State of New Jersey

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Bradley M. Campbell
Commissioner

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Roy Zimmerman, Director
Office of Nuclear Safety and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Zimmerman:

I am writing to reiterate an area of internal inconsistency with the most recent Implementing Guidance issued by the U.S. Nuclear Regulatory Commission (NRC) on actions intended to enhance security for the transportation of radioactive materials in quantities of concern. Since this order provides sensitive information, I am writing in reference to statements that are marked (U).

In the Additional Security Measures for Transportation of Radioactive Material Quantities of Concern, Notifications, (page 18), it is required that certain information be provided by the licensee to each State through which the shipment will pass. This is to be provided seven days before the shipment.

On page 25 of the same document, when the shipment does not arrive, the licensee is to notify the local law enforcement agency, the NRC Operations Center, and the appropriate Agreement State regulatory agency, if any. Appendix B, Notification Table contains the same language with regard to notifications. There is a lack of continuity in notification that will result in a gap. The licensee notifies ALL states 7 days in advance of a shipment on their roads and rails, but the licensee only notifies Agreement States when a shipment is lost.

All issues regarding pre-notification (7 days in advance), notification of a missing shipment, and response are subject to a complex regulatory scheme. It is not necessary to further complicate this scheme by making any differentiation between Agreement states and non-Agreement states, since all states would initiate immediate action to try to find a missing source of this size. The change that is suggested is minor. Now that this issue has again been brought to your attention, I would expect quick action to rectify this problem.

Further inspection of the original order has raised another concern for me. Again, since the order provides sensitive information, I am writing in reference to a statement marked (U). On page 2 of the order, licensees are not responsible for complying with the requirements of the ASM if a carrier aggregates radioactive materials from multiple shippers that individually do not exceed the limits but which together exceed the criteria set forth in the document. This raises the

concern that any notification of such a shipment will ever be reported to the NRC, LLEAs or states through which the shipment will pass. Although the likelihood of this scenario may be small, the potential still exists that RAMQCs may pass over state road and rail unreported. The NRC should evaluate this shortfall and determine the best course of action to protect defense and security under those circumstances.

Sincerely,

Jill Lipoti, Ph.D.,
Director

C: Vonna Ordaz
Daniel Dorman
Robert Bores
Thomas Kerr, CRCPD Executive Director