

FINAL OMB SUPPORTING STATEMENT
FOR
NRC FORMS 540 AND 540A
UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST (SHIPPING PAPER) AND
CONTINUATION PAGE

(3150-0164)

EXTENSION

Description of the Information Collection

U.S. Nuclear Regulatory Commission (NRC) Form 540 and continuation Form 540A were developed by NRC in collaboration with the Department of Transportation (DOT). The completed NRC Form 540 contains information needed to satisfy DOT shipping paper requirements in 49 CFR Part 172 and the waste manifesting 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.

NRC Forms 540 and 540A are completed by shippers of low-level radioactive waste intended for ultimate disposal at a licensed land disposal facility. The disposal facilities and associated agreement states, if applicable, use the information found on the forms to ensure safe burial of the waste for the protection of the public and environment. The NRC does not collect or retain data on the forms and the forms are not sent to or received by the NRC.

A. JUSTIFICATION

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

To meet existing regulations, each shipment of Low Level Waste (LLW), either directly or indirectly, to a licensed disposal facility 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 four LLW disposal facilities in operation. The 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 in 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

Appendix G of 10 CFR Part 20 allows licensees to use substitute forms that are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, the forms may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest. Licensees can use

software packages from several commercial vendors (e.g. RADMAN and LowTrack) to generate NRC Form 540 electronically. The electronic facsimiles of the forms must be equivalent to the original documentation in respect to content, clarity, size, and location of information and include the OMB clearance number, expiration date, and Paperwork Reduction Act statement. 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.

5. Effort to Reduce Small Business Burden

The required information is necessary from all shippers of LLW pursuant to Appendix G to 10 CFR Part 20. 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.

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

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on July 3, 2019 (84 FR 31927). No comments were received in response to the FRN. As part of the public consultation process, the NRC emailed five potential respondents from the LLW distribution list to request feedback on the four questions for which comments were specifically requested. These individuals were: Mike Elsen (State of Washington), Susan Jenkins (State of South Carolina), Rusty Lundberg (State of Utah), Jennifer Opila (Colorado Department of Public Health and Environment), and Lisa Edwards (EPRI). No comments were received in response to these consultations.

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 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 5,740 NRC Forms 540 will be processed annually by 220 NRC and Agreement States licensees. It is assumed all shippers prepare the manifests electronically; therefore, 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 4,305 hours annually (5,740 forms x 0.75 hours). The total cost is estimated to be \$1,183,875 (4,305 hours x \$275/hour).

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).

13. Estimate of Other Additional Costs

There are no other additional costs.

14. Estimated Annualized Cost to the Federal Government

There are no annual printing and distribution costs to the Federal Government as the manifest forms are available for electronic downloading. Additionally, the forms are not submitted directly to the NRC, so there are no costs associated with processing or reviewing the forms.

15. Reasons for Changes in Burden or Cost

There is no change in burden, but the hourly cost for professional staff has increased from \$268/hour to \$275/hour resulting in an increase in total cost of \$30,135.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The expiration date will be displayed on the hardcopy form. Electronic versions of NRC Forms 540 and 540A, provided in software to allow licensees to prepare the forms electronically, will also display an expiration date.

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.