

April 23, 2003

Mr. Peter F. Guerrero
Director, Physical Infrastructure Issues
United States General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Guerrero:

I would like to thank you for the opportunity to review and submit comments on the draft report, "RAIL SECURITY: Action Has Been Taken to Enhance the Safety and Security of Hazardous Material Rail Shipments, But Challenges Remain" (GAO-03-435). The U.S. Nuclear Regulatory Commission (NRC) appreciates the time and effort that you and your staff have taken to review this important topic, especially with respect to the rail shipment of spent nuclear fuel. We have a few comments on areas in the report that we feel should receive further clarification.

First, the NRC recommends that the report clarify that the Department of Transportation, in addition to the Transportation Security Administration, has transportation security responsibilities (e.g., see pages 13 and 46 of the draft report). The recently passed Homeland Security Act of 2002 (Pub. L. 107-296), Section 1711(a)(1) and (2) directed the Secretary of Transportation to regulate transportation security and safety (49 U.S.C. 5103), and Section 1711(a)(3) and (b)(1) through (3) of the Act directed the Secretary of Homeland Security to issue transportation security regulations.

Second, the NRC has completed an analysis of the Baltimore tunnel fire, which is reported in NUREG/CR-6799, "Analysis of Rail Car Components Exposed to a Tunnel Fire Environment," March 2003. We recommend that the existence of this study and its results be addressed in the report's discussion (page 67) on the Baltimore tunnel fire.

Lastly, the section of the report, "Historically Low Spent Nuclear Fuel Shipment Volumes Make Threat Assessment From Increased Shipments Difficult," beginning on page 64, implies a conclusion that we do not believe is well supported. This section indicates that because the amount of spent fuel shipped to date is small relative to planned shipments to Yucca Mountain, there are questions about "...whether the past safety record is indicative of potential future accidents given the difference in volume of materials shipped." This seems to imply that the safety of future spent fuel shipments is unknown and cannot be predicted prior to accumulating a large shipment experience base. We believe that historical transport data for accident rates, in general, and for spent fuel shipments, in particular, provide valuable risk insights that contribute to conclusions that current regulatory programs result in a high degree of safety, even if applied to a larger shipment campaign. The NRC has sponsored risk studies that address the potential impacts related to changes in shipment parameters for future shipments to a waste facility (e.g., NUREG/CR-6672, "Reexamination of Spent Fuel Shipment Risk Estimates," March 2000). We believe there is an adequate technical basis to conclude that current shipments are safe and that future compliant shipments will be safe. In addition, this

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section of the report uses the terms “threat assessment” and “threat” applying both to attacks on spent fuel shipments and on potential transport accidents. Because these terms typically apply only to security considerations, their use here may result in readers narrowly focusing on attacks only. The NRC recommends that you consider using “risk” and “risk assessment.”

Should you have any questions about these comments, please contact either Mr. William Dean at (301) 415-1703, or Ms. Melinda Malloy, at (301) 415-1785, of my staff.

Sincerely,

/RA by William M. Dean Acting For/

William D. Travers
Executive Director
for Operations

cc: Maria Santos, GAO

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