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To Whom It May Concern:

I attended the public stakeholder's meeting on proposed revisions to 10 CFR Part 71 in Atlanta on Sept. 20, 2000. A summary of comments and list of attendees from that meeting were posted on the NRC website. However, in the list of attendees my name was misspelled and my affiliation was incorrect. Further, in the summary of comments I felt the breadth of comments made that night were not captured and some specific comments I made were not captured at all.

Therefore, even though this submission is after the Sept. 30 deadline, I am providing my comments in writing to ensure a more accurate record. Thank you for considering them.

Sincerely,

Pat Ortmeier
Field Director for Nuclear Issues
Women's Action for New Directions

**Comments on Revision to
10 CFR Part 71, Packaging and Transportation of Radioactive Material**

Sept. 20, 2000

I. General comments and comments on the process for soliciting "early public input."

-I agree with earlier comments made that more public meetings should take place on this proposed rulemaking. For example, St. Louis, my hometown, is a major transportation hub for nuclear materials. There was large turn-out for public meetings on the Yucca Mountain Final EIS and many citizens expressed fear and anger at the safety risks of nuclear waste traveling through their neighborhoods. They are probably not aware of this proposed rulemaking and are not likely to be browsing the federal register or the NRC website to find out about it. St. Louis and other major transport hub cities should have the benefit of a public meeting on this proposed rulemaking.

-The stated purpose of the proposed rulemaking is to bring US regulations in harmony with IAEA regulations "to the extent appropriate." That's a key phrase. Because as it stands now, the US public is brought in on the back end of the process. We were not invited to comment on changes in the IAEA standards that were published in 1996. So there is no objective analysis available to us to determine which regulations are "appropriate" to change and which aren't. My strong feeling is that where NRC regulations are more strict, it is appropriate to maintain them. The premise of this proposal is that standards must be brought "in harmony" with the IAEA --

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rather than a review of standards to ensure they are as protective of public health as they can be.

It is hard not to conclude that this process is driven by the European nuclear industry, who certainly does not have the safety interests of corridor communities in the US first in mind.

Perhaps it would be more appropriate for the IAEA to periodically examine its regulations against most stringent ones. A good example is the requirement for double containment with plutonium shipments (more on this below).

II. Comments on Specific Proposals

Issue #5: Introduction of the Criticality Safety Index

The background paper states that adoption of this approach would make transport of fissile materials "more efficient" but with "equivalent safety." We are given no technical justification for this claim of "equivalent safety" - which is central to any proposed change in regulations - and if it does exist, we are not given access to it the documents provided. My strong feeling is the issue of safety far outweighs the issue of efficiency in regard to relaxing regulations. If there are documents to show that this increased efficiency will not jeopardize safety, we need to see them in order to comment effectively.

Issue #6: Type C Packages (only)

The proposed category and the requirements for it raise several questions. Specifically, the "90 meters/second impact test." I am wondering upon what scenario is that value based? An estimation of the speed of impact of two planes? The speed at which a container would hit the ground if in an accident situation it were released from the plane at 20,000 feet? The requirements are repeatedly described as "stringent," but to be meaningful they need to at minimum simulate real-world accident scenarios.

Issue #7: Deep Immersion Test

What technical justification is there for relaxing the current NRC test criteria for packages of irradiated nuclear fuel? That standard requires that an undamaged container can withstand submersion in water "without collapse, buckling, or in-leakage of water," but the proposed change would only require that a submerged container did not "rupture." A lot of environmental damage can occur long before a rupture in the package develops. It seems that the only justification for proposing this change is to bring it in line with IAEA standards. The proposal does nothing to ensure that these packages are as safe as they can be. (I cannot comment on the remainder of this point without more information. For example, how does "10⁵ A2" compare with "10⁶ Ci?." Without a more clear comparison, more comment is not possible.)

Issue #8: Grandfathering Previously Approved Packages

I support this proposal (assuming new regulations would continue to be more strict), though I am also aware of the concern that if the IAEA moves to a 2-yr. cycle of updating its regulations that containers would be disallowed before they are even completed. However, such a provision would force safety considerations in cask design upfront, rather than going with an attitude of

trying to use casks as long as possible. I am reminded of the tragedy of the Exxon Valdez -- that was a single-hulled ship, though double-hulled ships were by that time available. We have spent far more on cleaning up that disaster - some of which can never be remedied - than would have cost the shipping industry in moving to double-hulled ships when it was possible to do so. We should apply this lesson to nuclear material shipments.

Issue #17: Double Containment of Plutonium

This is absolutely the wrong time to consider relaxing this regulation. The background paper states that the regulation evolved when "wide-spread reprocessing of commercial spent fuel was anticipated."

There is good reason to believe reprocessing is back on the table. Over the last several years much energy has been poured into promoting this idea. As a result, there is proposed legislation calling for new research into "spent fuel recycling," there is growing support for a massive transmutation program in the US, which would also require reprocessing, and perhaps most blatant, the Dept. of Energy's MOX program will provide the infrastructure for a so-called "plutonium economy," that would have at its heart plutonium reprocessing. The US nuclear industry is in desperate search of a "solution" to its nuclear waste problem and reprocessing has been raised as an option on many occasions.

Plutonium shipments in Europe have been cited as proof that no double containment is necessary for plutonium shipments. But in Russia, where rails and roads are deteriorating and transport vehicles cannot be maintained properly, they are proposing a massive increase in reprocessing, which will, of course, result in more plutonium transportation. A double-containment requirement -- which may also have some nonproliferation benefits - is the least that could be applied to increase the safety of these shipments.

Issue #18: Contamination Limits for Spent Fuel and HLW Packages

It is unclear just what a change in this regulation (removable contamination limit of 4 Bq/cm²) would accomplish. The main concern stated in the background paper was about worker exposure, but regardless of the contamination limit, workers must inspect the containers. I cannot imagine that the NRC is being pressured by the industry to make this limit more stringent, so it seems the only outcome would be to allow greater amounts of removable contamination, at a savings to the industry, which does nothing to alleviate worker exposure and increases risks to the public. Perhaps a more appropriate change to consider is how to better protect workers who must make inspections, regardless of the allowable contamination limits on the packages.

Conclusion:

Finally, I would urge that any proposed change in standards be driven not by a supposed "need" to match IAEA standards, which were not adopted using anything resembling an open process. The only changes that should be considered are those which would enhance safety of the transport of radioactive materials.