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NUCLEAR ENERGY INSTITUTE

Steven P. Kraft
DIRECTOR,
SPENT NUCLEAR FUEL
MANAGEMENT

July 31, 1998

Ms. Corinne Macaluso
U.S. Department of Energy
c/o Ms. Lois Smith
TRW Environmental Safety Systems, Inc.
600 Maryland Avenue, S.W., Suite 695
Washington, DC 20024
Attn: Section 180(c) Comments

Subject: Safe Transportation and Emergency Response Training; Technical Assistance and Funding, Office of Civilian Radioactive Waste Management, Department of Energy [63 Federal Register 23753, April 20, 1998]

Dear Ms. Macaluso:

The Nuclear Energy Institute (NEI),¹ on behalf of the nuclear energy industry, generally endorses the Section 180(c) policy and procedures proposed in the above referenced notice. The industry has previously commented on each of the draft Section 180(c) policy documents that has been submitted for public review and submits the following comments for the Department of Energy's (DOE) consideration on the most recent notice of revised proposed policy and procedures.

It is essential that spent nuclear fuel (SNF) and high-level radioactive waste (HLW) be stored, transported, and disposed in a safe, environmentally sound, and cost-effective manner. Adequate training of public safety officials for safe routine transportation and emergency response situations is an important facet of safe transportation of SNF and HLW.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

Draft Policy and Procedures

Due to budgetary constraints expected for the program-during the current budget period and the need to use appropriated funds in the most cost-effective manner, NEI agrees with DOE's decision to leave the policy and procedures in draft form until program progress or legislation provides definitive guidance as to when SNF shipments will commence. However, DOE should take every action needed to begin SNF acceptance from commercial reactors consistent with its obligation under the Nuclear Waste Policy Act, which includes preparing for SNF and HLW transportation in a timely manner to support NWPA program objectives.

Requirements Outside of Current Regulations

The impeccable record of safe SNF transportation in the United States during the past 30 years is an indisputable indicator that the current regulatory framework ensures the safe transportation of SNF and HLW. Current federal regulations meet or exceed all international transportation regulations. DOE has acknowledged that the current regulatory structure is sufficient to provide for continued safe routine transportation of SNF and HLW. DOE also correctly acknowledges that the risk is very low of an accident involving SNF or HLW that might involve any significant release of radioactive materials or harmful increase in radiation levels in excess of regulatory standards. Changes to the current safe regulatory framework can only be made through legislation and/or rulemaking by those agencies that regulate SNF and HLW transportation – the Nuclear Regulatory Commission or the Department of Transportation. Additional requirements on SNF and HLW shipments beyond those contained in the applicable statutes or regulations should be considered by DOE for this program only if they provide a clear benefit commensurate with their cost without compromising safety or security.

Grants

DOE has proposed an initial planning grant of \$150,000 to every eligible state and tribe to help offset the costs of the determination of needs for technical assistance and funds to train public safety officials for safe routine transportation and emergency response situations. The industry endorses the concept of a planning grant as DOE describes it in the revised proposed policy.

Shipping Using Escorts

The industry supports DOE's inclusion of a contingency plan for schedule and route changes by providing additional financial assistance if jurisdictions are asked to complete activities in shorter time periods, in the case of emergencies, or due to "fraudulent actions or non-cooperation" [63 Fed. Reg. 23757] by a jurisdiction along a planned shipment route. NEI continues to support the use of escorts with more training and equipment than normally used for security purposes if, for any reason, a responsible jurisdiction lacked adequate training. NEI strongly endorses the need to maintain the flexibility to ship SNF and HLW using escorts over routes with less than three years of advance notice. This is a critical and important flexibility that must be maintained to deal with unexpected circumstances and is an important facet of the proposed policy.

Satellite Tracking Information

In its September 1997 comments, NEI expressed concern about DOE's plan to allow broad access to its centralized satellite tracking system by states and tribes. Current NRC regulations severely limit access to safeguards and related routing information for SNF and HLW shipments and provide for the notification only of appropriate state organizations regarding shipment timing and routing information rather than making it broadly available. NEI suggested then that this provision be removed from DOE's draft Section 180(c) policy until NRC has reviewed and ruled on such a significant change to current regulations and practice. We continue to believe that this provision should be removed from the draft policy. However, the industry is pleased that DOE has committed that its plan to allow broad access to the satellite tracking system by states and tribes will be subject to NRC's verification that this use of satellite tracking technology does not violate NRC's security and safeguards regulations.

Coordination with Other DOE Programs

The industry supports DOE's proposed policy to adopt, to the extent practicable and consistent with the Nuclear Waste Policy Act, any future DOE-wide policies to standardize assistance to states and tribes for DOE-wide radioactive materials shipments. We also support DOE's encouragement of grant recipients to use their 180(c) funds in conjunction with funds provided from other programs where the purpose of training is to achieve the same or similar goals.

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DOE should provide funds and technical assistance to states and tribes to obtain and maintain access to the increment of training needed to prepare for NWPA shipments. The Section 180(c) program should not be misused to provide basic emergency response capability to jurisdictions along the routes that has always been the responsibility of the state, local and tribal governments.

We hope these comments are helpful. If you have any questions, or require additional information, please call me on (202) 739-8116.

Sincerely,

A handwritten signature in black ink, appearing to read "S.P. Kraft", with a long horizontal line extending to the right.

Steven P. Kraft

c: Mr. Lake H. Barrett, OCRWM
Mr. Dwight E. Shelor, OCRWM