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PHYSICAL SECURITY
LICENSE

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COMMISSION

Regulatory Improvements Branch
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Citizen comment on PHYSICAL PROTECTION OF SHIPMENTS OF IRRADIATED REACTOR FUEL, Interim Guidance, NUREG-0561.

While the title of the Interim Guidance is impressive, the actual plans for "physical protection" leave much to be desired, especially in any event of sophisticated illegal diversion or terrorist attack, however improbable the NRC might deem that to be. In this unfortunate age of terrorism, nothing is impossible. Given cask specifications, quality assurance practices and the nature of the contents of HLW or spent fuel shipments, far more stringent protective practices must be followed if spent fuel is to travel at all. Judging from current amounts on hand and projected increases, there will be ample opportunity for any number of accidents or unplanned release of contents as well as illegal diversion. I hope that the input that you receive from concerned citizens will carry some weight in your deliberations and formulation of more permanent regulations; the reasons for not making this entire issue more public are obvious to many of us who work with such matters, and we are quite concerned that the public should find itself in this position at all.

The following comments are offered in the order of appearance of related items. Public health and safety are the prime considerations.

#2, page 2: Advance Route Approval: "Information upon which such approval may be based should be supplied by the licensee..." Many years of licensee information control and less stringent oversight should prove that approval should not be based on licensee information only. Line should continue..."and proposed routes will be physically surveyed by the NRC or its designee (not licensee)".

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#3, page 4: regarding the Law Enforcement agencies (LEA): what is their preparation and training for dealing with unanticipated release on contents of HLW container from any cause? Does the NRC provide for this? Who does? Regarding Route Overview: "one-time" basis: What are provisions for short or long-term construction or other delays?

page 5: What are parking and other requirements for food and fuel stop locations? Ample space should be required for relative isolation of the vehicle and safe distance from other travelers and onlookers (due to radiation emitted).

#4, page 7, Introduction: "Where practicable", of course, is a highly relative term, and the entire "avoidance of densely populated areas" contains relative terms and judgments which can render such provisions practically useless except, perhaps, for public relations. This is all

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the more evident in #4 II, "Shipments may transit areas defined in Criterion I if: (C) "Alternate routes would (i) result in excessive increase in transit time, and (iii) constitute a significant safety hazard due to road or environmental conditions". In addition, (Introduction) to avoid heavily populated areas where practicable does not even apply to the international portion of import or export shipments. Why not?

page 9, Unplanned detours: "If it becomes necessary to deviate from the approved route after the shipment is underway...route will meet criteria discussed above...departure from the approved routing is acceptable provided that the following additional criteria are met: b. if detour transits an area for which prior arrangements have not been made with law enforcement agencies, the driver or escort should assure that the agency having jurisdiction is identified and appropriate points of contact are determined." Identification of LEA's is not enough; they must be notified of the presence and nature of the shipment coming through their areas.

#5, page 18: Procedure During Stops: Such requirements during stops while in route should be mandatory, not suggested. The word "should" is inadequate; replace by "must" in the six places in which it appears on page 18.

#6, page 19: PROCEDURES FOR COPING WITH THREATS AND SAFEGUARDS EMERGENCIES: Under Objective: "other individuals involved" should be named and involved in planning of specific procedures. Law enforcement agencies and emergency personnel in the shipment area should be specifically included. Under Procedures: "Licensee may incorporate into response plan the operating procedures developed for use..." Why is the licensee the one responsible for doing this if public protection is the goal? And why is it "may" and not "must"?

#7, SHIPMENTS BY ROAD: Objective:..."two individuals with each shipment, at least one of whom has specified training in physical protection and response to threats and is familiar with the radiological aspects of the shipments." My main question would be, in the event of that person's inability to respond in an emergency, who would then be qualified? The nature of a sabotage event must certainly be recognized as having potential for injury or death for at least one of those accompanying the shipment.

Function of the Escorts: "Escorts should be thoroughly familiar with the route overview, LEA contact points,..." Change "should" to "must".

page 22, Training: The words "should", "desirable" and "beneficial" carry no weight and leave implementation of such suggestions to the discretion of the licensee. Such training should be mandatory.

page 23: Communications Equipment: "Either the transport or the escort vehicle may be equipped with the required communications equipment." The transport vehicle must be equipped in case of incapacitation of escort vehicle or other problem. "It is recognized that the use of the radiotelephone may be marginal or ineffective* in certain portions of some routes." *With inadequacies of radiotelephone, rural areas would be ideal for illegal diversions.

page 24, Designated locations... "The designated location need not be equipped with a CB radio." In a sophisticated sabotage event, wouldn't this be taken into consideration?

page 24, cont.

"...authority and responsibility to request assistance from the LEA in whose jurisdiction..." Again, I would ask: what information and preparation do LEA have regarding contents of shipments and radiological consequences of release for any reason?

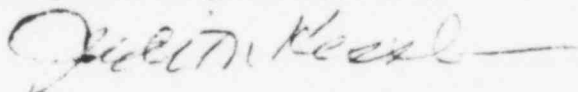
#7.3, page 25, Immobilization (of vehicle): LEA in each area should be informed of chosen method in each case, or be thoroughly familiar with methods for a necessitated prompt removal of an endangered or leaking shipment. In the event of a leak, it would be rather ridiculous if the vehicle could not be moved from a populated area because the tires were all flat or a wire was disconnected and no one on the scene could cope with such a simple (but effective) stumbling block.

#8, page 27, MOVEMENT BY RAIL; Objective: "It is not the intent of these requirements that a "special train" dedicated to the shipment be used." Why not? What about train speeds, other hazardous materials, especially flammable or explosive ones, being carried, or contact with other hazardous materials in transit? Escorts: "While train is in motion, continued observation of the shipment is not required." Can nothing happen, especially involving sabotage, at speeds of 5, 10, 15 miles per hour?

#10 SHIPMENT LOG: "...the log should be transmitted...Trip logs should be retained..." Substitute "must" for "should".

As a final comment: if, indeed, public health and safety are a consideration, I find that the level of physical protection here is minimal.

Respectfully submitted,



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acknowledged by card...dlh 9/4

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