

March 7, 2006

Rules Docket Clerk
Office of General Counsel
Federal Emergency Management Agency
500 C Street SW, Room 840
Washington, D.C. 20472

Re: Docket Number DHS-2004-0029, Z-RIN 1660-ZA02, Department of Homeland Security, "Application of Protective Action Guides for Radiological Dispersal Devices (RDD) and Improvised Nuclear Devices (IND) Incidents."

Dear Sirs:

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a national non-profit organization representing the managers of solid waste, hazardous waste, remediation, and underground storage tank programs of the State and Territories. The ASTSWMO Radiation Focus Group works on issues involving radioactive waste and cleanup, and expresses common State viewpoints from our member States regarding these issues. In commenting on the above referenced guidance, we therefore focus our comments on the "late phase" or cleanup, rather than emergency response aspects.

Generally, we view this guidance as helpful, well written, and succinct. We also would like to express our appreciation that the Department of Homeland Security solicited State input in the formulation of this guidance.

Our major comment on the guidance is that the action guides of 2 rem for the first year and 0.5 rem for each year thereafter for the public to return to their residences is far above public exposure limits commonly used. We recognize that these numbers come from the Environmental Protection Agency's "EPA 400" guidance. However, in cleanup programs around the country we generally work with more protective numbers. The Nuclear Regulatory Commission sets a dose limit to the general public of no more than 100 mrem, and cleanup numbers for unrestricted site use of 25 mrem. The EPA corresponding unrestricted use guidance is 15 mrem. Although we appreciate the special circumstances involved in the incidents covered by this guidance and we acknowledge the need for "optimization" or "risk management" in these situations, the underlying goal or standard must be one that is protective. The risk management decisions that are made would then use that protective standard as the appropriate point of departure, justifying the need to deviate from the standard.



Our responses to specific questions posed in the federal register notice are as follows.

- a) *Is the presentation/format useful and appropriate?* Yes
- b) *Is the implementation process in appendix 3 clear and appropriate? Are roles and responsibilities sufficiently defined?* Yes to both questions. However, there isn't enough detail on how or which State officials are needed to participate in the evaluations. Defining these responsibilities may vary by State. The National Response Plan, Incident Command System (ICS, or NIMS), and the RDD/IND document all are consistent in that States are on their own in an incident in the early part of the early phase. Unless the State and local governments understand exactly how to respond under ICS and the NRP and how and when to ask for interstate and federal resources, chaos ensues. States must have adequate planning and mechanisms in place to deal with this situation in order to help save lives in the early phase. We recommend that States predetermine the lead agency(s) to provide consequence assessment for the early phase of an RDD/IND incident. Assessment of dose rates and airborne dispersions to direct responders, sheltering, and evacuation are of paramount importance. Contingencies for handling, staging, and disposing of contaminated solid waste should be documented. We also recommend that States request federal assistance automatically in the case of an IND. It is likely that an IND would be set off in a large city potentially overwhelming State and local response. We recommend that States support each other with the State Military Civil Support Teams (CSTs), and have understandings in place with neighboring States to share teams. These teams are not only experts in environmental monitoring but can set up command posts and quickly set up incident command systems for local governments.
- c) *Does the guidance provide balance between protection of public health and environment and flexibility to take emergency response actions?* Through the initial and intermediate phases, a case can be made that the balance between action and protectiveness is appropriate. However, the ultimate cleanup levels are not protective.
- d) *Are the proposed PAG's (Protective Action Guide) for the early and intermediate phase implementable? Are they appropriate? If not why not?* PAG's for the first two phases should first be protective. Risk management or "optimization" decisions can then be made on an incident specific basis to determine whether protective levels cannot be achieved. As stated above, we do not believe that the PAG's for the general public are protective.
- e) *Is the discussion on worker protection and response worker protection helpful?* These discussions are very helpful. We would strongly suggest that the response worker in particular know what they may be asked to do. The worst-case scenario on an IND event would likely expose the individual to a severe radiation dose.

- f) *Are the operational guidelines being developed and discussed in Appendix 4 useful? Are additional guidelines needed?* In general, Appendix 4 gives a good "big picture" view of access and release stages. However, there would need to be an incident specific document to address the details.
- g) *Is the optimization process as proposed for the "late phase" sufficiently flexible to address a RDD or IND situation?* Yes.
- h) *Is a flexible process without pre-established limits an appropriate method for site recovery? Would a flexible process w/goals, ranges or limits be more appropriate?* We do not have a problem with flexible processes, especially as they are needed to address emergencies. The immediate hazard in a dirty bomb or other nuclear incident is that people will likely inflict bodily harm to each other in a rush to escape "radiation". The acute doses that balance against the physical hazards (evacuation) could reasonably be high in the early phases. In the recovery phase we feel that (dose based) cleanup limits should be included as the most straightforward approach. It provides needed certainty to both the responding agencies and the public. Some flexibility could be provided by also allowing a risk-based approach, which if used correctly could also provide protective cleanup limits. In this regard, we would also suggest that more modern computer models like RESRADS or other EPA pathway analysis codes to estimate dose and risk respectively supplement the EPA PAG manual data tables.
- i) *What other guidance or tools are needed to assist in the implementation of the recommendations?* No suggestions at this time.

The ASTSWMO Radiation Focus Group appreciates the effort expended by the Department of Homeland Security to draft this guidance, and our opportunity to comment on this document.

Sincerely,



Jeffrey Deckler, Chair
ASTSWMO Radiation Focus Group