

rec. 7/30

36

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235-2789
EMERGENCY MANAGEMENT AGENCY

AGOH-EM-RAD

May 22, 1995

U.S. Department of Energy
c/o Lois Smith
TRW Environmental Safety Systems
2650 Park Tower Drive, Suite 800
Vienna, VA 22180

ATTN: Section 180(c) Comments

Dear Ms. Smith:

This letter summarizes the Ohio Emergency Management Agency's (EMA) comments to the January 3, 1995 Federal Register Notice of Inquiry (NOI) regarding Section 180(c) of the Nuclear Waste Policy Act (NWPA) of 1982. Ohio EMA serves as the primary notification and emergency response agency for the State of Ohio regarding high-level waste transportation.

In the NOI, the Department of Energy (DOE) asked the public to respond to a list of nine questions. The following pages represent Ohio EMA's response to the questions in the format requested by DOE:

Which option is the least administratively burdensome?

From the list of options presented by DOE, Ohio EMA believes that Option 1, "Use of established federal agency programs other than DOE's," would be the least administratively burdensome. Under option 1, Ohio could receive funds through the Federal Emergency Management Agency's Comprehensive Cooperative Agreement (CCA) program. Benefits and relevant issues associated with the CCA program are specified in the following paragraph:

FEMA's Comprehensive Cooperative Agreement Program

- The CCA is built on an existing State, national and regional emergency management structure;
- It offers a tried and true mechanism for providing financial assistance to the States;
- It offers a system flexible enough to accommodate individual State annual and biennial funding needs;
- FEMA has experience in coordinating funding and emergency planning to States through SARA Title III and Chemical Stockpile Emergency Planning Program;
- Currently, FEMA administers a wide variety of programs related to 180(c) such as planning and preparedness and emergency response training;

SECTION 180(c) COMMENTS

5/22/95

Page 2

- The FEMA CCA process offers the option of developing a consolidated program, covering both safe routine transportation and Emergency Planning. The States would be free to allocate funds as needed, as long as they were within guidelines established between FEMA and OCRWM.

Ohio EMA believes that the most efficient means of distributing the 180(c) funds to Ohio would be through the FEMA's CCA. The State of Ohio would like to receive NWPA 180(c) funds upfront, at least three years before the first shipment, in a non-matching grant form. Ohio EMA foresees the CCA program as offering the most efficient means of distributing 180(c) funds in this manner.

Which option offers the greatest flexibility for recipients?

As stated above, the CCA program offers annual and biennial flexibility that will accommodate individual State needs. FEMA allocates resources to a state on a needs basis. Although the CCA program bases its allocation on the State to national population ratio, Ohio EMA would like the 180(c) funding allocation to be based on the projection of high-level waste shipments that will travel through a state. In other words, base the allocation of funds on the state's "extent of involvement." In turn, states would be free to allocate funds as needed, as long as they were within guidelines established by FEMA and OCRWM.

What eligibility criteria do similar funding and training programs use?

N/A.

What formulas exist for division of funds among eligible parties?

The division of funds should be negotiated on an annual or biennial basis on the grounds of each state's extent of involvement for those years. Each state's funds should be related to: the number of shipment-miles, number of shipments and the affected population along corridor routes.

How may funds be used in similar programs?

Funds are distributed cooperatively throughout the states under DOE's Waste Isolation Pilot Plant (WIPP) program. The WIPP program addresses a state's individual needs in terms of accident prevention issues, emergency preparedness and developing plans.

SECTION 180(c) COMMENTS

5/22/95

Page 3

What should be included under the term "technical assistance?"

Ohio EMA supports the definition of "technical assistance" that was developed by DOE's Transportation External Coordination Working Group at its June 30, 1994 meeting. This definition is referenced as Attachment 1.

Based on past experience, what types and scope of training would be appropriate for implementation under Section 180(c)?

There are two primary types of training that need to be addressed under 180(c). Training needs to be conducted for "safe routine transportation" and for "emergency response." However, the federal government needs to establish one routing plan for the transportation of all High-Level Waste (HLW) before Ohio can accurately assess the scope of training. DOE should assist in the development of Safe Routine Transportation (SRT) and Emergency Response (ER) training.

Ohio EMA supports the opinion that SRT training should be less significant when compared to ER training. In essence, ER training should receive the "lion's share" of 180(c) funds. Training for SRT should include: shipment inspection and vehicle training for State personnel; development of procedures for notification of shipments to the affected counties for State personnel; route assessment; travel expenses to attend associated training and meetings; and "awareness training" to local counties along the designated routes.

There are three primary types of ER training that need to be addressed. First, accident response training for local law enforcement and fire personnel. ER training should be provided to State emergency response personnel as well. Secondly, local Emergency Medical Services (EMS) need to be trained to provide adequate medical care for radiologically contaminated individuals. Lastly, area hospitals along the designated routes need to be trained for decontamination services.

Additionally, responders, hospitals and EMS squads need to be properly equipped for emergency response functions. The needed equipment should be maintained using 180(c) funds. For primary responders, radiation detection meters, dosimeters and anti-contamination clothing would need to be supplied to the corridor counties. A route assessment would need to be completed before evaluating which EMSs and hospitals would be affected and what type of equipment each would need.

SECTION 180(c) COMMENTS

5/22/95

Page 4

Presently, there are several HLW transportation plans depicting, similar but differing, routes across Ohio. The NRC, DOE, DOT and the State of Nevada all have routing plans designating different routes for the transportation of HLW. Although many of these routing plans have selected the similar routes, they differ by adding or deleting minor routes that others agencies have included or excluded. Once Ohio is aware of which routes will be designated as HLW transportation routes, it will be able to present a better estimate on the scope of training that will need to be performed.

When does Ohio need funding for training?

Ohio would need funding at least three years before the first shipment occurs. Two years would be needed to develop a training manual, plans and procedures for emergency response. The third year would be needed to provide training for the emergency responders and hospitals along the HLW routes.

The scope of training emergency responders will be assessed once Ohio knows which routes will be designated as its HLW transportation corridors. Only then can Ohio know how many responders and emergency service personnel will need to be trained to respond to an incident.

When does Ohio need technical assistance?

If Ohio is to: train its own responders, develop programs and develop course materials, then Ohio would need technical assistance at least three years before the first shipment occurs.

Will funding be reimbursable, matching or up-front?

Ohio EMA requests that the funding to be up-front and non-matching.

Is routing a concern in Ohio?

Yes, there have been different HLW routes designated by various federal, state and DOE cooperating agencies for Ohio. These routes need to be consolidated into one plan in order to prevent stakeholders and shippers from having conflicting information. For further information, please reference statements in earlier questions.

SECTION 180(c) COMMENTS

5/22/95

Page 5


Will 180(c) money be used for shipments to private (MRS) facilities?

Currently, the NWPA prohibits 180(c) money to be used for shipments to a private facility. However, Ohio EMA supports the idea of using 180(c) funds for HLW transportation to both federal and private interim storage facilities. Ohio EMA is directing its support to several bills in Congress that include this provision.

Will each model of shipping canister be fully tested?

Ohio EMA is in favor of the Multi-Purpose Canisters (MPC) full scale cask testing. Ohio EMA requests that the MPC be required to perform to no higher standards than the performance standards outlined in 10 CFR 71 and/or 73.

Sincerely,



JAMES R. WILLIAMS
Chief of Staff

TAR:bn

ATTACHMENT 1

Definition of TECHNICAL ASSISTANCE
as needed for implementation of Section 180(c) of the Nuclear Waste Policy Act, as amended

Developed for the review and comment of the TEC Working Group
under Task Plan VI-G.1

The term **Technical Assistance** as it is used in Section 180(c) implies that the Department of Energy will, in general, provide planning guidance, training support, available definitions of technical standards and criteria, practical support, and expertise to ensure that state, and tribal governments are trained for safe routine transportation practices as well as capable of responding to SNF/HLW transportation emergencies within their jurisdictions. More specifically, activities may include: aide in developing, implementing, and evaluating readiness and response plans; assistance in developing, conducting and evaluating exercises and training programs, support for coordination between neighboring groups, coordination between other government agency programs, and for public information and education efforts; on-site response support in the event of an accident or incident; logistical and scientific expertise for recovery, reentry, and remediation activities at an emergency site. Technical Assistance may include activities that monitor and assess the capabilities of groups in order to make funding decisions. Financial assistance or direct funding, however, is considered to be beyond the scope of this definition.

This definition was developed by combining three suggested definitions provided by the Conference of Radiation Control Program Directors, the Western Interstate Energy Board, and the Federal Emergency Management Agency.

June 30, 1994