

States, these States must be provided sufficient time to work closely with the NRC and their licensees, especially existing LLW disposal facility operators, to implement this rule. To facilitate a smooth transition, the rule allows approximately 3 years from publication for Agreement States to implement their regulations. The rule also allows implementation prior to March 1, 1998 for any LLW disposal facilities that are operating prior to this date.

On the question of manifest acceptability by State jurisdictions, the NRC is not aware of any States that would not accept the manifest. The NRC notes that State and Compact groups have been in the forefront in suggesting the need for a uniform manifest and that the manifest has been approved by the DOT as meeting that agency's shipping paper requirements.

**Final rule:** § 20.2006(b) has been divided into two paragraphs. The first, (b)(1), is the existing § 20.2006(b). The second, (b)(2), reflects the new § 20.2006(b), but with added phrases reflecting the implementation provisions discussed in Section II, affecting the change from appendix F to appendix G. A clarifying paragraph, § 20.2006(a)(2), has also been added to describe implementation provisions, and a consistent clarifying phrase has been added to §§ 20.2006 (c) and (d).

**Comment:** Several commenters questioned whether implementation of the rule would provide any significant public health and safety benefit. These commenters stated that the rule identifies no current problems or concerns that could jeopardize the safe transportation or disposal of LLW. Two commenters supported the rule citing the need for source term and waste characteristic information. One commenter believes that the increased cost of documentation and recordkeeping is outweighed by the need to have reliable up-to-date information.

**Response:** The benefit of the rule is tied to: (1) Being able to develop specific data needed for assessments to demonstrate compliance with the performance objectives in 10 CFR part 61, specifically pertaining to protection of the general population from the releases of radioactivity at LLW disposal facilities, and to the understanding of potential wastes requiring special consideration, (2) the improvement in quality and uniformity of data collected and reported that could affect the aforementioned performance estimates, and (3) efficiencies in data recovery and use when addressing health and safety issues. Benefits may also occur in transportation-related emergency

response situations from the use of a standard DOT shipping paper format and a reduction in the manifest paperwork needed to accompany the LLW shipments. Finally, by providing information that the States and Compacts believe necessary to carry out their responsibilities, a consistency in view of LLW is fostered that could minimize the potential creation of waste that cannot be disposed of ("orphan waste") and assist in efficient and safe LLW management nationwide.

**Final rule:** No change.

**Comment:** Three commenters questioned whether the rule explicitly or implicitly expands the authority of LLW Compacts to regulate the shipment of radioactive materials that are not LLW.

**Response:** The rule does not change the intent of the regulations as expressed in § 20.311 of the expired provisions of part 20 or in appendix F to part 20. In both cases, the (waste) generating licensees who transfer waste to a licensed waste processor are subject to manifesting requirements. In this context, the rule provides definitions for "waste generator," "waste collector," and "waste processor." The rule is not viewed as having any impact on the Compact or State authorities defined in the LLRWPA. In fact, the NRC believes that the manifesting required by the rule should provide most information sought by State or Compact LLW tracking systems. See comment and response under appendix F, I. Manifest—Introduction and Definitions sections, for related discussion.

**Final rule:** No change.

#### *Appendix F to Sections 20.1001 Through 20.2401 (Appendix G to Sections 20.1001 Through 20.2402 in this Final Rule)*

##### **I. Manifest—Introduction**

In addition to the changes discussed in this section of the preamble, corrections have been made to the Title number referred to in citing Environmental Protection Agency (EPA) regulations and the definition of "EPA identification number." The reference to Xerox copies has been deleted because the word "photocopy" is sufficient. In response to a point made by some commenters, the first paragraph under "I. Manifest" has been amended to be consistent with the remainder of the rule in stating that the rule applies only to shipments of LLW intended for ultimate disposal at a licensed LLW land disposal facility.

**Comment:** Five commenters and several attendees at the June 15, 1993, public meeting questioned the need for

licensees to be required to complete the uniform manifest for shipments to waste processors, especially in those cases where the processor could be making significant changes to the volume, form, activity, or radionuclide concentration. These commenters also questioned whether shipments of LLW from processors or decontamination facilities back to the original "generators" for interim storage should be manifested using Form 541. One commenter questioned whether the intent of the rule was to require manifesting of "materials" (e.g., laundry from a nuclear facility). Another commenter stated that the rule is confusing with regard to when various forms must be used.

**Response:** The five commenters are correct in stating that the primary interest of NRC (i.e., for performance assessment purposes) is on the characteristics of LLW that is being shipped for disposal. However, the manifesting requirement for those shipping LLW to processors originated with the 10 CFR part 61 rulemaking. One of the reasons for this requirement was to develop a representative data base unskewed by large volumes of LLW that may pass through waste processors and collectors. Moreover, for waste being shipped to a processor for compaction, the information provided by the waste generator would be the basis for completing and certifying the manifest that the processor must complete when the LLW is forwarded for eventual disposal at a land disposal facility. In considering shipments to incinerators, the NRC agrees that NRC's need for incoming manifest information is not relevant to the gathering of information useful to conduct performance assessments but is directed at waste tracking. The NRC believes, based on its interactions with the States and Compacts, that these parties are primarily interested in large volume or high activity LLW for which they are responsible under the LLRWPA. Thus, NRC believes the shipments to an "incinerator" processor should not generally be subject to the manifesting provisions of this rule and that any resultant contaminated ash should be considered residual waste assigned to the processor. If this interpretation is agreed to by the appropriate State or Compact authorities, manifesting of material sent to incinerators is not required. The case of shipments of laundry from a nuclear facility is more clear-cut. The incoming laundry shipment is not considered waste and would not be required by NRC to be manifested.

For shipments of LLW being shipped to and subsequently returned by a