



# Western Interstate Energy Board/ WINB

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June 15, 2009

Docket Operations  
United States Department of Transportation  
West Building, Ground Floor, Room W12-140  
Routing Symbol M-30  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: Docket Number PHMSA-2009-0139 (Notice No. 09-3)

To Whom It May Concern

This letter responds to PHMSA's June 2, 2009 Notice and Request for Comments on Issues or Problems Concerning IAEA Regulations for the Safe Transport of Radioactive Materials, as outlined in IAEA "Working Material for Review of TS-R-1, dated February 22-27, 2009.

On behalf of the Western Interstate Energy Board High-Level Radioactive Waste Committee, I request:

1. An extension of the comment period a minimum of 60 days. Twelve days (June 2-15) does not provide adequate time to understand and develop substantive comments on the IAEA documentation, the implications for transportation cask regulation (by PHMSA and/or NRC) in the U.S., the implications for state regulation of radioactive waste transport, and other relevant topics.
2. One or more teleconference briefings sponsored by PHMSA and/or NRC with state regional groups engaged in nuclear waste transportation in the U.S. The briefings should address a range of relevant topics not addressed in the IAEA working materials or PHMSA's June 2 notice. For example:
  - The background and purpose of the IAEA working materials;
  - The reasons why PHMSA and NRC consider it appropriate to adopt IAEA guidelines—in particular since these seem to involve reduction in current standards applicable in the U.S.;

- Why PHMSA and/or NRC, in proposing the adoption of IAEA standards, have not prepared a side-by-side comparison with currently applicable U.S. standards, and an assessment of the differences.
- The rationale for the radionuclide-specific surface contamination limits applicable over any 300 cm<sup>2</sup> area of the cask, as proposed in IAEA paragraphs 507b and 402.
- The implications of the IAEA proposed at-cask-surface standards for radiation two meters from the cask surface (a component of current U.S. standards);
- The implications of these proposals for transportation cask design, loading capacity, and costs in the U.S., with particular attention to canisters and casks for storage and transportation of spent nuclear fuel;
- The relationship of these IAEA proposals to other key issues in transportation cask-canister regulation in the U.S., such as burn-up credit.
- Whether U.S. regulation of transportation casks and canisters is intended to provide merely “an acceptable level of control” (IAEA, pg. 1 and 2), or some higher assurance of safety.
- The implications of what appears to be a highly complex regulatory system (radionuclide-specific, applicable to any 300 cm<sup>2</sup> area of the cask surface) for state government inspection and monitoring programs in corridor states.

Note that the above is a preliminary list of topics that require clarification as a basis for substantive review and comment. I would be happy to work with representatives of PHMSA and/or NRC to refine and further develop the list. I am confident that my counterparts at other state regional groups would also be happy to contribute.

3. A briefing paper prepared by PHMSA and/or NRC that addresses the above questions and others, and that serves as a background paper for the teleconference briefings and for substantive review and response by states and state regional groups. It is my observation that neither the IAEA working paper nor the June 2 notice address these questions.

I appreciate your consideration of the above requests.

Please feel free to contact me at (303) 573-8910 x6 or [jwilliams@westgov.org](mailto:jwilliams@westgov.org).

Sincerely,

Jim Williams, Manager  
 High-Level Waste Transportation Program  
 Western Interstate Energy Board