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August 22, 1980

M-31

G. Wayne Kerr, Acting Director
for State Agreement Programs
Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Kerr:

The staff of the Bureau of Radiological Health has reviewed the proposed amendment to 10 CFR 71. We offer the following comments based on practices and problems we have encountered during our inspections of shipments at the Chem-Nuclear site and in our implementation of the prior notification procedures required by the South Carolina Radioactive Waste Transportation and Disposal Act.

Paragraph 71.5b(A) should add "...to the governor or his designated representative." Different states have different organizational structures and it may not be necessary or desirable to route notification through the governor's office if he prefers that some other office handle such matters.

Paragraph 71.5b(B) add:

- (4) The route to be followed in the state.
- (5) A shipment identification number assigned by the shipper.

Our remaining comments do not take the form of specific suggested wording. We do feel, however, that these areas need additional attention.

1. Page 2, Supplementary Information: "low specific activity" by DOT definition includes some quantities of materials which require Type A or B packaging. It should be recognized that this is so and that these shipments do pose a potential hazard to health and safety.

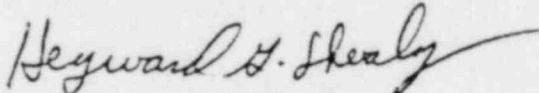
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2. Page 4, first full paragraph: We feel that the statement that "impacts ... will be minimal since the proposed amendment would simply require licensees to supply ..." (emphasis added) is extremely misleading. We have found, as Chem-Nuclear has, that a major administrative effort is needed to set up such a program and to run it smoothly. It requires significant commitment of resources by both the state and the shippers to implement this.
3. Paragraph 71.5b(B) (3): DOT requires an exact description. In fact, an exact description is not possible in many cases until the cask is actually loaded. We suggest an estimated description is adequate, to be supplemented by an exact description when available. This will avoid tying up casks for long periods of time while notification periods run.
4. Paragraph 71.5b(C) and (D): these should require that notice be given of significant changes in the information supplied under 71.5b(B).
5. Paragraph 71.5b(B) (3): This raises many questions. First, the seven day window is too broad. 72 hours is more realistic. Second, items (i), (ii), and (iii) together could be interpreted to require as much as 21 days prior notice. Third, equipment suitable for transporting much of this material is in very short supply and is tightly scheduled around the country. It is important that disruptions in this scheduling be minimized consistent with the goals of the amended regulation.

I hope that these recommendations are helpful. If we can answer any further questions, please let us know.

Very truly yours,



Heyward G. Shealy, Chief
Bureau of Radiological Health

HGS:SLF:bo

cc: Mr. David Reid, Governor's Office

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