



DOCKET NUMBER  
PROPOSED RULE

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February 5, 1990  
L-90-61

Secretary,  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Propose Rule Document 88-12639: Transportation  
Regulations: Compatibility With the International Atomic  
Energy Agency (IAEA)  
Federal Register/Vol. 53, No. 110/Wednesday, June 8,  
1988, 21550: Comments

Dear Sir,

Florida Power & Light Company (FPL) is submitting comments concerning proposed rule changes to 10 CFR 71 as promulgated in the Federal Register on June 8, 1988. The NRC shares the responsibility of regulating transportation of radioactive materials with the Department of Transportation (DOT) and there are corresponding proposed rule changes to 49 CFR 171, 172, 173, 174, 175, 176, 177, and 178 (DOT Docket No. HM-169A, Notice 89-8; November 14, 1989). The comments herein apply to both proposed rules since, together, they constitute a coordinated set of transportation regulations.

FPL has been a party to, and endorses, comments to the proposed rules made on behalf of the nuclear power generating industry by NUMARC and the Edison Electric Institute. However, FPL wishes to make additional comments on several aspects of the proposed rules that it believes deserve emphasis.

1. The proposed rules would limit the definition of Low Specific Activity (LSA) materials to those materials that do not exceed two times the A<sub>1</sub> values as defined in Table A-1 of 10 CFR 71 and 49 CFR 173.435. FPL believes that this is inconsistent with the stated purpose of the proposed rules and the concept of LSA. First of all, it sets a limit on total activity in a package, not concentration. Also, it is not compatible with IAEA regulations, a fact admitted by the NRC in their Discussion of Major Changes. The proposed rules do not guarantee compliance with international regulations by domestic shippers, nor compliance with U.S. regulations by international shippers.

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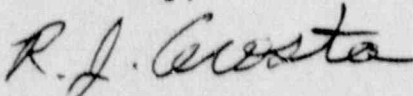
2. The LSA limit of  $2 \times A_1$  is not equivalent to the IAEA limit of 1 R/hour at 3 meters from the unshielded container as stated by the NRC. Extensive studies of shipments of radioactive materials by the nuclear power industry have determined that  $4 \times A_1$  would be more equivalent to the IAEA limit. FPL believes that compatibility with IAEA regulations may be better achieved by stating the LSA limit as a choice of  $4 \times A_1$  or 1 R/hour at 3 meters.
3. FPL believes that, due to the lower LSA limits, the number of radioactive material shipments on the highway will be significantly increased. In order to comply with the lower limits, shippers must either reduce the activity of some shipments by reducing the amount of material in each package or use smaller packages. The alternative would be to use a Type B package. In general, Type B packages are smaller than the packages currently used to transport LSA materials. Any of these alternatives would increase the number of shipments currently made. This would not only increase the risk of exposure to the general public, but subject these shipments to an increased risk of transportation incidents.
4. The NRC has proposed a one-year delay in implementing new Type B package requirements. No delay in implementation was proposed by the DOT. FPL believes there should be a three-year implementation period for all new package requirements. FPL believes a more reasonable estimate of the time that will be required to develop, fabricate, and obtain approval for new Type B packages is three years. Furthermore, since there are currently no approved Industrial Packages (IPs) available in this country, it may take as long as three years to establish a system to make approved IPs available in the quantities and varieties necessary for the nuclear industry.
5. There is an inconsistency between the radiation level limits imposed by 10 CFR 71.47 and 49 CFR 173.441. The NRC limit applies the "accessible" surface of a package while the DOT limit applies to any surface. FPL believes the radiation level limits should apply only to accessible surface of a package due to the difficulty in measuring levels on all surfaces of some packages, particularly large, heavyweight casks. FPL also believes this would not increase exposures to the general public.

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In conclusion, FPL endorses the attempt to revise NRC and DOT regulations to become more compatible with IAEA regulations. However, FPL believes that the proposed rules are still inconsistent with IAEA regulations. Additionally, the NRC and DOT proposed rules are inconsistent with each other in some areas. Other than the attempt to become compatible with IAEA, FPL believes the proposed rule provides little, if any, additional benefit to the health and safety of the general public, and will significantly increase costs to shippers of radioactive material. Finally, the NRC's implementation period to develop, fabricate, and obtain approval for new Type B packages is far too optimistic.

FPL appreciates the opportunity that we have had to comment on the proposed rule.

Sincerely,



R. J. Acosta  
Acting Vice President - Nuclear Energy

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