

DOCKET NUMBER

PETITION RULE PRM-73-5(44FR47998)

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* ADMITTED TO THE DISTRICT OF COLUMBIA BAR

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Edlow International Co., Filing of Petition for Rule
Making (PRM 73-5), 44 Fed. Reg. 47,998 (1979)

Dear Sirs:

This letter is submitted on behalf of the members of the Electric Utility Companies' Nuclear Transportation Group* in regard to the petition to amend 10 C.F.R. Parts 70 and 73, dated June 29, 1979, filed by Edlow International Company ("Edlow"). 44 Fed. Reg. 47,998 (1979).

*American Electric Power Company, Arizona Public Service Company, Baltimore Gas & Electric Company, Commonwealth Edison Company, Consolidated Edison Company of New York, Inc., The Detroit Edison Company, Duke Power Company, Florida Power & Light Company, Georgia Power Company, Gulf States Utilities Company, Houston Lighting & Power Company, Kansas City Power and Light Company, Kansas Gas and Electric Company, Long Island Lighting Company, Middle South Services, Inc., Niagara Mohawk Power Corporation, Northeast Utilities, Northern States Power Company, Pacific Gas & Electric Company, Philadelphia Electric Company, Portland General Electric Company, Power Authority of the State of New York, Public Service Company of Colorado, Public Service Electric & Gas Company, Rochester Gas and Electric Corporation, Southern California Edison Company, Union Electric Company, Virginia Electric & Power Company and Yankee Atomic Electric Company.

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The Nuclear Regulatory Commission has very recently amended its regulations which are the subject of the Edlow petition. We understand the NRC Staff is currently evaluating the comments filed with respect to the amendments to 10 C.F.R. Part 73 to determine what, if any, modifications thereof are needed. We also understand that the Department of Transportation will shortly publish a proposed rule on highway routing of radioactive materials (DOT Docket No. HM-164).

In view of the several developments affecting physical security for highway shipments of radioactive materials, the members of the Group believe that further study is required of the matters raised in the Edlow petition. In general, the members of the Group agree that motor carriers should have the responsibility for complying with requirements of the NRC that are under the carriers' control. There are also aspects of compliance with the NRC's requirements for physical security in transit for which shippers may wish to assume direct responsibility.

The Group and its members reserve the right to offer further comments on the Edlow petition in light of developments affecting the highway shipment of spent fuel and should the NRC propose rulemaking in response to the petition.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By Leonard M. Trosten
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