

VPIRG

August 13, 1980

Honorable John Ahearne, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Ahearne:

It has come to my attention that, pursuant to §301 of the Nuclear Regulatory Commission Appropriation Authorization (P.L. 96-295), the NRC is currently drafting regulations for prenotification of the governors of radioactive waste shipments. I have several specific comments, all of which I hope you will see are included in the new rule when it is published in late September.

When Congress passed the Act it did not specifically define what wastes would be covered by the rule. This task was left to the Commission. The guiding words of Congress were, "Such notification requirement shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public."

We feel that, when the rule is published, the only wastes that should be exempted from prenotification requirements should be those that meet the criteria of 49 CFR §173.391 (limited quantities of radioactive materials and radioactive devices). Conversely, all Type B packages, all Low Specific Activity shipments, and all Type A packages (except those meeting 49 CFR §173.391) containing radioactive wastes should be covered by the new rule.

It is our feeling that the transportation of any of the above mentioned quantities of radioactive wastes pose a potentially significant hazard to the health and safety of the public. In the event of an accident involving these wastes, the hazard could affect state police, local emergency response personnel, and citizens living in the vicinity, as well as those passing by the site of such an accident.

In the Act, Congress called for "timely notification" of the governors, but left the definition of timeliness to the NRC. The NRC should, in its rule, require notification of the governors at least two working days prior to any waste shipment.

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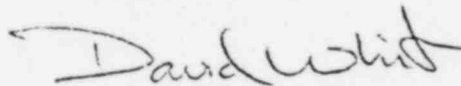
Furthermore, notification should include the following:

- 1) A precise description of the vehicle transporting the waste
- 2) The name of the driver, as well as the name of a contact person in the event of an emergency
- 3) The exact route of the shipment, as well as estimated times the shipment is scheduled to pass specific points along the route
- 4) A description of the types and quantities of wastes included in the shipment.

Finally, Congress made no mention of secrecy provisions in the Act. The NRC rule should place no restrictions on how the governors disseminate information regarding radwaste shipments to various state agencies and local government officials. Furthermore, the rule should specifically state that any information under the prenotification rule is in the public domain and should be readily accessible to the public.

Thank you for taking the time to consider these recommendations. I would appreciate it if you could keep me apprised of the development of the rule.

Yours truly



David White
Co-Director

DW

cc: Senator Patrick Leahy
Senator Robert Stafford
Congressman James Jeffords
Governor Richard Snelling
Dr. Lloyd Novick, Commissioner, Vermont
Department of Health
Director William Dirks, Safety and
Safeguards Division, US NRC