



**Western Governors' Association
Policy Resolution 2014 - 05**

***Transportation of Radioactive Waste and
Radioactive Materials***

A. BACKGROUND

1. Large amounts of radioactive waste have been, and will continue to be, transported through Western states, both as a result of environmental cleanup of federal sites involved in the development and manufacture of nuclear weapons and for storage or disposal of spent nuclear fuel used to generate electricity.
2. The Waste Isolation Pilot Plant (WIPP) located in New Mexico was constructed to serve as a permanent repository for defense-related transuranic (TRU) waste. On March 26, 1999, WIPP received its first truck shipment of TRU waste from the Los Alamos National Laboratory.
3. Since that date, the WIPP shipping campaign has demonstrated the safe transportation of TRU waste. Approximately 10,483 shipments of Contact Handled waste and 629 shipments of Remote Handled waste have been disposed of at the WIPP facility as of June 1, 2013. During that time, only a few minor incidents have occurred while shipments were en route. None of these incidents resulted in serious injury or a release of radioactive material into the environment.
4. More than 90 percent of the existing inventory of TRU waste is located in Western states. At Department of Energy (DOE) facilities in Western states, millions of cubic feet of TRU waste -- some mixed with hazardous chemical waste -- await permanent disposal.
5. The success of the WIPP TRU waste transportation campaign is directly attributable to a collaborative partnership and planning effort between DOE and the Western states to develop and implement the Western Governors' Association (WGA) WIPP Transportation Safety Program.
6. The 2006 National Academy of Sciences National Research Council (NAS) report, "Going the Distance?: The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States", provides a comprehensive set of findings and recommendations that provide a sound basis for planning future spent fuel and high-level waste shipping campaigns.

**EXHIBIT S – HLRW
Document consists of 3 pages.
Entire Exhibit provided.
Meeting Date: 02-21-14**

B. GOVERNORS' POLICY STATEMENT

1. Western Governors' believe that the safe and uneventful transport of radioactive materials and spent nuclear fuel must be paramount in all federal policies regarding such transportation and with regard to all transportation modes, including truck and railway.
2. The Governors support existing federal radioactive waste transport safety requirements designed to protect public health and safety, including the Hazardous Materials Transportation Authorization Act.
3. Early coordination and effective communication with state, tribal and local governments are essential to the ultimate success of any nuclear waste transportation safety program.
4. The WIPP Transportation Safety Program Implementation Guide is an excellent model for transportation planning, and a similar guide should be used as a base document for DOE transportation programs for shipments of spent nuclear fuel, High Level Waste (HLW), and/or Greater Than Class C (GTCC) waste to any storage and/or disposal facility.
5. If DOE decides to transport spent nuclear fuel, HLW, GTCC or TRU waste by rail, the federal agencies, working with states to design a transportation system, should receive full commitment and cooperation from the rail industry in implementing best practice transport. Congress or the DOE may need to explicitly address this need, in order to provide a firm basis for transportation system design.
6. The WGA WIPP Transportation Safety Program is essential to the expeditious cleanup and disposal of TRU waste from the U.S. nuclear weapons complex and the operation of WIPP. Western Governors expect DOE to fulfill commitments made by the Secretaries of Energy as set forth in Memorandums of Agreement with WGA signed in 1995, 2003 and 2009.
7. DOE must continue to comply with both the letter and spirit of all applicable requirements specified in the WIPP Land Withdrawal Act (Public Law 102-579, as amended by P.L. 104-201).
8. The Governors also expect DOE to follow the safety standards, principles and procedures as contained in the WIPP Transportation Safety Program Implementation Guide, as amended, for the transport of all TRU waste, whether to WIPP or to an interim site for storage, characterization and/or repackaging.
9. DOE must continue to provide sufficient and timely in-kind, financial, technical and other appropriate assistance to any state or Indian tribe through whose jurisdiction TRU

waste will be transported for the purpose of planning, developing and implementing the WGA WIPP Transportation Safety Program.

10. The Governors believe it is the responsibility of the generators of spent nuclear fuel and HLW and the federal government, not the states and tribes, to pay for all costs associated with assuring safe transportation, responding effectively to accidents and emergencies that may occur, and otherwise assuring public health and safety. This includes costs associated with route evaluations and inspecting and escorting shipments.
11. In any shipping campaign for spent nuclear fuel or HLW, no federal agency or other entity should have the authority to privatize or delegate to a contractor any key transportation responsibilities unless approved by the states.
12. Efforts to dispose of GTCC low-level radioactive waste and GTCC-like waste must not delay commitments by the federal government in meeting its cleanup obligations.
13. Any site selection process for disposal of GTCC waste should include an assessment of transportation impacts, including the costs of transportation packaging, operations and emergency response.

C. GOVERNORS' MANAGEMENT DIRECTIVES

1. The Governors direct the Western Governors' Association (WGA) staff, where appropriate, to work with Congressional committees of jurisdiction and the Executive Branch to achieve the objectives of this resolution, including funding, subject to the appropriation process, based on a prioritization of needs.
2. Furthermore, the Governors direct WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.