



DEPARTMENT OF ENVIRONMENTAL QUALITY

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GOVERNOR

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SECRETARY

September 4, 2007

Ms. Corinne Macaluso
U.S. Department of Energy
c/o Patricia Temple
Bechtel, SAIC Company, LLC.
955 N. L'Enfant Plaza, SW, Suite 8000
Washington, DC 20024

Re: Federal Register Notice, Volume 72, Number 140, Monday, July 23, 2007

Dear Ms. Macaluso:

The State of Louisiana, Department of Environmental Quality (LDEQ) appreciates the opportunity to submit comments on the Office of Civilian Radioactive Waste Management; Safe Routine Transportation and Emergency Response Training; Technical Assistance and Funding Revised Policy. This policy revision presents the opportunity to address the need for training and preparedness with regard to the shipment of spent nuclear fuel or other high level radioactive waste. While the policy is very thorough in its explanation of the methods by which a grant may be applied for and awarded to a State or Tribe, there are concerns that the policy does not address. LDEQ would like to receive more information and further clarification on some of these concerns.

The first, most obvious concern, noted is the lack of available information regarding the routes by which these shipments will travel. The policy does not identify shipment routes nor does it provide a reference to any documents in which this vital information may be obtained. To determine an appropriate cost estimate for both planning and training, the identified routes must be made available to the States and Tribes.

The section of the revised policy addressing activities for which the planning grant money can be used, makes reference to assessing the need for training on procedures related to safe routine transportation. There must be additional clarification on what these procedures are and who is responsible for writing and maintaining them. Clarification on the expectations whether or not the State and/or Tribal officials will write and maintain such procedures is required. If DOE has the expectation that the State and locals will write and maintain these procedures, then DOE should provide training and guidance on the development of necessary procedures.

Designing, conducting, and evaluating drills and exercises are identified as acceptable activities for the training grant money. This implies that exercises will be conducted and evaluated at the State

ENVIRONMENTAL COMPLIANCE

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level. It is not clear as to what the level of Federal involvement will be, if any, in the evaluation of exercises. At a minimum, Federal guidance would be appropriate to have regarding the development of exercises and any criteria that should be included in exercise evaluation.

The revised policy briefly discusses training that must be provided to local, State, and Tribal officials, but does not provide specific guidance on how to develop training programs. Guidance should be added to this policy outlining specific training that must be provided to appropriate local, State, and Tribal officials. In addition, training programs specifically targeted to prepare trainers to provide the necessary training should also be identified in the policy.

Several questions for comment were included in the policy revision notice. The response from LDEQ is as follows:

Question 1

- a. Would \$200,000.00 be an appropriate amount for the assessment and planning grant to conduct an initial needs assessment? This question cannot be answered without knowing the shipment routes and the number of impacted communities in the State of Louisiana. Without this information, one cannot make a fair assessment of the amount of planning grant money that would be needed.
- b. Should the amount be the same for each eligible State and Tribe? The amount should not be the same for each eligible State and Tribe. The needs of each State and Tribe will vary greatly based upon the population, route miles and shipments and should be determined on individual merit.
- c. Would there be a need to update the initial needs assessment and, if so, at what intervals and should funding be made available for this purpose and in what amount? There may be a need to update the initial needs assessment due to changing communities, alternative routes and new shipment sites. Funding should be made available for this purpose on an annual basis. The amount of the funding should be considered based on the specific needs identified that cannot be met through the initial amount.

Question 2

- a. Would \$100,000.00 be an appropriate amount for the annual training grant to conduct an initial needs assessment? This question cannot be answered without knowing the shipment routes and the number of impacted communities in the State of Louisiana. Without this information, one cannot make a fair assessment of the amount of planning grant money that would be needed.
- b. Recognizing that, after commencement of shipments through an eligible State or Tribe, training to maintain capability may become less costly with increased expertise and efficiency, should the base amount of subsequent annual training grants be adjusted downward to reflect the number of years that annual training grants have been received? It is unlikely that any State or Tribe will recommend that the amount of subsequent grants available be reduced. Due to the high rate of turnover in the public safety and emergency management field, there is no way to be certain that those trained and experienced personnel will remain with the agency.
- c. What should be the allocation of available appropriate funds for a fiscal year between the base amount and the variable amount of the annual training grants? This is another question

that cannot be answered without additional information about the areas that will be impacted by shipments.

- d. Should the entire training grant be available based on the funding allocation formula described herein? It may be prudent to base the entire amount of the grant on the formula described in the policy rather than a base amount that is the same for all States and Tribes.

Question 3

- a. Should the amount of funding be adjusted where the route forms a border between two States, a State and Tribe, or two Tribal reservations? This may be an appropriate consideration, but if the described formula is used to calculate the training grant amount, then the amount would be fair regardless of borders.
- b. Should States and Tribes with mutual aid responsibilities along a route outside their borders be eligible for 180 (c) grants on the basis of mutual aid agreements? Yes, States and Tribes with mutual aid agreements should be eligible to receive funds based on their responsibilities.
- c. If so, how should the amount of funds be calculated and should the calculation take into account whether or not the State or Tribe would otherwise be eligible for a grant? This is a determination that should be made by DOE.
- d. Should the State or Tribe that received notification from DOE indicate in their grant application that a neighboring State or Tribe has a mutual aid agreement along that particular route, whereupon DOE would then notify the neighboring State or Tribe of its eligibility? Identification of State and Tribes with mutual aid agreements should be included in the grant application.

Question 4

- a. Do assessment and planning grants need to be undertaken four years prior to an initial scheduled shipment through a State or Tribes jurisdiction? Yes, this assessment could be a lengthy process and a minimum of four years may be needed.
- b. Do training grants need to commence three years prior to a scheduled shipment through a State or Tribe's jurisdiction? It may be better to conduct training within 24 months of the first shipment. This will make it more likely that the benefit of the training is received and retained by the personnel that will need it. It may not be necessary to commence training grants more than two years prior to the date of the first shipment in the area.
- a. Do training grants need to be provided every year that shipments are scheduled? Training grants should be provided every year that shipments are scheduled. There will be turnover in staff and additional training will be needed each year.

Question 5

- a. Should section 180 (c) grants be adjusted to account for fees levied by States and Tribes on the transportation of spent nuclear fuel or other high level radioactive waste through their jurisdiction? Adjustments to account for fees collected by the State or Tribe should only be considered when the money from the fees will be applied to the same activities as those covered by the grant. Many times these fees are used for purposes other than those described in the policy.
- b. How should DOE determine if a fee covers all or part of the cost of activities allowed under section 180 (c) grants? DOE should decide the best way to make this determination by discussing the use of the fees with the State or Tribe who is collecting the fee.

- b. How should DOE determine if a fee covers all or part of the cost of activities allowed under section 180 (c) grants? DOE should decide the best way to make this determination by discussing the use of the fees with the State or Tribe who is collecting the fee.
- c. Is the language in this policy, requiring the State and Tribe to explain in their grant application how these fees and Section 180 (c) grant awards are separate and distinct, sufficient to prevent DOE from paying twice for the same activity? This question is best answered by the legal advisors that are employed by DOE.

Question 6

- a. How should Section 180 (c) grants be adjusted to reflect other funding or technical assistance from DOE or other Federal agencies for training for safe routine and emergency response procedures? This is another question best addressed by DOE with the individual State or Tribe.
- b. In particular, how should DOE account for TEPP and other similar programs that provide funding and/or technical assistance related to transportation of radioactive materials? This is yet another question to which DOE needs to determine the answer. DOE should be able to determine what funds the State is getting from TEPP and other DOE programs as the programs are conducted by their agency.
- c. To what extent is Section 180 (c) funding necessary where funding and/or technical assistance are being or have been provided for other DOE shipping campaigns such as to DOE's Waste Isolation Pilot Plant? If the WIPP funding already address the activities that are funded by the grant, then this would be duplication of funds and the grant application narrative should address this adequately based the guidelines in Table 1 of this policy. It is important to keep in mind that the type of waste transported by WIPP is different from spent nuclear fuel, so additional training to address the unique risks associated with spent nuclear fuel will be necessary to some extent. It is reasonable to think that the majority of the training and planning needs would have been covered by the WIPP funds, but this should be carefully considered.

Currently the revised policy does not provide the proper level of detail or guidance for the States to evaluated areas that will be impacted by these shipments. In addition, this policy does not provide guidance or outline expectations for the programs that the State will have to develop for the purpose of training, preparedness, or exercise evaluation. The State requests that this kind of information be included in the final policy or in a referenced supplement document.

LDEQ appreciates the opportunity to comment on this policy. If you have questions regarding any of the comments addressed in this letter, please contact Nan Calhoun at (225) 219-3621.

Sincerely,



Jeffrey Meyers

Administrator, Emergency & Radiological Services Division
Louisiana Department of Environmental Quality

JM:nc