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Alan Matheson
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DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Rusty Lundberg
Acting Director

SUNSI Review Complete
Template = ADM-013
E-RIDS=ADM-03
ADD= Lloyd Desotell,

COMMENT (7)
PUBLICATION DATE: 12/21/2018
CITATION # 83 FR 65759

January 31, 2019

May Ma, Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Docket ID NRC-2018-0155
Opportunity to Comment on the US Nuclear Regulatory Commission,
Draft Guidance Document, NUREG/BR-0204, Revision 3, "Instructions for Completing NRC's
Uniform Low-Level Uniform Waste Manifest"

Dear Ms. Ma:

This letter is in response to the Regulatory Commission (NRC) draft NUREG, NUREG/BR-0204, Rev. 3, "Instruction for Completing the NRC's Uniform Low-Level Waste Manifest", the comment period began October 30, 2018, and ends January 31, 2019. The Utah Department Environmental Quality, Division of Waste Management and Radiation Control appreciates the opportunity to participate in the Federal Register, public comment period as we are committed to continuing to assist the NRC and to help ensure statutory criteria necessary to meet safety concerns.

The Division has reviewed the draft regulatory analysis report of the guidance instructions for preparing the NRC Form's 540 (shipping paper), 541 (Uniform Low-Level Waste Manifest (Container and Waste Description), and the Form 542 (Uniform Low-Level Uniform Waste Manifest (Manifest Index and Regional Compact Tabulation)) and the revised manifest forms.

The Division compared the draft report (Rev. 2 and 3) with the equivalent NRC rules in 10 CFR Part 20, Appendix G "Standards for Protection Against Radiation", the U.S. Department of Transportation (DOT) rules in 49 CFR Subpart C, Parts 172.202 "Description of hazardous material on shipping paper", 49 CFR 172.203 "Additional Description Requirements", and 173.400 Subpart I, "Class 7 Radioactive Materials". Emphasis was on the questions identified in the Federal Register/Vol. 83, No. 210, Tuesdays, October 30, 2018 on page 54621.

The Division has a few comments regarding the proposed rule changes for the Regulatory Commission (NRC) draft NUREG, NUREG/BR-0204, Rev. 3, "Instruction for Completing the NRC's Uniform Low-Level Waste Manifest".

(Over)

DRC-2019-001021

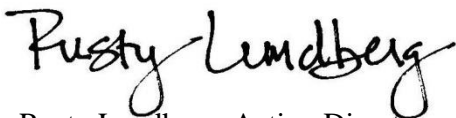
195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144880 • Salt Lake City, UT 84114-4880
Telephone (801) 536-0200 • Fax (801) 536-0222 • T.D.D. (801) 536-4284
www.deq.utah.gov
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1. There is a minor concern about the removal of the italics in principle sentences. Without the italics, it's harder to distinguish important points in specific sections of the "Instruction for Completing the NRC's Uniform Low-Level Waste Manifest". For example in (Rev. 2) of the NRC Form 540, Carrier section, Item 6, the italics sentence emphasizes the importance of an "authorized carrier representative acknowledging the receipt of a shipment by signing and dating in this section". The italicized information enables the reader to quickly ascertain important points.
2. NRC Form 540, Item number 10. Certification, the added clarification of the intent of certification in (Rev. 3) was helpful. However, the statement, "The person responsible for the packaging and labeling operations must sign and date the certification on the manifest", is not applicable in every case. Although the person responsible for the packaging and labeling may have direct knowledge of the material and can assure proper condition for transportation, in some instances a representative of the company may take responsibility and sign the certification. For example, U.S. DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA) Ref. No.: 06-0070, dated May 3, 2006, states that the drivers may act as "agents" for customers and sign the shipper's certification. Also, 49 CFR 172.204(d)(3) Transportation by rail, the information is typically done electronically by a principle person, partner, officer, or employee of the offeror or his agent.
3. NRC Form 540, Item number 18. Identification Number of Package, should include a statement that when transporting by railroad the reporting mark and number should be shown on the shipping paper Form 540. As referenced in 49 CFR 172.203(g), "Transportation by rail. A shipping paper prepared by a rail carrier for a rail car, freight container, transport vehicle or portable tank that contains a hazardous material must include the reporting mark and number when displayed on the rail car, freight container, transport vehicle or portable tank." Rail car owners typically register the reporting marks and numbers in the equipment register UMLER (Universal Machine Language Equipment Register) information system. The unique identification numbers and markings are important in order to identify each rail car and the position of each rail car in the train.

The Division agrees with the adoption of the updated U.S.DOT regulations and believes that they are reflected in (Rev.3) of the "Instruction for Completing the NRC's Uniform Low-Level Waste Manifest", and that the changes to the NRC Form's 540, 541, and 542, adequately meet the standards. The additional discussion on reporting of inventories based on lower limit detection values, the potential use of direct methods to determine inventories, and the use of indirect methods in waste classification calculations are greatly needed and also adequately meet the standards.

If you have any questions, please call Jule Fausto at (801) 536-0073.

Sincerely,



Rusty Lundberg, Acting Director
Division of Waste Management and Radiation Control

RL/JLF/km