



# AMERICAN FRIENDS SERVICE COMMITTEE

SOUTHEASTERN REGIONAL OFFICE

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DOCKET NUMBER

PROPOSED RULE PR-71 (45 FR 81058)

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March 3, 1981

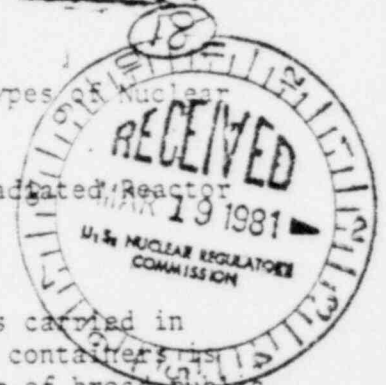
DOCKET NUMBER

PROPOSED RULE PR-73 (45 FR 8106)

Comments re: Proposed rules

Advance Notification to States of Transportation of Certain Types of Nuclear Waste, 10CFR71.4, .5;

Advance Notification to Governors Concerning Shipments of Irradiated Reactor Fuel, 10CFR75.37



The concept of requiring notification only for shipments carried in Type B containers is acceptable. Materials carried in Type A containers are generally of small enough quantity as not to present a problem of broad public health consequence even in the event of a large scale release. Governors would be unduly burdened if notification was required for all Type A waste shipments, due to the large number of such shipments made. However, "exclusive use" shipments carry an aggregate of Type A packages, the sum of which might present problems if inadvertently released. The NRC should evaluate prenotification for Type A packages carried in aggregate, examining the number of "exclusive use" shipments, the potential for release of greater than Type A quantities from aggregate shipments, and the potential for improving emergency response by including "exclusive use" shipments in the prenotification scheme.

The proposed rule did not address the impending U.S. adoption of current IAEA regulations for transport of radioactive materials (see 44FR161 at 48234). The proposed 10CFR71.5 should address whether both the proposed B(M) and B(U) packages will require prenotification and whether any other features of the IAEA regulations will affect the proposed 10CFR71.5.

The discussion of proposed rule recognizes that shipments of Type B wastes from Agreement States licensees will be unaffected by the proposed rule (45FR 238 at 81059). Shipments of Type B wastes from unlicensed shippers will be similarly exempt from the provisions of the proposed 10CFR71.5. In addition, shipments of Type B materials other than "nuclear wastes" would not be subject to prenotification provisions. The U.S. Department of Transportation (DoT) considered prenotification of radioactive materials in its recently adopted 49CFR171, 172, 173, 177, but postponed final action pending the outcome of the instant NRC rule (46FR12 at 5203-3). NRC should consider entering a memorandum of understanding with the DoT, whose regulatory authority extends beyond NRC licenses) to require Agreement states licensees and unlicensed shippers of Type B quantity radwastes to comply with the prenotification provisions. NRC should also consider the effects of including all Type B shipments within the prenotification requirements.

The NRC showed no justification for selecting a 7 day period as the allowable "window" for departure of shipments (proposed 71.5b). Requiring a shorter estimated period of departure could be achievable under current operating constraints, particularly for NRC licensees, due to the advance planning needed to schedule nuclear waste shipments. The NRC should consider a 1 day estimated period of departure for shipments.

*Handwritten notes:* 1-4-1, 4-7

Comments re: Proposed rules  
NRC Prenotification requirements

The proposed 71.5(b)(3) should also require notification of the intended route of shipment. DoT rules for highway routing will require shippers and carriers of radioactive materials to follow strict guidelines in selecting routes of shipments. Requiring the licensee to include the intended route of shipment in the notification to the governors would pose no undue burden on the licensee or shipper and would have the effect of enhancing emergency response planning. The following wording would establish this:

71.5(b)(3)(i) The point of origin of the shipment, estimated xxx day period of departure and intended route of shipment from origin to destination;

Both rules should suggest procedures for disseminating route and schedule information to local jurisdictions through which shipments will travel. The primary advantage of prenotification is to provide information for use in emergency planning and response. In nearly every conceivable accident situation local response personnel will be the first on site. These local personnel should have first hand notification if the information is to be applied to a useful purpose. Although the process of dissemination would differ from state to state Governors would be more likely to comply if guided in this process by the NRC.

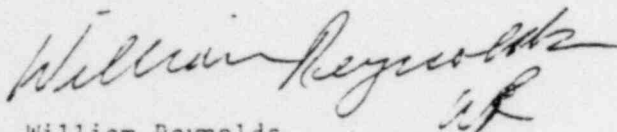
Under 73.37(f) the licensee should be required to supply the Director, Office of Nuclear Materials Safety and Safeguards with a copy of the information provided to the governors.

Under both rules, mailed notification to the Governors should be sent either certified or registered mail to insure delivery.

The safeguards provisions for scheduling information of spent fuel in excess of 100 grams may be superfluous. The need for keeping spent fuel schedule information classified has not been adequately demonstrated to support this rule. NRC offices have seriously debated whether safeguards provisions are needed for spent fuel. In the initial Commission consideration of physical security requirements for spent fuel both the Inspection and Enforcement and Nuclear Reactor Regulation offices took the position that a case had not been made for requiring physical security for such shipments (SECY 79-278, April 18, 1979). The primary evidence supporting safeguards for spent fuel is the Sandia Laboratory study for the Transport of Radionuclides through Urban Environs (TRUE). This report is still in draft stage and is undergoing further analysis (NUREGCR-0743). The first report of this study indicated that spent fuel is not a likely target for sabotage (SAND77-1927, pp 157-254). Other studies have indicated that quantitative risks for spent fuel sabotage are difficult to assess (45FR at 37402). Indeed, the casks themselves are quite characteristic, conspicuous and easily identified. No matter how the schedule information is kept secreted away, the shipments themselves cannot be hidden. Lay persons with no knowledge of the physical appearance of spent fuel casks have been able to monitor power reactors and then tail shipments as they left the site (personal communication, M. Burrmaster). This "tailing" was carried out prior to the adoption of the NRC rules for route approval. A sabotage attack could only be successful if the attacker had the capability of using sophisticated explosives techniques to breach the cask (SAND 77-1927, pp 157-167). A dedicated saboteur would be able to perpetrate an attack

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without access to the information supplied to Governors simply by monitoring public data and the highways near a facility planning to make a shipment. If the NRC is to continue to restrict schedule information to the Governors' offices it must explicitly demonstrate that such schedule information would reasonably be expected to have a significant adverse effects on the health and safety of the public. Broad allegations by NRC staff to that effect are not sufficient for this purpose. A greater benefit will be made by allowing prenotification of spent fuel shipments to officials and emergency response personnel in the local jurisdictions through which the shipments must pass.



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