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Alliance for Nuclear Accountability

A national network of organizations working to address issues of nuclear weapons production and waste cleanup

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Secretary
US Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemaking and Adjudication Staff
RE: 10 CFR 71 - Compatibility with IAEF transportation safety standards (TS-R-1) and other transportation safety amendments

Dockets Unit
U.S. Department of Transportation
Room PL-401
400 Seventh St., SW
Washington, DC 20590-0001
RE: Docket No. RSPA-99-6283 (HM-230)

The Alliance for Nuclear Accountability (ANA) is a national network working in the shadows of the nuclear weapons complex to protect public health and the environment by addressing nuclear weapons and waste issues. ANA represents communities that are downwind and downstream from contaminated sites so we are well aware of the dangers stemming from the use and transport of nuclear materials.

We are writing today to comment on rule changes proposed by the Department of Transportation (DOT) and Nuclear Regulatory Commission (NRC) regarding the transport of radioactive materials.

First, ANA supports the extension of the comment period on these rule changes. The Bush Administration has been very active this year on nuclear issues, keeping ANA and its member groups unusually busy. ANA would appreciate additional time to analyze and comment on the rule changes.

Furthermore, the proposal as written would effect sweeping changes in the standards of radioactive transport, thereby affecting large portions of the general public. Yet the proposal is written in a manner that is unintelligible to the general public and difficult to analyze even for veteran watch-dog groups, such as ANA and its members. More time is required to fully comprehend and comment on the rule changes being proposed.

ANA's comments in this letter are focused specifically on Issues 10 (Crush Test for Fissile Material Package Design) and 17 (Double Containment of Plutonium) as detailed in the NRC's proposed rule change.

ANA supports the NRC's proposal to accept part of IAEA's rule change under TS-R-1 to adopt the requirement for a crush test for fissile material packages regardless of size or activity while rejecting the IAEA's option of performing either crush or drop tests of containers. We expect this rule change to require crush and drop testing of all-sized containers carrying fissile materials, including the DT-22, which failed the dynamic crush test, and the 9975 container which failed the 30-foot drop test and, as redesigned, still has not been crush tested to show the results of high-speed impact against an unyielding surface. Furthermore, we urge the NRC to employ a physical crush test, rather than rely on a simulated

test using computer modeling, and the physical tests should be performed with full-scale packages to provide a realistic testing environment.

The Alliance for Nuclear Accountability would like to point out that in addition to crush and drop testing, additional testing of containers is needed. For example, Neither the DT-22 nor the 9975 have been sufficiently tested against fire. Testing at 1475 degrees Fahrenheit for 30 minutes excludes more than 20 materials routinely transported on highways that burn at more than twice this temperature. The heat test should be made more stringent and realistic than required under current regulations.

In addition, neither container has been tested for durability to terrorist attack with a variety of weapons, such as mortars or anti-tank missiles, under a variety of conditions. All Type B containers should be subject to rigorous testing for terrorist resistance.

The Alliance for Nuclear Accountability also firmly opposes the proposal to move from double to single-shell containers. This move would undo 30 years of regulatory practice without demonstrating improved safety to the public. The public not only believes that double-shelled containers are safer than single-shelled containers, the NRC and DOE's own data show this to be true. Risk assessment models developed by the Environmental Evaluation Group in 1986, and approved by the DOE and NRC, showed that double-shelled containers would dramatically reduce latent cancer fatalities in case of a serious accident. As a result, the originally proposed WIPP shipping container (TRUPACT-I) was rejected in significant part because it provided only single-shelled containment.

The Alliance for Nuclear Accountability is alarmed that DOT and NRC are seeking to approve single-shelled containers for wastes transport at a time when the risks of contamination are greatly increasing due to the threat of terrorist attack and the much higher volume of transports anticipated in coming years. If anything, standards should be reevaluated with the purpose of increasing public safety by strengthening these standards, not weakening them. ANA expects that cost benefit analyses of this proposal would favor double-shelled containers given the enormous added costs of containment and cleanup, as well as the potential need for health care treatment and monitoring were the container to rupture and spread contamination.

ANA supports the rule changes for the Crush Test for Type B Fissile Material Package Design, with conditions listed above, and opposes Single-shell Containment of Plutonium. Also for Type B containers, we call for more stringent heat tests as well as robust and realistic terrorist-resistant tests.

Our silence on unaddressed issues should not be interpreted as agreement.

Sincerely,


Susan R. Gordon (JR)
Director