

Western Governors' Association
Policy Resolution 06-4

June 13, 2006
Sedona, Arizona

***U.S. Department of Energy Waste Isolation Pilot Plant (WIPP)
and Transportation of TRU Waste***

A. BACKGROUND

1. For over 50 years, the United States has been involved in the research, development and production of nuclear weapons using a national network of facilities. As a result, large quantities of radioactive and hazardous chemical waste have accumulated at U.S. Department of Energy (DOE) sites throughout the country. Several of these sites, including Idaho National Laboratory, Hanford Site and Los Alamos National Laboratory are located in Western states.
2. Over 90 percent of the existing inventory of transuranic (TRU) waste is located in Western states. At DOE facilities in Western states, millions of cubic feet of TRU waste -- some mixed with hazardous chemical waste -- await permanent disposal. Some are in temporary retrievable storage. However, prior to 1970, much of this waste was buried in shallow trenches or discharged as liquid onto the ground, resulting in considerable contamination of both soil and groundwater. More waste will be generated as a result of continuing stewardship of the U.S. nuclear weapons stockpile, environmental remediation activities, and decontamination/decommissioning of aging facilities at DOE sites.
3. The Waste Isolation Pilot Plant (WIPP), located in New Mexico, was constructed to serve as a permanent repository for selected defense-related TRU wastes. On March 26, 1999, WIPP received its first shipment of contact-handled TRU waste from the Los Alamos National Laboratory. The opening of WIPP occurred only after DOE demonstrated compliance with all applicable regulatory requirements and withstood several legal challenges.
4. To date, the WIPP shipping campaign has demonstrated safe transportation of TRU waste. The success of the WIPP campaign is directly attributable to a cooperative effort between DOE and the Western states in a regional program to plan, develop and implement the Western Governors' Association (WGA) WIPP Transportation Safety Program. This program addresses both accident prevention and emergency response, with much attention focused on public information, participation and outreach.
5. The cleanup, transport and permanent disposal of radioactive and hazardous chemical wastes at DOE facilities continue to be issues of vital concern to the Western states. As the only permanent repository for defense-related TRU waste, WIPP is an integral component of DOE's national cleanup program and is critical to its success.
6. DOE has designated up to 23 sites as "Small Quantity Generator Sites." These sites, due either to their size or location, may need to ship their TRU waste to another site location

for characterization and/or repackaging before shipping it to WIPP (e.g., Battelle-Columbus Laboratories to Hanford Site and/or Savannah River Site, etc.). Potential interim sites include larger DOE facilities, WIPP and private waste handling companies. There will be an as yet indeterminate but potentially significant number of such shipments. These inter-site shipments, like shipments made directly to WIPP, must be conducted in a manner that ensures the safe and uneventful transit of states and communities along shipping routes and promotes public confidence in the shipment process.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors believe that the WGA WIPP Transportation Safety Program is paramount to the expeditious cleanup and disposal of TRU waste from the U.S. nuclear weapons complex and the operation of WIPP.
2. The Western Governors expect DOE to fulfill the commitment made by the Secretary of Energy in Memorandums of Agreement signed in 1995 and again in 2003. The Governors also expect DOE to follow the WGA procedures as contained in the WIPP Transportation Safety Program Implementation Guide, as amended, for the transport of all TRU waste through the Western states, whether to WIPP or to an interim site for storage, characterization and/or repackaging. The Governors further encourage the Secretary to provide the DOE-Carlsbad Field Office with the resources to implement their charter as the National TRU Waste Program to manage all TRU waste handling and transportation activities.
3. To ensure the preceding objectives are met, the Western Governors support the following policy positions:
 - a. 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).
 - b. DOE must comply with the U.S. Environmental Protection Agency (EPA) disposal standards and criteria in 40 CFR Parts 191 and 194. DOE's strict compliance with those EPA standards is imperative.
 - c. DOE must ensure timely and adequate funding to TRU waste characterization/ certification activities at DOE sites in order to facilitate the timely, efficient cleanup of the U.S. nuclear weapons complex.
 - d. DOE must ensure timely and adequate funding of all aspects of the WIPP Transportation Safety Program to accommodate the increased transport of TRU waste and ensure continued high standards for safe and uneventful transport of TRU waste.
 - e. DOE must continue to provide 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 WGA TRU waste and WIPP-specific transportation safety programs.

- f. If DOE decides to transport TRU waste by rail, DOE must ensure that such shipments follow standards, procedures, and protocols comparable to those used for shipments of TRU waste by truck.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. WGA shall convey this resolution to the appropriate members and committees of the U.S. Congress, the Secretaries of Energy and Transportation, the Chairman of the U.S. Nuclear Regulatory Commission (NRC), and the Administrator of the EPA.
2. In accordance with the policy established by this resolution, the WGA and its Technical Advisory Group for WIPP Transportation are directed to work cooperatively with the Congress, DOE, the Department of Transportation, NRC, and EPA to ensure the safe and uneventful transport of TRU waste to WIPP.
3. WGA is directed to monitor DOE's progress toward achieving the policy objectives specified in this resolution and to report its finding and recommendations to the Western Governors.

This resolution was originally adopted as Policy Resolution 89-006 in 1989 and was readopted in 1992, 1995, 1998, 1999 and 2003.