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Blue Ribbon Commission on America's Nuclear Future Transportation and Storage Subcommittee Wiscasset, Maine – August 10, 2010

Testimony of Cort Richardson

My name is Cort Richardson. I work for The Council of State Governments - Eastern Regional Conference (CSG-ERC). CSG is a national non-profit organization serving all three branches of state government to foster the exchange of information and ideas in order to help state officials shape public policy through networking, leadership development, and the creation of problem-solving partnerships. I am the Director of CSG-ERC's Northeast High-Level Radioactive Waste Transportation Project based in Montpelier, Vermont. I welcome the opportunity to address members of the Transportation and Storage Subcommittee of the Blue Ribbon Commission on America's Nuclear Future.

The Project was founded in 1994 to engage state officials, other stakeholder interests and the general public in the northeast region on issues pertaining to federal radioactive waste shipment policies and programs. The Project is funded through cooperative agreements with the US Department of Energy (DOE). Our primary purpose is to maintain and staff a working committee of executive agency officials representing ten northeastern states to enable them to engage effectively on radioactive waste transportation matters. To that end the Northeast High-Level Radioactive Waste Transportation Task Force was established by the Project in 1995. Joining me this morning are two members of the NE Task Force who hold important nuclear safety positions in their respective state governments. They will introduce themselves and address the Subcommittee on some of the impacts and concerns that recent changes in federal radioactive waste policy have caused their states (Vermont and Connecticut).

The NE Task Force addresses regional issues pertaining to the transportation of high-level radioactive waste, transuranic waste, and spent nuclear fuel from federal research and defense facilities, and commercial nuclear power plants. The NE Task Force and the Project collaborate with DOE, other federal agencies, committees representing states in all regions of the country, Indian tribes, waste generators, the transportation industry

and other interested parties to jointly plan for radioactive waste shipment campaigns that affect our area and to resolve related issues in ways that meet the needs and concerns of the northeast region and the rest of the nation.

This consultative process with radioactive waste shipment planning has resulted in key transportation safety issues being resolved to the mutual benefit of the parties and with remarkably few accidents, adverse incidents, or negative public reactions. The federal government's decision to cancel the Yucca Mountain National Repository effectively ended this engagement particularly as it pertains to planning for the future transportation of commercial spent nuclear fuel, as the cooperative agreements that existed between the states regional groups and other key stakeholder interests with DOE's now defunct Office of Civilian Radioactive Waste Management (OCRWM) were also terminated. However, any successful policies for the long-term management of high-level waste (HLW) and spent nuclear fuel (SNF) will require waste to be transported, whether to a national repository, interim storage sites, advanced fuel cycle or reprocessing facilities, or between federal or commercial reactor sites. Without meaningful state participation in national radioactive waste transportation planning, it will be difficult to pursue any new strategies for managing those materials in a manner that fosters cooperation between key jurisdictions and builds public support. For this reason, it is essential that states continue to be involved in addressing national radioactive waste transportation policy and planning.

One of our fellow regional groups the Western Governors Association (WGA) has a Memorandum of Agreement with the Secretary of Energy for the transportation of transuranic waste to DOE's Waste Isolation Pilot Project (WIPP) in Carlsbad, New Mexico. The Department has operated WIPP successfully for over a decade and conducted thousands of shipments without serious incident and with extensive public support in the affected areas. The extensive WGA procedures have formed the model for DOE to reach agreements with other state regions for developing waste transportation plans. In a May 24, 2010 letter to Secretary Chu, with copies to the BRC chairs, WGA stated that the nation's strategy for the back end of the nuclear fuel cycle is of serious interest to the states and asked the Secretary to provide full opportunity for state government participation during the Commission process or risk undermining the effectiveness and public acceptability of its findings and recommendations. We urge the Commission and this Subcommittee to conduct an in-depth review of the national experience with managing high-level waste shipments including the extensive analysis available on lessons learned from those campaigns and to support the involvement of the effective system of state regional groups in your deliberations.

Regarding the transportation challenges that we face in the northeast, it's important to note that DOE, the Federal Railroad Administration (FRA), the National Academies of Science and other authorities all support shipping mostly by rail as the preferred mode for transporting high level wastes. In the northeast, we have a decaying railroad infrastructure that is often compounded in the vicinity of radioactive waste generator sites particularly nuclear power plants which are often located in rural and economically depressed areas. These conditions raise many questions

about issues such as the need to conduct potentially complicated multi-modal movements, the feasibility of improving aging railroad tracks and facilities, route selection standards, and shipment operation procedures.

The NE Task Force and FRA were engaged in a multi-year study of near-site transportation infrastructure problems around nuclear power plants when our cooperative agreement with OCRWM was canceled. We had conducted investigations of several nuclear plants sites in the region (Ginna, Vermont Yankee, Salem and Hope Creek) which enabled us to gather important data and gain valuable insights. Because conditions with the railroad infrastructure vary so much around nuclear plants in the northeast, it's necessary to conduct field research on a case by case basis. We would like to resume the study but that takes resources that we currently don't have.

Finally, I will provide the Subcommittee through Mr. Thrower with several documents including a 2009 CSG national policy forum resolution on nuclear waste policy, the Project's op-ed on Yucca Mountain published in several northeast state newspapers last year, and other materials. Thank you very much for the opportunity to speak with you today. We look forward to more contacts with the BRC in the future.

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