

Clark County Local Emergency Planning Committee

January 27, 2009

Mr. Frank Moussa
U.S. Department of Energy
c/o Patricia Temple
Bechtel SAIC Company, LLC
955 N. L'Enfant Plaza, SW, Suite 8000
Washington, DC 20024

Re: FR E8-26018 10/30/08 – OCRWM: Safe Routine Transportation and
Emergency Response Training; Technical Assistance and Funding
(Section 180(c) of the Nuclear Waste Policy Act)

Dear Mr. Moussa:

This letter is in response to the above-referenced notice on the revised policy document setting forth revised plans for implementing Section 180(c) of the Nuclear Waste Policy Act. This letter supplements comments previously made to the 2007 draft policy document on January 22, 2008, and submitted by the Clark County Local Emergency Planning Committee (LEPC). We request that our 2008 comments be incorporated herein by reference, and that the following additional comments be formally accepted and considered. These additional comments are general in nature, and we reserve the opportunity to provide more detailed comments in a subsequent draft of the policy, should such a draft include a response document or reflect any of our suggested revisions.

We support the change in the draft wherein the term “emergency response” in the proposed policy has been replaced with “emergency management,” allowing for a broader variety of activities eligible for funding under the program. This is especially important considering the broad definition of “first responder” as listed in Homeland Security Presidential Directive 8 as follows:

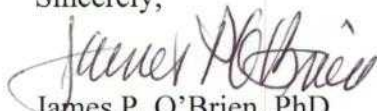
The term "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.

We do not support the change in the policy statement which has been revised to state that the DOE "will help State, Tribal and local officials prepare for OCRWM shipments," rather than the original policy statement that said that DOE would "provide funding as appropriate to ensure that State, Tribal and local officials are prepared for OCRWM shipments." In our view, this change signals a significant shift in commitment if the DOE moves from "ensuring" to "helping" to provide the required provisions of this policy.

We chose not to answer the questions asked about funding, etc., at the conclusion of the policy document, as we continue to believe that the funding formula as outlined in the policy is flawed and inadequate. We support a needs-based funding policy and process should shipments to Yucca Mountain become necessary, using valid models, data, and assumptions.

Thank you for considering these comments in addition to those previously submitted in January 2008.

Sincerely,



James P. O'Brien, PhD
Chairman