



Nye County, Nevada

Bearing The Nation's Nuclear Waste Burden

Nye County Department of Natural Resources and Federal Facilities
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Nye County Comprehensive Community Protection Plan

Nye County White Papers

Nye County is home to the Nevada Test Site, where over 900 nuclear tests have been conducted, and where two low-level nuclear waste disposal facilities are currently in operation.

Nye County is being considered by Congress as the site for storage and disposal facilities for all of the nation's high-level nuclear waste and spent nuclear fuel.

The Nye County white papers are intended to inform interested parties about Nye County and the issues associated with these current and prospective facilities. For more information contact:

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Yucca Mountain, Nevada has been designated by the U.S. Congress as the nation's candidate site for deep geologic disposal of spent nuclear fuel and high-level nuclear waste. Legislation currently before Congress designates the Nevada Test Site adjacent to Yucca Mountain as the location for interim storage of spent nuclear fuel until such time as a repository is licensed and operating.

Both Yucca Mountain and the Nevada Test Site are located entirely within the boundaries of Nye County, Nevada. All transportation routes to Yucca Mountain will pass through and terminate in Nye County.

Nye County has maintained a position of neutrality throughout the process to characterize Yucca Mountain. Nye County oversight efforts have focused on determination of the suitability of Yucca Mountain as a geologic repository and the potential environmental, socioeconomic, and health and safety effects of nuclear waste storage and transportation.

In view of progress in the Yucca Mountain program, and the pending legislation before Congress to

Goal

The goal of the *Nye County Comprehensive Community Protection Plan* is to ensure that needed mechanisms are in place to allow the Nye County Board of Commissioners to fulfill their statutory duty to protect the health, safety and economic wellbeing of Nye County residents and visitors now and into the indefinite future.

revise the Nuclear Waste Policy Act, the Nye County Board of Commissioners have prepared this *Comprehensive Community Protection Plan*.

This plan is not intended, nor should it be construed, as an endorsement of efforts to site high-level nuclear waste storage or disposal facilities in Nye County, rather the plan is intended to outline the measures which would be required to protect the health, safety and economic-wellbeing of Nye County residents should such facilities be mandated by Congress.

Precedents

The provision of protections and equity offsets for communities that

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host nuclear waste storage and disposal facilities is not a new concept. The idea that the parties that benefit from waste disposal should provide protections and equity offsets to the party that bears the burden is well accepted in the field of hazardous and noxious facility siting. For example:

- The City of Carlsbad and other New Mexico entities negotiated the establishment of an environmental monitoring and research center and an advanced manufacturing and innovation training center in anticipation of the opening of the Waste Isolation Pilot Plant facility. DOE also created a Carlsbad Area office and relocated decision-making positions to Carlsbad.
- The State of Idaho recently negotiated conditions for hosting interim storage facilities for high-level nuclear waste and spent nuclear fuel.
- The Operating Procedures of the Nuclear Waste Negotiator, created by the 1987 amendments to the Nuclear Waste Policy Act, authorized the Negotiator to consider a variety of protections and equity offsets for an interim storage facility host State or Indian tribe.
- The City of Oak Ridge and Roane County, Tennessee developed a detailed and comprehensive package of conditions for hosting a monitored retrievable storage facility for high-level nuclear waste.

Elements of the Nye County Plan

The Nye County *Comprehensive Community Protection Plan* contains seven elements. Given the uncertainty accompanying the unprecedented timeframes for high-nuclear waste disposal, each element is designed to allow the county some flexibility in responding to unforeseen events and

Elements of the Plan

- 1 Ongoing Institutional Oversight
- 2 Health and Safety Protections
- 3 Emergency Preparedness
- 4 Nuclear Waste Transportation
- 5 Centralized Interim Storage
- 6 Institutional and Financial Assurances
- 7 Economic Impact Avoidance

conditions.

1. Ongoing Institutional Oversight

The Nye County Board of Commissioners have a statutory duty to protect the health, safety and economic well-being of Nye County residents and visitors. While national and state interests are concerned with protecting the generic public, no other government agency is focused specifically on protecting Nye County residents. Therefore, Nye County must be able to exercise some level of control over management of high-level nuclear waste facilities operating within the county. Necessary protections include:

- Extension of monitoring and oversight provisions of Section 117(d) of the NWPA past the granting of a license for the full life of an interim storage or repository facility.
- Funding for Nye County oversight of the DOE program (transportation, interim storage construction and operation, repository construction and operation, long-term monitoring) should be guaranteed via a Congressionally established trust fund.
- Establishment and funding of an international center for research and development on radioactive waste management within Nye County .
- Establishment and funding of scientific, technical and vocational education facilities and distance

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learning programs in southern Nye County to ensure the availability of a local, technically competent workforce to staff the center, the centralized interim storage and permanent repository facilities and the Nye County oversight program.

- Nye County should be afforded a meaningful oversight role in waste acceptance, repository management and closure and decommissioning decisions. The county should be empowered to convene a Nuclear Regulatory Commission review if predetermined performance standards are breached.

2. Health and Safety Protections

Nye County residents will be the closest human beings to the proposed high-level nuclear waste repository and storage facilities and all transportation routes pass through and end in the county. Consequently, Nye County's overriding concern is that the health and safety of its residents be protected in both the short and long terms. Necessary protections include:

- A baseline on health conditions and radiological exposure of Nye County residents within the vicinity of Yucca Mountain should be completed prior to the initiation of shipments to a waste storage or disposal facility.
- Residents should be offered periodic physical exams and preventive medical care at locally operated medical facilities.
- DOE should provide funding for Nye County medical facilities to develop and maintain capabilities for emergency treatment of radiological exposure, conduct physical exams associated with radiological monitoring, provide preventative medical care, and provide medical services for the Yucca Mountain Project workforce.

3. Emergency Preparedness

Nye County must be prepared to respond to any accident or release of radiological materials, at any point

in the county including transportation routes. Necessary protections include:

- Shipments to a repository or interim storage facility should not occur until the Board of County Commissioners has certified that county emergency response organizations are prepared to effectively respond to accidents and releases involving radioactive materials.
- Financial and technical assistance for site-county emergency responders should be provided to develop the personnel, training and equipment resources necessary to respond to radiological accidents and releases at any point along the waste transportation routes.

4. Nuclear Waste Transportation

Nye County is concerned about the transportation of nuclear wastes through the county and its communities, and about the performance of DOE and its contractors as managers of an unprecedented large-scale and long-term shipment campaign.

- All shipments of spent fuel/high-level nuclear waste to storage or disposal facilities in Nye County should use a route across the Nellis Air Force Range and Nevada Test Site. If such a route is infeasible, all shipments should be by rail. Any rail route to spent fuel/high-level nuclear waste storage or disposal facilities in Nye County should avoid communities and public highways and roads as much as possible. Rail routes should be selected in consultation with Nye County officials.

5. Interim Storage

The following measures are required to protect Nye County and its residents in the event that the federal government requires centralized interim storage of commercial spent reactor fuel at the Nevada Test Site:

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- Shipments of spent nuclear fuel to a centralized interim storage facility should be intact assemblies that have been discharged from reactors at least 15 years prior to the date of shipment.
- Centralized interim storage in Nevada, if approved/required by Congress, should be limited to no more than 20,000 MTU and 20 years from the date of first acceptance unless an expansion of the amount and/or extension of the time is approved by the site county.
- The license for a centralized storage or repository facility in Nevada should include a statement of financial capability from the General Accounting Office.
- DOE should make annual payments to the host county of \$1,000 (in 1999 dollars, adjusted for inflation) per MTU of spent nuclear fuel or high-level waste stored in an interim storage facility beyond the 20 year license term.

6. Economic Impact Avoidance Measures

These measures are designed to demonstrate that Congress considers waste storage and disposal facilities to be safe and also to compensate for the loss of development that might choose to avoid locating near high-level nuclear waste/spent nuclear fuel storage and disposal facilities.

- Congress should transfer federal (BLM) land to Nye County and its communities to accommodate current needs, provide for public infrastructure and for an environmental enterprise zone.
- DOE should office 33 percent of total Office of Civilian Radioactive Waste Management (OCRWM) employees within Nye County during construction and operations of a centralized interim storage facility and 50 percent of total OCRWM employees during construction and operations of a permanent repository. DOE

should provide incentives to encourage OCRWM employees to reside in Nye County.

- DOE should procure 40 percent of its annual requirement of goods and services for a centralized interim storage facility or permanent repository from Nye County vendors. DOE should develop incentives for vendors to locate in Nye County, including waste canister production and maintenance facilities and other ancillary high-level waste management activities.
- Congress should establish a process to secure new water rights for Nye County, and obtain environmental clearances and build conveyance systems to provide access to water to protect the county in the event of contamination of its water supply.
- Congress should provide property value insurance to Nye County residents and businesses in communities near Yucca Mountain and along nuclear waste transportation corridors.
- Congress should designate an Environmental Enterprise Zone in Nye County, adjacent to federal nuclear and defense facilities, for as long as high-level nuclear waste and spent nuclear fuel is stored or buried in the county. This designation would provide tax incentives and performance grants and loans to qualified businesses.

7. Long-Term Financial Assurances

There is a significant potential that implementation of a program to permanently dispose of spent fuel/high-level nuclear waste could be initiated early in the 21st century without assurance that its long-range financing supports full implementation with assurance of safety in the site county.

- Congress should assure the site county that adequate funds will be available to remedy any unforeseen contingencies or contamination at the Yucca Mountain site. One mechanism to provide this assurance could be a trust fund earmarked for Yucca Mountain contingencies and no other purpose.