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Before the
Nuclear Regulatory Commission
Washington D.C.

Nuclear Regulatory Commission

Comments on
Transportation of Radioactive Materials in Quantities of Concern:
Request for Comments

Submitted by:

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Add = S. Bagley (shb)

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Transportation of Radioactive Materials in Quantities of Concern:
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United Parcel Service (“UPS”) takes this opportunity to file comments in response to the notice entitled, “Transportation of Radioactive Materials in Quantities of Concern,” published in the Federal Register of January 4, 2008 (73 FR 826-830). UPS is an international, multimodal Carrier of express packages and freight. Around the world, UPS transports over 15.6 million small packages and documents, daily. To do so, UPS operates a fleet of 273 aircraft and over 94,000 motor vehicles. UPS also operates a ground, air and ocean forwarding network; provides logistics and shipping services to clients; and serves as a leading U.S. provider of less-than-truckload services.

Included in the materials UPS transports within its U.S. small package and ground freight networks are radioactive materials bearing the Radioactive White-I label. In the Express Air Freight system, UPS transports radioactive materials of all three label categories (White-I, Yellow-II and Yellow-III) within the U.S., Canada and Mexico.

In reviewing the table of “General Requirements for Security During Transport of RAMQC,” we find a number of points that we believe need clarification. Following are our questions and concerns.

A. Licensee Verification:

1. Verify recipients are authorized to receive regulated material by direct contact with regulatory authority
 - i. **Does this requirement refer to the Consignee, or anyone who comes into possession of the shipment along the way (i.e. Carriers)? If this refers to Carriers, then:**
 1. Does this mean that the NRC will establish a process by which Carriers will be qualified to accept the controlled materials?
 2. How does a Carrier obtain accreditation?
 3. What is the period of accreditation?
 4. How does a Carrier renew accreditation?
 5. Can accreditation be revoked by the NRC?
2. Confirm validity of unusual orders.

indicates it intends to apply controls only to motor vehicle shipments within the U.S. (to and from U.S. licensees), every air shipment necessarily involves pick-up and delivery by motor vehicle.

- iii. **What are the consequences for failure of an individual tracking device?**
 - iv. **What are the consequences of a system outage?**
 - v. **What are the recovery procedures for system or individual device failure or outage?**
 - vi. **Are backup systems or devices required to be in place?**
- c. **Assure trustworthiness and reliability of drivers:**
- i. **Does this impose additional requirements on Carriers beyond performing a background check required for the Hazardous Materials Endorsement of the Commercial Drivers License?**
 - ii. **If so:**
 - 1. **what is the length of driver history that must be checked?**
 - 2. **Is this a criminal background check, and should its scope be local or nationwide?**
 - 3. **Are there permissible gaps in a background check?**
 - 4. **Do background checks need to be repeated after a period of time?**
 - 5. **Are background checks transferable if a driver changes employers?**
 - 6. **Can background checks be used between different business units within a company?**
 - 7. **Is there a list of criminal offenses or other activities that would disqualify a driver?**
 - 8. **Does this requirement extend to a verification of certain training requirements that must be provided to a driver by the Carrier?**
- d. **Assure trustworthiness of and reliability of personnel with knowledge of the shipment.**
- i. **Is there any limit to the level of employee covered by this requirement?**
 - ii. **See background related questions from (c)(ii) above.**
- e. **Maintain constant control or surveillance during transit.**
- i. **Does this requirement mean containment in a sealed truck/trailer/transport device, or use of a guarded facility during hours of non-active transportation?**
 - ii. **What are the security quality control requirements for seals or tracking devices?**

- f. Have capability for immediate communication to summon appropriate response or assistance.
 - i. **What constitutes appropriate response?**
 - ii. **Must the communications method be secure?**
 - iii. **What activities or actions require an appropriate response?**

C. Notifications:

- 1. UPS has no issues with this area as the requirements seem to relate Shipper requirements.

D. Communications

- 1. **To whom does this section apply? Shippers, Carriers, Consignee, or a combination of one or more of these?**

E. Drivers and Accompanying Individuals:

- 1. Report into the communications center at regular, pre-set intervals.
 - i. **What constitutes pre-set intervals?**
 - ii. **Who establishes the pre-set intervals?**
 - iii. **What are the consequences for inadvertent non-compliance with planned communications?**
 - iv. **What evidence of compliance is required to demonstrate compliance with pre-set communications?**
 - v. **Must communications mechanism be secure?**
- 2. What is item number "2". Missing from proposal
- 3. No casual stops during transport
 - i. **No issues.**
- 4. If stopped, perform checks to monitor the shipment
 - i. **What does "stopped" mean? Are we to assume that this means a time when the vehicle is removed from the main roadway? Or does NRC intend less significant pauses in the planned journey to require such monitoring?**
 - ii. **What steps are required when U.S. DOT performs routine inspections that violate the integrity of seals applied in accordance with requirement B(4)(b)?**
 - iii. **Must routine DOT inspection stops be reported to the Shipper?**
 - iv. **What "checks" are required to be performed?**
 - v. **Must "checks" be documented?**
 - vi. **How are these "checks" to be documented"?**

F. Procedures, Training, and Control of Information:

- 1. Develop, maintain and implement policies and procedures for proper handling and protection against unauthorized disclosure of transportation security information.
 - i. **Will the provision of 49 CFR 174.800 (Hazmat Security) (a hazmat security plan) be sufficient to meet this requirement?**
 - ii. **What are the elements that must be met in such a plan?**

