

JAN 31 1978

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EBrown

Niagra Mohawk Power Corporation
ATTN: Mr. Donald P. Dise
Vice President-Engineering
300 Erie Boulevard West
Syracuse, New York 13202

Gentlemen:

This refers to your letter of January 6, 1978, requesting an exemption from the Type B packaging requirements of 10 CFR Part 71 for shipments of low specific activity (LSA) shipments from Nine Mile Point Unit 1. From the information in your letter, we must conclude that such an exemption is not appropriate.

Your letter states that each of your LSA shipments is packaged to insure that there will be no leakage of radioactive material under conditions normally incident to transportation. This is what 10 CFR Part 71 requires when LSA shipments are transported on a vehicle assigned for the sole use of the licensee. You are referred to the last paragraph in §71.36(a) of that regulation for special considerations relative to LSA shipments, and to §71.35(a) for the requirement to provide protection against normal conditions of transport.

Designs of packaging for use in shipping Type B quantities of radioactive material must be reviewed and approved by this office prior to their use. As you note in your letter, Chem-Nuclear Systems, Inc. has submitted package design information which is under review.

You note that the Energy Research and Development Administration has petitioned for a rule change to clarify the regulatory standards for shipments of LSA material. The American National Standards Institute Committee N14 and Chem-Nuclear Systems, Inc. have filed similar petitions. Such clarification is being included in rulemaking action undertaken jointly by NRC and the Department of Transportation. The enclosed letter dated September 29, 1977, was written in response to a recent inquiry as to the status of the Chem-Nuclear Systems, Inc. petition.

OFFICE					
SURNAME					
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The following information is being furnished to you for your information. It is not intended to be used for any other purpose. The information is being furnished to you for your information only.

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Niagara Mohawk Power Corporation
Mr. Donald P. Dise

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As noted above, an exemption from the requirements of 10 CFR Part 71 for low specific activity material shipments does not appear appropriate in view of the information submitted. Should you require further consideration in this matter, an application should be submitted which includes the pertinent information described in §71.21 of 10 CFR Part 71, identifies the specific requirement which the proposed design does not meet and specifies the controls or other means to be employed to assure the safety of the shipment.

Sincerely,

Original Signed by
CHARLES E. MACDONALD

Charles E. MacDonald, Chief
Transportation Branch
Division of Fuel Cycle and
Material Safety

Enclosure: As stated

OFFICE ➤	DECTR	ELD	SD		
SURNAME ➤	CEMacDonald	ms JMapes	RBarker		
DATE ➤	1/27/78	1/30/78	1/30/78		

$\mu = \frac{1}{n} \sum_{j=1}^n x_j$

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1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

1. James Earl Ray

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SEP 29 1977

Mr. John L. West
Jones, Grey & Bayley
Attorneys at Law
14th Floor Norton Building
Seattle, Washington 98104

Dear Mr. West:

This is in response to your letter dated September 7, 1977 inquiring as to the status of a petition (PRM 71-4) filed by your client Chem-Nuclear Systems, Inc. and a similar petition filed by the Energy Research and Development Administration relative to the shipment of low specific activity (LSA) materials. Both petitions request amendment of Nuclear Regulatory Commission transportation regulations in Title 10, Code of Federal Regulations, Part 71 to exempt LSA materials from NRC requirements.

Responsibility for the safe transportation of radioactive material has been assigned by law to both the Nuclear Regulatory Commission (NRC) and the Department of Transportation (DOT). The regulatory practice in this area since 1968 has been for DOT to prescribe regulations applicable to all shipments of radioactive material, and for NRC to prescribe additional regulations applicable to fissile materials and Type B quantities of other radioactive materials. The requirements of LSA materials follow this practice. DOT prescribes minimal requirements applicable to all shipments of LSA materials; NRC prescribes additional requirements for Type B quantities of LSA materials. Thus, in addressing your client's petition, consideration must be given to amending both DOT and NRC regulations. In addition, a joint NRC-DOT rule change is currently being prepared to reflect the 1973 Revision of the Transportation Safety Regulations of the International Atomic Energy Agency, including transportation of LSA materials. Our schedule calls for publication of this joint rule change early next year, with completion of the revised rule following the public comment period.

We are addressing your petition in conjunction with the above. We expect to give you an answer early next year.

Sincerely,

Original signed by R. B. Minogue

Robert B. Minogue, Director
Office of Standards Development

