

A Speech to be  
presented by  
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U.S. Nuclear Regulatory Commission  
to the  
American Nuclear Society at its  
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"Nuclear Regulatory Commission Rulemaking on  
Advance Notification to States of Transportation  
of Radioactive Waste"

The Nuclear Regulatory Commission (NRC) has issued for public comment a notice of proposed rule that would require its licensees to provide to state governors advance notification of the transportation of certain types of nuclear waste through their states. This notice was published in the Federal Register on December 9, 1980 (45FR81058). It requested public comment regarding amendment to existing Title 10 Code of Federal Regulations Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," to provide such notification. A companion notice of proposed rule was also published in the Federal Register on the same date regarding a similar amendment to Title 10 Code of Federal Regulations Part 73, "Physical Protection of Plants and Materials," to provide advance notification to governors of the transportation of spent fuel through their states. Each notice provided for a comment period of 90 days.

These proposed amendments have been drafted as a result of a mandate by the Congress to the NRC to promulgate regulations for advance notification. Specifically Section 301 of the NRC Authorization Act, for Fiscal Year 1980 (enacted as Public Law 96-295 on June 30, 1980) provides,

"The Nuclear Regulatory Commission, within 90 days of enactment of this Act, shall promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. 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."

Intrastate and interstate shipments of radioactive waste destined for commercial waste disposal, including waste shipped to a waste collector for consolidation of loads, are included in this proposed amendment to 10 CFR Part 71. All spent fuel shipments irrespective of destination are included in the similar proposed amendment to 10 CFR Part 73. Separate amendments were proposed because of safeguards requirements for the shipment of spent fuel. These amendments apply only to NRC licensees. The NRC Office of State Programs will work with Agreement States to ensure that their regulations are compatible with NRC regulations for advance notification.

The proposed amendment to 10 CFR Part 71 will require licensees to supply the following information: the name, address, and telephone number of the shipper, carrier and receiver of the shipment, a description of the material to be transported, point of origin, estimated period of departure, estimated periods of arrival at state boundaries, the destination of the shipment, the estimated period of arrival, and a point of contact for current shipment information. The final item of information has been supplied because of the uncertainties involved in accurately predicting estimated times and locations of shipments prior to their dispatch because of vagaries in weather, road conditions, etc. State representatives can telephone to obtain precise information if they wish to do so.

The NRC staff has accommodated comments received on the proposed amendment in a revised amendment to 10 CFR Part 71. This has been forwarded to the Commission for comment. Upon Commission approval of the amendment in final form, a notice of rule will be issued in the Federal Register.

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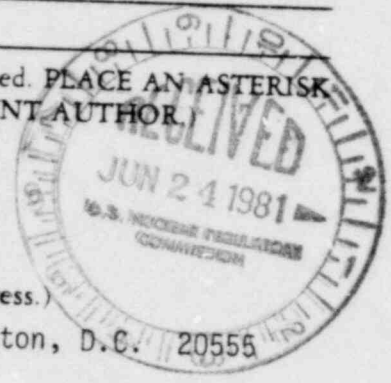
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