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February 11, 1998

Contracting Officer

HR-54 - Division B, Draft RFP Number DE-RP01-98RW00320

U.S. Department of Energy

1000 Independence Avenue, S.W.

Washington, DC 20585

Dear Contracting Officer:

Eureka County, Nevada, is one of the affected units of local government under the Nuclear Waste Policy Act of 1982 as amended. In a May 14, 1997, letter to the Department of Energy, we provided comments on the draft Request for Proposal for privatizing transportation to a repository. We appreciate the opportunity to provide additional comments on the revised draft.

Standardization of equipment

With at least two Regional Servicing Contractors (RSCs) and possibly four each procuring casks from manufacturers, we believe it is essential for the DOE to ensure that there is standardization of this procurement. Our concern is that without some sort of "big picture" guidance, the RSCs will procure slightly different containers that may meet the individual specifications for their territory, but may create problems at the repository end, with lack of uniformity. This is analogous to directing the RSCs to throw a ball, without specifying which kind of ball to throw (baseball, football, basketball). The repository facility should not have to be designed to catch all kinds of balls. Through standardization of canister procurement, this problem can be addressed.

Rail vs. truck

While the RFP language intimates that rail is preferable to truck, this should be clearly stated in the RFP.

Dedicated trains

While the **use** of dedicated trains is alluded to in **the draft RFP**, it **should** be stated **outright**. The RSC may choose not to use dedicated trains. If DOE is **truly** concerned about safety, dedicated trains should be required.

Cost

Throughout the *draft RFP* there is too much emphasis on **cost** in relation to safety. It is essential that the transportation of nuclear waste not cut corners, nor should the public perceive it to be **penny wise and pound foolish**. If the contractor is motivated **by** keeping costs down **and** profits up, it is possible that safety precautions could suffer. **Unlike** some other kinds of cargo, this is one that needs to be fail-safe. This method does not encourage, let alone guarantee, safety.

Local and regional participation

The *draft RFP* does not contemplate participation **on** the part of affected **states and** regional entities regarding contractor selection. The decisions made about who will be selected to transport the nuclear waste **will have** a profound effect on states **and** regions. DOE should take the opportunity to **involve these** entities in reviewing proposals and in having input into **the** decisions, **through** consultation **with** the jurisdictions.

Reporting to states

The *draft RFP* should require the RSCs to report directly to **states** on a frequent basis.

Involvement of the public

It is our understanding that DOE contemplates that the RSCs will hold **public meetings and** be responsible for communicating directly **with** the public about route selection. If **this is the case, the RFP should** expressly state **this**. Currently it is ambiguous, **and discusses** consultation **with** local **and** state agencies, which is different **from** the public.

Special consideration *for* host states

It is essential that DOE **and** the RSCs acknowledge the special role of the host state in **transportation** to a repository. The host state should be **given** special consideration through consultation, **and** to be **fully informed and** involved in the shipping campaign information.

Coordination of RSC activities

Overall, **DOE** must be the responsible party and leader in **making** sure that there is full coordination between DOE, the **RSCs**, and the states and local governments that will be impacted **by** their transportation actions and **decisions**. This role **should** be clearly **stated** in the **draft** RFP.

Transportation safety

Recently **in Nevada** we have had the unsettling experience of learning **that** low level radioactive waste shipments by a **private** contractor **from Fernald** to the **Nevada Test Site** were not adequately **monitored** by the DOE. The contractor procured the **containers** which **did not meet standards**. **The material** was still shipped across the country to Nevada even **after it was demonstrated** at the site of shipment that the container **was** inadequate.

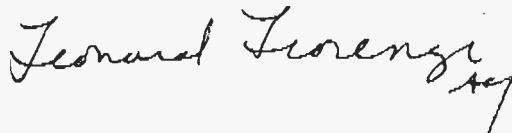
Learning from this experience, the **public** needs **more than promises from** DOE that everything will be **safe**. The **draft RFP and DOE** plans and procedures must include the specifics **of** how DOE will assure that the contractors are not cutting corners at **the** expense of public safety. The promise **that** the contractor won't be paid if the shipment is not delivered safely is not enough assurance for members of the public who may be faced **with** contractor incompetence.

Conclusion

We still believe that privatization **as** proposed **will** result in a hodgepodge of routes, **modes, and** carriers, difficult to oversee, **and** vulnerable to error. We encourage DOE to modify their plans to address our concerns.

Thank you for considering **our** comments.

Sincerely,



Leonard Fiorenzi
Public Works Director
Eureka **County**

cc: Abby **Johnson**
State of Nevada NWPO