

rec. 6/19

38



The Public Utilities Commission of Ohio  
Transportation Department

George V. Volnovich, Governor

Craig A. Glazer, Chairman

June 14, 1995

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

Dear Ms Smith:

The following are the comments of the Public Utilities Commission of Ohio, Transportation Department in response to the U.S. DOE Notice of Inquiry regarding the distribution of training funds under Section 180(c) of the Nuclear Waste Policy Act of 1982. The Notice of Inquiry was published in the Federal Register on January 3, 1995. A Notice of Extending Comment Period was published in the FR on March 14, 1995. Ms. Ellen Ott of the U.S. DOE Office of General Counsel indicated that these comments would be considered despite being received after May 18, 1995.

The Public Utilities Commission of Ohio (PUCO) is responsible for the enforcement of motor carrier safety and hazardous materials transportation regulations in the State of Ohio. This includes the transportation of radioactive materials. The Commission grants permits to motor carrier transporters of hazardous materials through the Hazardous Materials Uniform Registration and Permitting Program. The Commission is the Motor Carrier Safety Assistance (MCSAP) agency for the state and is a member of the Commercial Vehicle Safety Alliance. The PUCO also enforces U.S. DOT rail safety and hazardous materials transport requirements for railroads through a cooperative agreement with the Federal Railroad Administration. In general the PUCO is responsible for the safe routine transportation of hazardous materials in the State of Ohio.

The PUCO Transportation Department believes that Part 180(c) training funds should be divided equitably between safe transport procedures and emergency response. Hazardous materials inspectors and enforcement officials who are properly trained to examine the qualifications of motor/rail carriers, and the equipment/personnel used for the transportation of high-level radioactive waste, provide a proactive means of avoiding accidents and incidents. The public, as well as state and local officials, will certainly see the benefit of any actions that contribute to the reduction in the likelihood of accidents or incidents involving the transport of high level radioactive wastes.

It seems appropriate to invest resources in efforts to avoid incidents as well as to respond once an incident has occurred. An equitable investment in training for review/inspection activities, as well as emergency response components, would indicate the U.S. DOE's interest in prevention as well as protection and remediation if an accident or incident might occur.

Continued

Page 2  
Ms. Lois Smith

The U.S. DOE, Office of Civilian Radioactive Waste Management (OCRWM), indicated "Safe routine transport is characterized by adequate vehicle, driver, and package inspection, and enforcement of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. Rail and barge transportation include Federal Railroad Administration and Coast Guard regulations" ("Strategy for *OCRWM* to provide Training Assistance to State, Tribal, and Local Governments", November 1992). Because the regulations and requirements for the transportation of radioactive materials are specialized and technical in nature, training is costly. DOE should also consider funding the acquisition and maintenance of equipment directly related to regulatory/safety matters (e.g. radiological survey and communications equipment).

The PUCO believes that DOE should consider funding the safe transport component of Part 180(c) by establishing cooperative agreements with the stakeholder agencies directly responsible for safe routine transport. As indicated in the January 3, 1995, NOI, these agreements already exist between DOE and several state, local, tribal and other organizations. Direct funding of the safe routine transport training component of Section 180(c) could be done likewise.

If the Federal Emergency Management Agency's Comprehensive Cooperative Agreement (FEMA/CCA) program or other established funding mechanism is chosen to distribute the Section 180(c) funds, DOE should clearly delineate funds for safe routine transport training from funds intended for emergency response training.

Please contact Daniel Fisher at (614) 752-7991 with any questions on the above.

Sincerely,



Alfred P. Agler  
Director

APL:dzf