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USNRC

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**DOCKET NUMBER
PROPOSED RULE FR 7L
(67FR21390)**

These comments pertain to the following: US Department of Transportation (DOT) Research and Special Programs Administration (RSPA) 67 FR 83:21328-21388 4/30/2002 Docket No. RSPA-99-6283 (HM-230) Hazardous Materials Regulations

Compatibility with the Regulations of the International Atomic Energy Agency

US Nuclear Regulatory Commission (NRC) 10 CFR 71
67 FR 21390-21484 4/30/2002
RIN 3150-AG71

Compatibility With IAEA Transportation Safety Standards (TS-R-1) and
Other Transportation Safety Amendments

Georgians for Clean Energy is a non-profit, statewide membership organization that strives to protect air and water resources by changing how energy is produced and consumed. We are based in Atlanta, Georgia and have a field office in Savannah, Georgia.

These comments are made to the U.S. Nuclear Regulatory Commission (NRC) and U.S. Department of Transportation (DOT) that will henceforth be referred to as "federal government agencies" throughout the rest of this document.

General Recommendations

- The International Atomic Energy Agency (IAEA) should not be dictating radioactive transportation standards for the United States. All proposed IAEA standards that would weaken current U.S. standards should not be adopted by U.S. federal government agencies. Additionally, existing U.S. standards should be strengthened from a health and security standpoint. The desire of international and federal agencies to gain "harmonization" in rule changes should not take precedence over the intrinsic need for much stronger protections for public health and safety.

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- Federal government agencies should not approve any proposed rule changes that facilitate radioactive “release” and “recycling” or dispersal of nuclear waste into daily commerce and household items. The protection of worker and public health should be paramount, not the needs of the nuclear industry to profit from their radioactive wastes. Of note, the 2000-2001 U.S. Steel Manufacturers Association (SMA) Public Policy Statement states:

“SMA opposes policies or rulemaking activities that sanction the free release of radioactively contaminated scrap metals from nuclear power plants or DOE facilities, without any additional regulatory controls. The US steel industry cannot be the dumping ground for the discards of the global nuclear age.”

Adopting the numerous proposed rule changes would not strengthen public health policy in regards to radioactive materials, nor would it protect the economic well being of various U.S. industries, such as the steel industry.

- The sharp increase in projected nuclear waste and/or radioactive shipments should be evaluated in these proposed rule changes as it relates to all aspects of transport. The dramatic increase in radioactive shipments across the nation must be addressed by all federal government agencies involved because historically none of the agencies have had experience with the magnitude of shipments that are projected in the coming years and decades. Proposing rule changes that rely on “outdated” data is unacceptable.
- Regarding the definition of “radioactive contamination,” no redefining of what is radioactive material should be done, because if something is radioactive it is radioactive because there is no safe level.
- The proposed guidelines should allow NO EXCEPTIONS and NO EXEMPTIONS.

Security

- These proposed regulations do not address terrorism issues. In light of the terrorist attack on the United States of America on September 11, 2001 it is completely unacceptable to address those issues in a separate rule or separate context. Terrorism concerns must be an inherent part of these radioactive transportation guidelines. All federal government agencies involved should be mandated to address this pressing issue in these documents prior to the issuance of any final rule(s). Separate rules addressing terrorism would be inherently deficient.
- All transporters, drivers, and crew workers involved in the transport of radioactive materials should have full background checks conducted by the Federal Bureau of Investigations prior to being awarded contracts, assigned routes, etc, and they should be trained in the handling of radioactive materials and apprised of the dangers involved.
- Priority should be given to conduct the transport of spent nuclear fuel shipments during off-peak hours, such as at night. Necessary side roads, tunnels, bridges, over passes, railroad crossings, and access and exit ramps, etc. should be secured prior to the arrival of the transport vehicle. A safe distance should be kept vehicle-free ahead of and behind spent nuclear fuel shipments.

- Notification of spent nuclear fuel shipments should be given to individual county sheriffs prior to entry. Likewise, notification to proper State officials should be given prior to entry and exit of state borders.

Packaging / Cask Design

- All radioactive materials should require double packaging as a security and safety precaution. For instance, single-walled containers storing plutonium should NOT be used to transport the material. Future adopted shipping requirements for radioactive materials should be MORE protective of public health rather than less protective.
- All vehicles, packages, casks, and container should be placarded and/or labeled with "Danger-Radioactive" instead of "Fissile" and should include the standard symbol, the black and yellow "windmill" for radiation [49 CFR 172.556], no matter how small or large the shipment, regardless of the curie quantity. Additionally, the name, weight, and activity of the radionuclide(s) should be listed. [Similar to current Emergency Response Guide's emergency identification number for bulk hazardous materials placarding, but with the addition of numbers corresponding to a broader listing of radioactive materials and radionuclides.] Old units should be incorporated with the new units.
- All uranium hexafluoride containers should have overpacks. This issue should be resolved in these proposed rules.
- Additional independent oversight of the transport casks should be conducted regarding quality control so as to determine whether, based on the way they are designed and built, they should even be used for cross country transport. The testing criteria of all packaging and containers should be strengthened for public safety purposes and include designs currently in use and/or proposed, under real-world conditions, with limited reliance on computer modeling. These should be ASME certified.
- There should be no waiving of design requirements for any packaging or containers.

Public Health & Safety

- The exposure to the transport vehicle should not exceed 10 millirems/year. All crew compartments should be heavily shielded to reduce exposure. Highly dangerous and long-lived spent nuclear fuel should not be transported via air (passenger planes or cargo planes) or via barge across water bodies such as the Great Lakes, large waterways, etc. Additionally, there should be no transport of any radioactive materials in combination with the transport of people, animals, livestock, birds, plants etc.
- Measures should be put in place to allow for decontamination of nuclear waste shipments during transport if they exceed allowable radiation levels after they begin their route. This could prevent populations from being unnecessarily exposed to higher than acceptable levels of radiation and prevent those shipments from having to return to the point of origin.

- There should never be allowed any dumping of any radioactive materials to the ocean or landfills nor incineration of such materials.
- The latest medical knowledge should be applied from independent sources concerning the medical affects of radiation (which would exclude IAEA or the ICRP due to their record of industry affiliations).
- Savannah, Georgia is home to one of the most active ports in the nation. Equally protective measures and security procedures must be put in place at port locations to protect Longshoremen and surrounding communities who could be exposed to radioactive shipments or be targets of terrorism.

Public Participation

The proposed rule changes from the U.S. Nuclear Regulatory Commission (NRC) and U.S. Department of Transportation (DOT) are numerous, confusing, and complicated. To expect the public to properly access, understand, and reply accordingly is ridiculous. We understand that some public hearings were held but the general lack of public education by the federal governmental agencies involved is appalling. We request that an extension be placed on the comment period and that "ordinary" language be used in explaining the actual proposals, how they will impact public health, what agencies and rules are actually involved, and how one can easily reply to ALL agencies dealing with these proposals by mail, email, or fax, so that genuine public interaction can occur over issues that can have profound impact on American lives but which, when poorly presented to the public, encourage non-engagement.

Summary

The numerous proposed rule changes do not support the inherent needs of the United States to protect its citizens and industries from the release of radioactive materials into the marketplace. The proposed rules could compromise ongoing national security efforts, putting the public at greater risk. Extensive studies need to be conducted prior to the adoption of any rule changes along with a significantly extended public comment period. If you have any further questions or comments, please feel free to contact us.

Sincerely,



Sara Barczak
Safe Energy Director
Georgians for Clean Energy / Savannah

cc: Harold Reheis / Georgia Environmental Protection Division
Jim Hardeman / GAEPD Environmental Radiation Program
Governor Roy Barnes
U.S. Senator Max Cleland
U.S. Senator Zell Miller