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NUCLEAR WASTE REPOSITORY OVERSIGHT PROGRAM

ESMERALDA COUNTY, NEVADA

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May 17, 1995

Mr. Daniel Dreyfus, Director
Office of Civilian Radioactive Waste Management
United States Department of Energy
c/o Lois Smith
TRW Environmental Safety Systems
2650 Park Tower Drive, Suite 800
Vienna, VA 22180

RE: SECTION 180(c) COMMENTS

Dear Dr. Dreyfus:

Esmeralda County appreciates the opportunity to offer the following comments on the Department of Energy's January 6, 1995 Notice of Inquiry (NOI) on technical assistance and funding to states under Section 180(c) of the Nuclear Waste Policy Act.

We applaud your decision to receive additional comments through extension of the deadline. However, it is critical that you proceed with the implementation of the provision. With the probable changes to the Nuclear Waste Policy Act, the date for shipment moves to January 31, 1998. This leaves less than three years to put the system in place and to train and equip a nation of first responders. We cannot accept the possibility that the DOE might deny its obligations under Section 180(c) and so recommend that you immediately implement the provisions.

OPTIONS IN NOTICE OF INQUIRY:

OPTION 1: *USE ESTABLISHED FEDERAL AGENCY PROGRAMS OTHER THAN THE DEPARTMENT'S*

None of the federal programs outlined would be adequate to the goal of specific training and equipment for nuclear waste shipments. Neither FEMA, DOT nor FRA would be the appropriate mechanism to coordinate and oversee the training of personnel for this unprecedented effort.

OPTION 2: ESTABLISH AGREEMENTS WITH STATE, LOCAL, TRIBAL, AND OTHER ORGANIZATIONS

This is an acceptable option. However, it would be difficult to implement such an option in thirty-five states in less than three years time.

OPTION 3: ESTABLISH A DEPARTMENT-WIDE GRANT PROGRAM

This would be a massive undertaking in trying to coordinate the DOE's various shipping campaigns under one roof and it would be difficult to separate Nuclear Waste Funds from other DOE funds for shipping programs.

OPTION 4: ESTABLISH AN OCRWM GRANT PROGRAM

This is the preferred option of Esmeralda County. Such a mechanism is already in place for funding of the affected units of local government and the State of Nevada under the current Nuclear Waste Policy Act as amended.

OPTION 5: USE ELEMENTS FROM THE PREVIOUS FOUR GROUPS

We do not see a viable possibility here from combinations of various elements of the other four options.

PREFERRED OPTION:

Esmeralda County believes option four is the most credible and likely alternative. We especially believe that the funding should pass directly to the affected counties and tribes with very little being held by individual states. It is also critical that the funding apply to all shipments whether to a private or federal facility, and furthermore that the funding apply both to interim storage and permanent geologic disposal. In order to guarantee safe, routine transportation, prohibit shipments of spent fuel to storage facilities if Section 180(c) funding has not been put in place. Since Nevada is the end of the funnel, it is important the funding for the counties and tribes in Nevada be proportionate to the number of shipments which are expected over the life of the project. It must always be kept in mind that rural first response teams are made up of mostly volunteers with little training and minimal equipment available. Unless the Department of Energy decides to implement off-board escorts for all shipments made up of teams that are trained and equipped to deal with radioactive emergencies, then it is crucial that adequate training and equipment be made available to first responders, especially in Nevada where all shipments will terminate.

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RESPONSE TO NOI QUESTIONS:

Esmeralda County believes that, in answer to question one, option four is the least administratively burdensome. Further, we believe that option four also answers question two.

Esmeralda County thanks you for the opportunity to offer these comments and we urge you to implement the provisions of Section 180(c) as quickly as possible. We are already behind the curve and have less than three years to put procedures in place to guarantee routine, safe transportation.

Sincerely,

Juanita D. Hoffman

Juanita D. Hoffman, Program Director

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