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DEPARTMENT OF STATE POLICE

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EMERGENCY MANAGEMENT DIVISION

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November 22, 1999

Secretary of the Commission
 U.S. Nuclear Regulatory Commission
 Attn: Rulemakings and Adjudications Staff
 Washington, D.C. 20555-0001

DOCKET NUMBER

 PETITION RULE PRM 73-10
 (64FR49410)

Dear Sirs or Madams:

The Emergency Management Division, Michigan Department of State Police, has reviewed the petition for rulemaking (Docket No. PRM-73-10) filed by the state of Nevada. The petitioner requests that the NRC amend its regulations governing the safeguards for shipments of spent nuclear fuel against terrorism and sabotage.

The Emergency Management Division, MSP, is the state agency charged with overall coordination of state preparedness and emergency response activities for various natural and technological events. The EMD works in close cooperation with other state agencies with specific response capabilities and legal requirements, as well as local units of governments. As such, it has an interest in the safe transportation of spent nuclear fuel (SNF) within the borders of the state of Michigan.

There are three operating nuclear power plants and one decommissioned plant within the state which have SNF stored on site. Transportation of that SNF to a national repository would involve movement of that material through or around major populated areas in the state.

Based on our experience in, and knowledge of current trends in domestic and international terrorism, and preparedness for such events, the Emergency Management Division finds itself in agreement with some of the issues raised by the state of Nevada. However, given the evolutionary, and in some cases, revolutionary, changes occurring in the areas of terrorism, and the needs to develop a national SNF repository, the EMD does not believe that activities to open such a repository should be curtailed while the NRC examines this issue of preparedness for terrorist activities.

The EMD believes that activities in both of these areas, repository construction and operation, and on-going threat assessment and preparedness for terrorist activities, can and should occur concurrently. Activities related to the repository should not be delayed but should be flexible to allow incurrence of new elements related to the entire spectrum of issues surrounding the safe transportation and storage of SNF/HLW.

We feel that it is vital that the NRC proceed with all deliberate speed on the national repository while maintaining a continuous process of risk assessment and response to any threat to the safe transportation or storage of this material. The EMD believes that this concurrent process provides the best response to the changing environment surrounding this issue. We do not see anything in the petitioner's request that would change our belief that the benefits of a national



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repository outweigh the risks associated with it and the transportation of material to that repository. We do agree with the petitioner in that the NRC needs to review its risk assessment in light of the changing nature and capabilities of terrorists.

Sincerely,



EDWARD G. BUIKEMA, CAPTAIN
Director of
Emergency Management Division

EGB/DMS/kc