

NIC

United States
Nuclear Infrastructure
Council
1666 Connecticut Avenue NW, Suite 201
Washington, DC 20009
Tel: (202) 332-8155

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

April 11, 2011

NRC Rulemaking
Attn: Carol Gallagher
11555 Rockville Pike
Rockville, Maryland 20852

On behalf of the United States Nuclear Infrastructure Council, the following comments on NRC Proposed Rulemaking for Docket ID: NRC-2009-016310CFR73 are provided for your consideration. The Council -- which is a leading national advocate for new nuclear energy and successor organization to the United States Transport Council (www.nuclearinfrastructure.org) appreciates this opportunity to offer our comments.

The Council offers its perspective based on input from its Transportation Working Group, which is comprised of a Who's Who of nuclear materials transporters - who over the past forty (40) years have been involved in the overwhelming majority of nuclear transportation campaigns domestically and globally.

As a general observation, we are hopeful the final revised rule will support increased security without negative effects on safety, or unnecessary constraints on industry operations. We are also hopeful the final rule will ensure objective security and safety criteria are used for routing decisions and that political influence on route selection is minimized.

The following summarizes comments on changes proposed by the NPRM:

- There is a change to the requirement for two (2) redundant communications systems. This is advantageous inasmuch as the current language specifically called out what those systems should be. The new language leaves the selection of redundant systems to the shipper. That provides additional flexibility and accommodates changes in technology. In this light, this is a positive change in our view.
- Another change would require background investigations (including fingerprinting) for individuals desiring unescorted access to the cargo while in transit. That should not cause any challenges to the transportation industry, since the licensee will bear the burden of these investigations and final determination of

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who should, and should not have unescorted access. This is a reasonable requirement and is supported by the Council's transportation working group.

- There is a provision for enhanced communications with NRC. The original rule required a 2-day notification before the shipment began. The new requirements add a 2-hour notification before movement commences, and a notification when the shipment reaches its intended destination. The change also removes the exemption for shipments travelling an hour or less from origin to destination. This should be manageable and is supported by the Council's transportation working group.
- There is a provision to revise § 73.37(a)(1) to include the International System of Measurement (SI) accompanied by the equivalent English units in parentheses for the weight and dose rate measurements. This is part on a long-term metrification effort by the NRC and, as such, should be appropriate.
- There are miscellaneous changes to terminology that do not affect transportation activities and are supportive to this end.

For the record, please be advised that while the above views reflect the general consensus of the Council and its Transportation Working Group, they do not necessarily reflect the specific views of every individual member of the Council.

We appreciate the opportunity to provide these comments.

David Blee
Executive Director

Rulemaking Comments

From: hakins@nuclearinfrastructure.org
Sent: Wednesday, April 13, 2011 11:37 AM
To: Rulemaking Comments
Cc: dblee@forrestalgroup.com
Subject: U.S. NIC Comments on NRC Proposed Rulemaking for Docket ID:
NRC-2009-016310CFR73
Attachments: NICTransportRuleMakingComments.doc

Submitted on behalf of David Blee, Executive Director of the U.S.
Nuclear Infrastructure Council.

Harrison Akins
Policy Fellow
U.S. Nuclear Infrastructure Council
1666 Connecticut Ave NW, Suite 201
Washington, DC 20009
202-450-8824