



Department of Comprehensive Planning

Nuclear Waste Division

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Richard B. Holmes, Director • Dennis Bechtel, Planning Manager

August 7, 1998

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

ATTN: Section 180 (c) Comments

Dear Ms. Macaluso:

These comments are submitted on behalf of Clark County, Nevada, regarding the *Notice of Revised Proposed Policy and Procedures for Implementing a Program of Technical and Financial Assistance to States for Training Public Safety Officials of Appropriate Units of Local Government* under Section 180(c) of the Nuclear Waste Policy Act (NWPA), as Amended. Before we present these comments, we would like to commend you on your decision to use a grant program as the means to implement this process. Such a program allows needed flexibility for distribution of funds to local governments based on needs and capabilities. However, we urge that this process be undertaken immediately, either by regulation or establishment of OCRWM administrative procedures or guidelines, whichever is faster. Time is of the essence in order to allow local governments and other affected jurisdictions to develop a standing institutional capability to deal with a dedicated transportation campaign of major proportions.

While there are a number of issues that may be addressed and resolved in ongoing interactions between us, we have addressed what we think are the three most important program aspects regarding the proposed policy. These have to do with the timing of program implementation (see above) the role of affected units of local government in the 180(c) process, and the use of risk assessment results in funding.

Explicit Role of Affected Units of Local Government

As you are aware, Clark County, Nevada, is one of 10 affected units of local government as designated by the Secretary of Energy under the Nuclear Waste Policy Act. This designation is an acknowledgment of the special position held by these counties within the program, primarily because of potential public safety and other impacts due to their proximity to Yucca Mountain and the use transportation routes through their jurisdictions. For example, under present federal law, and absent

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designation of alternative routes, all highway and rail shipments to a Yucca Mountain repository would traverse Clark County and Nye County, the situs county. Other affected counties in Nevada and California may see a significant number of shipments, depending upon route and modal decisions.

Clark County has been affected not only by the Yucca Mountain Program, but also by the activities of the Nevada Test Site (NTS), located just 20 miles from its northwest border. Pending DOE decisions, it is expected that the current number shipment of low-level radioactive waste to the NTS will increase dramatically, adding to potential safety risk and impacts to the County. Recently, DOE Nevada management recognized its role in helping to protect the safety of residents of nearby communities by participating in an emergency exercise and by otherwise working with State of Nevada and Clark County officials regarding transportation issues. We would expect that OCRWM would do the same.

In short, the affected units of local government have particular roles, needs, and situations unlike those of other jurisdictions. We are at the end of the transportation funnel and should be recognized as equal to states and Indian tribes in the direction allocation of funds under this program.

We urge that affected units of local government be given explicit standing in any planning group or related working groups since local government officials may add specialized local knowledge to any planning or evaluative process. Given your acceptance of this position and as local jurisdictional roles become obvious, we would then ask that an appropriate percentage of Section 180(c) funding be reserved for distribution to affected units of local governments, as designated by the Secretary of Energy.

Application of Section 180(c) Funding Based on Risk Assessment

The following statement is taken from a previous Clark County comment on the 180(c) process and we are using it here to underscore a major concern regarding the proposed policy and procedures. "Local officials, planners and responders feel that plans and procedures developed for management of shipping campaigns of any type of hazardous materials may be used to identify the structure and process of a large-scale training program. They may provide important precedents, information and evaluative tools to be used in training programs for high-level nuclear waste transportation."

"Recent DOE environmental impact statements for a number of activities, including disposal and storage of nuclear waste has underscored the close relationship among various initiatives of the department. For example, the transportation programs of the NTS have shown that same or similar processes may be used for routing of shipments of all types of waste to and from the site. We have also seen that emergency response capabilities, especially at the community level, must be the same

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regardless of the nature of the hazardous cargo (e.g., spent nuclear fuel, defense high-level waste, greater than Class C, miscellaneous wastes).”

We bring this up in order to make a point about risk assessment. We believe that route selection should be comparative in nature, generally following processes established in USDOT guidelines for the safe transportation of hazardous and radioactive materials. These guidelines recognize the need for technical feasibility in analysis, adherence to public policy and input from affected publics. While DOE staff and management have reiterated that they will follow existing regulation regarding transportation, they have demonstrated no recognition of the value of a route comparison process, instead relying on probabilistic risk assessment techniques for particular routes.

The methodological disagreement may have serious consequences in the distribution of 180(c) funds. If the level of grant funding is to be based on risk assessments conducted in the planning phase, we need to have agreement between DOE and the potential grantees that the level of risk may be defined by the local governments. These may be based upon technically and politically acceptable methods comparable to the USDOT process or those used by DOE. Either one may be defended regarding its quality and validity and either should be acceptable in providing estimates of risk.

Summary

In summary, we ask you to consider the following points in recognition of the vital role that is played by local jurisdictions in protecting the health and safety of its residents and visitors:

1. Recognize formally-designated affected units of local government as equal to states and Indian tribes in the direct allocation of funds under this program. These jurisdictions have particular needs related to their proximity to Yucca Mountain and the high probability that most shipments will travel within their borders.
2. Begin immediate implementation of Section 180(c) provisions through administrative procedures, especially regarding needs assessment, program planning, materials development, and scheduling. Time is of the essence in order to allow local governments and other affected jurisdictions to develop a standing institutional capability to deal with a dedicated transportation campaign of major proportions.
3. Recognize alternative methods of risk assessment and route selection, especially route comparisons that follow U.S. DOT guidelines. Local governments rely on results that are both technically and politically feasible and are in the best position to estimate risk in their communities.

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We appreciate the opportunity to provide these comments and look forward to implementation of the Section 180(c) program. Please feel free to contact me for any clarification or further discussion on this important matter.

Sincerely,



Dennis Bechtel
Manager

cc: Richard B. Holmes, Director, Department of Comprehensive Planning
Robert Andrews, Manager, Office of Emergency Management.

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