



QA:NA

TED STRICKLAND
GOVERNOR
STATE OF OHIO

November 30, 2007

Edward F. Sproat, III, Director
Office of Civilian Radioactive
Waste Management
Department of Energy
Washington, DC 20585

Dear Mr. Sproat:

In response to your letter dated August 15, 2007, requesting comments on your Revised Proposed Policy on Section 180(c) of the Nuclear Waste Policy Act, please find Ohio's comments as an attachment to this letter. I am asking that you give strong consideration to these comments in finalizing the proposed policy. I believe that this accommodation will ensure that Ohio is best prepared to support the monitoring of routine shipments through the state of spent nuclear fuel and high-level radioactive waste, as well as sustaining a capacity to adequately respond to any transportation accident that may occur with any shipment.

We look forward to continuing to work with your office directly and through the Midwestern Radioactive Material Transportation Committee on these issues.

Sincerely,

A handwritten signature in cursive script that reads "Ted Strickland".

Ted Strickland
Governor, State of Ohio

Comments on DOE's Notice of revised proposed policy and request for comments Safe Routine Transportation and Emergency Response Training; Technical Assistance and Funding
(Federal Register, Vol. 72, No. 140, pp. 40139-40145, July 23, 2007)

General Comments:

1. The State of Ohio agrees with the comments submitted by the Midwestern Radioactive Materials Transportation Committee.
2. The State of Ohio would like to submit the following comments:
 - a). It is imperative that the Governor of Ohio determine who, within the State, will administer the DOE grants pertaining to the Nuclear Waste Policy Act, Section 180c.
 - b). Ohio requests that all information necessary to conduct an assessment of Ohio needs to support DOE shipments conducted to support the Nuclear Waste Policy Act be provided to Ohio as soon as the information becomes available, but no later than 5 years before the initiation of any DOE shipments.
 - c). Ohio contends that there should be no lapse or diminishment of funding for those years where shipments may not be scheduled, in order to provide continuity of effort.
 - d). Rulemaking i.e. the final DOE policy on Section 180c should be completed as quickly as possible.
 - e). Correspondence on 180c should be sent directly, or copies of information sent, to the Midwestern Radioactive Materials Transportation Committee member.
 - f). It is surmised that letters notifying Ohio of eligibility of DOE grants will be sent one year before the grants become available, essentially 5 years before the initiation of shipments. How long will Ohio have to complete the application for each grant? It would be helpful to have a time-line for specific events regarding 180c--such as date (year) for letter of eligibility, application time-frame, award of planning grants, award of training grants, and any other milestone that must be met before the first shipment. Please define eligibility and provide the time-line.
 - g). The application process appears complicated. It would be beneficial to have a check-list to facilitate the process.
 - h). More information is needed for the pilot program due to initiate in FY08. Who will be involved? How will Ohio be informed of the results? What is the plan for review of results; proposed changes, comments from states on changes or lack of changes?

Request for Comments, page 40144 of the Federal Register, July 23,2007:

1 a. Although \$200,000 seems appropriate to conduct an initial needs assessment, the application process may result in a request for additional funding as necessary.

1 b. No. The amount should be based on effort required to compile the information such as the number of routes, amount of training needed, etc. as indicated by the application process.

1 c. Yes, there would be a need to update the initial needs assessment, and funding should be permitted for that purpose. The interval would be difficult to determine at this time.

2 a. Although \$100,000 seems appropriate, until the needs assessment is conducted, this amount would be hard to determine. Additional funding should be made available if justification can be made.

2 b. No. Training does not lapse due to a lapse in shipments. Training must be conducted in a consistent manner, at least annually. Training involves periodic review and updating as necessary. Proficiency does not necessarily reduce the amount of effort required to conduct training.

2 c. A predetermined overall allocation between base and variable amounts does not make sense: Funding should be available for each component of the grant, and the total funding available under the variable grant should at least be equivalent to that available under the base amount.

2 d. No. The base grants should be based on need.

3 a. No. Funding should be based on needs of each State.

3 b. Yes, funding should be available based on need.

3 c. Funding should be based on need.

3 d. No, it should not be incumbent upon Ohio to make this determination. DOE can obtain necessary information from other sources.

4 a. Should be available at least 4 years prior to the shipments.

4 b. Should be available at least 3 years prior to the shipments

4 c. Yes, every year when shipments are conducted and also in the off years.

5 a. No

5 b. The application process will provide the information needed.

5 c. Language needs to be more specific.

6 a. The application process will provide the information needed and take into account any technical assistance to be provided.

6 b. There should be an option for the states to use these resources. Existing training resources with states may not necessitate TEPP support.

6 c. Should not diminish funding. Training needs consistency and funding should continue to ensure consistency.