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September 26, 2000

Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Rulemaking and Adjudications Staff  
Washington, D.C. 20555-0001

RE: Comments to Issues Paper on Major Revisions to 10 CFR Part 71: Compatibility with ST-1 - The IAEA Transportation Safety Standards - and Other Transportation Issues

To Whom It May Concern:

Lincoln County and the City of Caliente, through their Joint City/County Impact Alleviation Committee, have reviewed the issues paper and offer the following comments thereto. These comments are offered in response to the Federal Register Notice of July 17, 2000 at pages 44360-44397.

1. Page 44361, Background - Does NRC intend to revise its regulations solely to be consistent with IAEA regulations or also to reflect advances in science and engineering and accumulated experience? Are NRC regulations required to be consistent with IAEA regulations? IAEA ST-1 is now 4 years old. By the time the proposed regulations are adopted in June 2002, ST-1 will be 6 years old. Will NRC take into consideration advances in science and engineering and accumulated experience since ST-1 was adopted by IAEA? If not, the proposed revisions to 10 CFR Part 71 may be outdated before they are finalized.
2. Page 44361, Top Paragraph, 3rd Column - The text here implies that NRC will only vary from IAEA ST-1 standards if there is a benefit/cost justification for doing so. Is NRC also willing to differ from ST-1 standards in response to public comments? If not, then why is NRC seeking input from the public?
3. Page 44362, Issue 1 - A requirement to use SI units only could impact upon effective emergency first response. Not all first responders are familiar with SI units. NRC should continue to allow a dual-unit system.
4. Page 44362, Issue 2 - The proposed exemption limit would allow radiological materials that have activity concentrations thousands of times greater than current NRC exemption limits to be shipped without regard to specific transportation regulations. The implications for exposure and related health-risk of linked transportation activities (ie. intermodal facilities) should be considered.

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5. Page 44362-44363, Issue 3 - It is not clear why NRC would consider making its regulations consistent with IAEA standards but not consistent with ICRP standards. Either the international radiological community is credible or it is not. NRC runs the risk of eroding public confidence in its regulatory role by accepting then ignoring the advice of international experts. A very strong justification is needed if recommendations of the ICRP are to be discounted by the NRC.
6. Page 44368-44369, Issue 17 - A risk/cost analysis should be completed to support any NRC action with regard to this issue. If the cost savings are small compared to the risk minimization benefit double containment affords, NRC should consider letting the current regulations stand. NRC should seek to determine if the public is willing to bear the added cost for double-containment based upon the measure of risk minimization benefit afforded.
7. Page 44369, Issue 18 - If the 4Bq/cm<sup>2</sup> contamination limit was removed for spent fuel and other HLW packages the primary benefit would be to workers who would not be required to decontaminate as many packages. In addition, generators and shippers may save money due to fewer decontamination actions. Before deciding whether to adjust the 4Bq/cm<sup>2</sup> decontamination limit NRC should consider:
  1. Added exposure risks to truck and rail crews
  2. Added exposure risk to intermodal workers
  3. Added exposure risk to hypothetical maximally exposed individual along rail and highway routes.

We trust that these comments will prove helpful as NRC considers developing a proposed rule to revise 10 CFR Part 71.

Sincerely,

Dan Frehner, Chairman  
Lincoln County Commission

cc: Members, Joint City/County Impact Alleviation Committee  
Dr. Mike L. Baughman, Intertech Services Corporation  
Affected Units of Local Government  
Nevada Nuclear Waste Project Office