



DOCKET NUMBER

PETITION RULE PRM 71-10

(50 FR 4866)

40

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY
P.O. Box 1401

DOVER, DELAWARE 19903

TECHNICAL SERVICES
SECTION

85 APR 17 AIO:48

OFFICE : TELEPHONE (302) 736-4771
DOCKETING & SERVICE
BRANCH

April 15, 1985

Secretary of the Commission
ATTN: Docketing and Service Branch
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Gentlemen:

The "State of Wisconsin: Filing of Petition for Rulemaking (Docket No. PRM-71-10)" regarding the absence of a lead Federal agency of spent irradiated fuel on the nation's highways has been reviewed by several interested State of Delaware agencies. In response to the referenced Notice we offer the following comments:

1. No single Federal agency answerable to the public exists for "considering the need for the shipments, the safety or environmental risks associated with the selected routes, or the propriety of exposing the public to these exists." While the DOE, DOT, NRC and EPA each have certain specific responsibilities, none has assumed a leadership role in this arena.
2. The NRC has the primary responsibility to protect the public against risks of radiation exposure from the transport of spent irradiated fuel shipments. Therefore, the NRC is the logical Federal agency to take the lead which probably will require Congressional action.
3. In the interim, NRC should adopt the proposed amendments to 10 CFR Part 71 as given in the referenced Docket. Adoption of the amendment would establish 100 rems/h @ 3 ft. (unshielded) from an accessible surface of a container of irradiated reactor fuel as the maximum external radiation dose rate unless further approved by the Commission. The dose rate of 100 rems/hr (unshielded) is another matter that deserves further explanation.

Sincerely,

Harry W. Otto

Harry W. Otto, Ph.D.
Manager

8504220053 850415
PDR PRM
71-10

PDR

HWO:dp

Acknowledged by card...

4/17/85

PH

D211
Add: S. Wigginton, 4000 MNRB
James G. Healy, 113055
Frank Young, AR-5337
ERIC Pater, 9604 MNRB