

DOCKET NUMBER

PETITION RULE PRM 71-10

TENNESSEE VALLEY AUTHORITY (50 FR 4866)

CHATTANOOGA, TENNESSEE 37401

1630 Chestnut Street Tower II

DOCKETED
USNRC

April 24, 1985

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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, D.C. 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Sir:

Tennessee Valley Authority is pleased to provide comments on the Petition For Rulemaking, PRM-71-10, filed by the State of Wisconsin as noticed in the February 4, 1985 Federal Register (50 FR 4866-4867). The petitioner requested NRC to establish, through a new regulatory process, additional means for the evaluation and approval of shipments of spent fuel.

We believe the proposal to amend 10 CFR Part 71 is unnecessary given (1) the current emphasis upon design safety of spent fuel containers in 10 CFR Part 71, (2) the security provisions of 10 CFR Part 73, (3) the fact that plant licensing included spent fuel considerations and offered an opportunity for public participation, and (4) the regulations of the Department of Transportation (DOT) that pertain to spent fuel shipment. These various factors ensure that both the need for safety and environmental consequences of spent fuel shipments are adequately considered.

There is no showing that an additional evaluation would provide any increased public health and safety protection. In contrast, the expense and delays associated with an additional overlay of review and the possible adverse safety implications of routing disclosures sought by the Wisconsin petition are factors that clearly weigh against the rulemaking proposal.

The proposal is redundant of existing requirements. For example, a licensee may only ship spent fuel in accordance with its license in approved NRC shipping containers consistent with NRC regulation (e.g., 10 CFR 73.37) and pursuant to DOT safety and routing regulations. These procedures identify and address route-specific conditions that exist which might cause the public health and safety to be jeopardized from accidents or sabotage, including risks from not minimizing radiological exposure. Also, shipping casks are already subject to rigid safety evaluation.

Currently the Governor, or his designee, for each State along the proposed route is notified of and participates in the shipment

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U.S. Nuclear Regulatory Commission

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security pursuant to 10 CFR 73.37. It would appear appropriate for the State, in conjunction with its emergency response capabilities, to examine possible routes within its borders and recommend to NRC that these preselected routes be used. NRC could require these routes be used under provisions of 10 CFR 71.65. In addition, municipalities as well as the State can use DOT routing procedures to accomplish the same purposes.

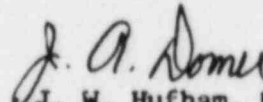
Finally, TVA believes the proposal for noticing the route of a shipment of spent fuel in the Federal Register is inconsistent with safeguards requirements contained within 10 CFR Part 73. Such notification could increase the risk of sabotage to the ultimate detriment of the public health and safety.

Accordingly, Wisconsin has failed to justify why the additional delays and paperwork associated with its proposal are necessary. TVA recommends that the petition be denied.

We appreciate the opportunity to comment.

Very truly yours,

TENNESSEE VALLEY AUTHORITY


J. W. Hufham, Manager
Licensing and Regulations