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JAN 13 1981

PR-73
45 FR 81060

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1-2-81.

JAN 13 1981
Office of the Secretary
Regulatory & Service

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington D.C. 20555

Advance Notice
to Governors

PROPOSED RULE PR-73 (45 FR 81060) 56

Dear Sir;

Please accept the following as my comments on 10CFR Part 73, Advance Notification to Governors Concerning Shipments of Irradiated Fuel, Proposed Rule.

The way that the rule is written, there does not seem to be any rhyme nor reason for the rule save that Section 301 of P.L. 96-295 requires this regulation. Well, there is a reason that Congress wanted Governors of the various states notified of hazardous waste shipments. People are worried about accidents. A large shipment of radwaste loosed in the center of a crowded city would cause havoc.

Congress wanted some way to warn and have local emergency services prepared for accidents. The means Congress chose was to have the Governors of the affected States informed so that they could provide necessary emergency services if needed in a reasonable time. Perusal of the Congressional floor discussion involved with Section 301 will illustrate the Congressional preference and reasons for informing the Governor of the affected State.

This Proposed Rule seems to be saying that the NRC is adding this regulation simply and wholly for the purpose of meeting the requirement of a Section of a Public law and there is no other reason for this Regulation.

Well, that is wrong.

The reason for this Proposed Regulation is the same reason that there are lifeboats on ocean going ships: protection in the event of an emergency.

However, this regulation doesn't provide any protection in the event of an emergency. If anything, it complicates the State's response to an emergency.

Much of the information that will be needed in an emergency, will be 'Confidential' and locked away in a safe. (Page 5 Bottom)

Many emergency personnel at state level will not be familiar with how and if they are allowed access to and distribution of Confidential information in an emergency. Further, this important information may not even be available in the event of an emergency. It will be locked away in a safe! The information sent to Governors will not be allowed to be dispersed to local emergency personnel since the information will be confidential.

The purpose of advanced notification of Governors so that they can prepare emergency personnel on the route of the hazardous waste is contradicted by this regulation as written. Further, any possible feedback from emergency personnel along the radwaste route is also blocked. Emergency personnel know local conditions.

If there is a significantly hazardous local traffic condition which would mandate rerouting of radwaste, there would be no reason for the Governor's office to be informed. The cloak of 'confidentiality' of the routing information would hide any need for local emergency people to inform the Governor's Office. The local people just would not know that there is a radwaste shipment scheduled to go thru a dangerous highway condition and would have no reason to tell the Governor's office of the dangerous highway conditions.

What I am trying to say is that this regulation adds danger to the shipment of radwaste.

10402039 M. Lewis