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November 3, 1999

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

DOCKET NUMBER
PROPOSED RULE **PR 72**
(64FR45918)

RE: Comment upon Proposed Rule "List of Approved Spent Fuel Storage Casks: (NAC-MPC) Addition" (RIN 3150-AG 37), 64 Fed. Reg. 45918-45920 (August 23, 1999)

Dear Secretary Hoyle:

The following comments concerning the above referenced rule are submitted on behalf of Citizens Awareness Network, Inc. [CAN]:

The rule at issue proposes that the NAC-MPC fuel storage cask system be certified under 10 CFR Part 72. CAN believes that certification is premature, as NAC has failed to take cognizance of or respond to scientific research questioning the structural integrity of the NAC cask system.

CAN has reviewed the following documents which NAC submitted as part of the certification process: (i) CoC for the NAC-MPC cask system (rev. 2) (March 25, 1999); (ii) the preliminary SER (August 9, 1999); (iii) the NRC staff's draft EA (August 1999); (iv) revision 0C "SAR for MAC Multi-Purpose Canister System (January 9, 1999); (v) revision 0B to SAR (October 8, 1998); (vi) change pages to revision 0 to SAR (September 9, 1997); (vii) revision 0 to SAR (April 29, 1997).

CAN has, *inter alia*, reviewed those portions of the NAC filing concerning the NRC cask drop requirements.¹ CAN contends that examination of the application will disclose that NAC has failed to take into account a readily available scientific and technical study that raises serious questions concerning the ability of the NAC canister system to withstand the requisite "30 foot" drop. See Singh, K.P. and Max DeLong, "A Structural Assessment of Candidate Fuel Basket Designs for Storage and Transport of Spent Nuclear Fuel" (Presented at the INMM Conference, Washington, D.C., January 14-16, 1998).

CAN contends that examination of NAC's filings disclose that NAC has not even considered the information contained in that scientific and technical paper. Moreover, despite the NRC staff's rationalizations concerning this matter, inspection of the model proposed in the Singh and DeLong paper discloses that the assumptions are no more or less conservative than those used by the NRC and contained in the NRC's NUREGS, technical documents, and communications with licensees. Further, neither the NRC's draft EA nor preliminary SER approval of the cask system may be utilized to support a canister system which may not withstand a cask-drop test.

CAN specifically requests that the NRC withhold certification of the NAC-MPC canister system at least until such time as NAC provides the NRC with a consideration and response to the Singh and DeLong paper, with particular reference to the assumptions contained therein as compared point to point with those in NAC's filings and relevant NRC NUREGS and technical materials.

Additionally, CAN takes this opportunity to object to the NRC staff's "crediting" NAC's design as conservative by considering the structural properties of portions of the internal basket system and other items. Nothing CAN is aware of in the NRC's technical materials or even customary "good"

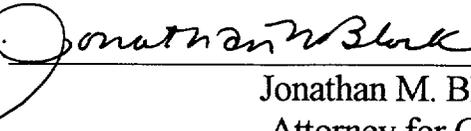
¹ Despite the NRC's recent attempt to defend NAC's filing, CAN contends herein above that NAC has not met the basic NRC requirements for certification, and the NRC's "defense" of the NAC filing through disparagement of the Singh and DeLong paper does not even begin to constitute a reasonable technical and scientific reply to the issues raised in that study. See Letter from E. William Branch, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, to David Lochbaum, Union of Concerned Scientists, re: NRC response to e-mail questions raised in Singh and DeLong paper (August 25, 1999) (disparaging assumptions as simplifications and crediting internals as adding to overall structural integrity without engaging in a proper technical review of the paper).

engineering practice would recommend such a course. Allowing design "credit" for portions of the overall structure not intended to provide gross structural support undermines the entire cask drop requirement. Plainly, the NAC-MPC system either has adequate external structure to withstand the drop test and protect the irradiated fuel bundles within, or it does not. If not, it should not be certified.

For the reasons set forth above, CAN asks the NRC to disapprove the NAC application.

Respectfully submitted:

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