

National Association of Regulatory Utility Commissioners

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September 27, 1996

Ms. Corrine Macaluso
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
c/o Lois Smith
TRW Environmental Systems
600 Maryland Avenue, S.W.
Suite 695
Washington, D.C. 20024

Subject: **Comments on Notice of Proposed Policy, Safe Transportation and Emergency Response Training Assistance and Funding 61 Federal Register 24772**

Dear Ms. Macaluso:

On behalf of the National Association of Regulatory Utility Commissioners (NARUC), we are responding to the Federal Register Notice dated May 16, 1996 seeking comment on DOE's proposed implementation plans for providing technical and financial assistance to states for training public safety officials of appropriate units of local government and to Indian tribes through whose jurisdiction the Department plans to transport spent nuclear fuel or high-level waste. The NARUC is a quasi-governmental nonprofit corporation, whose members are the governmental agencies of the fifty States and the District of Columbia, Puerto Rico and the Virgin Islands engaged in the regulation of utilities and carriers.

Having allowed electric utility companies to collect the one mill per kilowatt charge from the ratepayers in forty-one (41) states for payment into Federal government's Nuclear Waste Fund, the NARUC's member State regulatory commissioners have had a long-standing keen interest in the success of the DOE program to manage and dispose of spent nuclear fuel and high-level waste. On numerous occasions over the years, the NARUC has voiced concern about the Department's ability to begin accepting spent nuclear fuel and high-level waste in accordance with the schedules set forth in the Nuclear Waste Policy Act (NWPA) of 1982 as amended. The NARUC is on record urging Congress to pass legislation that would establish a fully integrated nuclear waste management and disposal program, which we believe would enable DOE to fulfill its obligations in the most timely and efficient manner without jeopardizing public health and safety.

The NARUC supports DOE's effort to move the program forward with the promulgation of transportation implementation plans. Transportation arrangements are a vital component of a successful integrated nuclear waste management program that entails the movement of spent nuclear fuel and high-level nuclear waste away from reactor sites to a centralized storage and disposal facility. Since

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successful planning and preparation for transportation is a long lead-time activity, provision of emergency response training and technical assistance to appropriate state and tribal officials must begin immediately so that spent nuclear fuel will be moved away from reactors in a timely manner. We believe this effort must proceed without further delay for DOE to be in a position to fulfill its statutory obligation to begin acceptance of spent nuclear fuel in accordance with the January 31, 1998 deadline.

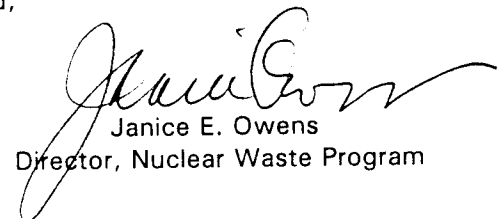
With respect to funding disbursements under Section 180 (c) of the NWPA, the NARUC urges DOE to recognize and build upon existing state resources and infrastructure for hazardous materials transport. We concur with the proposal to allocate the funds to the appropriate state and tribal officials instead of to the local groups as the most constructive use of funds to supplement existing state resources. We also urge DOE to factor into present transportation planning and arrangements the extensive experience to date with all types of nuclear waste transport, including assessment of the probabilistic risks associated with such shipments. Recipients of 180(c) funding should be encouraged to complete route selections, training and other planning activities as quickly as possible and DOE should diligently monitor the conduct of these preparatory activities.

In our view, the overall process, including specific route selection, could be carried out more efficiently with the designation of a centralized destination point for spent nuclear fuel. As previously noted, we are on record urging Congress to pass comprehensive nuclear waste legislation to establish a fully integrated nuclear waste management program. While DOE estimates that transportation technical assistance funding must be provided to states beginning approximately three years prior to the first spent fuel shipment, we would urge DOE to develop and maintain contingency arrangements to begin accepting commercial spent fuel on a basis consistent with its statutory obligations.

The NARUC appreciates the opportunity to comment on DOE's proposed plans for providing technical assistance and emergency response training necessary for the transport of spent fuel. We look forward to working with you in the future.

Respectively submitted,


Charles D. Gray
General Counsel


Janice E. Owens
Director, Nuclear Waste Program