



NUCLEAR ENERGY INSTITUTE

Steven P. Kraft
DIRECTOR,
SPENT NUCLEAR FUEL
MANAGEMENT

September 15, 1997

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

Subject: Office of Civilian Radioactive Waste Management; Safe Transportation and Emergency Response Training; Technical Assistance and Funding. [62 Federal Register 38272 – 38285 (July 17, 1997)].

Dear Ms. Macaluso:

The Nuclear Energy Institute (NEI)¹, on behalf of the nuclear utility industry, generally endorses the Section 180(c) policy and procedures proposed in the above referenced notice. NEI has previously commented on each of the draft Section 180(c) policy documents that has been submitted for public review and submits the following comments for DOE's consideration on the latest draft.

It is essential that spent nuclear fuel (SNF) and high-level waste (HLW) be stored, transported, and disposed in a safe, environmentally sound, and cost-effective manner. Adequate training of public safety officials for safe routine transportation and emergency response situations is an important facet of safe transportation of SNF and HLW.

Stakeholder and Public Involvement

Over the past 10 years DOE has hosted or participated in more than 170 public meetings to solicit public input on the subject of SNF and HLW storage, transportation, and disposal. The nuclear industry commends DOE for what surely

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.



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is an unprecedented outreach to the general public by a federal agency. As a result of this extensive public outreach DOE now has a clear record of stakeholder viewpoints on this program.

Requirements Outside the Current Regulations

More importantly, the impeccable record on safe transportation of spent nuclear fuel during the past 30 years is an indisputable indicator that current regulations ensure the safe transportation of SNF and HLW. Current federal regulations meet or exceed all international transportation regulations, and international shipments of radioactive materials have been ongoing in numbers comparable to those that will be achieved in this program. DOE plans and actions should recognize that SNF transportation has been conducted safely both in the United States and worldwide.

NEI is pleased to note the acknowledgement of the current regulations within the body of the 180(c) plan. As pointed out by many stakeholders at the recent DOE workshops in Dallas, Texas and Reston, Virginia, the current regulations promote a safe framework for spent nuclear fuel transportation, and the nuclear industry fully endorses their implementation. Changes to the current safe regulatory framework can only be made through legislation and/or rulemaking by those agencies that regulate SNF and HLW transportation—the Nuclear Regulatory Commission or the Department of Transportation. Additional requirements beyond those contained in the applicable statutes or regulations should be considered by DOE for this program only if they provide a clear benefit commensurate with their cost without compromising safety or security.

Grants

NEI continues to support the grant methodology outlined in the previous draft policy. Breaking the grants into a base amount and a variable amount based upon route miles is an equitable approach to dispensing limited funds. The newly proposed method of determining grants based upon need could be inequitable and is open ended. DOE should return to the prior methodology of a fixed base grant with a variable amount based upon route miles.

DOE's proposal to suspend funding in the event of a three or more year lapse of NWPA shipments is entirely appropriate. In addition, NEI agrees that three years prior to the resumption of shipments through a jurisdiction, funding should be resumed at the TY-3 (transportation year minus 3) level.

Shipping Using Escorts

NEI continues to support strongly the need to maintain the flexibility to ship using escorts over routes with less than three years of advance notice. This is a critical and important capability that must be maintained, and is by far the most important facet of the proposed policy. It is impossible to predict when natural disasters, road maintenance, other obstacles, or other requirements may dictate transporting SNF over different routes or under different circumstances. It is important that DOE maintain the ability to make changes sooner than three years prior to the time of actual shipments. DOE is strongly encouraged to maintain this important flexibility.

In addition, appropriate provisions should be included to ensure that emergencies, fraudulent actions, or non-cooperation will not in any way hamper the federal purpose for shipping SNF or HLW.

Satellite Tracking Information

NEI fully endorses the use of a centralized satellite tracking system; however, NEI is concerned regarding DOE's plans to allow broad access to this system. Current NRC regulations severely limit access to safeguards and related routing information for SNF and HLW shipments and provide for the notification of appropriate state organizations regarding shipment timing and routing information. Providing information beyond the requirements of these regulations should be fully considered and approved by the NRC prior to implementation by DOE. This provision should be removed from the draft Section 180(c) policy until NRC has had a chance to review and rule on such a significant change to current regulations and practice.

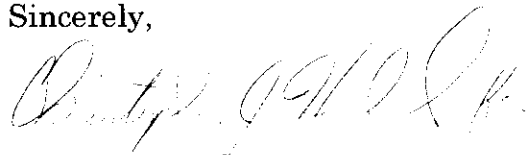
North American Standard

NEI agrees with the Commercial Vehicle Safety Alliance (CVSA) regarding the use of the North American Standard (NAS) for shipping. This standard has been accepted by every state and will greatly facilitate the shipping of SNF and HLW. However, NEI cautions DOE regarding the adoption of the "Enhanced" North American Standard. The "Enhanced" NAS has not yet been ratified by the membership of the CVSA, and therefore, should not be considered by DOE in this draft policy document. Adoption of the "Enhanced" NAS can be considered after it has been ratified by the membership of the CVSA.

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We hope these comments have been helpful. If you have any questions, or require additional information, please call me or Chris Henkel of our staff on (202) 739-8117.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven P. Kraft".

Steven P. Kraft

c: Mr. Lake H. Barrett