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Advance Tribal Notification of Certain Radioactive Material Shipments

Comment On: NRC-2021-0051-0002

Petition for Rulemaking: Advance Tribal Notification of Certain Radioactive Material Shipments

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Comment on FR Doc # 2021-07281

Submitter Information

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General Comment

HLRWC letter of support for TRMTC's petition for NRC rulemaking on advance notification. Please see the attached PDF.

Attachments

HLRWC letter on TRMTC petition for rulemaking_6.22.2021

June 22, 2021

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

RE: Docket No. PRM-37-2; NRC-2021-0051
Advance Tribal Notification of Certain Radioactive Material Shipments

Dear U.S. Nuclear Regulatory Commission Secretary and NRC Staff:

The Western Interstate Energy Board (WIEB) High-Level Radioactive Waste (HLRW) Committee appreciates the opportunity to offer its support for the petition for rulemaking from the Tribal Radioactive Materials Transportation Committee (TRMTC) on advance tribal notification of certain radioactive material shipments. WIEB is an organization of eleven Western states and two Canadian provinces which focuses on promoting energy policies developed through the cooperative efforts of WIEB's members in collaboration with the federal government. WIEB's HLRW Committee is composed of representatives from twelve Western states who have expertise in the realm of spent nuclear fuel and high-level radioactive waste (SNF/HLW) transportation. For over thirty years, the HLRW Committee has examined the issues that surround this topic, offering comments, developing policies, and interacting with federal, industry, tribal, and other state interests in this space. The HLRW Committee draws on this experience and these relationships in offering support for TRMTC's petition for rulemaking on advance tribal notification of certain radioactive material shipments [hereinafter referred to as TRMTC's petition for rulemaking].

Radioactive material shipments are a key area of interest to the Western states and the tribes due to similar concerns about safety, security, and public perception. Successful planning for these shipments requires a high degree of coordination and communication between many involved parties, including the states and tribes through whose jurisdictions the shipments pass. When the subject is U.S. Department of Energy (DOE) radioactive materials shipments, the planning conversations between Western state and tribal representatives often take place between the HLRW Committee and TRMTC under the auspices of the National Transportation Stakeholders' Forum (NTSF). Through mutual engagement in the NTSF as well as frequent participation in each other's meetings and at outside conferences, the HLRW Committee and TRMTC have developed a close working relationship and respectful rapport. The HLRW Committee thus partly offers its support for TRMTC's petition for rulemaking out of consideration for this important relationship.

However, this is only one of several reasons why the HLRW Committee supports changing the NRC's advance tribal notification of radioactive material shipments regulations, the subject of TRMTC's petition for rulemaking. The Western states have long recognized the importance of advance notification of these shipments for a variety of reasons, the most important of which is so that they can be adequately prepared to respond in the event of an incident or accident. It is undoubtedly recognition of the many public benefits of advance notification that led the NRC to

adopt the regulations at 10 CFR 71 and 73 that mandate provision of such notice to states and tribes before the transport of irradiated reactor fuel and special nuclear material. In addition, these NRC regulations are not the only example of the codification of advance notification of radioactive material shipments: the Waste Isolation Pilot Plant (WIPP) Transportation Safety Implementation Guide, which governs shipments of radioactive transuranic waste to WIPP in southeastern New Mexico, also has a section devoted to advance notice.

If advance notification to states and tribes is important for shipments of irradiated reactor fuel and special nuclear material, then it is no less important for shipments of Category 1 or 2 quantities of radioactive material. Although the radioactivity of these materials may be different, the responsibility of the tribes to respond in the event of an incident or accident involving them that occurs within their jurisdiction is not diminished. Also, the public's perception of these shipments is not materially altered by the different regulatory categories, and thus the tribes' public information responsibilities would be much the same regardless of the different types of materials being moved. Further, the HLRW Committee points out to the NRC the value of consistency in their regulations, both for equity in their treatment of the states and tribes as well as predictability in planning for those entities which are conducting radioactive materials transportation.

For all of the reasons stated above, the HLRW Committee offers its support for TRMTC's petition for rulemaking which requests that the NRC include the tribes in the advance notification requirements under 10 CFR 37. The HLRW Committee would be pleased to answer any questions or participate in future dialogue with NRC about this issue, or about radioactive materials transportation in general.

Sincerely,



Tammy C. Ottmer
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Manager – Nuclear Materials Transportation Oversight,
Hazardous Materials Section
Chair, WIEB HLRW Committee



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