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Sandia Laboratories

Albuquerque, New Mexico 87115

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PROPOSED RULE PR-73(44FR 344(66))



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

Dear Sir:

As the Manager of the DOE Transportation Technology Center at Sandia Laboratories, I am writing to express my concern over a decision reached by the Commission at their meeting on May 22, 1979. At that meeting they unanimously agreed to modify 10 CFR 73 to require that safeguard measures be applied to spent fuel shipments. I believe that NRC has not adequately evaluated the impact of these regulations, that the Interim Final Rule will produce effects which are not intended, and that the costs and regulatory confusion are not justifiable.

In addition to the questionable need to implement the Rule without benefit of the normal public comment period and the implied urgency of that approach which cannot be substantiated, there are some concerns which I think NRC has failed to address. Based upon the statements by the staff at the May 22 meeting at which this rule was adopted and in subsequent written material in the Federal Register (Vol. 44, No. 117, 6/15/79), the NRC intended to reduce the risk of public impact from the sabotage of spent fuel shipping casks by (1) reducing the probability of attack by terrorists by emplacing barriers to such attack, (2) reducing the probability of success, if an attack is mounted by terrorists, by requiring unarmed guards, and (3) reducing the consequences of a successful attack by prohibiting shipments through areas of "high population density."

Let me address these individually. The Final Interim Rule, requiring advanced notice of shipment, rerouting around embargoed areas, and the simple publicity that NRC considers this to be a problem area may serve to increase the probability of attack. The potential terrorist under these newly imposed conditions has information on the shipping route and approximate shipping time, and he will be afforded an opportunity to interdict the shipment on a secondary road (detour around embargoed areas) where there is less traffic, less visibility, and poor communications. Second, the probability of success may be greater than before because now the attacker, if he is to be effective, must gain possession of the shipment giving him more time to properly emplace explosives than would be the case on a hit-and-run type of attack. Finally, the consequences may be adversely impacted by the new Rule since the attacker, with possession of the unit, can pick the time, place, and atmospheric conditions best suited to his objectives. At best, the Final Interim Rule may alter the probability of attack but will have no effect on consequences.

The sum of these concerns is that the total result of this action may be increased public risk from sabotage. Most certainly the public is exposed

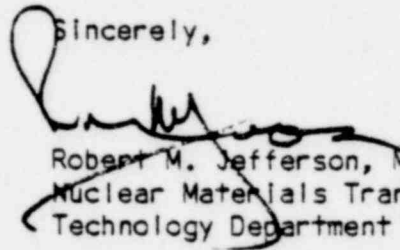
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to some increment of additional risk because of the adverse effect on safety imposed by the necessity of utilizing secondary highways (and trackages) to bypass embargoed areas. All of this is to be accomplished at a cost at least double that of the previous transportation process. I find it difficult to justify doubling the cost for transporting spent fuel unless the benefits can be clearly defined and unless those benefits are cost-effective.

I believe it is important that the Commission review its action of May 22 and seek an independent evaluation of the total impact of this new regulation. Until such an independent evaluation is completed, I believe the Final Interim Rule should be suspended or that all commercial shipments of spent fuel be prohibited.

Should you wish to pursue this matter further, I would be glad to try to help by providing any information requested.

Sincerely,



Robert M. Jefferson, Manager
Nuclear Materials Transportation
Technology Department 4550

TRANSPORTATION TECHNOLOGY CENTER

RMJ:sam

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