



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 23, 2000

Mr. Clyde Dinkins
8905 Country Scene Way
Las Vegas NV 89117-5571

SUBJECT: RESPONSE TO INQUIRY ON RADIOACTIVE WASTE TRANSPORTATION

Dear Mr. Dinkins:

I am responding to your February 16, 2000, letter, in which you question the authority and constitutionality of the Las Vegas City Council's ordinance banning the transport of nuclear waste on city streets. Your questions are not directly related to U.S. Nuclear Regulatory Commission (NRC) regulated activities. The following information is provided for your use.

The NRC and the U.S. Department of Transportation (DOT) are co-regulators in the area of commercial radioactive waste shipment. DOT is the lead federal agency responsible for regulating the transport of hazardous materials, which includes radioactive waste, while the NRC's role in overseeing transport of radioactive materials involves certification of Type B containers for transport and physical security of shipments. NRC's regulations for these activities are contained in Title 10 Code of Federal Regulations (CFR) Parts 71 and 73, respectively.

DOT's Title 49 CFR Part 177 and Parts 390 through 397 provide specific requirements on transport by public highway. Routes chosen for shipment of spent fuel and other high-level radioactive waste must comply with DOT routing requirements. For further information on routing requirements, we suggest you contact Mr. Richard Swedberg of DOT's Federal Highway Administration (FHWA), Office of Motor Carriers, at the following address:

Mr. Richard A. Swedberg
FHWA Office of Motor Carriers
555 Zang St., Room 400
Lakewood, CO 80228

SPENT FUEL CENTER CAP

If you have any further questions, please contact Robert Temps of my staff at (301) 415-2552.

Sincerely,

Susan F. Shankman, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

cc: Richard Swedberg, DOT

00-56

D Fo 3

Mr. Clyde Dinkins
 8905 Country Scene Way
 Las Vegas NV 89117-5571

SUBJECT: RESPONSE TO INQUIRY ON RADIOACTIVE WASTE TRANSPORTATION

Dear Mr. Dinkins:

I am responding to your February 16, 2000, letter, in which you question the authority and constitutionality of the Las Vegas City Council's ordinance banning the transport of nuclear waste on city streets. Your questions are not directly related to U.S. Nuclear Regulatory Commission (NRC) regulated activities. The following information is provided for your use.

The NRC and the U.S. Department of Transportation (DOT) are co-regulators in the area of commercial radioactive waste shipment. DOT is the lead federal agency responsible for regulating the transport of hazardous materials, which includes radioactive waste, while the NRC's role in overseeing transport of radioactive materials involves certification of Type B containers for transport and physical security of shipments. NRC's regulations for these activities are contained in Title 10 Code of Federal Regulations (CFR) Parts 71 and 73, respectively.

DOT's Title 49 CFR Part 177 and Parts 390 through 397 provide specific requirements on transport by public highway. Routes chosen for shipment of spent fuel and other high-level radioactive waste must comply with DOT routing requirements. For further information on routing requirements, we suggest you contact Mr. Richard Swedberg of DOT's Federal Highway Administration (FHWA), Office of Motor Carriers, at the following address:

Mr. Richard A. Swedberg
 FHWA Office of Motor Carriers
 555 Zang St., Room 400
 Lakewood, CO 80228

If you have any further questions, please contact Robert Temps of my staff at (301) 415-2552.

Sincerely,

Susan F. Shankman, Deputy Director
 Licensing and Inspection Directorate
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

cc: Richard Swedberg, DOT

DISTRIBUTION: w/incoming* (S-20000012)

NRC File Center * Public * SFPO r/f NMSS r/f WBrach CJensen
 G:\dinkinsletter.wpd

OFC:	SFPO	C	SFPO	N	SFPO	C	OGC	C	SFPO	C		
NAME:	RTemps		VTharpe		PEng		DGauch		SShankman			
DATE:	3/ /00		3/ /00		3/ /00		3/ /00		3/ /00			

OFFICIAL RECORD COPY

Clyde Dinkins
 8905 Country Scene Way
 Las Vegas, Nevada, 89117-5571
 (702) 254-6537
 February 16, 2000

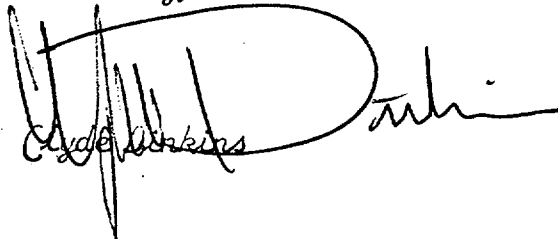
Dear Nuclear Regulatory Commission Director:

Reference the enclosed newspaper story. I would like to know the following:

1. Does the Las Vegas City Council have the authority to ban said transport? I ask this in the context of Clark County officials saying the ban is unconstitutional.
2. Who is right?
3. Does the mayor of Las Vegas have the authority to order Clark County and Las Vegas law enforcement officers (police) to enforce the ban with arrests as he claims?
4. If the city council action is unconstitutional, thereby, illegal then I hereby charge them with violation of federal laws, the Nuclear Regulatory Commission statutes and usurping the authority of the federal government and request you take appropriate action.
5. What are any further procedures for me to file official charges, complaint, inquiry, etc. against the Las Vegas City County for their ban ordinance?
6. Accordingly, I hereby charge the Las Vegas City Council with 1) passage of an unconstitutional ordinance and 2) usurption of the authority of the federal government of the United States of America and Nuclear Regulatory Commission.
7. I hereby request said city council ban be ruled null and void.

cc: AP, NYC
 NY Daily News
 Washington Post

Sincerely,


 Clyde Dinkins

Mayor: Third World would take waste

By Joe Schoenmann
Review-Journal

After Nevada's U.S. senators claimed victory Thursday on a key nuclear waste dump vote, Las Vegas Mayor Oscar Goodman not only vowed to enforce a week-old ordinance banning the waste's transport on city streets, but also said he wouldn't mind fighting it in court himself.

Then he revealed his personal plan — and he wasn't joking — for storing nuclear waste without stepping on the toes of the American public.

Ship it to a Third World country.

"Why doesn't this go to a Third World country?" Goodman asked at a morning news conference, which followed Senate approval of a bill to move nuclear waste to a proposed repository at Yucca Mountain. The bill passed, but not by enough votes to override a promised presidential veto.

Poorer countries would welcome the millions of dollars that the U.S. government would give to them in connection with such a plan, he said. And if security is an issue —

some radioactive waste can be used to make nuclear weapons — then the United States could share its military might to secure a Third World installation, he said.

"There's no reason we couldn't have a military presence wherever this is placed," the mayor said.

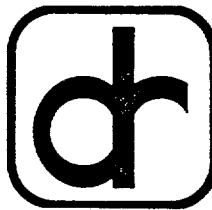
On the more realistic chance that waste will remain in the United States and be shipped en masse to Nevada, the City Council on Feb. 2 approved an ordinance banning the transport of the waste on city streets.

Even though the Clark County district attorney's office opined that the ordinance is unconstitutional, Goodman said there is nothing symbolic about the city's vote.

"I fully intend to enforce it," he said.

Expecting a court fight over the matter, Goodman said he relished the thought of jumping into the legal fight himself.

"I would like to cross-examine the folks who like to take the position that it's safe," he said. "I would love the opportunity to get involved in that litigation."



The Las Vegas Review-Journal
is a member of
the Donrey Media Group

Donald W. Reynolds, Founder

Sherman R. Frederick
Publisher

Allan B. Fleming
General Manager

Thomas Mitchell, Editor

Jim Hannah, Human Resources Director

Trudy Patterson, Promotion Director

Terry Duck, Production Operations Director

Steve Coffeen, Circulation Director

Randa Todd, Classified Advertising Director

Dave Siminatis, Retail/National Advertising Director