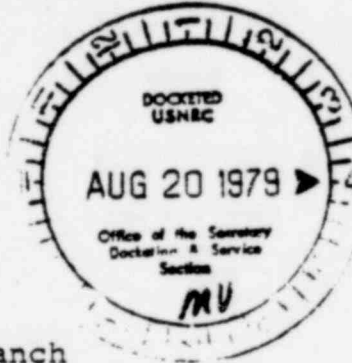




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DOCKET NUMBER
PROPOSED RULE PR-73 (44 FR 34466)

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OFFICE OF THE
ADMINISTRATOR

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

Dear Sir:

The Environmental Protection Agency (EPA) has completed its review of the Nuclear Regulatory Commission's (NRC) June 15, 1979 Federal Register notice of interim final rule entitled, "Physical Protection of Irradiated Reactor Fuel in Transit" (10 CFR Part 73). Our comments and concerns are highlighted in this letter.

Although law enforcement and communications are not within our specific area of review responsibility, the EPA shares NRC's concern for the public's health and safety and commends the NRC for its decision to promulgate the interim final rule to minimize the public danger associated with spent fuel shipments. We offer the following comments you might consider in developing final regulations to insure public safety.

We believe that the term "arrangements" in Section 73.37 (a) (2) is vague and could be clarified. One means of clarifying "arrangements", and facilitating shipping and law enforcement cooperation, would be to develop on a state, regional, or route specific basis standardized emergency response arrangements rather than arrangements for each individual shipment, as the rule presently specifies. With standardized plans in effect shippers would know their responsibilities in advance of the shipment without contacting each enforcement authority along their chosen route. Law enforcement officials also would be better prepared to respond to shipper's requests under a standardized system. Experience under the interim rule should assist NRC in the development of standardized arrangements, if they desire to develop them.

The two hour reporting requirements of Sections 73.37 (b) (2) and (c) (2) are feasible for the immediate future. However, a law enforcement reporting center might become overloaded in the future

Acknowledged by card... 8/21/79

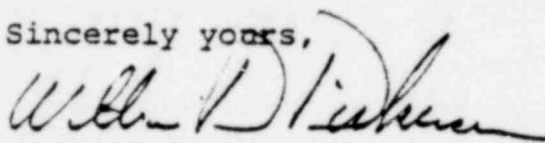
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considering the number of nuclear power plants projected to become operational. The regulations should either state how such a rapid increase in communications would be handled or contain provision for periodic review of the two hour reporting requirement if the transportation of irradiated reactor fuel increases markedly in the future.

Thank you for your attention to our comments on this rule-making. If you have any questions regarding our comments, please contact Mr. Thomas Pierce or Mr. Sam Little of my staff at 755-0780.

Sincerely yours,

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William N. Hedeman, Jr.

Director

Office of Environmental Review (A-104)