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Nuclear Information and Resource Service

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September 30, 1996

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

Re: Comments on the Department of Energy's May 16, 1996
Notice of Proposed Policy and Procedures For Safe
Transportation and Emergency Response Training

We make these comments on behalf of all of our members, individuals and groups that may in the future assert stakeholder status or standing with regard to these programs and policies.

Our comments about the Department's proposal for implementation of Section 180(c) of the Nuclear Waste Policy Act (NWPA) may not be construed as a statement of endorsement of the programs authorized by NWPA, specifically the shipment of irradiated fuel and other high-level nuclear wastes to Yucca Mountain. This program is a violation of the Treaty of Ruby Valley, and for the Department to pursue it and for Congress to so authorize it is an abrogation of this treaty.

If the DOE pursues transportation of irradiated fuel from nuclear reactors while waste is still being produced at those sites, and if it transports waste to a site that is known to be unable to meet reasonable and scientifically based standards (EPA's high-level nuclear waste repository standards) it will be contributing to the waste problem, not solving it. Further, we question the wisdom of a single centralized site for high-level waste on the grounds that transportation itself should be limited, as was the intent of the original Nuclear Waste Policy Act.

In response to the specific proposal for the implementation of Section 180 (c), we have already signed the comments offered by the Nuclear Waste Citizen's Coalition, and further endorse the comments made by the State of Nevada Nuclear Projects Office. Following are some additional comments.

Funding to local jurisdictions directly

It is the intent of the NWPA that assistance be achieved at the local level. To accomplish this, the State may serve the role of coordinator for all the jurisdictions that will be affected within its borders, but the application should require the State to document how the local jurisdictions were involved in creating the overall plan.

This process should be funded by the Nuclear Waste Fund in the form of planning grants that would be channeled through the State. Once a coordinated plan is arrived at however, the disbursements of funds should go directly to each and every jurisdiction that is affected directly.

There should be an additional fund for the State to continue its role of coordination and to insure that each local unit gets any support needed to implement their plan. We are concerned that block grants given to the State will not necessarily result in adequate funding at the local level, which is where all initial emergency responses will take place.

Adequate and clear notice of intent to ship high-level wastes

The formula that the Department gives for notification of shipment routes in the second year prior to shipment (when according to the Department's own proposal some emergency response professionals would already be in training), even though the routes to determine which communities would be most directly affected are not yet announced, is not credible. It is also not credible that the proposal does not even mention that the Department has issued a work order and presolicitation documents for the privatization of civilian waste transport including the determination of both shipment mode and route. Finally, it is not credible that the Department has any inkling of the sequence of shipments, since it is highly likely there will be some mechanism created for utilities to alter the order in which fuel acceptance takes place.

One must know mode (rail vs highway) in order to accurately predict which jurisdictions will be receiving waste in what year. It is essential to know the acceptance queue in order to know which routes will be activated in which order.

Given these unstated uncertainties, it is not at all certain that any stated timeline for notification will be reliable. Therefore it is essential that the Department commit itself now to the idea that shipments will not occur under any circumstance until 3-5 years after all uncertainty is resolved.

It is completely inappropriate for entities that have no public accountability, such as private, indemnified contractors, subcontractors or consultants, to designate the routes, modes and schedule for high-level nuclear waste transport. This does not increase the credibility of the Department in the eyes of the public. It will have quite the opposite effect. We are also very concerned about the delegation of police powers to such contractors as is implied by having them furnish the security escort. While we are concerned about adequate security for high-level nuclear waste no matter where it is, it is not appropriate to establish an extra-governmental authority.

Ongoing radiation dose from routine conditions must be limited

Part of the technical assistance and training that first responders and public education programs must have are clear plans and a mandate to reduce and limit radiation exposures from proximity

to shipping casks. The legal limit of 100 mr/ hour (though there is some confusion that perhaps this limit is 200 mr/hr) at cask surface is criminally high and must be addressed in a separate proceeding. The resulting 10 mr/hr at 2 meters is extremely high for casual civilian contact. The rate of 10 mr/hr is in the range where a pregnant woman should be precluded from having any exposure, as should young children. (A single chest x-ray to a pregnant woman, comparable to 1 hour in the 2 meters range, is known to elevate the chances of childhood leukemia by several times.) Indeed anyone receiving this dose will be adding significantly to his/her exposure burden for the year, and this most likely would occur without notification and in many cases (traffic jam, etc.) without option. We suggest that warning statements be clearly posted on all sides of the shipment, clearly legible from 36 feet, as the first step in the program to limit inadvertent and unnecessary exposures. Just because a radiation dose is "legal" does not make it acceptable.

We further recommend that local jurisdictions be invited as part of the 180(c) implementation to consider other mechanisms for limiting inadvertent and unnecessary exposure to the public, workers and themselves (first responders) and that outstanding concepts be transmitted to all other jurisdictions. Where suggestions pertain to the manner in which the shipments are handled or otherwise pertain to the business of the shipper, useful and effective proposals should be implemented.

True mitigation of unfunded mandates on local governments

The Department's premise of incremental preparedness is fundamentally flawed. There should be no assumption that the volunteer firefighters of this country are just sitting there as a resource for 30 years of high-level nuclear waste shipments on behalf of a private industry (the nuclear utilities that generate the waste). In a very real sense, the nuclear waste generators need to pay for a whole response capability that does not yet exist. Affected jurisdictions should make their plans from the ground up. Section 180(c) should pay for the planning, the training, the equipment and the ongoing provision of the system in terms of staff, expertise, equipment, software, i.e., whatever it takes.

Participation by local jurisdictions in planning, training and advisory groups

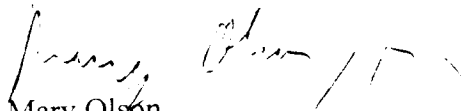
The Federal Register notice reports a comment that DOE "give local governments explicit standing on any planning, training or advisory groups formed as a result of Section 180 (c)..." but does not give the Department's response to this. We reaffirm this as an appropriate measure, and assert further that there should be seats on such panels for concerned citizens as well.

The Department's projections for the number of responders and roles are not credible

To calculate that an emergency responder could "conservatively" arrive at a transportation scene 160 miles away within 2 hours is not credible under many of the conditions which are likely to contribute to an emergency in the first place. Eighty miles an hour is not likely to be possible in the case of hurricane, flash flood, blizzard, ice or other bad weather or natural disaster conditions.

The choice of shipment miles as the only variable for incremental increase in training is not reflective of the challenge posed by these shipments. Accident rates in particular regions, for instance the Cajon pass in California, should be factored as well. The presumption that there does

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Olson".

Mary Olson
Radioactive Waste Project