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White Pine County Board of County Commissioners

September 26, 2007

Ms. Connie Macaluso
U.S. Department of Energy
c/o Patricia Temple
Bechtel SAIC Company, LLC
955 N. L'Enfant Plaza, S.W.
Suite 800
Washington, D.C. 20024

RE: Review Comments to Revised Proposed Policy for Implementation of Section 180 (c) of the Nuclear Waste Policy Act Published in the Federal Register on July 23, 2007, Pages 40139-40145

Dear Ms. Macaluso:

The White Pine County Commission has considered the Department of Energy's (DOE) revised policy for implementation of Section 180 (c) of the Nuclear Waste Policy Act (NWPA) and provides the following comments to the draft policy. At the outset, White Pine County is concerned that the proposed policy does not suggest adequate levels of funding for either planning or training grants. Further, the formula for allocating training grants inappropriately includes inspections at shipment points of origin as an allowable activity for which Section 180 (c) training funds may be spent and/or inappropriately includes the number of points of shipment origin wherein inspections might occur as a factor in allocating training funds among states. Point of origin inspections are not an emergency response activity and allocating Section 180 (c) funds for training for such inspections or factoring the number of such points into formulas for allocating 180 (c) training funds should not be included in the final policy.

Specific Comments

1. Page 40141, Section III, 4th paragraph – The policy appears to imply that training alone will prepare emergency first responders for OCRWM shipments. Provision by DOE of training and technical assistance while not providing needed equipment may lead to exacerbated risk as ill-equipped but trained first responders confront incidents/accidents involving Yucca Mountain bound spent nuclear fuel and high-level radioactive waste. The final Section 180 (c) policy should make clear that

funding will be allowed for equipment in sufficient quantities to enable complete teams of responders to be trained simultaneously. As a consequence, equipment used for training would subsequently be available in sufficient quantities to actually enable a first response team to respond as a fully equipped unit using equipment made familiar to them during training.

2. Page 40141, Section III, *Basis for Cost Estimate/Grant Funding Allocation to States*, 2nd paragraph – If only one planning and assessment grant will be granted one time to each state, it is unclear why the amount of the grant would need to be adjusted annually for inflation. Does DOE intend to offer planning and assessment grants over a period of years, with some states in the first year, some in the second, etc.? The draft policy should be clear on this point. Does DOE intend to fund periodic planning and assessment updates by states and if so, at what intervals (i.e. every three years)? The policy should address the need for and funding of periodic updates of planning and assessments. It is important to note that the \$200,000 and \$100,000 base amounts described in the draft policy have been suggested by DOE for several years, and as a result the base amounts warrant an inflationary adjustment within the final Section 180 (c) policy.
3. Page 40141, Section III, *Basis for Cost Estimate/Grant Funding Allocation to States*, 2nd paragraph – States should also be afforded grants on a need-based allocation as DOE is considering for tribes, rather than formula-based.
4. Page 40141, Section III, *Basis for Cost Estimate/Grant Funding Allocation to States*, 2nd paragraph – It is recommended that DOE design and implement a process whereby States and tribes may submit requests for the full funding they will need and DOE would then commit to include said full amounts in its annual budget request.
5. Page 40142, 3rd paragraph – Training for point-of-origin inspections is not an emergency first response function and should not be an allowable use of Section 180 (c) funding, the utilization of percentage of number of shipping sites should not be included as a component of the formula for determining the amount of annual training grants.
6. Page 40142, 1st bullet – Reliance upon Census Bureau population data, particularly as the data becomes more outdated (said data is only collected every ten years), will lead to over-funding states with lower rates of population growth while under-funding states (like Nevada) with high rates of population growth. States should be authorized to provide DOE with state-prepared official population data, which in Nevada is developed annually.
7. Page 40142, 1st bullet - The DOE's reliance on population as a key factor in the allocation formula does not appear to recognize the likely higher per person costs associated with training less-populated rural volunteer emergency first responders. In addition, it is likely that urban population centers with full-time fire departments

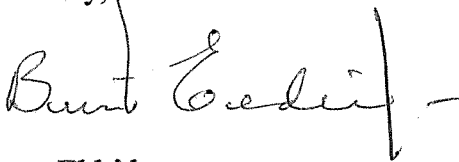
have a higher degree of relevant training than do rural volunteer departments, therefore urban fire departments may require less training. Favorable weighting needs to be given to the unique training needs and related costs for rural fire departments, especially those of a volunteer nature.

8. Page 40142, *Allowable Activities* –Unfortunately, the maximum \$200,000 allocated by DOE per state for completion of the 15 typical planning activities is entirely inadequate, allowing for an average expenditure of just \$13,333 per activity to assess all state and local jurisdiction needs along all routes in each state. DOE is encouraged to plan on at least \$500,000 per state for planning and assessment grants, with needs-based additions in funding available.

The 17 suggested allowable activities for training grants are a good representation of needed emergency first responder preparation. The \$100,000 base amount budgeted by DOE per state for training is entirely inadequate. If all 17 training activities were appropriately undertaken, just \$5,882.00 would be available on average per activity for training of all state and local first responders along routes in each state. In Nevada, likely rail/highway transportation routes would cross through six or more local jurisdictions, each with individual emergency first response responsibilities. Including state emergency first responders, training of 7-10 distinct units of emergency first responders may be required, all located in geographically distinct settings. If only \$100,000 is available, training in all 17 activities provided to 10 distinct locales would result in only \$588 per training activity/per location being available. This level of funding is entirely inadequate. The final policy should indicate that funding would not have a base amount and would be based upon each state's completed planning and needs assessment. For planning purposes, DOE is encouraged to assume that training costs per state may be in excess of \$1,000,000, particularly given the need for periodic retraining throughout the 24-plus years of transportation of SNF/HLW to the Yucca Mountain site.

White Pine County encourages DOE to give the above comments serious consideration in developing a final policy for implementing Section 180 (c) of the Nuclear Waste Policy Act, as amended.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent Eldridge", followed by a horizontal line.

Brent Eldridge
Chairman