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(64FR49410)

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November 29, 1999

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

RE: State of Nevada: Petition for Rulemaking Notice; Docket No. PRM-73-10 (DEQ-99-106F)

Dear Sir/Madam:

The Commonwealth of Virginia has completed its review of the Federal Register Notice published by the Nuclear Regulatory Commission pertaining to a petition filed by the State of Nevada to amend NRC's regulations governing safeguards for shipment of spent nuclear fuel against sabotage and terrorism. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of environmental documents and responding to the appropriate federal agency. Accordingly, DEQ coordinated the review of this project. Also, the Draft Environmental Impact Statement (DEIS) pertaining to "Geologic Repository for Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain in Nevada" is currently under review. The DEIS addresses transportation (rail and truck) of spent nuclear and radioactive waste from 77 sites to Yucca Mountain, Nevada. The two sites in Virginia, North Anna and Surry sites, are included. The no-action alternative discussed in the DEIS is to continue to store waste at the existing sites instead of at one site in Nevada. DEQ will submit the Commonwealth's response to the DEIS before the comment period closes on February 9, 2000.

The above-referenced project is related to the DEIS currently being reviewed. Since this notice involves safety issues as well as environmental concerns, DEQ contacted other agencies which are not usually included in the Commonwealth's review of environmental documents in addition to our regular reviewers. Consequently, the Department of Emergency Services (DES) was included among the agencies which were invited to participate in this coordinated review process. However, DES indicated that it will send comments directly to NRC. Therefore, DEQ defers to DES on safety issues associated with terrorism and sabotage.

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The following agencies joined in the Commonwealth's review of the notice published by the NRC in the Federal Register on September 13, 1999: Department of Environmental Quality, Department of Conservation and Recreation, Chesapeake Bay Local Assistance Department, Virginia Marine Resources Commission, Department of Health, Department of Mines, Minerals and Energy, Department of State Police, Department of Transportation, Virginia Port Authority, and Hampton Roads Planning District Commission. The following agencies, planning district commission, and localities were also invited to comment: Department of Rail and Public Transportation, Thomas Jefferson Planning District Commission, Louisa County, and Surry County.

In general, reviewers indicated that they had confidence in the NRC's ability to handle acts of sabotage and terrorism. However, a periodic review of threat levels and an evaluation of tactical response measures may be appropriate. Therefore, it seems reasonable that the NRC consider the Governor of Nevada's petition seeking to have NRC reevaluate its requirements for safeguarding spent fuel shipments against sabotage and terrorism. The Commonwealth of Virginia is supportive of any precautionary measures which serve to protect its citizens, environment, and natural resources against potential danger associated with spent nuclear fuel shipment and storage.

Thank you for the opportunity to review this proposal. The detailed comments submitted by the reviewing agencies are enclosed. Please contact Ms. Ellie Irons at (804) 698-4325 for clarification of these comments.

Sincerely,

Michael P. Murphy, Director
Division of Environmental Enhancement

Enclosures:

cc. Robert R. Loux, Nevada
Brian Iverson, DES
Les P. Foldesi, VDH
Leo Bevon, DRPT
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Thomas Ballou, DEQ-Air

Ellen Gilinsky, DEQ-Water