

Secretary of the Commission

'92 SEP 14 P3:18

August 9, 1992

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

DOCKETING & SERVICE
BRANCH

Re: 57 FR 28645

Attn: Docketing and Service Branch

Dear Madam or Sir:

Please note

specific
requests:

The following comments on NRC's Proposed Rule, "List of Approved Spent Fuel Storage Cask Additions," 57 FR 28645, are submitted on behalf of the Environmental Coalition on Nuclear Power, a Pennsylvania-based non-profit public-interest organization. I ask that they be included in the rulemaking record and responded to by the NRC Staff.

Because I have been traveling since before the middle of July, I had not received a copy of this notice until yesterday, and that copy was poorly reproduced and difficult to read. It is my understanding that there have been requests for extension of the comment period for an additional sixty days. Because I am again en route by air to California today, I have no access to the wonders of modern communication. Hence a hand-written, rather primitive letter on the only available paper. This issue is of substantial significance to the long-term public health and safety and is deserving of full public scrutiny. I also request the 60-day extension.

It is my hope to expand upon these comments in a timely

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2. manner upon my return to my office. To that end, I would appreciate, and ask, that Mr. Gundersen send to me a single copy of the environmental assessment and FONSI, per the FR notice, at the address below. I will also appreciate the Staff's sending a single copy of each of the other documents cited in 57 FR 28645 that are available to the public without charge. It is not possible for a member of the public who is located at great distance from an NRC PDR to obtain access to these documents. Neither the organization nor the writer is funded to purchase the referenced documents. Financial status should not, however, be used by a governmental agency to preclude public participation in the rulemaking process, especially with respect to rules having the potential for great impact on the health and safety of that public, as well as the environment. There is clearly insufficient information provided in the Federal Register notice in order to comment fully on the issue.

I do, however, want to relate an incident central to the approval of dry storage casks - casks in general - for spent fuel management. Whether casks are to be used for both transportation and storage or for storage only, as is presumably here proposed, it is essential that those casks which have been subjected to destructive testing under the most extreme

worst-case conditions. We contend that the testing requirements for casks are insufficient to assure their integrity under extraordinary circumstances.

In a recent situation, as this writer was speaking on the uncertainties of transport safety of spent fuel shipping and storage casks in the State of Wyoming (until August 21st under consideration by DOE for NRC), she experienced a severe rock fall in the Wind River canyon during a severe mountain thunderstorm. The rockfall of boulders at least 6'x6'x6' entirely blocked the roadway before us en route to the target county; they had fallen some hundreds of feet onto the 6'x6' paved through highway in that portion of the state. If we been driving only a little faster, our car might well have been crushed. Clearly, the height and boulder size exceeded the testing requirements for cask certification. I could provide an affidavit.

A second recent severe natural phenomenon that must cause the NRC to reconsider the adequacy of its safety regulations for nuclear power reactors and spent fuel storage facilities is Hurricane Andrew and its impact on the Florida Power and Light Company's Turkey Point nuclear power plant south of Homestead, Florida. Although the Commission may attempt to argue that those examples differ from the dry cask designs that the NRC

is here proposing to approve, in every instance in which testing procedures and other pertinent regulations fail to include "highly improbable" or even just "low probability" events, the Commission must carry out its legislated mandate to protect health, safety, and quality of the environment. For this reason, we request the Commission to stay this proceeding and undertake a thorough revision of all regulatory requirements pertaining to interim storage of spent fuel and other high-level wastes, to strengthen those testing procedures to the level of testing to destruction.

In view of the uncertainties associated with the development of the DOE high-level waste repository and of the capability of DOE to emplace spent fuel due to decay heat loading, there is an increasing likelihood that spent fuel will remain in interim storage for far longer than DOE and NRC had led either utilities or the public to believe. It is therefore imperative that cash safety be of the highest quality. From the perspective of the taxpayer, as well, DOE's Congressionally-mandated obligation to take title to spent reactor fuel rods within a half-dozen years means that the public will become responsible in the event of cash failure for remediation costs. NRC is fully aware of DOE's historic failures to prevent contamination

The casks on question - in fact, all storage casks - have not endured through time; all are therefore experimental and are based on theoretical calculations, computer modelling, engineering judgements, scale testing, and partial testing. For these reasons as well, the NRC must exercise the maximum of conservatism. We believe that there is a high probability that dry cask storage facilities, on-site, near-site, or MRS away from reactor, will be essentially the industry's and DOE's permanent solution to high-level radioactive waste management.

It is our hope to supplement these general comments.

Sincerely,

Judith H. Johnson, PhD

Director

Environmental Coalition on Nuclear Power

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