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Docket: NRC-2009-0163
Safeguarding Shipments of Spent Fuel

Comment On: NRC-2009-0163-0010
Physical Protection of Irradiated Reactor Fuel in Transit; Extension of Comment Period

Document: NRC-2009-0163-DRAFT-0013
Comment on FR Doc # 2011-00214

Submitter Information

Name: Christopher R.

General Comment

See attached file(s)

Attachments

NRC-2009-0163-DRAFT-0013.1: Comment on FR Doc # 2011-00214

Template = SECY-067

DSIO

I am simply a citizen who is interested and concerned with the regulations concerning spent nuclear fuel. The views reflected in this comment are simply my personal observations after reading the rule and some of the comments.

I agree that there should be enhanced security regulations for the transport of spent nuclear fuel. I also hope that these regulations are as streamlined as possible, while still providing reasonable safety, in order to allow nuclear energy to be increasingly used as we try to solve the energy problems of the coming years.

I agree that shipments should not be required to take place with a designated train. As the agency reasons, as long as the same security measures exist for the single and multi-use trains, then requiring dedicated trains would simply enhance the logistic and economic cost of transport.

Other comments have raised concerns about section 73.37 (b)(1), which provides that armed guards must be trained on the use of deadly force. Apparently, the problem is that the regulation requires non-LLEA guards to be instructed on the use of deadly force, compatible the state and local laws concerning the use of force. It also requires the guards to complete a training program. However, the training program requirements do not mention any requirements about the knowledge of the use of deadly force. The thinking apparently is that if the rule requires training on a subject, the training guidelines should include information on that subject. While I do not feel that this situation is extremely harmful, I also agree that it would be better for the regulations to be more coherent by adding the language regarding training on local laws concerning the use of force to the training program requirements. Perhaps the agency could compile a digest of state laws concerning the use of force and the transportation of spent nuclear fuel, and require guards to pass a written test based on that information.

Also, LLEA guards are exempt from this requirement, the assumption being that local law enforcement personnel will already be familiar with local laws concerning the use of force. While this assumption makes sense, doesn't the exemption create the possibility of a mixed set of guards (some LLEA and some non-LLEA), with different members of the group operating under different understandings about what the law allows. I fear that this may create confusion if the transport is attacked. While LLEA officers should not have to undergo any extra training, perhaps information should be added to facilitate coordination between LLEA and non-LLEA guards. Perhaps with the notice provided to the state of an impending shipment, the licensee could include a memo summarizing the applicable laws of which they are aware, describing how they interpret these laws, and certifying that they have instructed the non-LLEA guards according to the guidelines in the document. As laws don't change that often, these memos wouldn't involve a lot of extra labor after they are initially written.

One final concern that I have is that there seems to be very little in the rule about protecting the information about possible fuel shipments. I can find only section 73.37 (g), which provides that:

State officials, State employees, and other individuals, whether or not licensees of the Commission, who receive information of the kind specified in paragraph (b)(2)(iii) of this section and any other safeguards information as defined in § 73.22(a) shall protect that information against unauthorized disclosure as specified in §§ 73.21 and 73.22 of this part.

Controlling the available information about the shipments could go a long way to preventing attacks. I would like to see a section added that requires that information only be given to certain

individuals. This would include a requirement that individuals who are only accompanying a shipment for a certain part of the shipment only be given information about the segment, and not for the entire trip. For this same reason of safeguarding information, I agree with the Commission's decision to not increase the amount of time before a shipment that a State must be notified. Seven days is, I feel, an appropriate length of time.

Rulemaking Comments

From: Gallagher, Carol
Sent: Friday, February 25, 2011 2:15 PM
To: Rulemaking Comments
Subject: Comment on Proposed Rule - Physical Protection of Irradiated Reactor Fuel in Transit
Attachments: NRC-2009-0163-DRAFT-0013.pdf

Van,

Attached for docketing is a comment from Christopher R. on the above noted proposed rule (3150-A164) that I received via the regulations.gov website on 2/25/11.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.76]) by OWMS01.nrc.gov
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From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Fri, 25 Feb 2011 14:15:01 -0500
Subject: Comment on Proposed Rule - Physical Protection of Irradiated
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