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The Council of  
State Governments  
**MIDWESTERN  
OFFICE**

November 22, 2004

Mark Abkowitz, Ph.D.  
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U.S. Nuclear Waste Technical Review Board  
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Dear Dr. Abkowitz:

On behalf of The Council of State Governments' Midwestern Radioactive Materials Transportation Committee, thank you for the opportunity to present the Midwest's perspective on Section 180(c) of the Nuclear Waste Policy Act at the recent Transportation Panel meeting in Salt Lake City.

I am following up with a letter to address some of the questions raised at the meeting. First, in response to the question about whether there is a need for a universal standard for emergency response training, as Dave Crose noted, there already *are* standards in place. Codified in 29 CFR 1910.120(q), these standards put the burden on employers to decide what role an emergency responder would have and, therefore, what level of training that person should receive. The states have a great deal of experience training emergency responders to handle hazardous materials incidents, which include radiological incidents. Section 180(c) will make it possible for the states to concentrate additional training resources along the planned routes for shipments to Yucca Mountain.

Second, when I cited the range of estimated expenses that I received from two states in connection with the West Valley shipment, Dr. Latanisian expressed concern that the large disparity in projected expenditures could be an indication that the states would not be equally prepared to deal with accidents. As I hope I made clear, the vast difference in the states' requests is actually a reflection of the different approaches the states take to achieving the same level of preparedness. In one state, the approach might be to provide a state health physics escort to accompany shipments as emergency responders. Another state might choose to train all first responders along a shipping route.



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You can see how these different approaches might translate into very different costs for the two states.

Rather than have DOE attempt to define the specific approach that all states must take, the Midwestern region has urged the department to respect the emergency response plans and procedures that already exist in the states. Under our proposal, Section 180(c) funding would be allocated according to the impact on each state. It would then be left to the states to decide how best to target their funding. If a state with a low impact winds up having needs in excess of the available funding, then the state could either apply to DOE for additional needs-based funding or consider options such as escorting or regional response teams to reduce the cost of training.

Thank you for the opportunity to elaborate on the Midwest's approach to Section 180(c) assistance. Please do not hesitate to contact me at 920.803.9976 if you have any questions or need additional information. I look forward to the opportunity to interact with you and the Board members at a future meeting.

Sincerely,

A handwritten signature in cursive script that reads "Lisa R. Sattler".

Lisa R. Sattler  
Senior Policy Analyst  
CSG Midwest

cc: Dave Crose, Indiana State Emergency Management Agency