



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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November 30, 2018

ALL AGREEMENT STATES, VERMONT

PUBLICATION OF THE DRAFT REVISION OF "INSTRUCTIONS FOR COMPLETING NRC'S UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST" (STC-18-071)

**Purpose:** To inform the Agreement States that the U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Material Safety and Safeguards (NMSS) published a *Federal Register* notice (FRN) in October 2018 for draft NUREG/BR-0204, Rev. 3, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest,"<sup>1</sup> providing an opportunity to comment on the draft NUREG.

**Background:** The NRC has revised and issued for comment a draft of NUREG/BR-0204 "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest." NUREG/BR-0204 provides instructions to prepare NRC Form 540, "Uniform Low-Level Radioactive Waste - Manifest Shipping Paper," NRC Form 541, "Uniform Low-Level Radioactive Waste Manifest - Container and Waste Description", and NRC Form 542, "Uniform Low-Level Radioactive Waste Manifest - Manifest Index and Regional Compact Tabulation." NRC Forms 540 and 541 must be prepared for low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility. NRC Form 542 is required only if processors and collectors of low-level radioactive waste are shipping low-level radioactive waste attributed to others for disposal at a licensed low-level radioactive waste land disposal facility. Major areas of revision include: updated references to Department of Transportation (DOT) regulations to reflect the current DOT regulations, additional discussion on the reporting of inventories based on the lower limit of detection (LLD) values, the potential use of indirect methods to determine these inventories, including the use of indirect methods in waste classification, clarification of the certification statement on Form 540, inclusion of the use of waste acceptance criteria rather than the 10 CFR Part 61 waste classification tables, and overall improvements to the clarity of the NUREG/BR-0204.

**Discussion:** In SECY-13-0001, "Staff Recommendations for Improving the Integration of the Ongoing 10 CFR part 61 Rulemaking Initiatives" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12199A412), staff noted that stakeholders suggested that NUREG/BR-0204 be rewritten and that assumptions concerning the reporting of certain hard-to-detect isotopes (i.e., H-3, C-14, Tc-99 and I-129) on the Uniform Waste Manifest should be revisited.

In 2013, the NRC staff also identified potential additional changes to the Uniform Low-Level Radioactive Waste Manifest forms and associated guidance in NUREG/BR-0204 as a part of the ongoing rulemaking to amend Part 61 of Title 10 of the *Code of Federal Register* (10 CFR) rulemaking (Docket ID NRC-2009-0257). The 10 CFR Part 61 rulemaking; however, had not progressed far enough for the specific changes to the Uniform Low-Level Radioactive Waste Manifest forms and NUREG/BR-0204 to be known with certainty.

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<sup>1</sup> ADAMS Accession No. ML18261A002

Therefore, the staff developed Regulatory Information Summary (RIS-15-002), "Reporting of H-3, C-14, Tc-99, and I-129 on the Uniform Waste Manifest" (ADAMS Accession No. ML14272A217), to address stakeholder concerns regarding the reporting of hard-to-detect radionuclides on the Uniform Low-Level Radioactive Waste Manifest. This RIS informed addressees of the option to use indirect methods to determine the activity of H-3, C-14, Tc-99, and I-129 reported on the Uniform Low-Level Radioactive Waste Manifest when the radionuclide is present at a concentration less than the LLD. The request for comments on the draft RIS was published in the *Federal Register* (FR) on June 2, 2014 (79 FR 31348), and the final RIS was published on February 18, 2015.

In September of 2017, the staff received direction from the Commission on the Part 61 rulemaking in SRM-SECY-16-0106 (ADAMS Accession No. ML17251B147), and the staff determined that there was enough certainty in the portions of the Part 61 rulemaking that affected the Uniform Low-Level Radioactive Waste Manifest to issue a draft of the manifest forms and the instructions in NUREG/BR-0204 for comment.

A draft revision of the guidance has been made available for public comment, and NRC staff provided notice of the document in the FR (83 FR 54620) on October 30, 2018. The notice contains background information regarding the draft guidance document and solicits public comments on the document.

This FRN is available at:

<https://www.federalregister.gov/documents/2018/10/30/2018-23694/instructions-for-completing-nrcs-uniform-low-level-radioactive-waste-manifest>

This FRN can also be accessed on [www.regulations.gov](http://www.regulations.gov) by searching on docket ID [NRC-2018-0155](https://www.regulations.gov/document/NRC-2018-0155).

The comment period for this document ends on December 31, 2018.

Please follow the directions in the FR regarding comments. We look forward to receiving your input.

The draft document is available in the NRC's ADAMS using Accession No. ML18261A002.

More information on NRC's Uniform Waste Manifest can also be found on the NRC's public Web site at: <https://www.nrc.gov/waste/llw-disposal/llw-pa/llw-uwm.html>

If you have any questions on this correspondence, please contact me at (301) 415-2504 or the individual named below:

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SUBJECT: PUBLICATION OF THE DRAFT REVISION OF "INSTRUCTIONS FOR COMPLETING NRC'S UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST" (STC-18-071) – DATED: November 30, 2018

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