

# GENERAL ELECTRIC

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NUCLEAR ENERGY  
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SPENT FUEL SERVICES OPERATIO

DOCKET NUMBER 27  
PROPOSED RULE PR-73(44FR 34466)

DMD-340

August 15, 1979

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

Attention: Docketing and Service Branch

Gentlemen:

On August 9, 1979, General Electric Company submitted comments on the recent amendment to 10CFR73, Interim Final Rule: Physical Protection of Irradiated Reactor Fuel in Transit.

It has come to our attention that there is a word in error which significantly changes General Electric's position on this rulemaking. Accordingly, we wish to delete the last word in the next to the last paragraph on page 2 - "necessary" - and substitute the word "unnecessary". A substitute page 2 is included to correct your copy.

We trust this error has not caused any significant inconvenience.

Respectfully submitted,

GENERAL ELECTRIC COMPANY



D.M. Dawson, Manager  
Licensing & Transportation  
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DMD:RHJ:bn

Attachment



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SAND-77-1927, does not define any mechanism by which a cask can be breached and, as a result, states in the summary (section 6.3.2):

"As unlikely as it appears, it is assumed ... that an adversary successfully sabotages a radioactive material package." (Emphasis contained in text).

Regarding the probability of attack, SAND-77-1927 specifically states on page 167:

"... there has been no attempt to quantify that likelihood."

The swiftness of this rulemaking would imply that a significant threat exists and was identified in SAND-77-1927. As noted above, that document does not identify such a threat and according to the NRC Safeguards Summary Event List (Pre-NRC through December 31, 1978) there have been no malevolent acts directed against spent fuel shipments, which to date number approximately 3500 in the civilian sector alone.

SAND-77-1927 considers the sabotage of a truck cask in an extraordinarily high population density area (NYC). The NRC has used this event as the basis for the in-transit security rules which are applied not just to NYC circumstances but rather to all modes of shipment throughout the entire nation. The situation considered by Sandia was truly a unique case and we question why it was not regarded as such in the regulation formation.

It is apparent that both SAND-77-1927 and the Federal Register supplemental information clearly focus on truck transportation. SAND-77-1927 strongly implies that rail shipments are effectively self-protecting. The inability to hijack a train, the massiveness of rail casks, the inaccessibility of rail facilities, and the fact that rail yards are not located in the center of cities in the same sense as are main highways, all indicate that in-transit security for rail shipments other than notification of NRC is unnecessary.

Based on our reading of SAND-77-1927, we conclude that the adequacy of the present regulations has been reconfirmed. It is therefore our opinion that the Commission's reliance on a draft assessment as a basis for this rulemaking is improper. It is our opinion that the promulgation of these rules should have followed the usual procedure by first proposing them in draft form and then issuing final rules after consideration of public comments.