



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NOV 13 1991

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Department of Transportation
ATTN: Mr. James K. O'Steen, Director
Office of Hazardous Materials
Technology, DHM-20
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Mr. O'Steen:

This is to confirm the comments made at our meeting of November 12, 1991, concerning the provisions being developed by the International Atomic Energy Agency (IAEA) for air transport of high-hazard radioactive material.

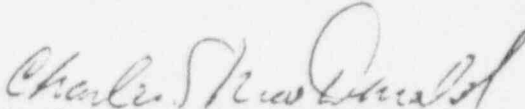
We support the view that the proposed air transport provisions should apply to all radioactive materials, not just to plutonium shipments. However, the criteria the IAEA is developing is significantly different from the criteria used in the U.S. for air shipment of plutonium. The IAEA criteria does not satisfy United States Public Law 94-79, and would not be acceptable for import, export or domestic shipment of plutonium in the United States, or for transport over U.S. airspace.

Public Law 94-79 requires plutonium packages to withstand, without rupture, the crash and explosion of a high-flying aircraft. Two package designs have been developed, tested and certified to Congress as satisfying this law. These certifications by the Nuclear Regulatory Commission (NRC) are based upon the criteria in NUREG-0360, "Qualification Criteria to Certify a Package for Air Transport of Plutonium." The criteria in NUREG-0360 were reviewed and endorsed by the Advisory Committee on Reactor Safeguards and the National Academy of Sciences. The criteria being considered by the IAEA Advisory Group does not meet the requirements of Public Law 94-79, and thus would not be acceptable for air shipment of plutonium in the United States.

In addition, Section 5062 of United States Public Law 100-203 prohibits air transport of plutonium through U.S. air space unless the NRC certifies to Congress that the container can withstand, without rupture, (a) an actual drop test, and (b) an actual aircraft crash test, or tests that produce stresses greater than that would be experienced in a worst-case aircraft crash. All previous laws, such as Public Law 94-79 also must be met. A package design that would meet Public Law 100-203 has not been certified to the Congress.

In view of the above, it should be made explicitly clear to the IAEA, that the criteria being considered does not meet U.S. national law for air shipment of plutonium. Accordingly, plutonium packages designed to the IAEA criteria would not be acceptable for certification to the Congress of the United States. To correct any possible misunderstandings, we request that you assure that the IAEA rules include the criteria in NUREG-0360 for plutonium shipments in, into or over the United States.

Sincerely,


Charles E. MacDonald, Chief
Transportation Branch
Division of Safeguards
and Transportation, NMSS