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September 29, 2000

Secretary  
U.S. Nuclear Regulatory Commission  
Washington DC 20555  
Attention: Rulemaking and Adjudications staff

RE:10 CFR Part 71 Major revisions to 10 CFR Part 71; compatibility with ST-1 - the IAEA transportation safety standards -- and other transportation safety issues

Dear Secretary:

Eureka County, Nevada, is an "affected unit of local government" under section 116 of the Nuclear Waste Policy Act as amended. Eureka County is under consideration by the U.S. Department of Energy for the construction of a rail line through the county to transport nuclear waste to Yucca Mountain. Interstate 80 also cuts through the northern part of the county, and is a potential highway route. In our oversight role to the Yucca Mountain project, we are concerned about actions and potential actions by federal agencies which may affect the conditions under which nuclear waste could be transported in Nevada.

We have the following general comments concerning the above referenced issue paper, and then comments related to specific white paper issues.

### **GENERAL COMMENTS**

In general, we support maintaining and strengthening regulations and rules to ensure the highest protection of public health and safety. It was not always clear from the issue paper whether the proposal would strengthen or weaken the protection of public health and safety in the United States. The issue paper should make this completely clear for each issue.

We also have a general concern that the proposal to conform to international standards does not take into account the special nature of transportation in the United States. Whereas Germany is about the size of Oregon, transportation distance within and between the countries of Europe is much less *than* the estimated 2,400 mile trip to Nevada from eastern power plant locations. We did not see discussion of the issues of distance or the possible differences between the United

States and Europe that could make adoption of these standards or portions of them unwise for the United States.

One of our primary concerns *and* perspectives is the possibility of being first responders to a radiological emergency in a rural area. In our county, first responders are volunteers. Training is limited. These rules should consider the lowest level of training for emergency response, and that the rules should be developed to protect emergency responders and other personnel who could be expected to be around these types of shipments.

While it is commendable that the NRC held more than one meeting about these proposed changes, it is unfortunate that the final meeting, in Oakland, CA was held just four days before the end of the comment period. The tightness of that timing is a challenge for those who attended and wish to put comments in writing based on the information at the meeting.

## **SPECIFIC COMMENTS**

### Issue 1. Changing Part 71 to SI units only

Keep the dual labeling. Emergency responders need clear information from the start, **and** labeling requirements for the United States should be consistent with measurements and terminology familiar to residents of this country.

### Issues 2 and 3. Radionuclide Exemption Values/ Revisions of A1 and A2

These issues require additional explanation and thought. There may be other risks in addition to cancer as a result of exposure. Would the change increase or decrease public and worker protection? What would be the effect on emergency responders?

### Issue 5. Introduction of Criticality Safety Index Requirements.

A labeling system for the index is a good idea.

### Issue 7. Deep Immersion Test

We support keeping the regulation (10 CFR 71.61) the way it is, which is more conservative.

### Issue 10. Crush Test for fissile Material Package Design

With rail transportation, crushing accidents are more **likely**. We support the crush test for more kinds of packages.

### Issue 12. Special Package Approvals

We support keeping the existing procedures. There is nothing routine about these big shipments, and each one should be considered individually.

### Issue 14. Adoption of ASME Code

Will the adoption of the code improve public safety?

Issue 17. Double Containment of Plutonium

We believe that the double containment rule should not be changed. A factor to consider is the difference between shipments in Europe, where the distances are much smaller than the distances in the United States. Single containment may be acceptable in other countries, but it should not be acceptable here.

Issue 18. Contamination Limits as Applied to Spent Fuel and High Level Waste Packages

There should be one limit for all the packages rather than package-specific limits. The limit should ensure the health and safety of public safety personnel, drivers, emergency personnel and the public. Having different standards for packages requires different labels for shipments. We support low exposure to workers and suggest that there should be one limit which applies to all, with it being the safest. We do not believe that a package based standard will enhance public safety.

Thank you for considering our comments.

Sincerely,



Abigail C. Johnson  
Nuclear Waste Advisor

cc Leonard Fiorenzi, Eureka County  
AULGs  
State of Nevada Nuclear Waste Project Office  
Francis X. Cameron, NRC