

May 22, 1995



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**Subject: Comments on the Notice of Inquiry, Safe Transportation and
Emergency Response Training: Technical Assistance and Funding (60 F.R.99)**

Dear Dr. Dreyfus:

On behalf of the Northeast High-Level Radioactive Waste Transportation Task Force, we are writing to respond to the U.S. Department of Energy's (DOE) Notice of Inquiry (NOI) on "Safe Transportation and Emergency Response Training; Technical Assistance and Funding," published in the *Federal Register* on January 3, 1995. The Task Force would like to thank DOE for extending the deadline for commenting on the NOI. The Northeast Task Force requested a 45 day extension to give us the opportunity to respond following our inaugural meeting on April 10, 1995.

The Task Force is composed of representatives from the states of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. Because of the high concentration of spent nuclear fuel that is located in the region, the Northeast states have a significant interest in assisting in the development of policies and procedures to implement Section 180(c) of the Nuclear Waste Policy Act (NWSA).

The Northeast Task Force believes strongly that DOE has the legal obligation to begin accepting spent fuel according to the waste acceptance schedule on January 31, 1998. Seven of the states represented on this Task Force are participating in litigation to enforce DOE contracts executed following the NWSA of 1982.¹ In this context, DOE must begin implementation of Section 180(c) technical assistance and funding on a priority, rather than a contingency basis.²

¹The Northeast states joined in the lawsuits are Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Vermont.

²Were it not that DOE is required by law to accept spent fuel in 1998, Section 180(c) funding would be of no immediate concern. Providing training and technical assistance funds now for spent fuel transportation in 2010 or beyond would be ineffective.

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The following are comments regarding the provisions of Section 180(c) of the NWPA. While the NOI is specifically limited in its scope to Fund Distribution Options, the Northeast Task Force offers comments which are more broad and requests that these comments be considered in the implementation of Section 180(c).

The Risk of Spent Fuel Transportation

The Northeast Task Force fully affirms the seriousness of spent fuel transportation and the imperative to conduct such transportation safely. However, the Task Force understands the risk of this transportation is less than the risk for other hazardous materials that are routinely transported on our highways and rails.

Radioactive materials have been transported safely in over a million shipments during the past forty years in which not one accident has caused radiation injury or lingering contamination. Among these are 2600 shipments of irradiated fuel from commercial power and research reactors during 1964-1989 (ORNL/Sub/88-997962/1), notably 1100 highway and 100 rail shipments of commercial power reactor spent fuel.

The Task Force believes that the training and technical assistance provided under Section 180(c) should be in direct proportion to the risk involved.

Definition of Terms

The Northeast Task Force affirms the intent of Section 180(c) to provide funding for all state costs made necessary by the federal transportation of spent fuel within the states. Such state costs are minimized by taking advantage of emergency and radiological training and organizations already in place through other federal and state laws and programs.

The important terms for definition from Section 180(c) are as follows:

"Procedures for safe routine transportation" - means activities needed to contribute to incident free movement of radioactive materials under the NWPA including but not limited to: determination and coordination of routing, shipment notification and tracking, operating protocols such as seasonal or time-of-day restrictions, transportation infrastructure improvements, inspections, and escorts.

"Procedures for dealing with emergency response situations" - means activities including but not limited to: spent fuel recognition, training and retraining first responders, spent fuel-specific training for radiological responders, maintenance of on-call systems for radiological responders, and conducting periodic exercises for personnel responding to accidents.

Scope of Distribution of Funds

Provision of technical assistance and funds in accordance with Section 180(c) must take into account, to the maximum extent possible, emergency and radiological training and organizations already in place through existing federal and state laws and programs.

Determination and Coordination of Routing - It is expected that, once a destination is determined, routing will be established up-front since origination points are known. Determination of routing should be accomplished under DOE funding but it is expected this will be done outside of Section 180(c) funding. For example, the state of Nevada has done much work in this area using DOE funds. However, over time demography changes as new roads are built. Therefore, Section 180(c) funding should provide for periodic review and update of spent fuel routing.

Identification of Local Responders - State Emergency Response Commissions (SERCs) are established in each state under Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA). In each state, the SERC is responsible under SARA to establish Local Emergency Planning Committees (LEPCs). These committees should be the points of contact along the routes and can identify training needs along the routes. Therefore, Section 180(c) funding should not be required to identify local responders.

First Responders - First response to spent fuel accidents is no different from first response to hazardous materials accidents. Hazardous material first responders have already been identified and trained. Many first responders have received some radiological training. Guidance for first response to radiological incidents is provided by the Conference of Radiation Control Program Directors (CRCPD), "Notes on Assistance with Radioactive Material Incidents". This guidance implies that police, fire and rescue personnel are not to be equipped and trained to evaluate radiation hazards in transportation accidents. Adequate equipment and proficiency to recognize spent fuel can be conveyed in a short training course. Therefore, first responders are required only to be trained to recognize spent fuel shipping casks. Their actions should be limited to recognition, first aid to the driver, and clearance of the area until radiological responders arrive.

Radiological Responders - Each state presently has radiological responders trained with courses such as Radiological Emergency Response Operations (RERO). Radiological response to spent fuel transportation emergency should be mobilized as a centralized function, mobilized on-call from first responders. Existing radiological training courses are adequate, with some augmentation to consider aspects specific to spent fuel transportation. Section 180(c) funding is necessary for short-course training and for maintaining the on-call system for responders.

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Hospital Radiological Training - Hospitals are certified by the Joint Commission on Accreditation of Health Care Organizations (JCAHCO). Under present JCAHCO certification requirements, hospitals must be able to deal with radioactive exposures and contamination. Exposures and contamination from spent fuel incidents differ only in the possible level of severity from situations for which hospitals are presently prepared. Therefore, Section 180(c) funding should not be necessary for hospitals.

Tracking - It is expected that satellite tracking will be used for spent fuel transportation. Section 180(c) funding should include provision for a system to allow state governors' designees to have the ability to track spent fuel shipments within the states.

Transportation Infrastructure - It is expected that DOE will provide for the feeder transportation infrastructure to the spent fuel destination apart from Section 180(c) funding. However, DOE funds should also accomplish infrastructure upgrades necessary from spent fuel origination sources to the Interstate Highway System. To the extent this funding is not provided elsewhere, it should be provided under Section 180(c).

Packaging, Inspection and Health Physics Escorts - Packaging requirements are established by the Nuclear Regulatory Commission (NRC) and the Department of Transportation (DOT). Therefore, Section 180(c) funds are not necessary to establish packaging requirements. NRC has in place requirements for source inspection of radioactive material shipping containers and has a long history of safely shipping radioactive materials off reactor sites.

Regulation of commercial vehicles transporting spent fuel or any other radioactive material is under the authority of the DOT and those state agencies that have entered into agreements with the DOT to assume the duties of inspection and enforcement. The regulations on packaging and transport of radioactive materials, the inspection procedures and the training of inspectors have been refined through decades of experience. Both DOT and NRC have long-standing programs for training inspectors. Officials of the states participate in the Commercial Vehicle Safety Alliance (CVSA) that, among other accomplishments, has established a uniform vehicle inspection procedure, including radiological inspection. Each such inspection is reciprocally recognized by all states.

Health Physics escorts for spent fuel shipments have been proposed. History has shown that maintaining training for local responders is difficult at best due to turnover and volunteer workers. A trained escort would have the benefit of being able to provide good health physics advice for locals if the need arose.