \$7,000 for manifest printing and distribution. This cost will be fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171. The forms are not submitted to NRC.

15. Reasons for Changes in Burden or Cost

The overall burden decreased by 5,850 hours 10,050 to 4,200 hours due to the decrease in number of NRC Form 540/540A processed annually by licensees from 13,400 to 5,600 forms. The root cause in the significant decrease is three fold. These three circumstances taken together explain both the reduction in number of licensees required to complete Form 540 as well as the number of Form 540s that need to be completed. First and foremost, the closure of the Barnwell, SC commercial low-level radioactive waste disposal facilities to licensees outside of the Atlantic LLRW Compact has caused the generators of Class B and C LLRW to store waste instead of sending it for disposal. Second, the escalating cost of LLRW disposal has driven licensees to modify business practices so as to create less LLRW requiring disposal at a commercial LLRW disposal facility. Finally, licensees are building more efficiency into their waste management practices by accumulating waste in order to minimize annual instances of shipment for disposal.

In addition, the hourly cost for professional staff has increased from \$214/hr to \$257/hr.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The expiration date will be displayed on the hardcopy form. However, the electronic version of NRC Form 540, provided in software developed and distributed by DOE to allow licensees to prepare NRC Form 540 electronically, will not display an expiration date because it would not be possible to revise the expiration date after the diskettes have been distributed to licensees.

18. Exceptions to the Certification Statement

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information does not employ statistical methods.