



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

December 17, 1984

The Honorable Anthony S. Earl
Governor of Wisconsin
Madison, Wisconsin 53707-7863

Dear Governor Earl:

We are pleased to respond to your October 31, 1984 letter concerning the proposed transportation of spent nuclear fuel from Monticello, Minnesota through Wisconsin. Your letter raises several issues concerning the Nuclear Regulatory Commission's (NRC) regulatory program governing the transport of spent fuel in general, and the shipment of spent fuel from the Monticello nuclear power plant to the GE Morris facility in particular. These issues include the need to ship spent fuel, environmental assessments regarding the shipments, and selection of the "best" route for the shipments.

The NRC's regulatory authority and responsibility is established primarily in the Atomic Energy Act of 1954, as amended. The Act requires that NRC provide for adequate protection of the public health and safety, as well as protection against risks to the common defense and security, in the use of source, byproduct and special nuclear material, including transport of these materials. Because of overlapping responsibility with the Department of Transportation (DOT) in the transport of nuclear materials, the NRC has joined DOT in a Memorandum of Understanding which designates how these responsibilities will be discharged. With respect to spent fuel transport, NRC assumes primary responsibility to assure that the transport package will maintain its integrity during normal conditions of transport and during accidents. The NRC also assumes responsibility for reviewing the provision of safeguards for spent fuel shipments against acts of sabotage. NRC's regulatory responsibility regarding the transportation of nuclear materials does not include the authority to determine the need for the shipment under these circumstances. The DOT assumes responsibility for route safety and conditions of carriage. The combined NRC and DOT regulations are aimed at providing adequate protection of public health and safety. We believe that the existing regulatory program has demonstrated an excellent safety record and that our regulations are adequate to protect the public against unreasonable risks from the transport of radioactive materials (46 FR 21619, April 13, 1981).

8501080473 841217
PDR COMMS NRCC
CORRESPONDENCE PDR

50-263

Your letter also refers to an absence of any significant environmental review regarding the Monticello shipments. The environmental impacts of spent fuel transportation were considered in NRC's generic Final Environmental Statement on the Transportation of Radioactive Materials by Air and Other Modes (NUREG-0170). Furthermore, Northern States Power's Environmental Report and the Atomic Energy Commission's (AEC) Environmental Impact Statement for the Monticello plant addressed the shipment of spent fuel from Monticello to GE Morris, although the purpose for the shipments at that time was projected to be for reprocessing rather than storage. In either case, the environmental impact of transport would be the same.

With regard to the shipment routes, DOT is responsible for determining the safety of routes. NRC's spent fuel shipment routing responsibility is limited to that needed for safeguards protection against sabotage. In this regard, NRC has established safeguards criteria for shipment routes (10 CFR 73.37). NRC does not propose alternate routes, but rather approves routes and alternate routes submitted by licensees or their agents that satisfy the applicable safeguards requirements. The route proposed by the shipper for the Monticello fuel was surveyed and met the NRC safeguards requirements and, therefore, was approved.

We hope these comments assist in understanding our actions concerning the proposed spent fuel shipment campaign from Monticello. Since the licensee will be required to comply with a regulatory program that we believe adequately protects the public health and safety, we have no basis to delay the shipments.

Sincerely,



Nunzio J. Palladino