

January 30, 1998

U.S. Department of Energy  
Mr. Ben McRae  
Office of General Counsel, GC-52  
1000 Independence Ave. S.W.  
Washington, D.C. 20585

Re: Price-Anderson Act

Dear Mr. McRae;

In response to the Federal Register notice date December 31, 1997 requesting public comment on possible revisions to the Price-Anderson Act (PAA), Churchill County, Nevada is submitting these comments. Churchill County is one of ten affected units of local government designated as such by the Nuclear Waste Policy Amendments Act of 1987.

The Nevada Test Site has become one of the largest low level radioactive waste storage sites in the United States. Significant quantities of wastes from sites across the country are designated for shipment to the Nevada Test Site. In addition, over 70,000 metric tons of high level radioactive waste are bound for Yucca Mountain, Nevada if and when a repository opens. As a result, thousands of shipments of both high and low level wastes will pass through corridor communities and converge on Nevada.

PAA is an important component for radioactive waste transportation and management activities. The original intent of PAA to provide broad protection to the public for nuclear incidents should remain intact whether or not the cause of a nuclear incident is due to willful misconduct and gross negligence. PAA's main concern is the liability created as a result of a "nuclear incident". Human error, no matter how willful or negligent, is an inherent risk associated with nuclear materials and it should not affect liability coverage once an incident occurs. Additional civil and criminal provisions could be added to address negligent behavior which results in a nuclear incident.

With respect to high level and spent nuclear fuel shipments, DOE is considering the privatization of transportation and handling activities. Private contractors will be working for and on behalf of the United States government. Therefore, it is difficult to imagine a situation where PAA coverage should be different than coverage which would be extended to shipments

handled directly by DOE. PAA coverage should also be extended to waste shipments to private independent spent fuel storage installations by requiring the Nuclear Regulatory Commission to indemnify all of its licensees. Coverage should also be extended in the event of theft, sabotage or diversion.

Finally, PAA should be consistent across jurisdictions with respect to proof of causation. Revisions to PAA should set forth standardized criteria of exposure and resulting illness related to waste transportation shipments and nuclear incidents. Currently, an injured person must prove a related illness is due to a nuclear incident and not caused by other factors.

DOE uses PAA as public reassurance for liability associated with nuclear incidents. Any revisions to PAA should not diminish this role, but instead build upon it.

Thank you for your consideration of these comments.

Sincerely,

Alan F. Kalt  
Churchill County

cc: Board of County Commissioners  
Affected Units of Local Governments  
State of Nevada