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FINAL REPLY:

Representative Jim Gibbons

TO:

Chairman Meserve

FOR SIGNATURE OF :

** GRN **

CRC NO: 03-0166

Travers, EDO

DESC:

Spent Fuel Transportation Package Performance
Test Protocols

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DATE: 03/20/03

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SPECIAL INSTRUCTIONS OR REMARKS:

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OFFICE OF THE SECRETARY
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AUTHOR: REP Jim Gibbons
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ADDRESSEE: CHRM Richard Meserve
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JIM GIBBONS
2ND DISTRICT, NEVADA



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March 12, 2003

Chairman Richard Meserve
One White Flint North (NRC)
11555 Rockville Pike
Rockville, Maryland 20852-2738

Dear Chairman Meserve:

Today, the Nuclear Regulatory Commission is holding a facilitated meeting in Las Vegas, Nevada in order to hear further public comments on the Spent Fuel Transportation Package Performance Test Protocols. With this letter, I respectfully request that you take my following comments into consideration when formulating the package protocols.

The state of Nevada has long advocated full-scale testing of spent fuel transportation containers as part of the NRC's certification process for casks that would be used for shipments to Yucca Mountain. I am encouraged by NRC's decision to undertake a "Package Performance Study" (PPS) wherein spent fuel casks will be subjected to full scale tests. If appropriately designed and implemented, the planned PPS tests can provide important information regarding cask safety. The PPS tests cannot and must not be considered a substitute for full-scale testing of each new cask design prior to certification.

It is also crucial, in the post September 11th environment, that the PPS be designed to assess shipping cask vulnerability to terrorism and sabotage. Serving as a senior member of the House Armed Services Committee, the Select Committee on Intelligence, and the Select Committee on Homeland Security, I have become aware of far too many avenues that are available to terrorists intent on harming Americans and disrupting our country. Our nation is well-aware that terrorists seek to obtain the necessary material for a dirty bomb, and the large and unprecedented shipping campaign required to transport spent fuel to a repository could easily become the targets of terrorist action. I believe that the PPS must include munitions tests to ensure that the packages carrying high level nuclear waste through our nation's cities can withstand such a terrorist attack.

I urge the NRC to amend the PPS protocols to require tests simulating three types of attacks that have the potential for radiological sabotage: attacks against transportation infrastructure used by nuclear waste shipments, attacks involving capture of a nuclear waste shipment and use of high energy explosives against the cask, and direct attacks upon a nuclear waste shipping cask using antitank missiles. The cast testing study should also assess the response of the spent nuclear fuel within the casks to such attacks (specifically, to determine fuel mass release from a cask; particle size distribution of released fuel, and special concerns associated with volatile radionuclides such as Cs-134 and Cs-137).

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Chairman Richard Meserve
March 12, 2003
Page 2

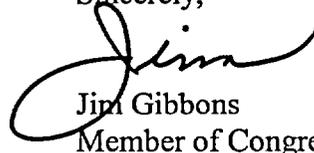
The draft protocols for the PPS, which are the subject of public workshops and meetings this month, do not appear to reflect an adequate approach to full scale testing of spent fuel shipping containers. In addition to the lack of provisions for testing cask performance under terrorism or sabotage conditions, the protocols fail to provide for sequential tests involving drop, fire, puncture, and water immersion, as prescribed in existing cask certification regulations.

In testimony before Congress last summer, you indicated that NRC was committed to a meaningful compliance testing program for casks intended for shipping spent fuel and high-level waste to Yucca Mountain. That, however, does not appear to be what NRC is proposing in the package performance study. In reviewing the PPS draft protocols, it seems the planned cask test program will be little more than a one-time public relations exercise designed to produce dramatic videos, with questionable utility for testing the tolerances and survivability of new cask designs. Nor does the NRC proposal represent a commitment to requiring full-scale tests as part of the cask certification process or to revising the regulations to include terrorism and sabotage tests.

I believe that comprehensive full-scale testing, including tests to assure cask survivability in the event of a terrorist attack, is essential to ensure the overall safety of the cask and vehicle system and to enhance confidence in both qualitative and probabilistic risk analysis techniques.

Therefore, I urge the NRC to reassess its planned cask testing demonstration and commit to undertake a truly meaningful approach to full-scale cask testing as an integral part of the cask certification process.

Sincerely,



Jim Gibbons
Member of Congress

JG/mm