

EDO Principal Correspondence Control

FROM: DUE: 01/22/02

EDO CONTROL: G20020009
DOC DT: 01/02/02
FINAL REPLY:

Kevin J. Hayden, Captain
Department of Law and Public Safety
State of New Jersey

TO:

Chairman

FOR SIGNATURE OF :

** PRI **

CRC NO: 02-0010

Chairman

DESC:

Additional Security Measures Specific to
Shipments of Highway Route Control Quantities
(HRCQ) of Radioactive Material

ROUTING:

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Collins, NRR
Wessman, IRO
ERCT
Miller, RI
Schum, OEDO
Davis, NMSS

DATE: 01/09/02

ASSIGNED TO:

CONTACT:

NMSS

Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECy-017

E-Rids: SECy-017

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 09, 2002 14:41

PAPER NUMBER: LTR-02-0010 **LOGGING DATE:** 01/09/2002
ACTION OFFICE: EDO

AUTHOR: Kevin Hayden
AFFILIATION: NJ
ADDRESSEE: Richard Meserve
SUBJECT: Urges the commission to put forth the the NRC Advisory recommending addl security measures specific to shipment of Highway Route Control Quantities (HRCQ) of radioactive material

ACTION: Signature of Chairman
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 01/02/2002
ACKNOWLEDGED No
SPECIAL HANDLING: OCM #8860
NOTES: Commission Correspondence
FILE LOCATION: Adams
DATE DUE: 01/24/2002 **DATE SIGNED:**

EDO --G20020009



State of New Jersey

DONALD T. DiFRANCESCO
Acting Governor

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
POST OFFICE BOX 7068
WEST TRENTON NJ 08628-0068

JOHN J. FARMER, JR.
Attorney General

COLONEL CARSON J. DUNBAR, JR.
Superintendent

January 2, 2002

Chairman Richard A. Meserve
Commissioners Dicus, Diaz, Merrifield, and McGaffigan
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Meserve and Commissioners:

I am writing in regard to the November 8, 2001 Nuclear Regulatory Commission (NRC) Advisory recommending additional security measures specific to shipments of Highway Route Control Quantities (HRCQ) of radioactive material. Because of recent events and heightened risk, the Department of Environmental Protection and the State Police Office of Emergency Management have been taking steps to identify and classify radioactive materials used and stored in New Jersey according to a "Threat Level Classification" (TLC) scheme. HRCQ of radioactive materials would qualify for our highest TLC level and could pose a significant threat to domestic security if transport were compromised. It is essential that we know when these materials will pass through our State.

The November 8 Advisory contains a recommended process for HRCQ shipment that is similar to the safeguards required for spent fuel and high level radioactive waste shipments. Additional actions recommended include notifying the Governor's designees of planned shipments and providing the planned route. These prudent actions are designed to ensure that appropriate radiation control, emergency response, and law enforcement agencies are informed and provides recommendations regarding armed escorts. However, they are not enforceable unless they become regulatory requirements.

New Jersey is a corridor state, termination point, and point of entry for the transport of HRCQ shipments. Our highways, rails, ports, and airports have been used extensively for these shipments. With our high population density and New Jersey's key location for national and international transport, notification, safeguard, and emergency response to these shipments is essential for ensuring safe transport.



Chairman Richard A. Meserve,
Commissioners Dicus, Diaz,
Merrifield, and McGaffigan

- 2 -

January 2, 2002

The NRC Advisory relies on licensees and their contractors to take prudent action but does not require them to take these actions. Since this advisory, one of two shipments of HRCQ transported through New Jersey has not followed the specific steps for HRCQ shipments. In this case, the notifications were obtained only through good relations between New Jersey State employees, other states, and the NRC, not through recommendations contained in the November 8 Advisory.

For continued success and the safe transport of these materials, I urge you to put the provisions of the November 8, 2001 Advisory into regulations. This would be consistent with the U.S. Coast Guard, who put a temporary final rule into the October 4, 2001 Federal Register that requires notification of shipments containing certain dangerous goods, including HRCQ shipments 96 hours in advance of docking. The NRC's requirement for notification of the Governor's designee and additional security as the shipment left the port and used public highways would complement the actions required by the U.S. Coast Guard.

Your prompt response to this request would be greatly appreciated. It is essential that prudent measures and proper safeguards be implemented during this period of heightened risk to ensure domestic security.

FOR COLONEL CARSON J. DUNBAR, JR.
SUPERINTENDENT

Sincerely,



Kevin J. Hayden, Captain
Acting Commanding Officer
Emergency Management Section

DTD/JEC:pmw
c Domestic Security Preparedness Task Force