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January 29, 1998

U.S. Department of Energy
Office of General Counsel, GC-52
1000 Independence Ave. SW
Washington DC 20585

RE: Price-Anderson Act

To Whom It May Concern:

In response to the Federal Register notice of December 31, 1997 requesting public comments on the Price-Anderson Act (PAA), Eureka County, Nevada is submitting these comments. Eureka County is one of the affected units of local government under the Nuclear Waste Policy Act of 1982 as amended. With potential socioeconomic, environmental and transportation impacts, we have a strong interest in oversight of the DOE's Yucca Mountain project activities, including transportation impacts and consequences.

In considering possible changes to the Price-Anderson Act, we approach the question based on the uncertainties of the future of Yucca Mountain and nuclear waste transportation to a repository or other site in Nevada. DOE should evaluate the present and future functionality of Price-Anderson based on how the insurance coverage will apply to the situations and proposals being made for the transportation of spent nuclear fuel and high level waste.

Some points to consider:

In the case of claims from transportation of nuclear waste from a nuclear power utility to a repository, will that funding come from the DOE portion of PAA or from the utility funded portion? What is the role of the Nuclear Waste Fund as a financial backer for activities related to Yucca Mountain transportation?

Presently the burden of proof is on the claimant or victim to prove bodily injury from a nuclear accident. In the case of nuclear waste transportation, where the residents of the state did not choose to assume the risks but were forced to take them, similar to the situation with the Down winders, the burden of

proof should be on the government or utility to disprove the claim. Overall, residents should be adequately compensated without having to sicken or die before justice is served.

DOE must look closely at the issue of coverage for private contractors proposed to be hired to haul nuclear waste from utilities to repository. Currently DOE only imposes civil penalties with respect to DOE Nuclear Safety Requirements. Should this be broadened so that contractors will be fully subject to civil penalties even if they are covered for liability? Will this help to improve safety?

A special concern of Eureka County's is for the emergency response personnel and emergency medical personnel that might be involved in the event of a nuclear transportation accident. How does Price-Anderson treat volunteers in this capacity? We believe that volunteers and citizens exposed to radiation should be fully covered and compensated for present and future health effects.

DOE uses PAA as a reassurance to the public that in the event of an nuclear accident, they will be taken care of by the government. With the substantial increase in nuclear transportation likely to occur during the period of the next PAA renewal, it is essential for the DOE to find ways to improve PAA or propose an alternate method. The public must be truly fully insured from the impacts and health effects of nuclear transportation and handling accidents.

Thank you for considering our comments.

Sincerely,

Leonard J. Fiorenzi
Nuclear Waste Project Director

cc: Sandy Green
Abby Johnson