



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 6, 2020

ALL AGREEMENT STATES

NOTIFICATION OF ISSUANCE OF NUREG/BR-0204, REVISION 3, INSTRUCTIONS FOR COMPLETING NRC'S UNIFORM LOW-LEVEL RADIOACTIVE WASTE MANIFEST (STC-20-050)

**Purpose:** To inform all Agreement States that the U.S. Nuclear Regulatory Commission (NRC) staff is issuing NUREG/BR-0204, Revision 3, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest." NUREG/BR-0204, Rev. 3, 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)," all of which have also been revised.

**Background:** [Appendix G](#) of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20, "Requirements for Transfers of Low-Level Radioactive Waste (LLRW) Intended for Disposal at Licensed Land Disposal Facilities and Manifests," requires that an NRC Uniform Low-Level Waste Manifest be prepared for LLRW intended for ultimate disposal at a licensed LLRW land disposal facility. The waste generator, collector, or processor, who transports or offers for transportation LLRW, must prepare the manifest reflecting information requested on applicable [NRC Forms](#) 540 and 541 and, if necessary, on an applicable NRC Form 542. NRC Forms 540A, 541A, and 542A are supplements, noted with "A" extensions to the respective forms, that should be used if additional pages are needed. Unless otherwise stated, references to Forms 540, 541, and 542 include both those forms and their respective supplements.

NUREG/BR-0204, provides guidance on completing NRC Forms 540, 541, and 542 (i.e., the NRC's Uniform Low-Level Waste Manifest). The previous revision to NUREG/BR-0204 was published in July 1998 (ADAMS Accession No. ML071870172). In SECY-13-0001, "Staff Recommendations for Improving the Integration of the Ongoing [10 CFR Part 61](#) Rulemaking Initiatives" (ADAMS Accession No. ML12199A412), staff noted stakeholders' feedback that NUREG/BR-0204 be revised and that assumptions concerning the reporting of certain hard-to-detect radionuclides (i.e., H-3, C-14, Tc-99 and I-129) on the manifest be revisited.<sup>1</sup> As a result of this feedback, the NRC staff held two public workshops in March and June of 2013 to collect comments specifically on NUREG/BR-0204. Many of the comments were focused on reporting

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<sup>1</sup> To address stakeholder concerns regarding the reporting of hard-to-detect radionuclides on the Uniform Low-Level Radioactive Waste Manifest while the Part 61 rulemaking was still ongoing, staff developed Regulatory Information Summary (RIS), RIS-15-002, "Reporting of H-3, C-14, Tc-99, and I-129 on the Uniform Waste Manifest" ([ADAMS](#) Accession No. ML14272A217). This RIS informs 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 Lower Limit of Detection (LLD). A notice of opportunity for public comment on the draft RIS was published in the *Federal Register* (79 FR 31348) on June 2, 2014. Responses to public comments received can be found using Accession Number ML14289A361. The final [RIS](#) was published on February 18, 2015.

of hard-to-detect radionuclides on the manifest, though the NRC also received comments on other aspects of the forms and guidance. The NRC staff identified several changes to make to the forms and associated guidance based on the comments.

**Discussion:** The NRC has revised NUREG/BR-0204 and the Forms (540, 541, and 542). A request for comments on the draft (ADAMS Accession No. ML18261A002) and its forms was published in the *Federal Register* on October 30, 2018 (83 FR 54620) with a 60-day comment period ending on December 31, 2018. State and Tribal Communications (STC) Letter STC-18-071, "Publication of the Draft Revision of 'Instructions for Completing NRC's Uniform Waste Manifest'" (ADAMS Accession No. ML18305A349), was issued on November 30, 2018, to inform the Agreement States that the NRC published the *Federal Register* notice. On December 21, 2018, the comment period was extended to January 31, 2019 (see 83 FR 65759) in order to allow more time for members of the public to submit their comments. Comments received on NUREG/BR-0204, Rev. 3 and the forms can be found on the Federal Rulemaking website ([www.regulations.gov](http://www.regulations.gov)) under Docket ID NRC-2018-0155.<sup>2</sup> The NRC staff has considered these comments, as well as those from 2013, in the changes to these documents. The NRC staff's resolution of the comments is available at ADAMS Accession No. ML19214A186. The revision of the NUREG/BR was also discussed with Agreement State representatives during the Organization of Agreement States (OAS) monthly calls on November 18, 2018, and December 20, 2018, to provide an opportunity for NRC staff to give an update on the status, highlight changes, answer questions, and consider how to best support its use in Agreement States. In addition, the NRC staff held calls with several Agreement States, including Washington, Texas, Utah, and South Carolina, in July and August 2019, to discuss the NUREG and forms.

During the period of May 27 to June 5, 2020, the Standing Committee for Compatibility (SCC) conducted a review in accordance with the "Agreement State Program Policy Statement" (82 FR 48535); October 18, 2017, and the categorization process for NRC program elements in NRC Management Directive 5.9, "Adequacy and Compatibility of Program Elements for Agreement State Programs." The SCC determined that the NRC Forms and NUREG/BR (brochure) are not a matter of Agreement State compatibility.

The NRC staff has completed its revision of the NUREG/BR and its forms and provided notice of their issuance in the *Federal Register* (85 FR 39936) on July 2, 2020. NUREG/BR-0204, Revision 3 and the revised forms became effective on July 2, 2020, and use of the NUREG/BR-0204, Revision 2 forms should be discontinued within 90 days of this date. The NRC discussed the FRN, the publications of the NUREG/BR and forms, and the implementation period with Agreement State representatives during the OAS monthly call on May 21, 2020. Revisions in NUREG/BR-0204, Rev. 3 include: updated instructions to reflect changes to the manifest forms, which were revised to provide clarifications to allow for more efficient processing and disposal; updated references to U.S. Department of Transportation (DOT) regulations; additional discussion on the reporting of inventories based on lower limit of detection (LLD) values; the potential use of indirect methods to determine these inventories and the use of indirect methods in waste classification calculations; additional clarification of the intent of the certification statement on Form 540; and overall improvements to the clarity of the document. The revised forms can be found on the [NRC Forms](https://www.nrc.gov/reading-rm/doc-collections/forms/) webpage at <https://www.nrc.gov/reading-rm/doc-collections/forms/>.

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<sup>2</sup> <https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=NRC-2018-0155>.

More information on the revised NUREG and the forms can also be found on the NRC's public website 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) 415-7319, Robert Lee Gladney via [Robert.Gladney@nrc.gov](mailto:Robert.Gladney@nrc.gov) or at (301) 415-1022, and Karen Pinkston via [Karen.Pinkston@nrc.gov](mailto:Karen.Pinkston@nrc.gov) or at 301-415-3650.

Regards,

Michael C. Layton, Director  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
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SUBJECT: NOTIFICATION OF ISSUANCE OF NUREG/BR-0204, REVISION 3,  
INSTRUCTIONS FOR COMPLETING NRC'S UNIFORM LOW-LEVEL  
RADIOACTIVE WASTE MANIFEST  
**DATE: JULY 06, 2020**

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**ADAMS Accession No: ML20113F050****\*via email**

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