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County of Inyo  
**Planning Department**

Yucca Mountain Repository Assessment Office  
 P.O. Drawer L, Independence, CA 93526  
 (619) 878-0380, FAX (619) 878-0382

Peter Chamberlin  
 Director of Planning

Brad Mettam  
 Project Coordinator

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U. S. Department of Energy  
 c/o Ms. Lois Smith  
 TRW Environmental Safety Systems  
 2650 Park Tower Drive, Suite 800  
 Vienna, VA 22180

RE: COMMENTS ON 180(C) NOTICE OF INQUIRY

Dear Ms. Smith:

On behalf of Inyo County, I appreciate the opportunity to comment on the issues detailed in the *Notice of Inquiry* concerning Section 180(c) of the Nuclear Waste Policy Act, as Amended (NWPAA). Inyo County is one of the ten counties designated as *Affected Units of Local Government* under the NWPAA. Inyo County is also the only non-Nevada local government involved in this program, and will not benefit from any assistance provided to Nevada. For this reason, we see the interpretation and implementation of Section 180(c) as a key component in a transportation system designed both for the safe incident-free movement of hazardous materials and the appropriate response to transportation incidents and accidents.

Emergency response in the United States is based upon system of local responders, supported by concentric circles of support agencies. Locals are assisted by regional assistance from other local responders, then state response organizations, and finally by federal response. Each level of additional response is initiated by the local response organization, based upon their ability (or inability) to cope with the emergency at hand. Historically this system has worked well. However it is based on the assumption that emergencies will differ primarily in *degree*, rather than nature. Until recent years, response to a fire in a large structure was basically the same as the response to a small structure, except for size. The hazards faced (smoke, building collapse, etc.) were similar in nature, but different in degree.

Within the last ten years, the emerging recognition of hazardous materials as a primary danger during emergency response has forced response agencies to re-evaluate their methods of operation. Especially in rural areas, these agencies have struggled to acquire the ability to recognize and respond to the presence of hazardous materials at emergency scenes. Materials considered by many response agencies to be exotic, such as radioactive materials, are still often poorly understood. This makes the successful implementation of the training and technical assistance provisions of Section 180(c) critical, as we will be addressing the response to incidents/accidents involving radioactive materials dangerous enough to require deep geologic disposal.

With this in mind, I offer the following comments on the issues in the *Notice of Intent*:

- While the delivery of hazardous materials training to local responders should be a coordinated effort, it is impossible to develop a national system for delivery of this training that will be effective in all areas. This is especially true in rural areas of the country. These areas tend to "fall between the cracks" in federal programs, which naturally attempt to deliver the information to the largest numbers of responders for the lowest cost. This use of the number of responders trained as the measure of the efficiency of a program places greater emphasis on serving larger response organizations, and less on serving smaller ones. In addition to this problem, Section 180(c) assistance is intended to provide for "...training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste...(emphasis added)". This restricts delivery of training and assistance to potentially impacted local jurisdictions. This language also does not allow states to use these funds to train their own response or inspection personnel. For these reasons, I recommend that:
  - ◆ The Department should provide 180(c) assistance directly to the States, without utilizing other existing federal programs;
  - ◆ The implementation policy should maximize the delivery of assistance and/or training funds to local responders along the planned or potential transportation routes. States should not be allowed to dilute the available resources by funding state-wide training efforts or by allocating any of the funds to programs for state response or inspection personnel;
  - ◆ The implementation policy should provide incentives for the integration of this training with existing hazardous materials response training programs, while still maximizing the delivery to local responders along planned or potential routes.
- One of the difficulties in training for radiologic response is overcoming the responder's concerns about radioactivity itself. Radioactivity is one of those "stealthy" products of modern science, undetectable by the human senses. Existing equipment available to most first responders is demonstrably cranky: sensitive to shock; complicated to operate; and requiring periodic calibration to ensure accuracy. Many jurisdictions, especially those not near reactors, either do not have detection equipment, or have an old civil defense unit, improperly stored and out of calibration, with few (if any) trained operators. For these reasons, I recommend that:
  - ◆ The Department work with external parties to develop the operational specifications for detection equipment best suited for first responder use. If equipment meeting these specifications is not currently available the Department should provide the means necessary to ensure it is developed and produced;
  - ◆ The implementation policy for Section 180(c) specifically provide for the acquisition of detection equipment in conjunction with the necessary response training.

- The development of a system(s) for the delivery of training to local responders will not be an overnight task. Providing response assistance that arrives after shipments have occurred will not meet the intent of Section 180(c), and it is likely to take several years to develop and implement the necessary policies and procedures so that training assistance is actually delivered to local responders (note the length of time taken to develop Section 180(c) implementation policy). In order to be most effective, training must be delivered sufficiently early to allow incorporation into a response organization's operating procedures, but not so early that operational effectiveness is lost prior to shipments occurring. For these reasons, I recommend that:
  - ◆ The Department ensure that the timing of Section 180(c) assistance is early enough to be effective. Given current events, I would suggest that *as soon as possible* is likely not to be early enough:
  - ◆ The commencement of specific shipping campaigns should be keyed to the effective delivery of training and technical assistance to the local responders along the route to be used (i.e. do not ship if the responders along the route have not been trained);
  - ◆ The Department should streamline the implementation of Section 180(c) wherever possible to meet the goal of effective training of local responders prior to shipping.
- While Section 180(c) specifically applies only to shipments under the NWPAA, other potential shipping campaigns are being discussed, which may be considered separate from the Department's responsibility under this section. The important issue, however, is that public confidence in the safety of the shipment of materials destined for deep geologic disposal requires the support of (or at least no active opposition by) local response organizations. For this reason, I recommend that:
  - ◆ The Department endorse, as part of its implementation policy, the provision of local response training and assistance prior to any shipping campaign of materials destined for deep geologic disposal by the Department.

I appreciate the opportunity to provide these comments, and I look forward to continued discussion of these crucial issues. Please contact me if there are any questions.

Sincerely,



Brad Mettam

cc: Affected Units of Local Government