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(57FR 14500)

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NRC

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JOHN D. SIEBER
Vice President - Nuclear Group

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Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Docketing and Service Branch

Subject: Proposed Rule, "Low-Level Waste Shipment Manifest
Information and Reporting" 57 FR 14500

Duquesne Light Company (DLC) is submitting these comments for consideration in response to the Nuclear Regulatory Commission (NRC) notice in the Federal Register. The proposed rule, "Low-Level Waste Shipment Manifest Information and Reporting" (57FR14500), would amend 10 CFR parts 20 and 61 to improve low-level waste (LLW) manifest information and reporting.

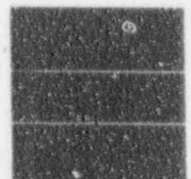
DLC agrees with the comments which have been compiled and submitted by the Edison Electric Institute/Utility Nuclear Waste and Transportation Program (EEI/UWASTE). We do not object to the concept of a uniform waste manifest system or to the provision of additional, more detailed LLW shipment information. There are, however, a number of aspects of the proposed rule with which we either disagree or which require considerable clarification.

The proposed rule does not properly distinguish between LLW and radioactive materials shipments, improperly classifies certain materials as LLW, and improperly attributes items to the original shipping party which are more properly attributed to an intermediate entity for purposes of tracking. Items that are transported for processing should not be considered LLW generated by the original shipper unless it can be determined that such items are, in fact, in transit for purposes of disposal or otherwise being handled as LLW.

A further concern is that the uniform manifest rule, as presently proposed, could be utilized by states and compacts to improperly extend their authority. Under the proposed rule, all items sent to a waste processor are treated as if they are LLW, even though many such items are not, and will be either decontaminated, reused, recycled or free released. By requiring such shipments to processors to be manifested as LLW, the NRC, at least implicitly, authorizes compact commissions to exercise export or import restrictions or levy fees or surcharges, as authorized by the applicable compact legislation.

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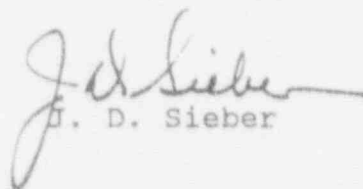
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The NRC also requested comment on the benefits of a national computerized LLW database which would contain information from the uniform manifests and which could make such information available to compacts, regulatory agencies and other parties. While we agree that there are some potential advantages to a national database that would collect relevant LLW data in a uniform and consistent manner, we believe that existing regulations and guidance are more than adequate to protect public health and safety and that a national LLW database is not necessary to provide such assurance. Furthermore, such a database might be utilized by compacts and states for purposes of exercising export/import controls, or assessing fees or surcharges.

We appreciate the opportunity to comment on the proposed uniform waste manifest rule. Our basic recommendation is that the proposed rule should be modified to avoid erroneously classifying items as LLW, which are not LLW, and to properly identify the "generator" of each particular LLW shipment. These changes are essential to assure that 1. parties utilizing the uniform waste manifest are not unfairly burdened, 2. the NRC does not explicitly or implicitly extend the authority of the interstate LLW disposal compacts, and 3. the purposes of the proposed rule are fulfilled.

Sincerely,


J. D. Sieber