



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
January 21, 2000

00 FEB -1 P5:04

OFFICE OF
RADIATION
ADJUDICATION

Bureau of Radiation Protection

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

DOCKET NUMBER
PETITION RULE PRM 73-10
(64FR49410)

Attention: Rulemakings and Adjudications Staff

Re: Comments on a Petition for Rulemaking from State of Nevada, Docket No. PRM-73-10, Receipt of Petition Published in the Federal Register on September 13, 1999

Dear Sir or Madam:

The Bureau of Radiation Protection (BRP), under the Department of Environmental Protection (DEP) of the Commonwealth of Pennsylvania, appreciates the opportunity to comment on the Petition to the Commission from the State of Nevada regarding amendment of regulations governing safeguards for shipments of spent nuclear fuel (SNF) against sabotage and terrorism. BRP is the designated agency of the DEP to assess radiation and nuclear safety issues for nuclear power plants in Pennsylvania. DEP is committed to protecting the health and safety of our citizens and the environment.

Pennsylvania has nine operating nuclear power plants at five sites where SNF is being stored. Since the federal Department of Energy (DOE) has failed to develop and operate a repository for the SNF according to the originally proposed timeline, Pennsylvania has now built one of the largest inventories of SNF in the nation.

The spent fuel pools at some of our nuclear power plants have filled to or near capacity. Although the fuel pool capacities have been expanded at all nuclear plant sites, two of them have exhausted that option, and have been forced to add onsite dry storage capacity, which is very expensive to build and maintain. Expenditures incurred in expanding SNF pool capacities and addition of dry storage capacities in Pennsylvania are eventually paid by the consumers of electricity. Since 1983, Pennsylvania consumers have also been making obligatory payments to the Nuclear Waste Fund (NWF) required under the federal Nuclear Waste Policy Act (NWPA) of 1982. The utilities and consumers of Pennsylvania are very much disappointed with the federal government because after having paid millions of dollars there is no licensed repository to accept the SNF. It should also be pointed out that despite the expansion of SNF storage capacities, the nuclear plant sites are not suitable for permanent storage of SNF from the point of view of public health and safety. These reactor sites are located near rivers and other large bodies of water which make them very undesirable locations for storing SNF permanently.



DS10

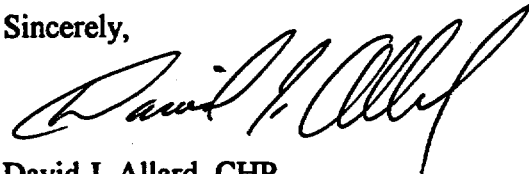
We do not agree with the State of Nevada's (Petitioner) portrayal of transportation of SNF as a very risky undertaking. The fact is that transportation of SNF has an excellent safety record. Since 1965, more than 2,500 shipments of SNF have been safely carried out in the country between nuclear plants, government research facilities, nuclear submarine bases and industrial complexes. Shipments of SNF have also been made from Pennsylvania to Western United States in the past. Between 1986 and 1990, 49 casks containing damaged nuclear fuel from Three Mile Island Nuclear Station, near Harrisburg, were safely transported by rail to Idaho National Engineering Laboratory in Idaho. Transportation of SNF from nuclear power plants in Pennsylvania to the proposed federal repository in Nevada would be very similar. The packaging and transportation regulations governing SNF are very comprehensive and stringent. Rigorous enforcement of NRC and DOT regulations coupled with comprehensive safety procedures, would provide safe and effective transportation for SNF.

The SNF shipping casks require use of well designed container technology consisting of heavy metal shielding and layers of steel. They can weigh up to 136 metric tons (150 tons) with a full load of SNF. These robust casks have demonstrated their rugged reliability and integrity in full scale rigorous testing conducted by the Sandia National Laboratory. The tests proved the shipping casks to be extremely rugged containers capable of surviving the worst conceivable transportation accidents (e.g., a train wreck) and still maintaining their integrity. These tests and other modeling conducted since then have proved conclusively that SNF shipping casks can be relied upon to transport SNF safely and prevent radiological releases to the environment.

Lastly, we do not believe that transportation casks make attractive targets for terrorists when compared with numerous other targets. Nuclear power facilities and shipments of SNF and nuclear weapons have very high levels of required safeguards. The Department of Energy's Draft Environmental Impact Statement for the federal repository has concluded that leaving SNF at the nuclear power plant sites for a long period of time poses a much greater threat to the health and safety of the public than transporting it to a federal repository. Furthermore, electric power consumers of Pennsylvania and the rest of the country have paid approximately \$15 billion into the federal NWF towards the development of a federal repository for SNF. Therefore, we urge the federal agencies involved not to waste time and resources on unnecessary additional rulemaking on safeguards for transportation of SNF, but rather to focus their efforts on the expeditious development of a permanent repository for SNF.

We hope our comments are helpful and thank you again for this opportunity to comment. If you have any questions, please feel free to contact me or Rich Janati, Chief, Division of Nuclear Safety at 717-787-2480.

Sincerely,



David J. Allard, CHP
Director
Bureau of Radiation Protection