DRAFT 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 are completed by shippers of low-level radioactive waste (LLW) intended for ultimate disposal at a licensed land disposal facility. The completed NRC Form 540 contains information needed to satisfy the Department of Transportation (DOT) shipping paper requirements in 49 CFR Part 172 and the waste manifesting requirements of the NRC's 10 CFR Part 20. NRC Form 540/540A, combined with NRC Forms 541/541A and 542/542A, are collectively referred to as the Uniform Low-Level Radioactive Waste Manifest forms. NUREG/BR-0204, Rev. 3, contains instructions for completing NRC Forms 540, 540A, 541, 541A, 542, and 542A.

The disposal facilities and their Agreement State regulators, where applicable, use the information found on the forms to ensure waste disposal meets the requirements in 10 CFR Part 61 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. Agreement States do not need to adopt NRC Forms 540, 540A, 541, 541A, 542, and 542A.

NRC Form 541/541A and NRC Form 542/542A are 1) mailed or electronically transferred to the intended consignee prior to the shipment arriving at the consignee or 2) delivered with the waste to the consignee. Using both 1 and 2 are acceptable. NRC Forms 540 and 540A are required to be with the shipment regardless of whether 1 or 2 are chosen.

As stated in 10 CFR Part 20, Appendix G,

> *"NRC Forms 540, 540A, 541, 541A, 542, and 542A* are official NRC Forms referenced in this appendix. Licensees need not use originals of these NRC Forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, NRC Forms 541 (and 541A) and NRC Forms 542 (and 542A) 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."

A. JUSTIFICATION

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

To meet existing regulations, each shipment of LLW, either directly or indirectly (e.g., through a waste processor), to a licensed disposal facility is currently accompanied by

a waste 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, all located in Agreement States and licensed under the Agreement State equivalents of 10 CFR Part 61. Some Agreement State regulators use official NRC Form 540, 541, and 542, however, other Agreement State regulators use their own forms that are equivalent versions of the NRC forms but do include state-specific requirements. 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 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 NRC 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 transportation and disposal of LLW.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside the NRC

Notice of an opportunity for public comment on the information collection requirements for this clearance package has been published in the Federal Register.

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 4,616 NRC Forms 540/540A (or equivalent Agreement State forms) will be processed annually by 712 NRC and Agreement States licensees. Most uses of the Form 540 are by waste generators that use Agreement State equivalent versions of the NRC form. 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 3,462 hours annually (4,616 forms x 0.75 hours) for reporting. The total cost is estimated to be $997,056 (3,462 hours x $288/hour).

The $288 hourly rate used in the burden estimates is based on the NRC'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 2021 (86 FR 32146, June 16, 2021).

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

The NRC staff was able to better estimate the number of NRC Form 540/540A prepared annually by using updated publicly available information from the Department of Energy. As such, the total annual number of NRC Form 540/540A decreased from 5,740 to 4,616; however, the assumed burden of 0.75 hours to complete the form is the same. As a result, there is an overall reduction in burden by 843 hours from 4,305 hours to 3,462 hours and a decrease in the estimated cost.

The hourly cost for professional staff has increased from $275/hour to $288/hour.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The LLW shipping industry utilizes software to generate the Form 540/540A. This software must undergo a verification and validation process by the waste generators every time a change is made to the form. Many waste generators at nuclear power plants have strict change management processes that are time consuming and expensive because any change to the software used during daily plant operations could impact the plant operations.

For this reason, changing the expiration date on the form causes the industry the burden of performing a time-consuming verification and validation on the software that generates the forms. As such, the expiration date will not be displayed on the hardcopy form. Only changes to content of the NRC Form 540/540A will require imposing the burden of the software update and subsequent verification and validation on form users.

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.