

December 12, 2006

**WESTERN INTERSTATE ENERGY BOARD**  
**1515 Cleveland Place, Suite 200**  
**Denver, CO 80202**

010089

**Fax Transmittal Sheet**To: DOE-OCRWMFrom: Scott FieldFax: 800-967-0739Sending Fax: 303-534-7309Attn: Dr. Jane SummersonVoice: 303-573-8910 x126Re: NOI CommentsPages Including Cover 4Message:

Dr. Summerson,

Attached are the comments of the Western Interstate Energy Board (WIEB) High-Level Radioactive Waste Committee on the Department's Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV.

If you have any questions or concerns regarding these comments, please feel free to contact me at the above number. Thank you,

Scott



# Western Interstate Energy Board/ WINB

December 12, 2006

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Dr. Jane Summerson  
EIS Document Manager  
Regulatory Authority Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1551 Hillshire Drive, M/S 010  
Las Vegas, NV 89134

**Re: Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV.**

Joanna Prukop  
Chairman

Dear Dr. Summerson:

Douglas C. Larson  
Executive Director

We are writing to you to submit comments regarding the above U.S. Department of Energy (DOE) Notice of Intent announced in the Federal Register on October 13, 2006, on behalf of the following state members of the Western Interstate Energy Board (WIEB) High-Level Radioactive Waste Committee: Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. We urge DOE to conduct a full and comprehensive analysis of the transportation impacts of the changes in repository design, particularly the transport, aging and disposal (TAD) canister system, in the Supplemental EIS.

Since 1985, the Western Governors have passed a series of Resolutions stating that "the safe and uneventful transport of nuclear waste...must be paramount in all federal policies regarding nuclear waste transportation."<sup>1</sup> To achieve this goal, the Draft EIS must fully assess the effects, positive and negative, that implementation of the TAD system would have on safe and uneventful transportation. Similarly, the Draft EIS must fully assess characteristics of the TAD that could mitigate or exacerbate the consequences of an accident, with or without a release of radioactive materials.

The Western Governors have stated that DOE must conduct "a thorough review of the risks of terrorism and sabotage against spent fuel and (High-Level Waste)

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<sup>1</sup> Western Governors' Association Resolution 05-15 *Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste*.

Dr. Jane Summerson  
December 12, 2006  
Page Two

shipments"<sup>2</sup> to insure adequate safeguards are in place prior to the start of shipments. This review must be conducted as part of the EIS, before the final mode and route determinations are made. While many details of such a study will presumably be classified, the Draft EIS needs to include declassified information on what types of concerns were evaluated, the methods used for evaluation, and the general results of that review.

The Supplemental EIS must give particular attention to the transportation impacts of deploying the TAD system, and compare these impacts with the transportation impacts evaluated in the Yucca Mountain FEIS. The proposed implementation of the TAD system raises a wide range of logistical, legal, regulatory, repository performance, criticality, transportation, design, thermal management, and waste handling issues. The Supplemental EIS must also fully analyze and address the issues raised in letters from the Nuclear Regulatory Commission (Kokajko to Williams, August 10, 2006), and the Nuclear Waste Technical Review Board (Garrick to Golan, June 14, 2006).

The Supplemental EIS must also evaluate the potential for use of the TAD system at each origin site, to assess what percentage of shipments DOE can realistically expect to receive in TAD canisters. The Supplemental EIS must address the possibility that this percentage may in fact be significantly lower than the 90% envisioned in the Notice. This is especially crucial, in that it does not appear that the Department has the ability to force utilities to use the TAD canister if the utilities do not find it desirable to do so.

For those origin sites for which TAD shipments are not feasible, the Department must further identify whether those sites are likely to ship using other rail casks or legal-weight truck casks, and what effect that decision will have on transportation, particularly mode and route selection. The Supplemental EIS must consider a credible range of modal mix scenarios, and provide resulting shipment numbers under each scenario.

The Supplemental EIS must also consider a credible range of radiological characteristics for the commercial spent fuel shipped to the repository under the high thermal loading scenario, and evaluate the implications for routine transportation exposures, severe transportation accidents resulting in release of radioactive materials, and successful acts of sabotage against repository shipments. The transportation impacts of this proposal must also be evaluated in light of the recent recommendation by the National Academy of Sciences to ship "older fuel first," a position shared by many other stakeholders.

In closing, we believe strongly that the quantity and quality of public meetings held in connection with this NOI were inadequate. No public meetings were held in the States of California or Utah, and the meetings that were held in Nevada did not provide sufficient opportunity for a public exchange of information. When the Draft EIS is released, we trust that the Department will hold public meetings in all potentially affected

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<sup>2</sup> Ibid.

Dr. Jane Summerson  
December 12, 2006  
Page Three

communities, both along the proposed new rail alignments and along existing impacted rail lines. Furthermore, those meetings should follow the format that DOE has traditionally used for public input, by allowing members of the public to make comments publicly, rather than in private to a transcriber.

We appreciate the opportunity to comment on this Notice. Please feel free to contact either of us, or WIEB staff, if you have any questions concerning our comments.

Sincerely,



Joe Strolin  
Committee Co-Chair



Barbara Byron  
Committee Co-Chair