



Department of  
Comprehensive Planning  
Nuclear Waste Division

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May 26, 1995

Daniel Dreyfus, Ph.D., Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
RW-1 Room 5A-085  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

RE: Notice of Inquiry, Section 180 (c), Nuclear Waste Policy Act, As Amended

Dear Dr. Dreyfus:

These comments are submitted on behalf of Clark County, Nevada, regarding the *Notice of Inquiry* concerning Section 180(c) of the Nuclear Waste Policy Act [NWPAA], as Amended. As you are aware, Clark County is an affected unit of local government as designated by the Secretary of Energy. In preparing these comments, we have discussed a number of issues with individuals and groups from jurisdictions within the county, other affected units of local government, the State of Nevada, and regional groups.

Of the options proposed in the *Notice of Inquiry*, we believe that Option 4, the establishment of a Office of Civilian Radioactive Waste Management {OCRWM} grant program offers the most feasible approach to Section 180(c) funding. We feel that such a program would allow flexibility for distribution of funds that could include corridor local governments based on needs and capabilities. 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 as local governments prepare for a dedicated transportation campaign of major proportion.

***Explicit Role of Affected Units of Local Government***

We urge you to consider the proposed Section 180(c) strawman regulations submitted jointly by the Western Interstate Energy Board and the Western Governors Association. This resolution calls for the [1] preparation of training plans by eligible host states, and corridor states or Indian tribes, [2] establishment of Regional Training Advisory Teams, and, [3] processes for ongoing review and evaluation of regional implementation plans. We support this approach since it delineates reasonable approach and outlines specific roles for affected states and tribes.

We would add to the resolution by urging that affected units of local government be given explicit standing in any planning group, regional training advisory group, or related working groups since local government officials may add specialized local knowledge to any planning or evaluative process. In some cases, affected units of local government have already used direct payment funds to prepare local officials and other personnel for possible transportation incidents involving high-level nuclear waste.

Knowledge and experience gained from this specialized training would provide invaluable input to the process, and effective use of this resource would be enhance by creating a significant role for affected units of local government in the Section 180(c) planning 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 local governments in identified or potential transportation corridors.

**COMMISSIONERS**

Yvonne Atkinson Gates, Chair • Paul J. Christensen, Vice-Chairmen  
Jay Bingham, Lorraine Hunt, Erin Kenny, Myrna Williams, Bruce L. Woodbury  
Donald L. "Pat" Shelmy, County Manager

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### *Timing of Funding*

We are concerned with the timing of the release of Section 180(c) funds. Recent proposals in Congress and litigation have increased the probability that shipments of spent nuclear fuel/high-level radioactive waste may begin as early as 1998, the original date specified in the NWPA of 1982. For us, this brings up the specter of a large number of shipments through our jurisdiction of over one million residents, and many times that number of visitors, without the security of a well-prepared cadre of planners, decision-makers and responders to a transportation accident.

Under present DOE policy and plans, training assistance to jurisdictions along transportation corridors will begin no less than three years before shipments begin. Given the present push to establish an interim storage facility [ies], possibly at the Nevada Test Site, it is obvious that this schedule needs to be adjusted. Immediate implementation of Section 180(c) provisions, especially regarding program planning and scheduling, would be beneficial as training needs are assessed and training materials developed prior to training delivery. We are afraid that if OCRWM continues to let the schedule slip as has happened in other areas of the Yucca Mountain Program, our county and other affected jurisdictions may be ill-prepared to meet the emergency preparedness requirements related to high-level radioactive waste transportation.

### *Interactions of Government-Private Railroad and/or Intermodal Carriers*

The recent OCRWM decision to deploy the multiple purpose canister [MPC] suggests that the primary method of shipment will be rail, since the design weight of the MPC (100 - 125 tons) precludes long distance truck transportation. Further, short distance heavy-haul truck operations and intermodal transfer requirements are implied because of this MPC decision. Use of rail transportation and intermodal transfer systems calls for close governmental-private enterprise cooperation, not only in operations but also in the development and preparation of measures designed to protect the public and program workers. It is not evident that this issue was explored by OCRWM as the Section 180(c) *Notice of Inquiry* was prepared, and we urge your immediate attention to this matter.

### *Application of Section 180(c) Funding to Diverse Nuclear Waste Transportation Programs*

Local officials, planners and responders feel that plans and procedures developed for management of shipping campaigns of any type of hazardous materials nuclear waste may be used to identify the structure and processes of a large-scale training program and provide important precedents, information and evaluative tools to be used in emergency management training programs for high-level nuclear waste transportation.

Recent DOE activities in preparing environmental impact statements [EIS] 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 Plan that is being developed as part of the EIS for the Nevada Test Site [NTS] has 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 regardless of the nature of the hazardous cargo [ e.g., spent nuclear fuel, defense high-level waste, greater than Class C, miscellaneous wastes].

Another example has to do with the shipments of cesium from IOTECH in Colorado to Hanford, Washington. Although spent nuclear fuel or high-level waste was not shipped, a number of lessons were learned about vehicle and driver safety, inspections, avoidance of unsafe road conditions, prenotification and tracking, emergency preparedness, public information, and coordination. A number of lessons have been learned and documented about a dedicated shipping campaign, and these must be considered in Section 180(c) planning.

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These brief examples will suffice to support our position that Section 180(c) assistance should be provided regardless of the type of nuclear waste or the facility from or to it is being shipped. In the eyes of local responders and emergency management officials, present danger is present danger no matter what the half-lives of the radioactive wastes may be. They have an immediate job to do and they need to be prepared to do it, regardless of shipment mode, destination or ownership of the hazardous material.

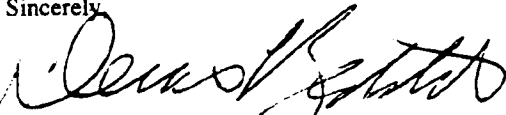
*Summary*

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. Adhere to the processes contained in the WIEB/WGA strawman regulations, and add explicit roles, responsibilities and funding for affected units of local government.
2. Begin Immediate implementation of Section 180(c) provisions, especially regarding needs assessment, program planning, materials development, and scheduling.
3. Include railroad, intermodal and trucking companies in the development and preparation of Section 180(c) plans and measures.
4. Provide Section 180(c) assistance to corridor jurisdictions regardless of the type of nuclear waste being shipped or destinations.

We appreciate the opportunity to provide these comments and look forward to expedited 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, Coordinator  
Nuclear Waste Division, Clark County Department of Comprehensive Planning

cc: James Ley, Assistant County Manager  
Richard Holmes, Director, Department of Comprehensive Planning  
Robert Andrews, Acting Coordinator, Office of Emergency Management