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U. S. Department of Energy
Office of General Counsel, GC-52
1000 Independence Avenue, SW
Washington, D.C. 20585

**NOTICE OF INQUIRY CONCERNING PREPARATION OF REPORT TO CONGRESS ON
THE PRICE-ANDERSON ACT**

Thank you for the opportunity to comment prior to the Department of Energy's report to Congress concerning the continuation or modification of the provisions of the Price-Anderson Act (the "Act"). The thirty-day notice period does not allow sufficient time for the County to conduct a thorough analysis of the potential impact to local governments of changes to the Act. The following general comments are provided as an indication of the areas of concern to the County.

One of the goals of the Act is to ensure that money would be available to compensate the public in the event of an incident involving nuclear materials. By doing so, the Act intends to encourage the development of nuclear energy and demonstrate an "ability to pay" for costs incurred as a result of a nuclear accident or incident beyond the ability of an individual facility or carrier. Since the enactment of the Act in 1957, the concept of operations of the nuclear industry in the United States has changed considerably. Rather than a system where facilities routinely ship spent nuclear fuel (SNF) for reprocessing and/or disposal, we have a system that has maintained SNF at the reactor sites for the last forty years. The Department of Energy (DOE), through its Office of Civilian Radioactive Waste Disposal, is attempting to determine the suitability of Yucca Mountain for disposal of this SNF, along with the high-level radioactive wastes remaining from nuclear weapons production. Should the site prove suitable and receive a license from the Nuclear Regulatory Commission, spent nuclear fuel and high-level radioactive waste will travel from all parts of the United States to Yucca Mountain for disposal. Inyo County's proximity to the site makes it likely that at least some of the transportation routes for this effort will impact the County.

Inyo County believes the DOE Price-Anderson indemnification provisions should be continued, including the modifications made in the Price-Anderson Amendments Act of 1988 making such indemnification mandatory. In addition the Act should be amended to make it clear that Price-Anderson coverage will apply to nuclear incidents and accidents related to the transportation of SNF and high-level radioactive waste from either a private or a DOE owned interim storage facility or monitored retrievable storage facility. This coverage should include precautionary evacuation along

transportation routes. It should also include liability from the release of radioactive materials regardless of whether the materials have been diverted from the course of transportation due to theft or terrorist action.

The Act should also be amended to require the DOE to order its contractors to waive immunity defenses for nuclear incidents and accidents involving SNF and high-level radioactive waste. This should include contractors employed through “privatization” efforts, as well as contractors employed directly or through management and operations contracts.

Local government is charged with the initial response to transportation incidents. In Inyo County, as in many other rural areas of the United States, other responders will require a significant amount of time to arrive with specialized equipment and the personnel trained to operate it. This characteristic of local government as the first line of defense places the responsibility and expense for initial reaction squarely on local government. The Act and the DOE indemnification provisions are essential both as a means of reimbursing the expense incurred and as a means of assuring the public that such a mechanism exists.

If you have any questions concerning these comments, please contact me.

Sincerely,

Brad Mettam
Yucca Mountain/Special Projects Coordinator