

July 29, 2019

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE,  
West Building, Ground Floor, Room W12-140  
Washington, DC 20590-0001

Re: Docket No. FMCSA-2018-0037; Federal Register v. 84 no. 102, Tuesday, May 28, 2019; and v. 84, no.105, Friday, May 31, 2019

Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles

To Whom it May Concern:

The Western Interstate Energy Board (WIEB) High-Level Radioactive Waste (HLRW) Committee appreciates the opportunity to offer comments on the regulation updates necessary for the safe integration of automated driving systems into commercial motor vehicles. 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 eleven Western states who have expertise in the field 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 would now like to leverage this experience in offering comments on this Federal Motor Carrier Safety Alliance (FMCSA) Federal Register notice.

Through its WIEB Position Paper 2017-1: The "WIPP Transportation Model" and Its Application to SNF/HLW Transportation,<sup>1</sup> WIEB has endorsed both the process and the primary precepts of the transportation program developed collaboratively between the Western Governors' Association (WGA) and the federal government to transport transuranic nuclear waste to the Waste Isolation Pilot Plant (WIPP) in New Mexico. This transportation program is codified in the TRU [transuranic] Waste Transportation Plan,<sup>2</sup> which incorporates the provisions of the WGA/Department of Energy WIPP Transportation Safety Program Implementation Guide.<sup>3</sup> The TRU Waste Transportation Plan has provisions that directly relate to the driver's responsibilities, including "Driver Qualifications," "Driver Inspections," and "Carrier Contractor Drivers."<sup>4</sup>

The HLRWC appreciates the FMCSA stance that there is no need to "revise the FMCSRs [Federal Motor Carrier Safety Regulations] to accommodate the integration of [SAE International] Levels 1-3 equipment because a licensed CMV [commercial motor vehicle] operator must be present at the controls of the vehicle at all times. FMCSA's driver-related rules would thus apply."<sup>5</sup> Similarly, if automated driving

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<sup>1</sup> Found at: <https://westernenergyboard.org/wp-content/uploads/2017/12/12-20-17-HLRW-Policy-Paper-1-WIPP-Protocols-final.pdf>.

<sup>2</sup> TRU Waste Transportation Plan, Revision 4, effective December 2016, DOE/CBFO-98-3103; found at: [https://wipp.energy.gov/library/TRUwaste/DOE-CBFO-98-3103\\_Rev\\_4.pdf](https://wipp.energy.gov/library/TRUwaste/DOE-CBFO-98-3103_Rev_4.pdf).

<sup>3</sup> Found at: [http://westgov.org/images/editor/WIPP\\_PIG\\_DOE\\_March\\_2017.pdf](http://westgov.org/images/editor/WIPP_PIG_DOE_March_2017.pdf).

<sup>4</sup> TRU Waste Transportation Plan, pages 36, 45, and 50.

<sup>5</sup> Docket No. FMCSA-2018-0037; Federal Register v. 84 no. 102, Tuesday, May 28, 2019, page 24451.

systems at SAE levels 1-3 were integrated into CMV's transporting transuranic waste to WIPP, the TRU Waste Transportation Plan's driver-related rules would still apply. However, automated driving systems at SAE levels 4-5, where the technology may have complete control of the CMV under certain or all circumstances, were not contemplated by the parties who have developed and implemented the WIPP Transportation Program. Thus, the HLRW Committee believes that these parties, including the Western states, should be involved in consideration of whether automated driving systems at SAE levels 4-5 should be used in CMVs transporting transuranic waste to WIPP.

There is not currently any program comparable to the WIPP program for the transportation of spent nuclear fuel or high-level radioactive waste (SNF/HLW). However, the large-scale, cross-country movement of these materials is being contemplated in a future that may coincide with the integration of automated driving systems in CMVs. Therefore, it would be prudent for the FMCSA to consider how its regulations on automated driving systems in CMVs would affect or be relevant to the transportation of SNF/HLW, if indeed the FMCSA decides to propagate specific regulations in this space. This regulatory interaction would no doubt be partly controlled by the 2015 Memorandum of Understanding (MOU) between the Department of Homeland Security, the Department of Transportation, and the U.S. Nuclear Regulatory Commission Concerning Cooperation on Radioactive Materials Transportation Security,<sup>6</sup> and the annexes or work plans developed subsequent to this MOU.

In response to the query in the Federal Register notice for input as to whether there are CMV cargoes for which fully automated operations should be restricted or prohibited, the HLRW Committee thinks that SNF, HLW, transuranic wastes, and highway route controlled quantities of radioactive materials, are just such cargoes. We believe that human drivers are best poised to address the ever-changing driving environment surrounding the transportation of these materials, especially given the successful 20-year WIPP transportation program. Therefore, we would suggest that FMCSA prohibit the transportation of SNF, HLW, transuranic waste, and highway route controlled quantities of radioactive materials at the "SAE Levels 4-5" where automated driving systems can operate the CMV without any participation from a human driver.

The HLRW Committee thanks the FMCSA again for the opportunity to comment on this important issue. We also welcome future opportunities to engage and share information on this topic. Please address any questions or other requests to Melanie Snyder, WIEB HLRW Program Manager, at [msnyder@westernenergyboard.org](mailto:msnyder@westernenergyboard.org).

Sincerely,



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<sup>6</sup> Found at: <https://www.nrc.gov/docs/ML1505/ML15057A336.pdf>.