EDO Principal Correspondence Control

FROM: DUE: 04/14/03

EDO CONTROL: G20030172
DOC DT: 03/24/03
FINAL REPLY:

Representative Jon C. Porter

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 03-0200

Chairman Diaz

DESC:

NRC's Package Performance Study (NUREG-01768)

ROUTING:

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Dean
Burns/Cyr
Zimmerman, NSIR
Merschoff, RIV
Cyr, OGC

DATE: 04/07/03

ASSIGNED TO: CONTACT:

NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Apr 04, 2003 09:53

PAPER NUMBER:	LTR-03-0200	**LOGGING DATE:**	04/03/2003
ACTION OFFICE:	EDO		
AUTHOR:	REP ~~SEN~~ Jon Porter		
AFFILIATION:	~~SEN~~ Rep.		
ADDRESSEE:	CHRM Chairman		
SUBJECT:	Provides comments on NRC's Package Performance Study (NUREG-1768)		
ACTION:	Signature of Chairman		
DISTRIBUTION:	OCA to Ack, RF		
LETTER DATE:	03/24/2003		
ACKNOWLEDGED	No		
SPECIAL HANDLING:	CHAIRMAN CORRESPONDENCE		
NOTES:			
FILE LOCATION:	ADAMS		
DATE DUE:	04/16/2003	**DATE SIGNED:**	

EDO --G20030172

JON C. PORTER
3RD DISTRICT, NEVADA

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

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March 24, 2003

The Honorable Richard A. Meserve, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Meserve:

I am writing to address serious concerns I have regarding the Package Performance Study (PPS) recently released by the Nuclear Regulatory Commission (NRC) on the testing of nuclear waste transportation casks. While I respect the NRC's decision to conduct full-scale, physical cask testing, I do not believe these tests go far enough to address the safety of the American public and protect our national security.

On September 11th, the United States witnessed our nation's vulnerability to threats from outside our country, especially threats that made the unthinkable become a reality. The plan to transport spent nuclear fuel to Yucca Mountain from numerous venues around the country, I believe, opens our nation to increased terrorist attacks. Loaded trucks and trains with spent nuclear fuel would be a prime target for terrorists. Hijacking one of these modes of transportation would be an easy way to kill not just thousands, but tens of thousands of our citizens. The PPS must include munitions tests to ensure the safety of the casks carrying high-level nuclear waste so we can make certain they will be able to withstand a terrorist attack.

It is also crucial that the NRC demonstrate comprehensive full-scale testing for all cask designs. In the recently proposed draft test protocols, the agency suggests only subjecting two cask designs to full-scale physical testing. This is unacceptable. I believe all cask designs should be subject to full-scale testing prior to certification. In addition to the lack of provisions for testing cask performance under terrorism or sabotage scenarios, the protocols fail to provide for sequential tests involving drop, fire, puncture, and water immersion, as prescribed in existing cask certification regulations.

Last summer, in testimony before Congress, the NRC indicated you were dedicated to a meaningful compliance testing program for casks intended for shipping nuclear waste to Yucca Mountain. After reviewing the PPS draft, it does not appear to be the case. It seems the proposed testing plan is little more than just

a public relations show designed to decrease fears among the American public. Unless the NRC is committed to conducting full-scale cask testing that resembles real world scenarios, I'm afraid this is all for show. As the plan currently stands, these tests are putting people's lives and communities at risk of disaster of immeasurable consequences.

I urge the NRC to consider addressing my concerns for the safety and security of our nation. The NRC proposal needs to represent a commitment to requiring full-scale tests as part of the cask certification process and revise the regulations to include terrorism and sabotage tests. I thank you in advance for your attention to my requests.

Sincerely,

Jon Porter

Jon C. Porter
Member, U.S. House of Representatives