



Western Interstate Energy Board/ WINB

September 12, 1996

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Daniel A. Dreyfus, Director
Office of Civilian Radioactive Waste Management
RW-1 Room 5A-085
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Dreyfus:

Enclosed are the comments of the Western Interstate Energy Board's High-Level Radioactive Waste Committee on the Department of Energy's *Notice of Proposed Policy and Procedures for Safe Transportation and Emergency Response Training; Technical Assistance and Funding* for the transportation of spent nuclear fuel and high-level radioactive waste.

The Committee appreciates the opportunity to provide input during the Department's process of developing its program for implementing assistance to states under Section 180(c) of the Nuclear Waste Policy Act (NWPA). The Committee finds the 180(c) policy outlined in the current *Notice* unacceptable because it ignores the policy decisions made by Western Governors over the past five years as stated in various resolutions of the Western Governors' Association, and because it is totally inadequate to protect the public health and safety.

The Committee's analysis strongly supports the position of Western Governors that the *Notice* jeopardizes western states' ability to assure the safe and uneventful transportation of NWPA shipments. In preparing to receive such shipments, the funding of individual state and tribal programs must be based on specific assessments of need performed by states and tribes. DOE should not attempt to impose its own arbitrary funding formula on these jurisdictions.

It is unfortunate that the *Notice* ignores DOE's successful experience with cesium shipments and with the preparations for WIPP shipments. This experience demonstrates that the first step in preparing to receive nuclear waste shipments must be a state assessment of needs along shipping corridors. Even a cursory estimate of the amount of funds which would be provided to states under the program outlined in the *Notice* reveals a serious lack of funding for critical activities and clearly illustrates the inability of the federal government to properly assess individual state and tribal needs.

The Committee does not believe that NWPA shipments can occur in early 1998 without jeopardizing the health and safety of western citizens in corridor states. Beyond 1998, for shipments to occur safely, the Committee urges OCRWM to alter its approach in the *Notice* in order to implement a Section 180(c) program which is grounded on an assessment of needs along

shipping corridors.

Finally, the Committee respectfully reminds the Department of the western governors' position that no shipments of spent fuel and HLW shall be made to storage facilities or a repository until the Department has identified shipping routes and Section 180(c) funds and assistance have been made available to states at least three years prior to the start of shipments.

The Committee looks forward to working with DOE to fashion a more workable approach to implementing Section 180(c).

Sincerely,



Daniel Nix, Co-Chair
High-Level Radioactive Waste Committee



Richard Moore, Co-Chair
High-Level Radioactive Waste Committee

cc: Corinne Macaluso