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# NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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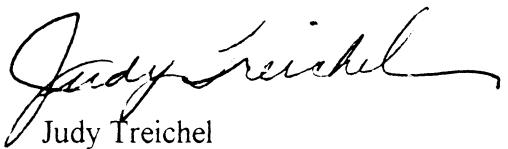
Corinne Macaluso  
U.S. Department of Energy  
c/o Lois Smith  
TRW Environmental Safety Systems, Inc.  
600 Maryland Ave., S.W., Suite 695  
Washington, D.C. 20024

Dear Ms. Macasluso:

Attached please find comments to the Department of Energy's Federal Register notice: Safe Transportation and Emergency Response training; Technical Assistance and Funding.

The Nevada Nuclear Waste Task Force appreciates the opportunity to comment on this proposal and is especially grateful for the extension of the deadline to do so.

Yours truly,



Judy Treichel  
Executive Director

**Nevada Nuclear Waste Task Force Comments  
on the U.S. Department of Energy's May 16, 1996  
Notice of Proposed Policy and Procedures for Safe  
Transportation and Emergency Response Training**

Under the terms of the Nuclear Waste Policy Act of 1982 (the Act), the Department of Energy (DOE) has responsibility for disposal of high-level nuclear waste and commercial spent nuclear fuel and transportation of those materials to storage and/or disposal sites. Section 180© of the Act requires DOE to provide technical assistance and funds to States and Indian tribes through whose jurisdiction the waste will be transported.

The following comments, from the Nevada Nuclear Waste Task Force, respond to the DOE's Federal Register notice (the Notice): Safe Transportation and Emergency Response Training; Technical Assistance and Funding.

The Notice sets out terms and conditions by which states, local jurisdictions and tribes will be provided funding for specific uses in order to be prepared for "safe routine transportation" and "emergency response" in connection with the shipment of highly radioactive materials. It sets out timetables, allowable expenses, and proposes a cost basis for the program. The Task Force believes that this structure for the program is unworkable and ignores the vast differences in communities and their needs. The Notice also assumes that DOE knows more about individual jurisdictional needs and the associated costs than do the residents and leaders. If the proposed program is to be implemented as outlined in the Notice, DOE must provide jurisdictions with a detailed description of what adequate preparedness includes. That would allow applicant jurisdictions to determine what they require and also would provide the necessary local assurance that DOE understands the jurisdiction's needs.

If DOE cannot or will not provide such information then the process for determining funding levels and jurisdictional needs must be done in a different manner. Each state, community and tribe must determine its own needs. In order to do this they must know rail and highway routes, numbers of shipments and shipping schedules. They will also need to know if the proposed regional approach will be used and where any regional waste handling facilities will be located as well as a thorough description of what the operations of any such facility will be. The siting of a regional facility could change routing and numbers of shipments along specific routes or create new, heavily traveled routes. This would also require DOE to establish routes to be used by federal or private shippers rather than leaving those decisions to the shipper. The decisions on modes of transport and routing must be known to allow jurisdictions at least 5 years lead time for their assessments of needs and funding, dispersal of funds and accomplishment of necessary preparedness.

Local jurisdictions should independently determine their needs and be directly funded by DOE because there are significant differences in existing levels of expertise and availability of

equipment required for both routine and emergency response situations, Local community leaders have far more direct communication with residents and a better knowledge of their jurisdiction and its existing and potential capabilities.

The timing for funding under Section 180(c) relies on being able to predict when and if shipments will occur. Some activities in the Notice are to be done 3 or 4 years before commencement of transport. The recent court decision directing DOE to accept waste in 1998 would make such lead time impossible. Currently pending federal legislation also would supersede the schedule. Such situations would be completely unacceptable to all jurisdictions and would undoubtedly lead to long and contentious litigation. Therefore if DOE intends to comply with Section 180(c) specific waste transport methods, routes and schedules must be determined and publicly announced so that all jurisdictions can evaluate both DOE's decisions and their own needs. It is not only the opinion of the Task Force but certainly of each affected jurisdiction that adequate time must be allowed for an acceptable level of preparedness to be reached before **any** shipments occur.

The Notice also inappropriately denies or restricts funding for some activities and equipment. Specifically, drills and exercises which are a necessary part of assurance of preparedness, cannot be outside the criteria for funding. In the case of the intermodal transfer points, where highly radioactive materials have never been dealt with, drills and onsite exercises are essential.

Many of DOE's assumptions regarding proposed shipments clearly lack an understanding of local jurisdictional and public expectations. An example of this is the presumption that local (many times volunteer) emergency responders will be prepared to handle emergency situations involving highly radioactive materials in coordination with state and federal experts. It is likely that in rural areas the first responders could be motorists or local residents. An important part of jurisdictional training would be the marking of routes in a way that local people and travelers would be unmistakably advised of what sort of shipments could be expected on such roads including clear warnings about dangers associated with any accident scene. Public education should also address this issue so that residents would know that emergencies involving this cargo are different from accidents where all dangers are visible or easily detectable. This would also give communities the ability to reroute other vehicles such as school buses so as to avoid these trucks.

Finally, jurisdictions faced with the imposition of highly radioactive shipments must be assured that funding will be provided for training, equipment and preparations that will insure that the populations there are protected. It is unlikely that any community would choose to be on a transportation route. Indeed, many have already expressed opposition. They must be adequately funded for the protection of their health, safety and their surrounding area. Funding must not only be adequate to meet their needs but the continuation of annual payments must be guaranteed. Once the total cost of high-level waste and spent nuclear power plant fuel as well as any other highly radioactive cargo to be transported is determined, the Task Force believes that a bond

should be posted to insure that funding promised for future years is paid. Annual appropriations are subject to a variety of pressures and communities need assurance that as long as there are shipments, expected funding will be received.