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Secretary
U.S. Nuclear Regulatory Commission
Attention: Rulemaking and Adjudications Staff
Washington, DC 20555-0001

RE: Revision to 10 CFR Part 71

This letter responds to the Notice of Proposed Rulemaking published in the July 17, 2000 *Federal Register*. The Commission is the State Agency that adopts and enforces the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations for highway transportation. I am the Hazardous Materials Specialist for the Commission. I have been actively involved in the inspection, regulation, and enforcement of hazardous materials in highway transportation since 1987. This includes the personal inspection of or coordination of over 50 spent fuel shipments.

The comments I make here reflect those of the Commission Staff, and do not necessarily reflect the views of the entire State or other state agencies. We also reserve the right to revise or add to these comments as needed, based on additional review of the proposed rules and the impact of those changes.

1. In general, we feel that making the ST-1 available only in parts and only for complete review in Washington, DC hinders our ability to judge the full impact on transportation and on our program. For example, both the NRC notice and the RSPA notice mention changes in shipping names, without specifying those changes. We must see those proposed changes in order to see whether they have any effect.
2. *Issue 1: Change to SI Units only.* We feel that even in the heavily science-oriented world of radioactive materials transportation, it is still too soon to switch only to SI Units. Many instruments still commonly available come calibrated in the "old" system. Even though the potential exists for error in conversion, the use of Curies along with Becquerels can enhance understanding for workers, regulators, and responders.
3. *Issue 2: Radionuclide Exemption Values:* NRC and DOT should proceed with great caution here. The current standard (70 Bq/gm) is reasonably simple. By changing to different values for each nuclide, compliance and enforcement become much more complex. However, we do support the proposal to mark the UN ID number on all radioactive materials packages, which would rapidly facilitate identification of packages meeting limited quantity requirements.
4. *Issue 5: Criticality Safety Index:* We support the adoption of the criticality safety index. By leaving TI as a value that can be determined largely by direct reading instruments, enforcement and compliance are greatly simplified. The addition of the CSI also makes positive identification of fissile shipments much easier.

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5. *Issue 8: Grandfathering:* While we want to look at this issue in greater detail, we feel that if grandfathering would at some point make existing safe packages illegal, we could see an unintended consequence: Instead of requalifying, changing, or replacing the package, the user might simply decide to go "underground," and go completely out of compliance with the other transport regulations in an attempt to avoid detection and inspection. In general, grandfathering should prohibit new construction of packages that do not comply, but allow continued use of packages that have proven safe and effective, making replacement necessary under certain conditions.
6. *Issue 14: Adoption of ASME Code:* We support adoption of the ASME Code. The U.S DOT already uses the ASME Code in many package specifications, such as Cargo Tanks. The adoption of the ASME Code can only enhance packaging integrity, safety, and construction methods.
7. *Issue 17: Double containment of plutonium:* We agree with the Western Governor's Association. The public needs to have assurance that plutonium transportation takes place under safe conditions, and that we should maintain those standards now that WIPP shipments are actually taking place. NRC should not eliminate the double containment requirement. We feel that the U.S. should maintain such standards regardless of consistency issues with IAEA.
8. *Issue 18: Contamination limits for Spent fuel and High Level Waste:* While we need more time to fully review this issue, in general, we feel that if the contamination limit is revised upwards, any "extra" allowable contamination should depend on the total design of the package and transport system. Casks that have an accessible surface (e.g., the GE 2000 cask) should retain a lower limit, while packages that are completely enclosed in another handling overpack (e.g., the NAC LWT-1) might be acceptable for *slightly* higher limits.

The Georgia Public Service Commission remains committed to ensuring a high level of safety in the transportation of radioactive materials. We appreciate the opportunity to comment on these issues.

Sincerely,



Capt. Bruce Bugg
Hazardous Materials Specialist