

Blue Ribbon Commission on America's Nuclear Future
Transportation and Storage Subcommittee

Summary of testimony by Lisa R. Janairo, Senior Policy Analyst,
The Council of State Governments, Midwestern Office

November 2, 2010
Chicago, Illinois

The presentation will address the steps and timeframe needed to plan for and execute a large-scale spent fuel shipping campaign. These topics will be discussed in the context of the affected states' expectations.

For the past two decades, the Council of State Governments' Midwestern Office (CSG Midwest) has been working to engage the Midwestern states in shipment planning with various programs within the U.S. Department of Energy (DOE). CSG Midwest is one of four groups tapped by DOE's Office of Civilian Radioactive Waste Management (OCRWM) to "anchor" OCRWM's collaboration with the states on transportation planning. Through cooperative agreements with the four regional groups, OCRWM and the states worked in a consultative and cooperative fashion to resolve transportation institutional issues related to OCRWM's program to ship spent fuel and high-level radioactive waste to a repository or monitored retrievable storage facility.

The states' expectations for shipments are the combined result of their role as co-regulators of radioactive waste transportation; requirements of the Nuclear Waste Policy Act (NWPA); the states' experience working with various DOE shipping programs; and the commitments OCRWM made in public documents and statements. The presentation will cover the following expectations:

1. Because they bear the primary responsibility for protecting the health and safety of the public, the states expect to be involved as partners in planning shipments of spent fuel.
2. The states expect the federal government to live up to OCRWM's commitment to develop a transportation system that is safe, secure, efficient, and merits public confidence.
3. For shipments of transuranic waste to the Waste Isolation Pilot Plant (WIPP) in New Mexico, DOE's Carlsbad Field Office has set the standard for how a large-scale shipping program should be conducted, including transportation planning in partnership with the affected states and tribes. The states expect the federal government, at a minimum, to follow the WIPP model for any large-scale shipping campaign to move spent fuel.
4. Because shipping routes will drive the need for and scope of state preparedness activities, the states expect to have influence over the selection of rail, highway, barge, and intermodal shipping routes for moving commercial spent fuel.
5. Preparing the routes for shipments will require the expenditure of significant time and money to train emergency responders, conduct inspections, provide escorts, and hold public meetings, among other state activities. Financial and technical assistance will be necessary to avoid creating a new unfunded mandate for the states. Section 180(c) of the NWPA requires the Secretary of Energy to provide financial and technical assistance to states and tribes affected by shipments to NWPA facilities. The states expect, at a minimum, that they will receive financial and technical assistance similar to Section 180(c) in connection with shipments of commercial spent fuel to interim storage facilities.

6. Shipments to any interim storage facilities should be governed by a comprehensive transportation plan. As is the case with other significant DOE shipping campaigns, the states expect to have substantive input into the provisions of the transportation plan, with sufficient opportunity for review and comment.
7. The states expect the federal government to provide them with shipment information that is complete, accurate, and timely. Because of the potentially significant impact on state agencies, long-term planning information will be necessary in addition to the advance notification required by NRC regulations.

Before its termination in 2009, the OCRWM transportation program had made little progress on many of the institutional and operational issues under its charge. For example, OCRWM struggled for over four years to develop an approach to identifying routes for shipments. On a positive note, the program's draft policy and procedures on Section 180(c) was perhaps the greatest achievement of the OCRWM transportation institutional program in recent years. Even with this accomplishment, however, OCRWM was unable to pilot test the program, which was a necessary step on the path to finalizing the policy and procedures.

In 2008, in its *Report to Congress on the Demonstration of the Interim Storage of Spent Nuclear Fuel from Decommissioned Nuclear Power Reactor Sites* (DOE/RW-0596), OCRWM estimated it could launch a near-term shipping campaign within six years. This time frame was predicated upon an expedited transportation program focused solely on efficiency, without regard to the states' expectations or to the constraints of DOE's standard contracts with utilities. It is important to note that this estimate was developed when OCRWM and its transportation program were still largely functional. The dismantling of the transportation program in 2009 led to the loss of program staff and, with them, critical institutional knowledge to carry out the mission. The termination of the program has also put a significant strain on the states' ability to remain engaged in ongoing activities involving other DOE shipping campaigns. Restarting the former OCRWM transportation program and trying to gain lost momentum will add at least 1-2 years to the transportation planning timeline, even under a very aggressive schedule for resuming activities. Given the past performance of the program, it is highly unlikely that a large-scale shipping campaign could be operational within 3-5 years.