

Proposed WGA Policy Resolution 05-23

June 14, 2005

Breckenridge, Colorado

Department of Energy Facilities Cleanup Program

SPONSOR: Governor Guinn, Kempthorne and Huntsman

A. BACKGROUND

1. Since its creation in 1989, the Environmental Management (DOE-EM) program has sought to manage the cleanup of the U.S. Department of Energy's (DOE) 114 sites involved in research, development, testing and production of nuclear weapons.
2. DOE-EM has corrected some of the problems that have hindered cleanup progress and achieved significant results in recent years. However, significant challenges remain.
3. The Western Governors recognized in 1989 the benefit of separating the site cleanup negotiations from the transportation planning process. The National Governors' Association has responsibility for coordinating at a national level the cleanup negotiations process between DOE-EM, the sites and the states. The Western Governors' Association has the responsibility for planning and coordinating the transportation of waste between sites in the West for treatment, storage and disposal.
4. DOE and the Western Governors have agreed that the WGA regional transportation planning process and the Waste Isolation Pilot Plant (WIPP) transportation protocols are important models for use in establishing an effective transportation program for transporting transuranic waste to WIPP. Their commitment to the regional planning process as the most appropriate mechanism for the same and uneventful transportation of transuranic waste was reaffirmed in February 2003 when Secretary of Energy Spencer Abraham and the Western Governors jointly signed an updated Memorandum of Agreement addressing the "regional Protocol for the Safe and Uneventful Transportation of Transuranic Waste."
5. As noted in DOE's 2002 "Top-to-Bottom, A Review of the Environmental Management Program," a coherent shipping strategy is necessary to facilitate the equitable movement of waste between the generator and the disposal sites. DOE-EM and the states have established a cooperative process for conducting transportation planning and operations through the WGA and the other three regional planning programs.
6. DOE, through its Senior Executive Transportation Forum, used the transportation protocols developed for the WIPP, Foreign Research Reactor Spent Nuclear Fuel and Defense Program shipments to draft and adopt standardized radioactive waste shipping protocols for the department. These protocols were prepared with considerable involvement and acceptance of the states and tribes.

7. The 2002 Top-to-Bottom report recommended the development of a better approach to packaging and transportation, "including both EM internal actions and improved coordination with other involved parties."
8. The experience afforded by the WGA regional transportation planning program for transporting transuranic waste to WIPP has demonstrated that an approach which marries both the technical operating factors and the public's perception of risk can be used to move radioactive waste in both a timely and efficient manner. The infrastructure established by the WIPP, Foreign Research Reactor Spent Nuclear Fuel, West Valley Spent Nuclear Fuel, cesium return and nitric acid waste transportation programs should be built upon rather than discarded as being inappropriate and overly conservative in its approach. Several of these shipping campaigns have been successfully completed and received public acceptance as being safe.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors commend the DOE for assigning a high priority to the expeditious cleanup of DOE's nuclear weapons facilities and for addressing the environmental and health risks at these facilities.
2. The Western Governors continue to support an integrated approach to addressing the cleanup requirements of the nation's nuclear weapons complex, but believe in doing so DOE-EM must adhere to previous commitments with the Western Governors and states, and that the Secretary must request full funding for the Environmental Management program in order to meet these commitments.
3. The Western Governors applaud DOE in seeking to advance the cleanup schedules for specific sites, but such acceleration should not negatively affect the cleanup of other sites. As the Secretary and the Assistant Secretary of Environmental Management identify potential opportunities to advance cleanup, they are requested to conduct the review process in consultation with the affected states, not just the site which is under consideration for accelerated clean up. This consultation should include those states that host private treatment, storage and disposal facilities.
4. The Western Governors believe that if DOE-EM is to be successful in implementing a complex-wide strategy, it must integrate all of the sites into a national program rather than serving as the coordinating agent for autonomously operated sites. Integrating the sites into a national program should start with the early identification of both waste types and treatment processes needed, define critical paths for treating and disposing of these wastes, identify those sites which will have to host the treatment and disposal responsibilities, identify those wastes which must be transported and build on the national negotiations process. Finally, DOE must be consistent in meeting its commitments, both legally and morally to the states and the public.
5. The Western Governors call on the Secretary of Energy to employ the NGA facilitation process for conducting the negotiations between DOE and the states regarding the need to move radioactive and mixed waste between DOE facilities. In doing such, DOE-EM

must demonstrate that it can define an integrated cleanup plan, which equitably addresses the cleanup and disposition needs of the sites along with the cumulative impacts on states with treatment, storage and disposal facilities.

6. The Western Governors support the WGA regional transportation planning process as the most effective means for achieving both a technically superior transportation program and one with the public's support. The Governors call on the Secretary to join with them in signing a Memorandum of Agreement, which would commit to use the regional planning process for DOE's radioactive and mixed waste shipments in the West. This agreement would be similar to the one in effect for transuranic waste.

C. GOVERNORS' MANAGEMENT DIRECTIVES

1. The Western Governors' Association (WGA) shall post this resolution to its Web site to be referred to and transmitted as necessary.
2. WGA is to transmit this resolution to the Secretary of Energy and Assistant Secretary for Environmental Management, the Western congressional delegation, the energy and defense committees of Congress, and to the WGA WIPP Transportation Technical Advisory Group and the Western Interstate Energy Board High-Level Waste Committee.