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Advance Notification to Native American Tribes of Transportation of Certain
Types of Nuclear Waste

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The rule affects two risk calculations. One, the risk of hi-jacking Plutonium (Pu) rich spent fuel. Two, the risk associated with a radiological release on tribal land.

Risk is probability times consequences for a given time, e.g., one year. The consequence of interest is hi-jacking Pu. Probability combines the frequency of shipments and the number of persons with knowledge of the shipment route. The frequency establishes the given time for the risk, e.g., the risk of Pu hi-jacking in a year depends on how many spent fuel shipments occur in a year. The "given time" is thus arbitrary. However, the number of persons aware of the route is directly affected by the proposed rule. The risk increases as the number of persons with knowledge of the shipment route increases. This is a mathematical certainty. The risk of hi-jacking Pu may be off-set by reducing the number of shipments so that the overall risk before and after the rule remains the same. But, the proposed rule does not suggest reducing the frequency of shipment nor how licensee should change the number of shipments given the certain increase in the number of persons with knowledge of the shipment route.

The second risk is the one involving an accidental release on tribal land. Again, risk is probability times consequences. The probability of a release is a function of the frequency of shipments and the integrity of the container for the spent fuel. The consequence of an accidental release would be the extra radiation dose received by the tribal population. This rule neither affects the frequency of shipments, nor the integrity of the shipping container. Lowering the number of curies shipped may reduce the consequence of an accident. Requiring an emergency response plan may also reduce consequences to the population. But the rule neither addresses the amount of material shipped, nor does it require licensees to ship through tribal areas prepared with radiological emergency plans. Therefore, the risk to the population on tribal land is the same before and after rule implementation.

In conclusion, the rule increases the risk of Pu getting into the hands of terrorists and does nothing to enhance the protection of tribal populations from accidental releases of radiation.

PS The correct URL for NRC's interactive rulemaking website is <http://ruleforum.llnl.gov>

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