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Regulatory Improvements Branch
Division of Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

To whom it may concern:

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PROPOSED RULE

53

PR - 73 (44FR 3466)

I am writing to officially comment on the new rules issued by the Nuclear Regulatory Commission regarding the shipment of spent nuclear fuel.

The NRC is to be commended for demanding federal involvement in setting route restrictions for shipments of spent fuel and for finally demanding advance notice of these spent fuel shipments to a federal agency, namely the NRC. The NRC is also to be commended for recognizing the authority of cities and counties to enact more restrictive local laws regulating the shipment of spent fuel.

However, several areas of improvement in the rules are critical in order to make them acceptable to general public:

1. Local authorities should be notified of spent fuel shipments as well as the NRC. In addition, local law enforcement agencies (LEA) should be notified of each shipment.
("73.47 a 2 does not require notification of LEA concerning a specific shipment, either before or while the shipment is enroute." Quoted from NUREG-0561)
2. The proposed routes including alternate routes should be published in the Federal Register before approval and public comment should be solicited before any decision is made.
3. Public Hearings should be held at the locale where the route is proposed before any approval is granted.
4. The criteria for determining what constitutes an "urbanized area" should be re-evaluated. Under more flexible boundary criteria, Charleston, SC would certainly be included on the embargo list.
5. The shipper should be required to prepare and submit to NRC for its approval, an emergency response plan for incidents which may occur along the route.
6. In the case of domestic spent fuel, the NRC should consider ruling that this spent fuel be left at the site where it was used until a permanent and safe disposal site is developed.

Overall, I am concerned with the regulations governing the shipment of spent fuel because the guidelines namely NUREG-0561 seem to be suggestions, rather than requirements. I would appreciate a clarification of this point. For example NUREG-0561 section 7.1 reads: "While drivers are not required by these regulations to

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complete the training program, a certain amount of instruction is considered desirable." How stringent are the regulations governing the training of drivers? What is "desirable" and what is required??

I am also concerned with the issue of monitoring shippers in order to ensure compliance with these new regulations. Unless, these regulations are backed by a substantial program of inspection and enforcement by the Commission - they will not provide the citizenry with much protection. I

In conclusion, I feel These regulations are a step in the direction the Nuclear Regulatory Commission must go--in the direction of REGULATING the nuclear industry and of PROTECTING the general populace-- however, I feel, it has a ways to go....

Margaret H. Muller

Margaret H. Muller
Citizen

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