March 3, 1998

The Honorable Federico Peña
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary Peña:

At the Second Joint Meeting of the Regional Radioactive Waste Transportation Committees on December 9-10, 1997, in Las Vegas, Nevada, five of DOE’s regional cooperative-agreement groups¹ — representing over 40 states — reached consensus on three key issues related to the Department’s transport of radioactive materials. For such a large number of states, with a great diversity of interests, to come to agreement on major transportation issues underscores the now almost universal recognition of the importance of these principles to the safety of radioactive waste transportation. We are very pleased, therefore, to write on behalf of these groups to express their common policy positions on the subjects of 1) transportation planning, 2) privatizing transportation services, and 3) route selection.

Transportation Planning

The regional cooperative-agreement groups reached consensus with regard to transportation planning on the following points:

- State concerns related to planning, mode and route selection, training, funding, notification, and monitoring are similar for the various transportation programs.

- A consistent method for state/DOE coordination can be applied across all the various transportation programs.

¹The five cooperative-agreement groups participating in the December 1997 Joint Meeting were the Western Interstate Energy Board’s High-Level Radioactive Waste Committee; the Council of State Governments’ Midwestern High-Level Radioactive Waste Committee and Northeastern High-Level Radioactive Waste Transportation Task Force; and the Southern States Energy Board’s Advisory Committee on Radioactive Materials Transportation and Transuranic Waste Transportation Working Group.
• The WIPP Transportation Safety Program Implementation Guide (developed by the Western states working through the Western Governors’ Association) is an excellent framework for transportation planning, and a similar document should be used as a base document for DOE’s various transportation programs.

Privatizing Transportation Services

The Department of Energy’s regional cooperative-agreement groups believe that the privatization of radioactive waste transportation programs must be accomplished without jeopardizing the agreements and relationships which the states and the Department have developed over the past decade. To be successful any plan to privatize shipments of highly radioactive materials must involve a strong DOE commitment to maintain control over transportation institutional programs. These responsibilities cannot be delegated to a private contractor.

In addition, states believe that DOE should not delegate to a contractor any of the following responsibilities: 1) interacting with states, tribes, and affected units of local government with regard to potential shipping campaigns; 2) the selection of the routes to be used for shipping; 3) the preparation of an environmental impact statement addressing transportation impacts; 4) working with states and tribes to develop plans covering transportation issues such as communications, training, and security; and 5) decisions regarding the provision of adequate technical assistance and funding to states and tribes to prepare for shipments. In formulating each of these critical policy decisions, DOE must consult extensively with affected states and tribes.

Routing

The states participating in the Second Joint Meeting agreed that route planning can and should be accomplished through a consultative approach involving DOE and its regional cooperative-agreement groups. As state representatives, we have the duty to protect the health and safety of the public from the possibility and consequences of transportation accidents. As a result, we have a responsibility on behalf of our citizens to be involved from the outset in selecting the routes for major movements of radioactive materials. Several states, in fact, have taken the step of introducing legislation that will strengthen the role of the state government in designating acceptable routes for shipping radioactive materials.

The sheer magnitude of DOE’s planned shipping activities over the next three decades highlights the need for greater cooperation between the Department and the affected state governments. Through the year 2035, DOE shipments of high-level radioactive materials will affect a total of 45 of the contiguous states. The multiplicity of available routes, coupled with the scarcity of resources for training state and local personnel, makes it imperative that the Department adopt a more coordinated approach to selecting the routes for these shipments.

Ideally, this approach would achieve three goals. First, it would promote both the safety and public acceptance of the shipping routes by making the federal government, rather than a
private carrier, ultimately accountable for route selection. Second, it would permit the most efficient use of federal and state training resources by reducing the total number of routes. Lastly, it would provide states and communities sufficient time to prepare for shipments by identifying national routes well before shipments begin. Early identification of routes would, for example, make it possible for states to evaluate route segments within their jurisdictions and designate alternative routes as appropriate for safety reasons.

The Department of Energy can achieve these important goals for all its major transportation programs by following a process similar to that established for the Waste Isolation Pilot Plant program. Under this approach, the Department would work through its regional cooperative-agreement groups to propose a set of shipping routes to the affected states for their review and comment. This process should begin well before the actual start of shipments, particularly if states will be eligible to receive federal assistance for training inspectors and emergency responders along the routes. The end result of the process would be a set of primary and secondary routes from each site of origin to each destination. DOE would require the use of these routes through mandatory contract provisions with any private contractors. We believe the Department should adhere to this process for all large-scale shipping campaigns involving radioactive materials.2

Conclusion

Through its regional cooperative agreements, the Department has supported the development of a vast network of state officials with expertise in radioactive waste transportation. We strongly urge DOE to tap this valuable resource by calling upon the regional groups to do the work they are uniquely qualified to do. In co-signing this letter, we demonstrate not only a willingness but a deep commitment to working together to achieve the shared goal of safe radioactive materials transportation.

We thank you for the opportunity to present our united position to you, and we look forward to your reply.

If you have any questions about this letter, please contact Lisa Sattler at CSG-MW (630/810-0210), Phillip Paull at CSG/NRC (802/223-4841), Christopher Wells at SSEB (770/242-7712), or Dale DeCesare at WIEB (303/573-8910).

Sincerely,

Ken Niles, Deputy Administrator
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Co-Chair, WIEB High-Level Radioactive Waste Committee

Captain Allan Turner,
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