



NUCLEAR ENERGY INSTITUTE

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75 FR 67636

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USED FUEL PROGRAMS

May 11, 2011

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SECTION

Subject: Nuclear Energy Institute Comments on U.S. Nuclear Regulatory Commission Draft NUREG-0561, Revision 2, *Physical Protection of Shipments of Irradiated Reactor Fuel* (75 Fed. Reg. 67636), November 3, 2010; Docket ID: NRC-2010-0340

Project Number 689

The Nuclear Energy Institute (NEI),¹ on behalf of the nuclear energy industry, is pleased to comment on the subject Draft NUREG. We commend the U.S. Nuclear Regulatory Commission (NRC) for proactively addressing the secure transportation of irradiated reactor fuel (including commercial used nuclear fuel) in this rulemaking. Industry is currently seeking an alternative used nuclear fuel management framework, in conjunction with the forthcoming recommendations of the *President's Blue Ribbon Commission on America's Nuclear Future*, to expedite the movement of used nuclear fuel away from the 72 commercial reactor sites in 33 states where it is currently stored. By providing a timely opportunity for stakeholder input on the security regulations and associated guidance under which used nuclear fuel will be transported, the NRC is helping to assure that a sound and predictable regulatory framework will be in place at the time when significant numbers of future shipments will be underway.

We further commend the NRC for providing an opportunity for review of Draft NUREG-0561 in conjunction with the currently pending rulemaking with which it is associated. Being able to review

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

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guidance associated with rulemakings is of fundamental importance to enabling an understanding of the rule sufficient to develop thorough and responsive comments. The industry's position on the NRC's proposed 10 CFR Part 73 Rulemaking on Irradiated Reactor Fuel in Transit (*75 Fed. Reg.* 62695), as articulated in my April 8 letter to the NRC, significantly benefited from the opportunity to review NUREG-0561 at the same time.

Our position on the 10 CFR Part 73 Rulemaking, as stated in my April 8 letter, is that considerable additional work is needed to make it an effective and reasonably implementable rule. We have recommended that the NRC convene a series of stakeholder workshops to obtain a full range of views prior to revising and then re-proposing this rule. Such additional consideration is particularly important given that, following recent events at the Fukushima Daiichi nuclear station in Japan, there is likely to be considerably more interest among stakeholder groups in the safe and secure movement of used nuclear fuel away from reactor sites.

We believe that NUREG-0561 will also benefit from revision and reconsideration, once again, in conjunction with the proposed rulemaking. Our overarching concerns regarding the rulemaking—the absence of a Design Basis Threat, lack of clarity regarding the relationship between NRC and DOT roles, and bases for shipping route selection—as expressed in my April 8 letter, also apply to the NUREG. We believe that, in addressing these comments with respect to both the proposed rule and the NUREG, the NRC will arrive at a significantly improved regulatory framework. To further assist in this regard, we have also attached additional detailed comments specific to NUREG-0561.

As with the proposed rule, we encourage the NRC to significantly involve all of the relevant stakeholders in its efforts to finalize NUREG-0561. We look forward to working with NRC staff and other stakeholders towards this goal. If you have any questions, please do not hesitate to contact me.

Sincerely,



Rod McCullum

Attachment

c: Ms. Vonna Ordaz, NMSS/DSFST, NRC
Mr. Earl P. Easton, NMSS/DSFST/LID, NRC
R. Clyde Ragland, NSIR/DSP/DDMS/FC, NRC

Additional NEI Detailed Comments specific to NUREG-0561: Physical Protection of Shipments of
Irradiated Reactor Fuel

Docket ID: NRC-2010-0340 (75 Fed. Reg. 67636, Nov 3, 2010)

Document/Section/ Page Reference	Comment	Suggested Wording/Revision
Page 13, section 2.2.2.1, Stops During Road Shipments, last paragraph	The document currently states...The full complement of armed escorts should participate in the surveillance, as well as any drivers or accompanying individuals not engaged in essential activities associated with the purpose of the stop. The concept is understood, however clarifying language needs to be included to allow for breaks.	Suggested wording is: The minimum complement of armed escorts should participate in the surveillance, as well as any drivers or accompanying individuals' not on break or engaged in essential activities associated with the purpose of the stop.
Page 19, section 2.6, Armed Escorts, second paragraph	The document currently states...In these cases, the shipment should proceed to the nearest available safe haven before making the stop. There is a need to ensure that individuals are qualified to carry firearms and understand the use of deadly force for the state where the transport is located. This may require stopping and changing escorts.	Suggested wording is: In these cases, the shipment should proceed to the nearest available safe haven in the current state, before making the stop.
Page 23, section 3.2, Communications for Road Shipments	The document currently states...the NRC requires the transport vehicle and all escort vehicles to be equipped with redundant communications abilities that provide for two-way communications among the transport vehicle, escort vehicles, movement control center, LLEA, and each other at all times...Reasonable assurance should be introduced here to comply with the "at all times" requirement.	Suggested wording is: ...the NRC requires the transport vehicle and all escort vehicles to be equipped with redundant communications abilities that provide for reasonable assurance of two-way communications among the transport vehicle, escort vehicles, movement control center, LLEA, and each other at all times.
Page 39, section 6.4, Determination of Trustworthiness and Reliability	The term "best effort" should be clarified as defined in NEI 03-01 for standardized investigations	Use the wording as identified in NEI 03-01