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STATE OF COLORADO

COLORADO EMERGENCY PLANNING COMMISSION



September 28, 1995

Corinne Macaluso
U. S. Department of Energy
c/o Lois Smith
TRW Environmental Safety Systems Inc.
600 Maryland Avenue S.W., Suite 695
Washington, D.C. 20024

Attention: Section 180(C) Comments

Dear Ms. Macaluso:

This letter is submitted in response to a request for comments on Section 180(C) noted in the Federal Register, dated July 18, 1995. Given the geographic location of Colorado in relationship to the potential deep geologic repository for spent nuclear fuel and high level radioactive waste, Colorado is likely to be heavily impacted by the transport of such materials through the state. It, therefore, has considerable concern over the designation of routes and methods of transport through the state, and for the training of the first responders along such routes, who may have to respond to incidents/accidents should they occur involving such shipments.

Over the years, Colorado has worked closely with the Department of Energy (DOE) on such activities as the contingency planning for a radioactive incident at Rocky Flats, the transportation of nuclear materials to the Waste Isolation Pilot Plant (WIPP) in New Mexico, and the campaign to retrieve radioactive cesium. We feel this experience plus that of dealing with the U. S. Department of Transportation (USDOT) under the HMTA program, and with FEMA under a variety of programs to include the Fort St. Vrain REP, while it was an operational nuclear power plant, and the emergency management training program, gives us a wealth of experience in dealing with the issues of training public safety officials. In this regard we would note that each state is somewhat unique unto itself having created structures to deal with the issue of training, based on their needs and inherent organizational and political realities.

In Colorado the Colorado Emergency Planning Commission (CEPC) has been instrumental in attempting to integrate the various funding sources and training programs available from a variety of agencies into a cohesive program. A training subcommittee of the CEPC has been working diligently at this effort for the past couple of years, and has made great strides in achieving this integration. All of the various stakeholders are represented on this committee.

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We feel the guiding principles for the program as noted in the Federal Register "letting the states determine how best to allocate the funds" is sound and one we support. Consideration might be given to working through the Western Governors' Association or other similar organizations to allow for the synergism generated by the involvement of several states, all of whom are attempting to address the same issue. In this light, the example of the WIPP program stands out and could be useful as a successful delivery mechanism to mimic.

We support the definition of safe routine transportation proposed by the Transportation External Coordination Working Group.

As to technical assistance, we support the definition proposed by the Council of State Governments Midwestern Office, especially as it pertains to funding of pre-identified equipment. This is a critical issue - all the training in the world is useless unless the appropriate equipment is available for those that have been trained to respond with.

In reference to eligibility criteria, there is a need to look at potentially impacted jurisdictions rather than strictly those through whom the material may be transported. For instance, in case of an accident the nearest hospital for treatment of patients may be in an adjacent jurisdiction.

The various factors noted for consideration for funding formulas are all valid. The concern is that all potentially affected jurisdictions receive some base level of training/funding and that this be increased based on the high level of risk, using a risk assessment model that balances the likelihood of an accident/incident to occur, the response capability of the jurisdiction to react, and likely affected population and facilities.

Procedural options discussion in the Federal Register was interesting background on the variety of options available. The CEPC concerns are that the option selected be one that offers flexibility, is the least burdensome administratively, and has the least amount of federal dictates. The state has had experience with several of the programs and feels any one of these could be used. HMTA has been highly successful because of its flexibility and the ability of its national program manager to work within state and local government constraints. FEMA's new PPA/CA process is a breath of fresh air and is a move to a block grant program which is the state's desire. The DOE WIPP program because of the involvement of the Western Governors' Association and the many states has been very positive, although at times the administrative paperwork requirements of DOE are burdensome and sometimes frustrating.

The recent move at the federal level to consolidate all hazardous materials programs under a single federal agency's administrative process (EPA, U.S. DOT, DOE, FEMA) should be noted. Having dealt with several federal agencies and their programs, each of which has its own criteria and reporting requirements, it can get somewhat confusing and tends to promote separatism rather than the integration, which the state is looking for.

The issue noted in the general comments about having response teams traveling with the shipments, if feasible, would certainly lessen some of the concerns for having properly trained and equipped responders. If feasible, it could lessen the level of training needed by the first responder community considerably, and thus may be a viable economic option. In either case, training and perhaps some equipping of potentially impacted hospitals and their staffs will be needed.

Before the shipments take place whatever level of training is determined to be needed for the target audiences identified needs to be accomplished and evaluated under exercise conditions.

Because of the ever increasing restrictions on local and state funding, it is felt this program should be a 100% federally funded program, otherwise a soft match provision would have to be provided to make it workable. Such a match requirement ends up being more of an administrative burden than a practical operational matter.

On the issue of equipment - once the level of threat associated with a potential accident/incident situation is determined, i.e. maximum credible accident, then the associated level of training and equipment needed by public sector first responders can be determined. It can also be determined who will provide the response, i.e., federal government, state government, regional response teams, or local government, and the equipment needed for that response.


With route information, type of transport, and specific hazard threat it should be fairly easy to identify the preparedness, response, and recovery needs, as well as the roles and responsibilities of the various players, and to create a program to address same. There are many examples which can be looked at and learned from, REP, WIPP, and CSEPP to name a few.

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In summary, the CEPC's concern is that whatever program is instituted it should be flexible, administratively efficient, realistic, recognizes state and local interests, and provides for the least amount of mandates and program oversight while achieving program goals.

In closing, thank you for the opportunity to comment on this matter.

Sincerely,



Leonard A. Boulas

Co-Chair

(Associate Director - State Office of Emergency Management)