



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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July 18, 1979

The Honorable Harrison Schmitt
Committee on Commerce, Science, and
Transportation
United States Senate
Washington, DC 20510

Dear Senator Schmitt:

This is in response to your letter of April 4, 1979, requesting our comments on S. 535, the Nuclear Waste Transportation Act of 1979. I regret that it has taken so long for us to respond.

The major provisions of the bill as they affect NRC are Section 2 and proposed Section 115(a) of the Hazardous Materials Transportation Act. Together, they would confer "primary responsibility" for regulating the transportation of radioactive waste on DOT, "except that the primary responsibility for regulating and certifying the safety for shipping casks and packages shall remain with" NRC.

The Commission believes that its current arrangement with DOT under the Memorandum of Understanding has clearly laid out each agency's area of activities, has worked well in practice, and provides important flexibility to deal with problems as they arise. Recently, NRC has adopted interim rules for safeguarding spent fuel during carriage, and the Commission's staff has begun efforts which would lead to NRC enforcement of DOT's regulations concerning the packaging of low-level wastes against NRC licensees. These developments illustrate the need for continuing flexibility. Under S. 535, the Commission's authority to undertake these activities would have been in some doubt. We do not think the Commission's responsibilities should be restricted in the manner proposed under S. 535.

I have enclosed the testimony the Commission will offer this Thursday concerning the bill. The testimony fully explains the Commission's position on the bill.

Sincerely,

Joseph M. Hendrie

Enclosure: Testimony

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