

January 12, 2011 (11:25 am)

**From:** Thomas Higinbotham [higinbot@michigan.gov]  
**Sent:** Tuesday, January 11, 2011 8:12 PM  
**To:** Rulemaking Comments  
**Cc:** Tony Katarsky; James Porcello  
**Subject:** NRC 2009-0163 - "Physical Protection of Irradiated Reactor Fuel in Transit"

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Comments for NRC 2009-0163 - "Physical Protection of Irradiated Reactor Fuel in Transit"

The Michigan State Police (Emergency Management & Homeland Security Division and the Traffic Safety Division) support the general intention of the proposed rule.

There are, however, a couple items within the proposed rule making that we believe could use more specificity and attention:

1. Rule: " L. Proposed § 73.37(f) The proposed rule would re-designate the current § 73.37(f) as § 73.37(b)(2). A newly proposed § 73.37(f) would require an immediate investigation if a shipment is lost or unaccounted for after the designated no-later-than arrival time. This proposed requirement would facilitate the location and recovery of shipments that may have come under control of unauthorized persons."

Comment: Given the import of such a situation where a shipment is lost or unaccounted for, this section seems to lack the proper development and attention. How would this investigation be achieved, and in cooperation with whom (LLEAs, FBI?), who is lead agency, who are assisting agencies, etc.

2. Rule: Under "2. Advance Notifications" the following subsection, "(v) Cancellation notice. Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the governor or to the governor's designee of each State previously notified and to the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled."

Comment: Again, given the import of this criteria, there does not seem to be enough specificity regarding notification process and detail - how the notification is to be delivered, time line (pre-event?, post-event?), information to be conveyed (reasons for cancellation), rescheduling (if known), etc.

Thank you for the opportunity to submit comments on this important rule change proposal.

Sincerely,

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Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.2.247.2; Tue, 11 Jan 2011  
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Date: Tue, 11 Jan 2011 20:12:07 -0500  
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CC: "Tony Katarsky" <KatarskT@michigan.gov>,  
"James Porcello" <PorcellJ@michigan.gov>  
Subject: NRC 2009-0163 - "Physical Protection of Irradiated Reactor  
Fuel in Transit"  
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