Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference — International Brotherhood of Teamsters

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JOHN P. TOLMAN
Vice President and
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September 4, 2007

Docket Clerk
DOT Central Docket Management Facility
West Building Ground Floor, Room W12–140
1200 New Jersey Avenue, Southeast
Washington, DC 20590

Re: Docket No. PHMSA-2007-28590

Dear Docket Clerk:

On August 13, 2007, the Pipeline and Hazardous Materials Safety Administration ("PHMSA") published a Notice and Request for Comments — Notice No. 07-6 — on issues or problems concerning International Atomic Energy Agency ("IAEA") regulations for the safe transport of radioactive materials. *See* 72 FR 45302. Specifically, because IAEA recently initiated the review cycle for a potential 2011 edition of its regulations, the Department of Transportation and the Nuclear Regulatory Commission are soliciting comments and information concerning issues or problems with the IAEA Regulations found in the 2005 edition of the TS-R-1. Id.

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters ("BLET"), which is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive Engineer employed on all Class I railroads. BLET also represents operating and other employees on numerous Class II and Class III railroads. Consequently, IAEA regulations have a significant impact upon those of our members engaged in the transportation of radioactive materials. Accordingly, we offer the following comments and observations for consideration.

The IAEA does not define "Occupational Exposure" in the current edition of the TS-R-1. Section III, Rules 301 and 302 call for adherence to "as low as reasonably achievable" — or ALARA — principles, administrative dose limits, and Radiation Protection Programs. However, U.S. railroad workers do not currently enjoy these protections because their exposure from radioactive shipments is not considered "occupational." A definition of "Occupational Exposure" should be added to the TS-R-1 that includes railroad workers (1) operating trains containing radioactive materials among the cargo, (2) inspecting and/or repairing cars that are used to carry

radioactive materials, and (3) performing signal and track maintenance or repair on lines over which radioactive shipments are routed.

The exposure limits specified in Rules 303(a) — 1-6 mSv/year[1] — and (b) — in excess of 6 mSv/year — are significantly higher that permissible exposure levels for the general public. Shipments, particularly those made in exclusive use, may expose railroad workers to doses in excess of those allowed for the general public while working on, under, or near the transport vehicle. In effect, railroad workers are not treated either as members of the general public or as Occupational Workers. The result is that they are denied vital personal safeguards provided by Radiation Protection Programs, personal dosimetry, and even the most basic ALARA principles. This issue needs to be addressed in revising the TS-R-1.

Furthermore, railroad operations are not conducted in accordance with the static rulemaking regarding the transportation of radioactive material. There are no assigned crews for transporting radioactive material and chance will play a big part in crew makeup. Mechanical failures and delays may require crewmembers to work on, under, or between the rolling stock for long periods of time. A shipment moving in exclusive use could have a dose rate of .4 mSv/hour at 1 meter where crewmembers might have to perform work or repairs.

A particular employee could be used in this service multiple times over the course of a year while another employee, not at all. Significant off-link exposure could result as shipments stop next to another occupied locomotive less than 2 meters away. There is no way to quantify who will be expected to receive a dose greater than 1 mSv, let alone a dose of 6 mSv. In the interest of ALARA principles, it must be assumed that all railroad employees will receive a dose requiring personal monitoring and training as part of a Radiation Protection Program, and we urge PHMSA to require such personal monitoring and training for all appropriate railroad workers working in areas where radioactive shipments are routed.

Lastly, Type B casks are currently tested, in part, through a 30-foot drop test similar to those contained in TS-R-1 Section VII. Designs certified by this method are then authorized to travel at a maximum speed of 50 MPH by the Nuclear Regulatory Commission. In a 30-foot drop test, the speed at impact is less than 30 MPH. We strongly feel that cask testing should accurately mimic accident conditions at maximum authorized speeds, and that Section VII be revised to require that drop test impacts realistically replicate operating conditions.

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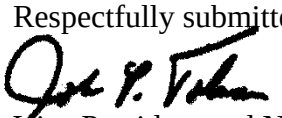
[1] One milli Sievert (mSv) is equal to 100 millirem (mR). Current exposure limitations for the general public, pursuant to Department of Energy regulations found in Title 10 of the Code of Federal Regulations, are 2 mR per hour not to exceed 100 mR per year. "Occupational Workers," on the other hand, may be exposed to as much as 5,000 mR/year or 50 mSv.

We appreciate the opportunity to comment on these issues, and look forward to working with PHMSA to continue to enhance safety for our membership and for all railroad workers.

Respectfully submitted,



Vice President and National Legislative Representative

cc: Grady C. Cothen, Jr., Esquire, FRA Deputy Associate Administrator for Safety Standards and Program Development
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