

"Come for a Day ... Stay for a Lifetime."

January 8, 2008

Ms. Corinne Macaluso
U.S. Department of Energy
c/o Patricia Temple
Bechtel SAIC Company, LLC
955 N. L'Enfant Plaza, SW. Suite 8000
Washington, DC 20024

Dear Ms. Macaluso,

The City of Mesquite, Nevada would like to go on record in opposition to the United States Department of Energy (DOE), July 23, 2007 proposed changes identified in the Federal Register (Vol.72, No. 140) regarding Section 180 (c) of the Nuclear Waste Policy Act of 1982. We believe that the City of Mesquite is clearly a stakeholder and has a vested interest in Section 180 (c) as well as the Yucca Mountain Repository. The City of Mesquite finds itself in the unfortunate position of having spent-nuclear fuel and *high* level nuclear waste being transported through several miles of our city limits under either of the DOE's proposed transportation plans (rail or truck).

The City of Mesquite believes that Section 180 (c) was enacted to provide technical and financial assistance to States and Indian Tribes to train public safety officials along routes over which DOE will transport spent nuclear fuel or high-level radioactive waste to a repository at Yucca Mountain, Nevada.

The City of Mesquite would like to express our concerns regarding the proposed changes and specifically identify the problems with these changes and suggest that if changes are made to Section 180 (c), that local jurisdictions who are within or contiguous to the transportation routes be consulted directly.

We do not believe that the Department of Energy or the State of Nevada are in any position to determine the needs of the public safety agencies serving the City of Mesquite. To date there has not been adequate integration of local public safety agencies in the Section 180(c) process. In order to appropriately prepare and plan for high-level nuclear waste and spent fuel shipments, the DOE should focus on local public safety agencies who are the first responders, not on states or entities which do not have or provide incident response capabilities.

We believe that any grant criteria established regarding the types of activities or training necessary for local public safety agencies should not be determined by the DOE or any

given state without an adequate needs assessment involving local agencies. Until such time as this has been done, we believe it is impossible for DOE to set, adjust or determine funding or grant criteria and methodology.

We believe that the proposed funding for planning and assessment grants to be allocated to each state is inadequate given the number of public safety agencies affected and or involved in the response to potential incidents related to the transportation of these materials.

We believe that the proposed funding for training grants to be allocated to each state is inadequate given the number of personnel who will need to be trained. In addition to the training required by OSHA in 29 CFR 1910.120 regarding hazardous materials, public safety personnel will need additional training specific to handling nuclear waste and radioactive materials. To maintain the appropriate levels of training identified and yet to be determined there will need to be new, ongoing and refresher training. This initial and ongoing training will require that overtime compensation will be necessary to provide services to our community while public safety personnel are being trained for incidents specifically related to the transportation of *spent nuclear fuel and high – level nuclear waste*.

The City of Mesquite's city limits are contiguous with the Arizona state line (Arizona Strip) and Lincoln County, Nevada. As these areas have limited public safety services, we recognize that we will be called upon to assist with incidents occurring in those jurisdictions as well. This creates an additional unfunded obligation which is not addressed in the Section 180 (c) technical or financial assistance proposals.

The City of Mesquite believes that section 180 (c) of the Nuclear waste Policy Act (NWPA) falls short of appropriately providing for the protection of the public health and safety by limiting public safety support to planning and training. The DOE's proposed plan further narrows allowable activities in such a way that local public safety agencies will be left with an enormous unfunded mandate to meet their obligation to protect the public health and safety of their residents.

We believe that the DOE has not adequately defined or assessed the types of training or technical assistance needed in our community. We believe that DOE has not adequately funded public safety related training related to Section 180 (c). We believe that directing funds to the states to administer grants creates an additional level of bureaucracy and cost which will reduce the funds received by individual jurisdictions.

The City of Mesquite considers 180 (c) funding extremely important. We believe that the present proposed funding for 180 (c) is inadequate to meet the intent of the law, and that the revised proposed approach creates and even greater hardship for our community in preparing for the opening of the Yucca Mountain Repository.

We would appreciate your reconsideration of the proposed changes identified in the Federal Register (Vol. 72, No. 140) regarding Section 180 (c) of the Nuclear Waste Policy Act of 19821;

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Holecheck".

Susan M. Holecheck
Mayor, City of Mesquite

cc: Senator Harry Reid
Senator John Ensign
Representative John Porter
Representative Dean Heller