



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

March 20, 1980

Mr. Thomas H. Clapper
Research Associate
State Legislative Council
305 State Capitol
Oklahoma City, Oklahoma 73105

Dear Mr. Clapper:

This is in response to your letter of January 18, 1980, addressed to Mr. Sheldon A. Schwartz concerning recommendations four, five and six of the Subcommittee on Nuclear Energy.

With regard to recommendation number four wherein the Subcommittee urges the State Department of Health to complete its emergency nuclear response plan, and with regard to your letter requesting that the Nuclear Regulatory Commission (NRC) lend assistance to them, please be advised that in accordance with Presidential Policy announcement on December 7, 1979, the responsibility for this assistance has now been transferred from NRC to the Federal Emergency Management Agency (FEMA). I am enclosing a copy of an NRC/FEMA memorandum of understanding regarding this matter and the detailing to FEMA of certain NRC personnel, including Mr. Schwartz. I am also enclosing a copy of recently issued NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans, January 1980."

With regard to recommendation number five, the President in his message to Congress on February 11, 1980, addressed in a comprehensive way the issues of nuclear waste management. I am enclosing a copy for your information.

The NRC does consider the cost of waste management in its economic evaluation of the cost of nuclear power. Enclosed for your information is NUREG-0480 which compares the costs for generating electricity by coal and nuclear fuels.

With respect to recommendation number six that the "Nuclear Regulatory Commission (NRC) notify the State Liaison Officer (SLO) of the date, time and routes of any high-level radioactive waste to be shipped through Oklahoma. . .," you may be aware that the NRC and the U.S. Department of Transportation considered the subject of advance notification in their joint study, "Review and Assessment of Package Requirements (Yellowcake)

8004020080

March 20, 1980

and Emergency Response Transportation Accidents" (NUREG-0535 Draft, October 1978, copy enclosed). The study group found that, in view of the low overall risk to public health and safety from normal transportation of radioactive materials, it was not apparent that any significant increase in safety would result from an advance notification system. Furthermore, if an advance notice requirement is judged necessary, a uniform requirement would be preferred over a pattern of varying State requirements. As a matter of fact, legislation is pending in Congress which would require the NRC to promulgate regulations requiring licensees to provide timely notification to State and local governments of shipments of nuclear waste through their jurisdictions (S. 562 and H.R. 2608).

I also wish to point out that shipments of certain quantities and types of special nuclear material, including spent fuel elements, are subject to physical protection requirements stipulated in NRC regulations and Department of Energy (DOE) directives.

The NRC has recently adopted a new interim final rule on "Physical Protection of Irradiated Reactor Fuel in Transit" which prohibits movement of spent fuel unless special protection arrangements are made in advance of the shipment. This protection is to be achieved through a series of measures, including route restrictions, preplanning of shipments, and coordination with law enforcement agencies along the route to provide assistance if needed. Licensees proposing to ship spent fuel must comply with the interim final rule as amplified by NUREG-0561, "Physical Protection of Shipments of Irradiated Reactor Fuel." Thus, the NRC staff has the opportunity to review the licensee's plans for the shipment and to assure that the licensee has the capability to comply with all applicable requirements. Copies of the interim final rule and NUREG-0561 are enclosed.

There is currently no high level waste being transported other than spent fuel. Information concerning spent fuel shipments is sensitive from a security standpoint and is to be controlled. Therefore, a State or law enforcement agency receiving this information would be expected to safeguard it and to insure that it would not be released in any unauthorized manner.

As a result of recent initiatives by State and local authorities to impose routing controls on nuclear shipments, the U. S. Department of Transportation (DOT) has undertaken a rulemaking proceeding on transportation safety aspects of highway routing for radioactive materials. The DOT has published its proposed regulations on this matter in the Federal Register on January 31, 1980. A copy of that notice is enclosed. The public comment period will expire May 31, 1980. The proposed rule covers such related transportation issues as use of interstate highways, written route plans, driver training, etc. The adoption of the rule would be significant in clarifying the scope of permissible State and local action in the area of highway transportation of radioactive materials.

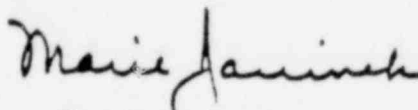
Mr. Clapper

- 3 -

March 20, 1980

Inasmuch as Department of Energy shipments may also be involved, I would suggest that you contact that agency, namely, Dr. Donald M. Ross, Operational and Environmental Safety Division, U. S. Department of Energy, Washington, D. C. 20545.

If I may be of any further assistance, please do not hesitate to write or call (301) 492-7794.



jm: Frank W. Young
Acting Assistant Director
for Program Development
Office of State Programs

Enclosures:

1. NRC/FEMA Memorandum of Understanding
2. NUREG-0654
3. President's Message to Congress 2/11/80
4. NUREG-0480
5. NUREG-0535
6. NRC Final Interim Rule
7. NUREG-0561
8. FR Notice 1/31/80

cc: S. Schwartz