



DOCKET NUMBER 15
PROPOSED RULE PR-73(44FR 34466)

Edlow International Company
1100 17th Street, N.W. Suite 404
Washington, D.C. 20036 U.S.A.
(202) 833-4237
WUI 64387, RCA 248540



NRC PUBLIC DOCUMENT NUMBER

August 14, 1979

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

Attention: Docketing and Service Branch

Gentlemen:

Please accept our comments on Amendment to CFR 73, and NUREG-0561, effective July 16, 1979 (44 FR 34466 et seq).

Our views on Paragraph 73.37 are known to the Commission by virtue of our petition for rulemaking dated June 29, 1979. We briefly repeat our views in this submittal for the record.

When the Commission amended Part 70 by adding section 70.20a which became effective on June 7, 1979, it placed the responsibility on the carrier to provide the physical security required during transport of SSNM. This was a new, and, in our opinion, a correct concept in that it placed the responsibility on the carrier.

When the Commission determined that spent fuel should be added to that list of commodities requiring physical security during transport, the drafters of the amendment to implement the Commission decision failed to follow the philosophical intent of the Commission and wrote revised Part 73 in such a way that the result is inconsistent with the intent of the Commission.

It is clear that Section 70.20a of the regulation requires that any person who possesses SSNM for the purpose of transport under general license (a) shall have submitted and received approval of his transportation security plan and (b) shall assure that the transportation is in accordance with the requirements of Part 73 and the plan.

It just does not make sense that, in the instance of spent fuel, a different set of rules should apply. Certainly consistency requires that Part 70a and Part 73 be so amended as to make the responsibilities for providing physical security for the transport of spent fuel consistent with those for transport of other forms of SSNM.

1023-305

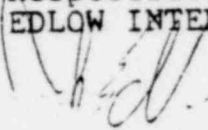
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We note with interest that the Commission has taken action to alleviate this situation, and that a recommendation from staff to the Commission is scheduled to be made by September 30, 1979.

Respectfully submitted,
EDLOW INTERNATIONAL COMPANY


Jack Edlow
Vice President

1023 306

August 14, 1979

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Nuclear Regulatory Commission
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Jack Edlow
Vice President

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