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STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY

1035 OUTER PARK DRIVE
SPRINGFIELD, ILLINOIS 62704

Jim Edgar
Governor

217-785-9900
217-782-6133 (TDD)

Thomas W. Ortziger
Director

July 16, 1998

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

Attn: Section 180(c) Comments

Dear Ms. Macaluso:

The Illinois Department of Nuclear Safety (IDNS) has been the state agency responsible for safe routine transportation of spent nuclear fuel (SNF) and high-level waste (HLW) for the last 15 years. During that period, IDNS has inspected and escorted over 450 shipments across Illinois. On June 30, 1998, Governor Jim Edgar reaffirmed IDNS' designation as the Illinois agency responsible for spent fuel shipment safety and designated IDNS as the agency to apply for and administer the Section 180(c) program. A copy of the Governor's letter to Acting Director Barrett is enclosed for your reference.

IDNS has previously submitted comments on the proposed funding mechanism under 180(c) and offers no additional comments on that issue at this time. However, another item that needs to be addressed is the issue of DOE's interactions with local jurisdictions.

DOE's policy statement on SNF and HLW includes the declaration that "state and tribal government have the primary responsibility to respond and to protect the public health and safety in their jurisdiction." On the other hand, the response to the comments section indicates that "OCRWM will retain primary responsibility for interactions with stakeholders." This presumably includes providing public information to local jurisdictions along the routes. This contradiction is resulting in confusion and misinformation in Illinois. IDNS agrees that the state has primary responsibility but disagrees that OCRWM should be by-passing the state when dealing directly with local stakeholders.



Ms. Corinne Macaluso

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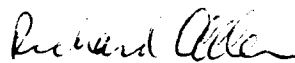
DOE has begun to conduct, without consulting the state, public, and local government, outreach programs in Illinois, which inform local police and fire departments that they will be the first responders to a SNF or HLW accident. This has not been true in Illinois for the past 15 years and will not be true for future shipments. The confusion caused by this lack of coordination promises to generate a level of mistrust and ill-will, which IDNS will find difficult to combat.

We believe that OCRWM's policy needs to be re-drafted to reflect the following: First, DOE should emphasize its view that state and tribal governments have the primary responsibility for public health and safety in their jurisdictions. If DOE feels some responsibility to interact directly with stakeholders, that should be a subordinate concern. More importantly, however, DOE should recognize the States need to be notified of training programs OCRWM wants to bring in from the outside. OCRWM also needs to coordinate with the states on the content of such programs to avoid the type of confusion described above.

It is possible that some states may still want to defer to OCRWM on certain training and communications issues but other states, such as Illinois, would not. We believe this is consistent with our orders from Governor Edgar. In our case, activities conducted by OCRWM could hamper IDNS' efforts to carry out our responsibilities as mandated under Illinois law.

Thank you for the opportunity to comment. If you have any questions, please call me at (217) 782-1322.

Sincerely,



Rich Allen, Manager
Office of Environmental Safety

RA:tlk

Enclosure



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706

JIM EDGAR
GOVERNOR

June 30, 1998

The Honorable Lake Barrett
Acting Director
Office of Civilian Radioactive Waste Management
U. S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Director Barrett:

The April 30, 1998, Federal Register notice, "Office of Civilian Radioactive Waste Management; Safe Routing Transportation and Emergency Response Training; Technical Assistance and Funding," contemplates requesting states to identify one agency to apply for and administer grants awarded under Section 180(c) of the NWPA. For the past 15 years, the Illinois Department of Nuclear Safety has implemented its legislatively-mandated Spent Nuclear Fuel and High-Level Waste Inspection and Escort Program, which involves rigorous vehicle and rail inspections and provides escort by skilled State radiological technicians. The Department program ensures that State radiological response personnel are on-scene immediately to assess any radiological hazards and to ensure all appropriate protective responses are taken in the event of a transportation related incident. The Department has escorted over 450 shipments of spent nuclear fuel through the state to-date.

Illinois agrees that the state's authority for implementation of the training and response requirements outlined in Section 180(c) of the Nuclear Waste Policy Act of 1982 should be centralized in a single agency, knowledgeable in radiation matters. To ensure that Illinois is prepared to participate fully in this program, I am designating the Department of Nuclear Safety as the Illinois agency to apply for and administer the Section 180(c) grant funds.

Sincerely,

A handwritten signature in black ink that reads "Jim Edgar". The signature is written in a cursive, flowing style.

Jim Edgar
GOVERNOR

JE:dak