



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

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September 12, 1979

The Honorable Mary Rose Oakar
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Oakar:

I have received the inquiry regarding safe transportation of radioactive wastes through Ohio from yourself and the other members of the Ohio Congressional delegation. You asked about our policy regarding the transportation of nuclear wastes, what precautions are taken, and what notifications are made. We are pleased to respond to these questions.

Your letters indicate that if one of the casks on the flatbed trucks was involved in an accident, the results would be catastrophic. We do not agree with this conclusion. First of all, I want to assure you that if there were an accident involving one of these shipments, the results would not be catastrophic, due to the protective nature of the packaging (as described in Enclosure 1) and the nature of the wastes themselves. Wastes generated in a nuclear power plant take many forms, including compacted solids, combustible material, solidified evaporator bottoms, and dewatered resins from ion exchange columns. The materials that have been shipped from TMI Unit 1 (shut down before the accident occurred at TMI Unit 2 on March 28, 1979) were dewatered resins. This material is in the form of tiny solid beads from which excess water has been removed. The waste was shipped under the category of low specific activity material since the radioactivity per unit mass was small. Because of the low concentration of radioactivity, such material presents small hazard to public health and safety even if it is dispersed in an accident. Consequently, in the unlikely event of an accident severe enough to rupture the package and disperse the contents, the public health hazard would be limited, not catastrophic.

In general, transportation of radioactive waste materials is regulated at the Federal level by both the Nuclear Regulatory Commission (NRC) and the Department of Transportation (DOT). These two agencies partition their regulatory responsibilities by means of a Memorandum of Understanding. The aforementioned Enclosure 1 gives a brief description of the NRC and DOT requirements for the packaging and transportation of radioactive materials including nuclear fuel and waste.

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Under existing regulations, neither the NRC nor the DOT prescribe specific highway routes for the transportation of radioactive waste materials or require shippers of such material to post advance notice of shipments. The DOT regulations require the use of alternate routes, where practicable, to avoid "heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys (49 CFR 397.9)." Existing State and local requirements frequently restrict use of bridges, tunnels, and roads for carriers of radioactive and other hazardous materials. In addition, portions of highways which are unfit for travel by heavy vehicles or by vehicles carrying hazardous materials have traditionally been closed to traffic by State traffic authorities acting in concert with local officials.

The NRC has recently reexamined its regulations on packaging and transportation in "Final Environmental Statement on Transportation of Radioactive Material by Air and Other Modes," (NUREG-0170 (December 1977; Enclosure 2)). In that document, the staff concluded that the environmental impacts of normal transportation and the risk attendant to accidents involving radioactive waste material shipments are sufficiently small to allow continued shipments by all modes and that no changes to the regulations are needed at this time. However, the NRC continues to study safety aspects of transportation of radioactive waste materials to determine whether improvements for safety can be made.

As a result of recent initiatives by State and local authorities to impose routing controls on nuclear shipments, the DOT has undertaken a rulemaking examination of transportation safety aspects of highway routing for radioactive materials. The examination will include consideration of routing decisions now being made by carriers and of the methods by which those decisions are made, as well as the safety effects of existing and possible federal, State, and local highway routing controls. A copy of the DOT notice of that examination is enclosed (Enclosure 3). The NRC plans to cooperate with the DOT in this proceeding consistent with a Memorandum of Understanding between the two agencies. This proceeding is expected to take about two years to complete.

Shipments of radioactive waste from the Three Mile Island Nuclear Power Station have been made under the existing regulations. To date, twelve shipments have been completed. Three of the shipments of radioactive waste from the TMI site discussed above may have contained small quantities of material from TMI-2 and so are considered as TMI-2 shipments. The other shipments contained TMI-2 rubbish including protective clothing used in decontamination activities. Additional shipments of low activity waste material associated with TMI-2 recovery operations are also planned. These TMI-2 related shipments have been and should continue to be conducted no differently from similar shipments involving other reactors and will be conducted under the same NRC procedure as described above.

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Decontamination of TMI-2 facilities comprises three major tasks: cleaning 280,000 gallons of water from the auxiliary building, cleaning 630,000 gallons of water from the containment building, and removing the reactor core. The last two tasks are still being planned. A system has been designed and installed for processing the 280,000 gallons of water from the auxiliary building. This system is now being checked out but will not be operated until an environmental assessment has been completed and approved. The draft environmental assessment, a copy of which is enclosed for your information, (Enclosure 4), has been released for public comment. When process units containing resin beds are depleted, they will be dewatered, replaced, and stored temporarily on site in an engineered storage facility.

All these units are planned to be shipped to Richland, Washington for burial. To date, all TMI-2 shipments of radioactive waste have been sent to Richland and have traversed Ohio following the notification of appropriate officials in that state. Advance notification of all TMI-2 radioactive waste shipments, including routing and timing, will continue as schedules become known. Certain of these process units will not contain as much radioactivity as the others and thus are planned to be shipped as low specific activity material in Type A packages. Public health and safety assurance for such shipments is provided by the low concentration of radioactivity in the contents, as required by the classification of low specific activity material, and by the packaging, which is designed to withstand normal transportation conditions. Similar considerations apply to the other TMI-2 and TMI-1 shipments discussed above.

The remainder of the process units involved with the decontamination of the 280,000 gallons of water from the auxiliary building are planned to be shipped in Type B packages, which are designed to withstand both normal transportation conditions and transportation accident conditions with essentially no release of radioactive contents. These process units are planned to be shipped in a dewatered state as for the TMI-1 waste. Requirements for further solidification of this material prior to shipment are under consideration by the NRC staff.

The NRC has established a special procedure whereby NRC personnel at the Three Mile Island site observe the preparation of each shipment and independently measure the radiation levels around each shipment. The NRC then notifies, among others, each State requesting information on such shipments in advance of the actual movement of the material. So much interest has been expressed in these shipments that the NRC has amended its procedure and will notify all States that future shipments will traverse. For Ohio, the NRC will provide this information to James McAvoy, Director of the Ohio Environmental Protection Agency. The information provided will include package identification, package description, carrier name, waste description, waste volume, waste origin (Three Mile Island Unit 1 or Unit 2), aggregate radioactivity

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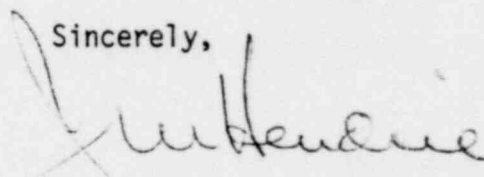
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in the package, radiation readings outside the package, presence, if any, of transuranic waste components (e.g., plutonium or americium), labels, time and date the shipment left Three Mile Island, burial facility identification, routing of the shipment, and any other information deemed pertinent by the NRC personnel at the Three Mile Island site.

Presently, if a transportation accident occurs, State and local governments are primarily responsible for overseeing the response of carrier, shipper, and others and for taking actions deemed necessary to protect public health and safety. If the State or local response team needs advice on radiological matters or assistance in responding to a transportation accident, Federal resources are available. Usually, these resources will be a team from a nearby Federal installation under the auspices of the Interagency Radiological Assistance Plan. The subject of emergency preparedness in transportation of radioactive materials is also under active consideration by both the NRC and the DOT. Recently, a joint NRC/DOT study group completed a report on emergency preparedness, in which several recommendations were developed for Federal rulemaking and response planning by shippers, carriers, and State and local agencies. We are soliciting public comments on this document, a copy of which is enclosed (Enclosure 5). While neither the NRC nor the DOT have officially endorsed the Study Group's report, the NRC and the DOT have initiated actions to implement these recommendations.

We hope this information will be helpful to you. If we can be of further assistance, please let us know.

Sincerely,



Joseph M. Hendrie

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Enclosures:

1. "Transportation of Nuclear Fuel and Waste"
2. "Final Environmental Statement on the Transportation of Radioactive Materials by Air and Other Modes" NUREG-0170
3. "Highway Routing of Radioactive Materials: Inquiry" Federal Register 43, 36492 (August 17, 1978)
4. "Environmental Assessment: Use of EPICOR-II At Three Mile Island" NUREG-0591
5. "Review and Assessment of Package Requirements (Yellowcake) and Emergency Response to Transportation Accidents" NUREG-0535

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TRANSPORTATION OF NUCLEAR FUEL AND WASTE

The transportation of nuclear fuel and waste is regulated principally by the Department of Transportation (DOT) and by the Nuclear Regulatory Commission (NRC). The regulations of the NRC are found in Title 10 of the Code of Federal Regulations, primarily in 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions." The regulations of the DOT are found in the Code of Federal Regulations, primarily in 49 CFR Parts 170-189, "Hazardous Materials Regulations" (for shippers and road, rail, water and air carriers). These regulations are applicable both to persons who ship radioactive materials as they package and offer such materials for transportation, and to carriers of radioactive material as they load and transport such materials in their vehicles. The regulations provide protection to transport workers and the general public from the hazards of radiation, and to undeveloped film from damage.

Primary reliance for safety in transportation of radioactive material is placed on the packaging. The DOT regulations prescribe general standards and requirements for all packages of radioactive material, and for handling and storage of those packages by carriers. For packages which contain no significant fissile radioactive material and only small quantities of other radioactive materials, the DOT standards and requirements provide adequate assurance of containment and shielding of the radioactive material. While these small quantity packages, termed Type A packages, may fail in an accident situation, the radiological consequences would be limited because of the limited package contents.

When the radioactive content of a package exceeds the small Type A quantity limit, it may only be transported in a Type B package, one which will survive transportation accidents. A Type B package must be designed to withstand a series of specified impact, puncture and fire environments, providing reasonable assurance that the package will withstand most severe transportation accidents and its design must be independently reviewed by the NRC engineering staff to verify its accident resistance. Finally a certificate must be issued by the NRC before a Type B package fabricated from that design can be used to transport radioactive material.

The standards which have been established in the DOT and NRC regulations provide that the packaging shall prevent the loss or dispersion of the radioactive contents, provide adequate shielding and heat dissipation, and prevent nuclear criticality under both normal and accident conditions of transportation. The normal conditions of transportation which must be considered are specified in the regulations in terms of hot and cold environments, pressure differential, vibration, water spray, impact, puncture and compression tests. Accident conditions which must be considered are specified in terms of impact, puncture and fire conditions.

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Procedures applicable to the shipment of packages of radioactive material require that a package be labeled with a unique radioactive materials label. In transportation, the carrier is required to exercise control over radioactive material packages, including loading and storage in areas separated from persons, and to limit the aggregation of packages to minimize exposures. The procedures the carrier must follow in case of an accident include notification of the shipper and the DOT, isolating any spilled radioactive material from personnel contact, pending disposal instructions from qualified persons, and holding vehicles, buildings, areas, or equipment from service or routine occupancy until they are cleaned to specified values. Radiological assistance teams are available through a Federal interagency program to provide equipment and trained advisory personnel, if necessary, to help manage accidents involving radioactive materials.

Recent studies indicate that approximately 2.5 million packages of radioactive materials are currently being shipped in the United States each year. Within the limitations of the regulatory standards, radioactive materials may be safely transported in routine commerce using conventional transportation equipment.¹ No special restrictions on the speed of vehicle or routing are needed to assure safety.² In its recent reexamination of its regulations on packaging and transportation of radioactive materials, the NRC staff concluded that the environmental impacts of normal transportation and the risk attendant to accidents involving radioactive material shipments are sufficiently small to allow continued shipments by all modes and that no changes to the regulations are needed at this time. Two documents, "Environmental Survey of Transportation of Radioactive Materials To and From Nuclear Power Plants," WASH-1238, and "Final Environmental Statement on the Transportation of Radioactive Materials by Air and Other Modes," NUREG-0170, provide additional information on this topic.

¹Section 201 of the Energy Reorganization Act as amended by Public Law 94-79 imposes special restrictions on the air transport of plutonium.

²According to the DOT, of the more than 32,000 hazardous material incident reports submitted to the DOT during the five year period 1971-1975, only 144 were noted to involve radioactive materials. Of these 144 incidents, only 36 showed any release of contents or excess radiation levels. In most cases, releases involved minor contamination from packages of low specific activity materials, exempt materials, or Type A quantities of radioactive materials.

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**FINAL ENVIRONMENTAL STATEMENT
ON THE
TRANSPORTATION OF RADIOACTIVE
MATERIAL BY AIR AND OTHER MODES**

Docket No. PR-71, 73 (40 FR 23768)

December 1977



**Office of Standards Development
U. S. Nuclear Regulatory Commission**

1366 007

Enclosure 2

NUREG-0170
VOL. 2

**FINAL ENVIRONMENTAL STATEMENT
ON THE
TRANSPORTATION OF RADIOACTIVE
MATERIAL BY AIR AND OTHER MODES**

Docket No. PR-71, 73 (40 FR 23768)

December 1977



Office of Standards Development
U. S. Nuclear Regulatory Commission

1366 008

US14: When 500 kHz is used for distress purposes, ship and coast stations may use 512 kHz for calling except for inland waters.

US225: In addition to its present government use, the frequency band 510-525 kHz is available to government and non-government aeronautical radionavigation stations inland of the territorial base line as coordinated with the military services. In addition, the frequency 510 kHz is available for non-government ship-helicopter operations when beyond-100 nautical miles from shore and required for aeronautical radionavigation.

US226: In the State of Hawaii, stations in the aeronautical radionavigation service shall not cause interference to U.S. Navy reception from its station at Honolulu on 198 kHz.

PART 87—AVIATION SERVICES

In § 87.501, paragraph (f) is amended to read as follows:

§ 87.501 Frequencies available.

(f) Radiobeacon stations: 190-205 kHz; 325-415 kHz; 510-525 kHz.

[FR Doc. 78-22833 Filed 8-16-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 177]

[Docket No. HM-164; Advance Notice]

CARRIAGE BY PUBLIC HIGHWAY

Highway Routing of Radioactive Materials;
Inquiry

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This publication invites comment on the need, and possible methods for establishing routing requirements under the Hazardous Materials Transportation Act applicable to highway carriers of radioactive materials. The Materials Transportation Bureau (MTB) recently completed an examination of a local New York City ordinance halting the movement of radioactive materials. Similar ordinances have been or may be enacted elsewhere. This inquiry is intended to assist in MTB in deciding what Federal action may be justified in light of local concerns addressed in such ordinances. A hearing will be announced subsequently.

DATE: Comments must be received on or before January 1, 1979.

ADDRESS: Comments must be addressed to Dockets Branch, Information Services Division, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Five copies of comments are requested but not required.

FOR FURTHER INFORMATION CONTACT:

Douglas Crockett, Office of Hazardous Materials Regulation, U.S. Department of Transportation, Room 6218, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION:

I. SCOPE OF THIS DOCKET

A. *Background.* On April 20, 1978, the MTB published an opinion (43 FR 16954) concerning the legal relationship between section 175.111 of the New York City health code and regulations issued by DOT under the Hazardous Materials Transportation Act (HMTA, Title I of Pub. L. 93-833). Section 175.111 of the city's health code prohibits the transportation in or through the city of most commercial shipments of radioactive materials. The HMTA is the basic Federal legislation under which the transportation safety of hazardous materials, including radioactive materials, is regulated. In the opinion, MTB concluded that HMTA routing authority is sufficient to preempt State and local highway routing requirements (see HMTA, §§ 105, 112; 49 U.S.C. 1804, 1811), but that because a routing requirement has not yet been established under the HMTA, that act does not at present preempt section 175.111 of the city's health code.

This municipal safety requirement, and other similar requirements imposed by State and local jurisdictions elsewhere, affect interstate commerce. In some cases local requirements may so vary from one another as to be incompatible. In other cases they may impose significant additional responsibilities on shippers, carriers, or neighboring jurisdictions. Existing State and local requirements for highway

carriers of various radioactive materials now restrict use of bridges, tunnels, and roads otherwise open to public use. Local jurisdictions have also imposed requirements for permit fees, advance notice, escorts, and specified times of travel. In many cases, these local restrictions are associated with local responsibilities for emergency response or for traffic control (such as the establishment of truck routes). This rulemaking will examine the transportation safety aspects of highway routing of radioactive materials. The examination will include consideration of routing decisions now being made by carriers and the methods by which those decisions are made. The rulemaking will examine the safety effects of existing and possible Federal, State, and local highway routing controls, including effects of actions by one State or locality on another.

Only highway routing of radioactive materials will be considered in this docket. This does not rule out the possible future consideration of materials in other hazard classes and other modes of transportation. However, highway transportation, of all four modes of transportation, offers the largest number of routing possibilities and the greatest access to population centers. When highway carriers transport radioactive materials, they now face immediate and significant disparities in safety requirements imposed by State and local jurisdictions.

B. *Safety.* Both DOT and the Nuclear Regulatory Commission (NRC) share responsibility for insuring use of safe methods of preparing and transporting radioactive materials. DOT's regulations pertain to packaging, labeling and marking, placarding and shipping paper entries, keyed to the radiation hazard of the material being transported (49 CFR parts 170-178, especially §§ 173.7(b), 173.389-398 and parts 390-397, especially part 397). Complementary NRC regulations, pertaining to packaging of certain radioactive materials, are found at 10 CFR part 71. In addition NRC regulations in 10 CFR part 73 concern the physical security of special nuclear materials, at both fixed facilities and while in transportation.

An existing DOT regulation generally addresses highway routing of hazardous materials (49 CFR 397.9(a)) including radioactive materials, when carried in substantial quantities. Section 397.9 was issued under statutes that predate the HMTA (18 U.S.C. 834 and 49 U.S.C. 304), and states:

§ 397.9 *Routes.*

(a) Unless there is no practicable alternative, a motor vehicle which contains hazard-

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ous materials must be operated over routes which do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this paragraph.

Another DOT regulation expressly recognizes State and local traffic regulation (49 CFR 397.3). Section 397.3 approves those State and local requirements which concern the mechanics of driving and handling vehicles. Those State and local requirements are roughly comparable to Federal requirements in 49 CFR part 392. Section 397.3 states:

§ 397.3 State and local laws, ordinances, and regulations.

Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with specific regulations of the Department of Transportation which are applicable to the operation of that vehicle and which impose a more stringent obligation or restraint.

A third regulation, issued under the HMTA, approves certain hazardous materials restrictions imposed on the use of tunnels by State or local authority (49 CFR 177.810). Section 177.810 states:

§ 177.810 Vehicular tunnels.

Nothing contained in parts 170-189 of this subchapter shall be so construed as to nullify or supersede regulations established, and published under authority of State statute or municipal ordinance regarding the kind, character, or quantity of any hazardous material permitted by such regulations to be transported through any urban vehicular tunnel used for mass transportation.

Sections 397.3 and 397.9, and section 177.810(a), taken together, reflect the fact that routing of highway traffic in hazardous materials has been a matter left primarily to State and local regulation, and the principle that such State and local regulation should not have the actual effect of altogether forbidding highway transportation between any two points, even where other modes of transportation are available. These provisions constitute the present posture of DOT highway routing policy.

In addition to these provisions, there are also a number of publications available, concerning radioactive materials transportation, which will be considered in this docket. The list below is not inclusive:

(1) Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes (NUREG-0170), U.S. Nuclear Regulatory Commission, Office of Standards

Development, December 1977 (available from the National Technical Information Service for \$12).

(2) Lippek and Schuller, Legal, Institutional, and Political Issues in Transportation of Nuclear Materials at the Back End of the LWR Nuclear Fuel Cycle, September 30, 1977 (Battelle Human Affairs Research Centers, 4000 Northeast 41st Street, Seattle, Wash. 98105).

(3) Transport of Radioactive Material in the United States (NUREG-0073), U.S. Nuclear Regulatory Commission, Office of Standards Development, May 1976 (single copies may be obtained by writing to Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555).

(4) Environmental Survey of Transportation of Radioactive Materials to and from Nuclear Power Plants (WASH-1238), U.S. Atomic Energy Commission, Directorate of Regulatory Standards, December 1972 (copies available from the National Technical Information Service for \$7.25).

In addition, the Nuclear Regulatory Commission has contracted for a generic environmental assessment on transportation of radioactive materials near or through large densely populated areas. Results of this effort will be considered as they become available.

The items listed are available for public inspection in the MTB dockets room. Copies may be obtained from the publishing agencies or, where indicated, from the National Technical Information Service, Springfield, Va. 22161 (payment to NTIS should be enclosed).

C. The need for consistent rules. Consistency among Federal, State, and local transportation requirements affects both efficiency and safety in transportation. For highway transportation, differences in regulatory requirements may affect safety in a number of ways, such as—

- (1) Routes used may not be the best available;
- (2) Confusion resulting from differences in locally enforced rules may result in non-compliance with either Federal or local rules;
- (3) Rerouting that results from a locally imposed rule may have unconsidered effects on other localities, especially on their emergency responsibilities.

However, regulatory uniformity may not be always desirable or possible, due to local transportation conditions and the emergency responsibilities of local authorities. There are therefore practical limits on the possible scope of uniform or exclusive HMTA routing requirements that might be developed in this docket.

II. SOME POSSIBLE REGULATORY ALTERNATIVES

Four alternatives are outlined below, to illustrate several procedures which might be used to regulate highway routing of radioactive materials. MTB is not proposing to employ any of the alternatives. They are outlined merely as illustrations of available HMTA authority. As illustrations, they reflect differences in State and local decision-making participation, differences in cost to governments, business, and consumers, and differences in judgment as to the necessity for additional Federal scrutiny of radioactive materials carriage by highway. The first three alternatives are probably in ascending order of stringency, cost, and degree of DOT rulemaking scrutiny. A draft regulatory evaluation, available for inspection in the public docket, tentatively concludes the implementation of the regulatory examples below would probably not have major economic consequences under Executive Order 12044.

A. Require compliance by radioactive materials highway carriers with a general routing rule to be established by MTB. The test of 49 CFR 397.9 might serve as a model for development of a general routing requirement (variations would require an exemption under part 107). Specific route approval or licensing of highway carriers would not be necessary or possible.

B. Require each highway carrier to be licensed only for variance from radioactive materials routes permitted under a generally applicable MTB routing rule, but permit voluntary licensing. Alternative B, a partial licensing scheme, would have many of the features of alternative C, a full licensing scheme, outlined below. However, alternative B would involve the establishment of a general Federal routing rule under which much or most highway carriage of radioactive materials would occur, with specific route approval required only for carriage operations that depart from the general rule. Both the general rule, as well as any specific route approvals, might consider, in addition to actual routes, matters such as carrier fitness, travel times, and availability of alternate methods of transportation other than highway carriage. The general rule, or a specific route approval, would be sufficient authority for highway carriage operations conducted in compliance with applicable Federal requirements, and State and local requirements not consistent with those Federal requirements would be preempted.

This alternative could also provide for specific route approval, when justified, on a voluntary basis upon application by a carrier, or as a requirement upon application from a State or local government. Specific route ap-

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PROPOSED RULES

proval would be used primarily for situations involving unusual local conditions or routes involving substantial controversy.

C. *Require each highway carrier to be licensed for each radioactive material route.* This alternative would require each highway carrier to obtain prior MTB approval of any route to be used in the transportation of radioactive materials. The carrier might file proposed routes supported by a statement of safety and jurisdictional considerations. Public comment would be solicited. If the carrier's proposal were accepted by MTB, it would authorize carrier operation under the plan for a certain term, perhaps 2 years. Plan approval would preempt State and local requirements not consistent with it, but could make federally enforceable those State and local requirements affecting the carrier which are consistent with the plan. In some cases, special locally imposed requirements might be expressly incorporated into the plan by the carrier or MTB.

It would be necessary to establish some general criteria by which route plans could be judged. As in alternative B, matters which might be examined could include carrier fitness, travel times, and availability of alternate methods of transportation. Such criteria additionally would be useful to carriers in preparing plans, and to State and local governments in administering their highway regulatory programs.

At the end of the term, a carrier could file for renewal. At that time his safety record, and conditions affecting his performance, could be evaluated, again by a public process. Under some circumstances, and subject to procedural considerations, the carrier's plan approval could be revoked or modified before the term had run.

This alternative would make it impossible to move a designated radioac-

tive material by highway unless the route used were previously approved by MTB. Consequently, existing routing practices would have to be phased out gradually, to reduce confusion and commercial disruption. The mechanics of this alternative resemble those of the process now used by MTB in issuing exemptions. Implementing this alternative may require substantial administrative resources.

D. *Invite the Nuclear Regulatory Commission to consider routing restrictions for its licensees.* The Nuclear Regulatory Commission addresses routes used to transport special nuclear materials (10 CFR part 73) and has the authority to consider routing in both regulatory and licensing proceedings.

III. REQUEST FOR COMMENT

Comment is solicited on the preceding discussion and on the questions below.

Should radioactive materials be subject to more stringent Federal highway routing requirements than now imposed by 49 CFR 379.9?

(A) If so—

(1) What types, quantities and forms of radioactive materials should be considered?

(2) What benefits might be achieved?

(3) What factors in addition to population density and highway conditions should be considered in connection with routing? Should those factors include such things as emergency response training for drivers, special equipment, or the operating convenience and efficiency of the carrier? Should these factors be considered in place of routing?

(4) How would additional Federal rules impact State and local regulatory programs, or emergency response capabilities? To what extent is greater uniformity in State and local requirements desirable, and to what extent achievable through Federal rulemaking?

(5) What kind of Federal rule is desirable? Is a generalized DOT requirement preferable to a procedure that entails an individual DOT examination of some or all routes?

Do local conditions affecting route selection necessitate individual Federal examination? If detailed examination of highway routes is necessary, by what procedures should it be accomplished?

(6) What additional costs may be involved if new routing rules are developed and implemented? How are those costs likely to affect shippers, carriers, Federal, State, and local governments, utilities, and the public?

(B) If not—

(1) What are the likely costs and benefits of taking no action?

(2) Do existing disparities between State and local rules concerning highway carriage of radioactive materials need to be harmonized? If so, how?

A hearing will be held to consider views on this advance notice, at a time and place to be subsequently announced. Drafters of this document are Douglas A. Crockett, Office of Hazardous Materials Regulation, MTB, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

Commenters are advised that section 105(b) of the HMTA requires DOT to consult and cooperate with the Interstate Commerce Commission before issuing any regulation with respect to the routing of hazardous materials.

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of app. A to part 102.

NOTE—The Materials Transportation Bureau has determined that this advance notice will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available in the docket.

Issued in Washington, D.C., on August 10, 1978.

DOUGLAS A. CROCKETT,
Acting Associate Director for
Hazardous Materials Regulation,
Materials Transportation
Bureau.

[FR Doc. 78-22738 Filed 8-16-78; 8:45 am]

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ENVIRONMENTAL ASSESSMENT

USE OF EPICOR-II
AT
THREE MILE ISLAND, UNIT 2

PREPARED BY

OFFICE OF NUCLEAR REACTOR REGULATION
U. S. NUCLEAR REGULATORY COMMISSION

AUGUST 14, 1979

**REVIEW AND ASSESSMENT OF
PACKAGE REQUIREMENTS (YELLOWCAKE)
AND EMERGENCY RESPONSE TO
TRANSPORTATION ACCIDENTS**

Draft Report

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Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission

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COMMITTEES:
BANKING, FINANCE
AND URBAN AFFAIRS
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 3, 1979

Mr. Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

It has been called to my attention that cargoes of nuclear wastes were transported from Three Mile Island in Pennsylvania through the State of Ohio and on to the State of Washington.

While I am not an alarmist and I do recognize the fact that this waste must be stored in a safe area, I cannot accept the attitude nor the manner in which you are accomplishing this feat.

First, transporting dangerous cargo such as nuclear waste on interstate highways, and specifically on the Ohio Turnpike, without notifying the proper authorities is reprehensible. If just one of the flat-bed trucks used to carry the five ton casks becomes involved in an accident, the results would be catastrophic. The possibility of contamination, of exposure to radiation, and of death cannot be ignored. The communities involved and, the public officials responsible for its safety, would not have time to implement a course of action. Time, a valuable component to survival, would then become a deterrent.

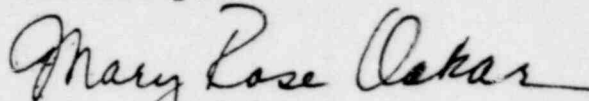
Second, and most importantly, the total lack of communication between your Commission and the Nuclear Safety Task Force of Ohio, the Ohio Environmental Protection Agency, the Ohio Turnpike police, the County Commissioners, and the mayors of the State is inexcusable. The sensitivity of the material being moved across the State of Ohio should have required you to notify those officials of possible danger. The movement of those trucks could have been accomplished after the highway was clear of traffic, or during slow traffic time. What is your specific policy regarding the transportation of nuclear wastes? What precautions are taken? What notifications are made?

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Mr. Joseph M. Hendrie
May 3, 1979
Page Two

I look forward in the immediate future, to these answers and any information which will relate your policy concerning the transport of nuclear waste.

Sincerely,

A handwritten signature in cursive script that reads "Mary Rose Oakar". The signature is written in dark ink and is positioned above the typed name.

Mary Rose Oakar
Member of Congress

MRO:elr

1366 015

MAKY ROSE OAKAR
20TH DISTRICT, OHIO

DISTRICT OFFICE:
523 FEDERAL COURT BUILDING
215 SUPERIOR AVENUE
CLEVELAND, OHIO 44114
(216) 522-4927

WASHINGTON OFFICE:
107 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5871

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
BANKING, FINANCE
AND URBAN AFFAIRS
SELECT COMMITTEE ON AGING

Ref EDO-6169

Action - Dircks
Cys: Gossick
Cornell
Rehm
Ryan
Shapar
Cook, MPA

May 8, 1979

Mr. Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

It has been called to our attention that cargoes of nuclear wastes were transported from Three Mile Island in Pennsylvania through the State of Ohio and on to the State of Washington.

We, the members of the Ohio Delegation, are not alarmists and do recognize the fact that this waste must be stored in a safe area, but we cannot accept the attitude nor the manner in which you are accomplishing this feat.

First, transporting dangerous cargo such as nuclear waste on interstate highways, and specifically on the Ohio Turnpike, without notifying the proper authorities is reprehensible. If just one of the flat-bed trucks used to carry the five ton casks becomes involved in an accident, the results would be catastrophic. The possibility of contamination, of exposure to radiation, and of death cannot be ignored. The communities involved and, the public officials responsible for their safety, would not have time to implement a course of action. Time, a valuable component to survival, would then become a deterrent.

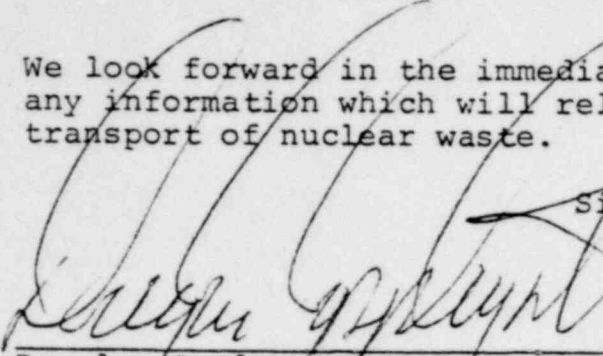
Second, and most importantly, the total lack of communication between your Commission and the Nuclear Safety Task Force of Ohio, the Ohio Environmental Protection Agency, the Ohio Highway Patrol, the County Commissioners, and the mayors of the State is inexcusable. The sensitivity of the material being moved across the State of Ohio should have required you to notify those officials of possible danger. The movement of those trucks could have been accomplished after the highway was clear of traffic, or during slow traffic time. What is your specific policy regarding the transportation of nuclear wastes? What precautions are taken? What notifications are made?

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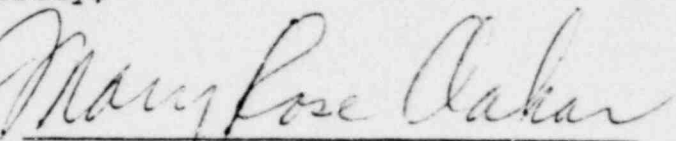
Mr. Joseph M. Hendrie
May 4, 1979
Page Two

We look forward in the immediate future, to these answers and any information which will relate your policy concerning the transport of nuclear waste.

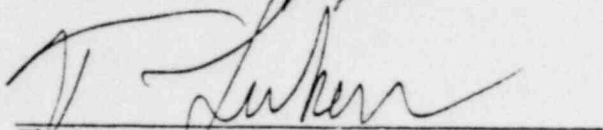
Sincerely,



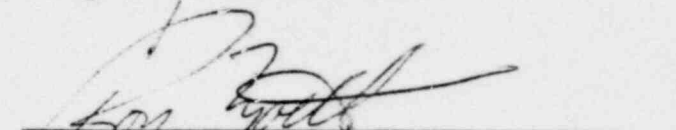
Douglas Applegate, M.C.



Mary Rose Oakar, M.C.



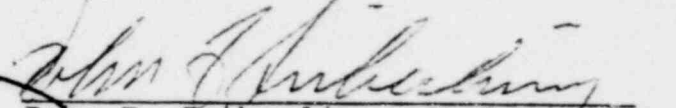
Thomas A. Luken, M.C.



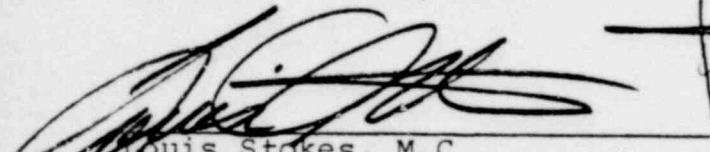
Ronald M. Mottl, M.C.



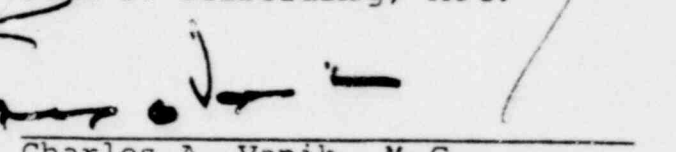
Donald J. Pease, M.C.



Joan F. Seiberling, M.C.



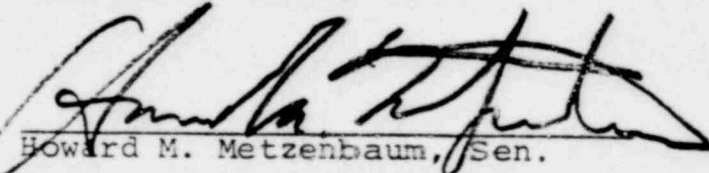
Louis Stokes, M.C.



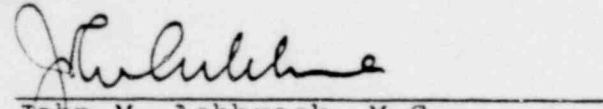
Charles A. Vanik, M.C.



Lyle Williams, M.C.



Howard M. Metzenbaum, Sen.



John M. Ashbrook, M.C.

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