

FINAL OMB SUPPORTING STATEMENT FOR
NRC FORMS 541 AND 541A
UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST
CONTAINER AND WASTE DESCRIPTION
(3150-0166)

EXTENSION REQUEST

Description of the Information Collection

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

NRC Form 541 and continuation Form 541A were developed by NRC at the request of low-level waste industry groups. The completed NRC Form 541 contains information needed by disposal site facilities to safely dispose of low-level waste (LLW) and information to meet NRC and State requirements regulating these activities. 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 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 541 will enhance the ability of NRC and State regulatory agencies to control and safely regulate disposal of LLW. Licensees must use specified NRC forms, including NRC Form 541, pursuant to Appendix G to 10 CFR Part 20.

2. Agency Use of Information

The agency and States require the information on NRC Forms 541 and 541A to control and safely regulate disposal of LLW.

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.

There are no legal obstacles to the use of information technology. NRC has structured the forms so that LLW generators may transmit the information electronically to either waste brokers or the LLW disposal site facility on a voluntary basis for their convenience. The Department of Energy (DOE) has developed software (LOW-TRACK) to allow licensees to transmit NRC Form 541 electronically and makes the software available free to licensees. The information is not transmitted to NRC.

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). One comment was received on May 16, 2010.

Comment

The NRC neglected to cite in Item 3 "How often the collection is required:" that the DOE collects information on Forms 541 and 542 from the disposal sites and has it loaded into the national Manifest Information Management System (MIMS). NRC also states that "No reporting" is made to the NRC, however power plants are required to report Solid Radwaste Effluents to the NRC annually per RG 1.21 and this information comes from these manifest. Thus, there is an annual reporting to the NRC. NRC should consider revising Regulatory Guide 1.21 to require reporting of LLW disposal shipments of licensee waste. This means

shipments "from" waste processors of licensee LLW to a disposal site would be reported annually to the NRC versus bulk shipments of material to processors for which the Waste Class cannot be determined. This change to RG 1.21 would align the NRC reporting requirements with the MIMS data base. If that approach is taken, NRC should allow licensees to transmit MIMS data electronically to NRC to eliminate the burden of preparing annual Solid Radwaste Reports. Working with DOE, NRC and licensees could develop an electronic report to meet the RG 1.21 requirements. Such reporting can then be expanded for licensees to submit reports to Compacts and States as required from the MIMS data base and eliminate the burden of producing redundant reports.

NRC Response:

NRC regulates the licensees required to complete NRC Forms 541 and 542, however the forms go directly to the agencies (DOE and DOT) who monitor the information. Regulatory Guide 1.21 is not applicable to all licensees required to complete NRC Forms 240/241/242, for this information collection. Regulatory Guide 1.21 is only applicable to nuclear power plant licensees.

Response to Questions in the Federal Register Notice

Comment:

- 1.a. Since the NRC does not acknowledge it collects this data, it would not appear this data is necessary for NRC to properly perform its function. However, Annual Solid Radwaste Effluents are required to be reported to the NRC for its oversight function and the information on these forms is needed to produce these reports.
- 1.b. The information has a practical utility once it is properly compiled by the DOE in the MIMS data base. MIMS reports can (or could) be used to report LLW disposal quantities to States, Compacts and the NRC.

NRC Response:

Information collected on NRC Forms 541 and 542 is primarily to comply with regulatory requirements in Agreement States (SC, WA, and UT) equivalent to 10 CFR Part 20 Appendix G. As commentor notes, the information has other practical applications, such as input to DOE's MIMS database.

Comment:

2. Continued use of these Forms as they are is no more or less burdensome than the non-uniform manifest Forms used previously.

NRC Response: We agree with comment.

Comment:

3. I don't think any changes need to be made to these Forms.

NRC Response: We agree with comment.

Comment:

4. What is burdensome is that the information on these forms must be reported to several different entities (States, Compacts, the NRC). The redundant transcription of data from one format to another could be eliminated if NRC would work with DOE to improve the MIMS data base and report generation from this national data base.

NRC Response:

Information requirements and data gathering of States, compacts and NRC regarding LLW quantities are similar but not identical. As noted in 1 b. above the information gathered using NRC Forms 541 and 542 is primarily for compliance with Agreement State equivalent of 10 CFR Pt 20 Appendix G. Concerns regarding redundancy re: RG 1.21 would be best addressed in another context.

9. Payment or Gift to Respondents

Not applicable.

1. 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 541 will be processed annually by 220 NRC and Agreement States licensees. The average burden to gather the information and record it on the form is estimated at 3.3 hours. The total industry burden for completing the form is estimated at 18,480 hours annually (5,600 forms x 3.3 hours). The total industry cost to complete the forms is \$2,397,360 [\$1,870,960 for professional personnel (5600 forms X 1.3 hrs to gather information x \$257/hr) and \$526,400 for administrative personnel (5,600 forms x 2 hrs to electronically complete the manifests x \$47/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 25,861 hours from 44,341 to 5,600 hours due to the decrease in the number of NRC Form 541 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 541 as well as the number of Form 541's that need to be completed. First and foremost, the closure of the Barnwell, South Carolina 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 hard copy form. However, the electronic version of NRC Form 541, provided in software developed and distributed by DOE to allow licensees to transmit NRC Form 541 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.