

September 24, 2003

Judith H. Johnsrud
Chair, Nuclear Waste Working Group
Sierra Club National Waste Committee
433 Orlando Avenue
State College, PA 16803

SUBJECT: SIERRA CLUB COMMENTS ON PROPOSED CHANGES TO INTERNATIONAL
ATOMIC ENERGY AGENCY'S TRANSPORTATION REGULATIONS

Dear Ms. Johnsrud:

I am responding to your letter to Michael Lesar, dated August 7, 2003, in which you provided comments regarding proposed changes to the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials (TS-R-1).

At your request, we have forwarded a copy of your comments to Mr. Richard Boyle, Chief, Radioactive Materials Branch at the U.S. Department of Transportation (DOT). Regarding opportunities for public involvement and comment on the proposed changes, DOT issued a Federal Register Notice (FRN) on June 10, 2003, announcing a DOT public meeting on July 22, 2003, to respond to questions and obtain comment from the public on the proposed changes. DOT further stated in its notice that it would accept written public comment on the proposals through August 8, 2003. Nuclear Regulatory Commission (NRC) staff issued a parallel FRN on June 26 and participated in the July 22 public meeting held at DOT headquarters. Participants at the meeting included representatives from Federal agencies, industry, public interest groups, public citizens, and the media.

Comments provided at the public meeting, along with written comments, were considered in the development of United States (U.S.) comments on the International Atomic Energy Agency (IAEA) proposed changes. DOT will hold another public meeting (details currently being arranged) to discuss the U.S. comments prior to the IAEA review panel meeting scheduled for November 2003. NRC will again support and participate in the upcoming DOT public meeting.

Regarding promulgation of changes to 49 CFR 100-185 and 10 CFR 71, it is not yet clear what, if any, future compatibility changes might be required for DOT or NRC regulations, since the IAEA has not yet considered the comments from member states on the proposed changes. Any future changes to domestic regulations would require rulemaking, which would involve public outreach, comment solicitation, and review processes at both DOT and NRC.

J. Johnsrud

- 2 -

Thank you for your interest in the safe transport of radioactive materials.

Sincerely,

/s/ /RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

cc: Richard Boyle, U.S. DOT

J. Johnsrud

- 2 -

Thank you for your interest in the safe transport of radioactive materials.

Sincerely,

/s/ /RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

cc: Richard Boyle, U.S. DOT

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*** See previous concurrence**

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