

REC-1072

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STATE OF NEBRASKA



STATE CIVIL DEFENSE AGENCY
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September 26, 1995

E. Benjamin Nelson
Governor

Mrs. Corinne Macaluso
U.S. Department of Energy
T-RW Environmental Safety Systems, Inc.
600 Maryland Avenue S.W., Suite 695
Washington, D.C. 20024

ATTENTION: Section 180 (c) Comments

We are responding to the July 18, 1995, Federal Register notice on how to best implement the 180 (c) program.

There is an important philosophy we would like to express to the Department of Energy in implementing a program of technical assistance and funds to states and tribes. The 180 (c) funds should not be so restrictive that the funds be only used and documented for a narrowly defined high level radioactive waste training and assistance system. The 180 (c) funds should be used to include training associated with the transport of high level radioactive materials and low level radioactive materials and the training should compare and contrast all types of radiological transportation accident scenarios to best prepare first responders in eligible states and tribes to understand the risks associated with a spent nuclear fuel shipment campaign. **A hazardous material transportation incident involving radioactive materials whether it be a low level or a high level incident will be treated similarly by local emergency first responders.** There is a significant difference in exposure hazards and threat hazards between low level and high level radioactive materials involved in an accident. There is a greater risk of contamination with low level radioactive materials involved in an accident than there is with high level spent nuclear fuel because the low level material is packaged in a manner that can be breachable and release its contents. Spent nuclear fuel transported in type B containers should be virtually indestructible. Even under the most severe accident scenario, the container should not release its contents; therefore, the spent fuel is a low risk contamination hazard. Never-the-less, states and tribes that have planned transportation routes through their jurisdictions should not be restricted to documenting training monies for only spent nuclear fuel campaigns. For the benefit of the emergency responder, the training should compare and contrast all types of radiological transportation accident scenarios. Use of all types of hazardous material training funds should be coordinated to ensure maximum benefit to preparedness. We should not be so narrow in our thinking to restrict it to SARA or HMEP or DOE training; response training needs are not dissimilar, just different levels.

Comments to Federal Register notice
September 26, 1995
Page 2

The most important element to help states and tribes to move forward with preparation and training are the decisions associated with the primary and alternate routes for the spent fuel shipments. Then eligibility considerations for states and tribes to receive assistance under Section 180 (c) of the Nuclear Waste Policy Act can then be decided upon and implemented.

The funding formulas should be primarily based on frequency of shipments and shipment miles. The greater the frequency of shipments the greater the risk of an accident. The greater the distance the shipment must travel, the more emergency responder training required.

Due to differing training goals of dissimilar areas around the country, the best procedural option might be a Cooperative Agreement program in which a true negotiation process can take place yearly between each eligible state and tribe and the Department of Energy.

We appreciate the notice of inquiry process in the Federal Register and the opportunity to provide comments on the Section 180 (c) program. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Whitney", with a long horizontal flourish extending to the right.

William E. Whitney
Assistant Director