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Codes and Standards

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FEDERAL DEPARTMENT OF TRANSPORTATION

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Documents Management System
U. S. Department of Transportation
PL 401
400 Seventh Street, S. W.
Washington, DC 20590-0001

Dear Sir or Madam:

Reference: RSPA-99-6283-45

The Research and Special Programs Administration (RSPA) of the U. S. Department of Transportation (DOT) issued an advance notice of proposed rulemaking (ANPRM) on December 28, 1999, in the *Federal Register* under Docket HM-230 (64 FR 72633). This ANPRM solicited comments on the development of regulations to harmonize the radioactive materials requirements in the Hazardous Materials Regulations (HMR) with the recent changes contained in the IAEA publication ST-1, on the transportation of radioactive materials (RAM). The 90-day comment period on this ANPRM was originally scheduled to end on March 29, 2000. A subsequent item was published in the *Federal Register* on March 1, 2000, extending the comment period an additional 90 days, to June 29, 2000.

In addition to comments on the ANPRM relative to the IAEA publication ST-1, the DOT Office of Hazardous Materials Safety has requested comments on "Draft Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material, ST-2," the document that the IAEA is preparing for publication in support of ST-1. Those comments were to be sent to:

Richard W. Boyle, Chief
Radioactive Materials Branch (DHM-23)
Office of Hazardous Materials Technology
Research and Special Programs Administration
U. S. Department of Transportation
400 Seventh Street, S. W.
Washington, DC 20590

ASME International, a worldwide organization with some 125,000 members, is pleased to provide comments on the ANPRM relative to incorporation of IAEA ST-1 and, by

inference, the advisory material in IAEA ST-2, into the HMR. ASME, through its Council on Codes and Standards and Board on Nuclear Codes and Standards (BNCS), began an effort in the late 1970's that has led to the publication in 1997 of rules for construction of containment boundaries for spent nuclear fuel and high-level waste transport. These rules were issued as Division 3 of Section III of the ASME Boiler & Pressure Vessel Code, and continue to evolve through the efforts of Subgroup NUPACK, reporting to ASME Subcommittee III. Some of the same individuals who contributed to the development of Section III, Division 3, of the ASME Code also contributed to the revisions to the IAEA radioactive material transport regulations and the revisions to the supporting draft advisory material. In many cases, the technical requirements contained in or planned for ASME Section III, Division 3, are identical to the underlying procedures explicitly stated or implied in IAEA ST-1 and ST-2.

The consensus process used by ASME for almost 90 years to develop construction rules for pressure-containing equipment hazardous to the public health and safety was also the process used to develop Division 3 of Section III. In particular, that consensus process has led to construction rules that prevent both ductile and potentially brittle modes of failure for equipment, such as nuclear pressure vessels and RAM transport containment boundaries, under both static and dynamic (impact) loading conditions. The process is currently being extended to dry storage systems for nuclear spent fuel.

ASME International encourages and supports amendments to Title 49, Parts 100-199, of the federal regulations to include regulations and technical guidance for the design of structural components of RAM transport packagings consistent with the updated IAEA Safety Standards Series. The harmonization of international regulations with U. S. Regulations, and their compatibility with specific technical requirements for design and construction of RAM transport containment boundaries covered by ASME Code rules, provides an excellent means for providing worldwide protection of the public health and safety.

Sincerely,



John H. Ferguson
Vice President, Nuclear Codes and Standards

cc: Richard W. Boyle
Robert Nickell
G.M. Eisenberg
R. Weidler
C. Pieper