

Cortland County  
Health Department

60 Central Ave.

~~COURT HOUSE~~

CORTLAND, NEW YORK 13045

TELEPHONE 607/756-9931

*Action*  
JAMES V. FEUSS, P.E.  
Director of Public Health

ROBERT T. COREY, M.D.  
Deputy Commissioner  
Medical Director

V. N. BOGARDO  
Secretary, Board of Health

BOARD OF HEALTH

Dr. T. I. Jacobus, *President*  
Mrs. P. Wilson, *Vice-President*  
Mrs. C. Swarr, *Legislator*  
Dr. R. P. Higgins, Jr.  
Dr. J. E. Eckel  
Mr. C. M. Anthony  
Mr. J. G. Brown  
Mr. J. Maxwell

11 June 1980

Mr. Robert Ryan, Director  
Office of State Programs  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Ryan:

Mr. Karl Abraham, Public Affairs Officer for NRC, recommended that we contact you concerning our previous request for training assistance. The Cortland County Health Department, the Cortland County Environmental Management Council, the Cortland County Legislature, and the City of Cortland City Council have been under a great deal of pressure from a variety of groups including the Sierra Club to pass an ordinance or local law banning the transport of radiated reactor fuel on roads within the County of Cortland. Interstate 81 runs through the County and through a small section of the City of Cortland. The Cortland County Board of Health, the Cortland County Legislature, and the Environmental Management Council of the County have rejected the proposal of a ban basically because we fear that such a ban may force the shipments now going from Chalk River to Aiken, South Carolina onto more hazardous roads. The City of Cortland, however, has voted to hold a public hearing on an ordinance preventing the shipment of such spent fuels through the City of Cortland, New York. Mr. Abraham has agreed to send to the City a copy of the Federal Register of Friday, June 15, 1979 concerning 10 CFR Part 73, and NUREG publications 0170, Volumes 1 & 2. Resolution #186 of the Cortland County Legislature, on the other hand, respectfully requests NRC and DOT to provide technical assistance as well as training assistance for emergency personnel. There is a growing concern that letters sent on this matter from this Department and the resolution sent by the Legislature to the Regulatory Improvements Branch of NRC and subsequent telephone calls have failed to produce any written response.

8007170277

Mr. Robert Ryan, Director  
11 June 1980  
Page 2

The Legislature has also respectfully requested assistance from the New York State Disaster Preparedness Commission in cooperation with the Federal Emergency Management Agency to prepare a vulnerability analysis for the wide range of materials shipped through Cortland County. A point of major concern is a bridge on Interstate 81 commonly known as the Hoxie Gorge Bridge where the drop off the bridge reportedly exceeds 600 feet. That bridge is now under repair. Due to the security surrounding the actual shipment routes, there is no reason to believe that the bridge is not now presently being used for the Chalk River shipments. On the contrary, the information that has been leaked to the public seems to indicate that the shipments are indeed traveling down Interstate 81 through Cortland, New York, and over the Hoxie Gorge Bridge. While I know you cannot advise us or confirm or deny that the shipment is going over the Hoxie Gorge Bridge, we bring to your attention the local concern about that.

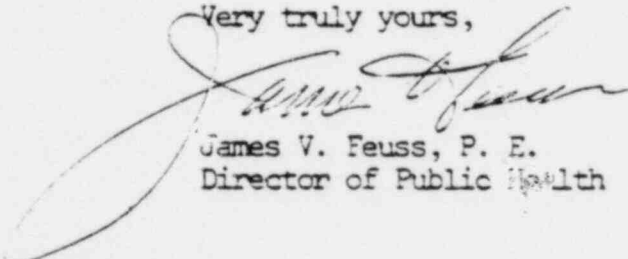
NUREG 0535 as well as other published documents fairly well establish that the first people on the scene of an accident are local emergency response personnel. This would be true whether the shipment involved low specific activity waste, radiated spent reactor fuel, or any other type of incident or accident on our highways. In cooperation with the New York State Health Department, we have developed a local response plan. In cooperation with the Office of Disaster Preparedness of the State of New York and our local Office of Emergency Preparedness, we hope to improve upon our planning and our response capabilities. We do not wish to duplicate or complicate the efforts of other agencies to ensure the safe transport of these materials but rather to supplement and compliment their activities as responsible local officials to protect public health, welfare, and safety. Accordingly, we respectfully request that consideration be given to our inquiry concerning the training of local law enforcement, emergency response, and health personnel. We want to be able to assure the residents of Cortland County that their government officials have taken all appropriate action expected of local governments to be reasonably prepared for the variety of types of incidents that can occur. It has been argued that the State Health Department in cooperation with other State agencies and the Federal government is prepared to respond adequately to an accident involving the shipment of spent reactor fuel. We are very much aware of the fact that the corner stone of the safety program is the integrity of the casks.

Mr. Robert Ryan, Director  
11 June 1980  
Page 3

Cortland County is 30 miles away from the nearest State Department of Health office and approximately 180 miles from Albany. It is in the geographic center of the State of New York and rather remote from other possible sources of assistance. In the event of an accident, we believe it would be several hours before anyone from the State or Federal government would arrive on the scene.

Unless Cortland County receives some assurance that the Department of Transportation and the Nuclear Regulatory Commission are sensitive to their concerns, it is my opinion that they will be forced into taking legal action, legislative action, and political action to demonstrate their concern for the safety issue and their displeasure with the Federal and State bureaucracies. This is not a threat but rather a part of the plea for support in view of the cautious and restrained action taken thus far by the appointed and elected officials.

Very truly yours,



James V. Feuss, P. E.  
Director of Public Health

JVF:d

cc: Mr. Henry Swayze, Chmn.  
Cortland County Legislature  
Mr. Chas. McLyman  
Office of Emergency Preparedness  
Mr. James LaFever  
Office of Emergency Preparedness

# Your Opinion

## Shipping Cask Safety Test Conditions Not So Stringent

To the Editor:

In the continuing dialogue concerning spent fuel shipments along I-41 by Cortland, Professor Ram Chaturvedi has declared "unscientific statements" in a letter which appeared May 30. His letter has quite a few errors and he seems not to be well-informed on shipping cask safety.

Professor Chaturvedi incorrectly states that a shipping cask (Type B packaging) "must satisfy the following tests:

(1) Survive an impact of 30 mph crash into a massive barrier.

(2) Survive 40-inch drop onto the end of a painted steel bar exposed to a temperature of 1475 degrees F for 30 minutes.

(3) Be impervious to small arms fire and explosive charges." The testing requirements which a cask "must satisfy" are listed in the Code of Federal Regulations (10 CFR 71) and are none of the above.

Rather, a cask must withstand a 30 foot drop onto an unyielding surface (point 1 of Chaturvedi's letter). A 30 foot drop corresponds to a 30 mph speed before impact. The cask must also withstand a 40" drop onto a steel bar; a 40" drop corresponds to a 10 mph speed. Further, the cask must withstand an air-enclosing fire of 1475 degrees F for 30 minutes.

Are these test conditions very stringent? Many of us think not. Trucks strike bridge abutments at 50 mph and fires burn for longer than 1/2 hour certainly in rural areas) and at higher temperatures than 1475 degrees F. Diesel fires burn hotter than 1475 degrees F, for example. It is important to remember that these spent fuel shipments contain a large amount of radioactive material. For example, I estimate that a spent fuel assembly could contain 10 times the amount of cesium contained in the Hiroshima bomb. Though iodine is more volatile, Cs may cause more of the health effects. If the temperature of the ship-

ping cask gets too high, then ruthenium is a very serious concern. Prof. Chaturvedi is wrong in dwelling on iodine.

It is important to point out that the spent fuel shipping casks traveling along I-41 once per week, the NLI-4 casks, have not been subjected to the above testing requirements except by computer simulation. While these shipments go once per week, it is important to mention this is just the tip of the iceberg. If West Valley is re-opened for spent fuel "storage", as President Carter and DOE have recommended, then up to five shipments per day would be moving to West Valley.

The implicit conclusion of Mr. Chaturvedi's letter (his arguments are remarkably similar to those of NYSE&G) is that Cortland residents "are many other risks to be concerned about, that the federal government has carefully regulated shipping casks and is taking care of your welfare. In essence, he is telling Cortland residents not to worry and to do nothing. He goes on and on about nuclear energy, like a man possessed. While many of us are concerned about the larger issues Prof. Chaturvedi poses, we are focused here on shipping cask safety, the risk entailed and are not reassured by government claims, some of which we have heard before on other nuclear matters. A strong vote is being sent to Washington by community after community in New York State who have passed shipping bans or permit systems. The work of Cortland County Ecology Action (and thousands of such citizen groups about the country) in apprising Cortland County residents of these health and safety matters is in the finest traditions of the democratic process. They are to be applauded for their efforts and concerns.

Sincerely yours,  
Marvin Resnikoff  
Sierra Club  
Radioactive Campaign  
Box 64, Station G  
Buffalo, New York 14213

## Is Ban Issue Decided?

To the Editor:

First it was the county Board of Health that voted against supporting a ban against the transportation of high-level radioactive waste through Cortland County, with the majority of the board apparently being of like mind with board member James G. Brown, who contended that a ban was out of the board's jurisdiction because it was "not a health-oriented problem" (Cortland Standard, 21 May 1980). Let us hope there's some way the residents of Love Canal can learn from the Cortland Board of Health's decision that hazardous wastes aren't health-oriented problem, since so far they seem to have deluded themselves otherwise.

Instead, the majority of the Cortland Board of Health offers us its version of reality: a resolution respectfully requesting the Nuclear Regulatory Commission to "review and provide direct technical assistance to the local agencies responsible for providing emergency assistance"; this despite county health Director James Feuss's candid admission that earlier requests for assistance from Washington had brought him only "various socumeness" which he described with uncanny accuracy as "a typical bureaucratic copout" (Cortland Standard, 20 May 1980). Assistance?\*\*\*\* The record shows that officials of the U.S. Department of Transportation and of the U.S. Nuclear Regulatory Commission were invited to Cortland to participate in a public information hearing but "responded that there was no time or money to participate in the session and that if they agreed to come they would have to agree to similar requests from around the country" (Cortland Standard, 21 May 1980). So much for the federal government's willingness to provide even information — never mind the "direct technical assistance" the county Board of Health has requested.

Now it's the county Environmental Management Council that has voted against supporting a ban against the transportation of high-level nuclear waste through Cortland County, the majority apparently having been persuaded by council member Robert Edmonds's specious argument that a ban is only a symbol. Let us hope that there's some way that the many other communities of New York State — to say nothing of the New York State Thruway Authority, which has a long-standing ban on just such transport, and U.S.-Canadian bridges, which are either reaffirming or putting bans in effect — that have enacted bans that are being honored can learn from Cortland's Environmental Management Council that their banning action "really doesn't exist and that they, too, are living in illusion."

So now, instead, we have the superiority of the Environmental Management Council recommending "that the county legislature inform federal and state governmental bodies of a number of scenarios which would be carried out to safeguard shipments" (Syracuse Post-Standard, 7 June 1980). No one is or can be against safety rules, and those who favor a ban on transport obviously can and ob-

viously do support safety rules until a ban, which means genuine safety, is in effect. But, there is something approaching high comedy in the spectacle of the EMC asking the county legislature to instruct "federal and state governmental bodies" in safety rules when the EMC itself will not be instructed in the value of direct local initiative and responsibility.

And so the majorities of the county Board of Health and the county Environmental Management Council have seen their duty and have done it — by submitting loopholes and emasculated requests and instructions to the endless machinery of state and federal bureaucracies. Since the Board of Health and the EMC are appointed bodies with apparently little if any need to account to the citizens they were appointed to serve, I suppose that the 2,500-plus residents who have thought otherwise and have said so by signing petitions for a ban — not for conscience-saving requests and instructions — must rely instead on their elected representatives in the county legislature and Common Council to heed their wishes.

However, if we are to believe some reports of statements by Mr. Henry Swayne, chairman of the county legislature, the expressed will of the people may be thwarted even by their elected representatives. Never mind, folks, that "the legal ramifications of imposing a countywide strictest ban on highly radioactive wastes will be studied and a public hearing held under a resolution (unanimously) passed by the Cortland County Legislature..." on 28 May (Cortland Standard, 28 May 1980).

Because now comes Mr. Swayne, who, according to the Cortland Standard of 7 June, tells us, "As far as getting a ban through the county legislature, I don't think you're going to." And if that seems only a harmless prediction or a personal preference, listen now to the 7 June Syracuse Post-Standard, where Mr. Swayne is quoted as saying that "a ban will never pass through the county legislature," and that the safety regulations recommended by the EMC are "the closest to a ban you are going to get in the legislature."

Never mind, folks, that you've always innocently believed that "governments are instituted among men, deriving their just powers from the consent of the governed..." because if Mr. Swayne is quoted accurately in the Post-Standard the issue has already been settled by the county legislature and any public hearing we're promised will be only a show or participatory democracy a sham, and a waste of time and the taxpayers' money. If Mr. Swayne is not quoted accurately in the Post-Standard, county residents might welcome assurance from him that he believes their elected representatives are still responsive to their wishes and that the issue is not yet a settled matter. Finally, if Mr. Swayne is quoted correctly, county legislators should welcome the opportunity and the responsibility to show that they can still listen and learn and that their role is not yet in anyone's pocket.

Robert E. Rhoads  
1 Floral Ave.

HIGH LEVEL NUCLEAR WASTE TRANSPORTATION

WHEREAS, this Legislature recognizes that the transport of spent fuels is a major concern of the residents of Cortland County and further recognizes that all reasonable precautions must be taken to prevent sabotage of spent fuel shipments or the release of radioactive materials which might result from a transportation accident, and

WHEREAS, existing Nuclear Regulatory Commission (NRC) security rules (44FR34466) provide when spent fuel is transported NRC will provide "Advance arrangements with law enforcement agencies along the route for emergency assistance," and

WHEREAS, the United States Department of Transportation has proposed new regulations concerning Highway Routing of Radioactive Materials which would under proposed Section 49CFR177.825 declare inconsistent any state or local requirement which will completely prohibit travel between any two points serviced by highway, require pre-notification, or escort, or other local laws concerning time of day, special personnel or equipment, and

WHEREAS, there does not exist an operating terminal waste storage facility for commercial spent reactor fuel and other high level waste in the United States, so that it will eventually have to be moved again to a reprocessing facility or permanent site thus exposing the public and the environment twice to the risk of a radioactive transport accident.

NOW, THEREFORE, BE IT

RESOLVED, that the Chairperson of the Legislature be and hereby is authorized to inform the Jockets Branch, Materials Transportation Bureau, United States Department of Transportation, Washington, D.C. 20590, that this Legislature respectfully requests that NRC and DOT not only notify appropriate law enforcement agencies along the transport route, but also review and provide direct technical assistance to the local agencies responsible for providing emergency assistance, and be it further

RESOLVED, that the County Attorney be and hereby is authorized and instructed to commence a legal analysis of a County wide transport ban on high level nuclear waste, and report on said issues to the Chairperson of the Health Committee, and be it further

RESOLVED, that the Health Committee hold a meeting for public input concerning the proposed ban of high level nuclear waste transportation, and be it further

RESOLVED, that a copy of this Resolution be sent to Congressman James Hanley, Senator Jacob K. Javits, Senator Daniel Moynihan, State Senator Tarky Lombardi, Assemblyman Lloyd S. Riford, Jr., Governor Hugh L. Carey, the United States Energy Office, the State Energy Office and the Public Service Commission.

STATE OF NEW YORK }  
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 28th day of MAY, 1980 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 28th day of MAY, 1980  
Albert C. Henney  
Clerk of the Cortland County Legislature