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Oregon

DEPARTMENT OF  
ENERGY

September 23, 1996

ATTN: Section 180(c) Comments

Corinne Macaluso  
U.S. Department of Energy  
c/o Lois Smith  
TRW Environmental Safety Systems, Inc.  
600 Maryland Avenue SW, Suite 695  
Washington D.C. 20024

Dear Ms. Macaluso:

Thank you for the opportunity to comment on the Notice of Proposed Policy and Procedures for the implementation of Section 180 (c) of the Nuclear Waste Policy Act. The following comments are submitted on behalf of the Oregon Department of Energy. The Oregon Department of Energy has lead responsibility for the safe transport of radioactive materials through Oregon.

These comments should be considered as a supplement to comments provided September 12 by the High-Level Radioactive Waste Committee of the Western Interstate Energy Board (WIEB). Oregon is an active member of that WIEB Committee. We are in full support of the comments submitted by WIEB on this issue.

Like WIEB, we support several elements of the proposed policy, such as providing direct grants to states and tribes and the intent to provide funding about three years prior to the beginning of shipments. However, these elements do not outweigh the deficiencies in the proposed policy, and like WIEB, we conclude this proposal is unacceptable.

We would like to add additional comments on a few key issues: the proposed funding formula, restrictions on how the funds can be used, and the applicability of 180 (c) funds for shipments to a private interim storage facility.

### **Funding Formula**

We believe the funding formula proposed by the U.S. Department of Energy (USDOE) will provide inadequate funds for essential preparedness activities. We also believe it is inappropriate for USDOE, with no input from state or local authorities, to pre-judge the amount of funding that will be required for a sufficient response capability.

John A. Kitzhaber  
Governor



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USDOE should also not presume to tell the states how many people they can train -- for instance a limit of three members of a state radiological response team and only a single public information officer. Each state, in consultation with its local response agencies, is best able to determine the amount of training that is needed within its own jurisdictions.

### **Use Restrictions**

We believe the proposed policy is too inflexible in how funds can be used. As long as the expenditures relate directly to emergency response preparedness for Nuclear Waste Policy Act (NWPA) shipments, the states and Tribes must not be unduly limited in their use of these funds. Proposing that emergency response exercises are an ineligible expenditure is completely inappropriate. We do not view emergency response exercises as a means to measure preparedness, but instead as a natural and vital extension to classroom training.

Even within a single state, it is possible to find that response capability along one route or a portion of one route is at a different level of preparedness than in another part of the state. These shipments will open up many routes through which there have been few if any high-level shipments. The need for emergency preparedness activities may therefore be greater along these new routes than on the routes which now frequently receive significant numbers of radioactive material shipments.

For example, in Oregon we expect to see shipments from two nuclear reactors, the Trojan plant, which is northwest of Portland, and the WNP-2 plant near Richland, Washington. We expect these shipments will likely occur by rail. Shipments from the WNP-2 plant will traverse about 200 miles of Eastern Oregon. This route runs close to the highway route which is currently the primary route for shipments to and from Hanford. We have already invested a considerable amount of time and money to prepare and equip local response agencies along this route to respond to an accident involving a radioactive material shipment.

Shipments from Trojan however, will travel south into the Portland area and then east along the Columbia River gorge until they link up with the same route as that taken by the WNP-2 shipments. The gorge route sees few radioactive material shipments.

We expect it may take considerably more work and funds to prepare the gorge route than the route in Eastern Oregon. We must have the flexibility to determine how best to approach the different needs of each of these routes, rather than be forced into an arbitrary formula that dictates what we must do regardless of what we determine is the best approach.

Western states, through the Western Governors' Association, have been working with the federal government to prepare for shipments to the Waste Isolation Pilot Plant. This effort has resulted in a comprehensive transport safety program, which will not only enhance the safety of these shipments, but we believe will also result in an increased level of public confidence that these shipments can be conducted safely. Many elements of this program have been successfully implemented for the shipment of highly radioactive cesium capsules to the Hanford Site. This program encouraged the states to cooperatively work to develop an overall transportation safety program, while it still maintained the flexibility to allow each state to address its specific needs. USDOE should apply this same level of cooperative planning and funding for NWPA shipments.

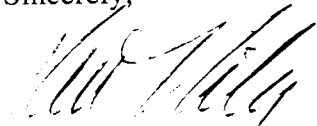
#### **Shipments to Private Facilities**

Funding must apply to all shipments to interim storage facilities or a repository, regardless of whether it is operated by USDOE or a private entity. The only reason a private entity would be involved is because USDOE was unable to site a storage or disposal facility in a timely manner. That failure should not exempt shipments to a private facility from Section 180 (c) funding. The need for emergency response preparedness along the shipping routes will be the same as if the shipments were going to a USDOE facility.

We are also concerned about the expectation that the grant application process will take about one year. Given that shipments may be forced upon the states with only a short time to prepare, there must be a provision to streamline the grant application process so as not to delay the emergency response preparation activities.

If you have any questions about these comments, I can be reached at 503-378-4906.

Sincerely,



Ken Niles  
Acting Administrator  
Nuclear Safety Division