

Memorandum of Agreement Between the Southern States And U. S. Department of Energy

Regional Protocol for the Safe Transport of Transuranic Waste to the Waste Isolation Pilot Plant

Findings

Managing the safe transport of transuranic (TRU) waste from U.S. Department of Energy (DOE) facilities to the Waste Isolation Pilot Plant (WIPP) in southeastern New Mexico is the joint responsibility of Federal, state, local and tribal governments.

On September 18, 1989, the Southern States Energy Board (SSEB) and the Southern Governors Association (SGA) adopted a policy position calling for equity in the distribution of funding assistance to corridor states and requested that the affected states "receive funding at a level commensurate with that afforded to the western states for the purpose of ensuring their waste transportation management capabilities." SSEB submitted this proposal to DOE and in February 1990, DOE stated its commitment to "regional equity" in matters of support.

In March 1990, DOE called upon the Southern States Energy Board to assess the need, if any, for Federal financial assistance within southern and Midwestern corridor states to prepare for TRU waste shipments to the WIPP facility. SSEB founded a regional Transuranic Waste Transportation Working Group for that purpose.

The Transuranic Waste Transportation Working Group is comprised of gubernatorial appointees from the following seven SSEB member states: Alabama, Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas. The Working Group maintains a collaborative stance to work with other states within the SSEB region should they be impacted by DOE transportation policies pertaining to the WIPP campaign.

In September 1990, SSEB submitted a document entitled Transuranic Waste Transportation States' Interests and Needs Assessment. This report is a summary of the concerns of selected southern and Midwestern shipment corridor states. In 1996, DOE requested that the six states along the initial southern corridor – Alabama, Georgia, Louisiana, Mississippi, South Carolina and Texas – update their state interest needs report. In July 1997, DOE awarded SSEB and the initial corridor states financial assistance to carry out the proposed planning activities outlined in the state work plans.

The Carlsbad Field Office (CBFO) of the U.S. Department of Energy is responsible for managing the WIPP program, including the Transportation system. The DOE-CBFO, working with the Southern States Energy board, has agreed to conduct the shipping campaign employing standard procedures negotiated through a cooperation agreement, many of which exceed Federal regulatory requirements. The elements of this program are described in the *Southern States Energy Board Transportation Planning Guide for the U.S. Department of Energy's Shipment of Transuranic Waste*. The *Transportation Planning Guide* addresses the following elements of the transportation program:

Advance Notification of Shipments
Emergency Response Equipment
Medical Preparedness
Organizational Responsibilities
Program Evaluation
Routing
Security

Carrier/Driver Compliance
Emergency Response Plans and Procedures
Mutual Aid Agreements
Packaging
Public Information
Safe Parking During Abnormal Conditions
Satellite Tracking of Shipments

Purpose

The purposes of this Memorandum of Agreement are to enhance the safety of the transport of transuranic waste, to endorse the principles and procedures presented in the *Transportation Planning Guide*, and to facilitate communication between the Secretary of the Department of Energy; the Manager of the Carlsbad Field Office; and the southern governors on TRU waste transportation issues.

Principles

We the undersigned, pledge to each other as follows:

1. We endorse the regional planning and dialogue process embodied in the cooperative agreement between DOE and the Southern States Energy Board as the most appropriate mechanism for addressing the safe and uneventful transportation of transuranic waste to the Waste Isolation Pilot Plant.
2. We reaffirm the objective of the DOE – SSEB process as being the safe and uneventful transportation of transuranic waste and transuranic mixed radioactive waste from current temporary storage facilities to more suitable consolidation and characterization facilities and/or disposal at the Waste Isolation Pilot Plant.
3. We endorse the elements, principles and approaches contained in the SSEB *Transportation Planning Guide* for conducting this transportation program. This guide is to be a living document reflecting the continuing agreements and actions taken by the Southern States Energy Board, the southern governors and their agency staffs, and DOE, as part of the regional planning and dialogue process.

Implementation of Principles

To implement these principles, it is recommended that each Southern Governor:

- Appoint a single state representative to the SSEB Transuranic Waste Transportation Working Group. This representative shall be responsible for representing the state in developing and implementing principles, procedures, and agreements between the southern states and the DOE in addressing the “safe and uneventful transportation of TRU waste” through southern states; and
- Provide copies of this Memorandum of Agreement to other state agencies with instructions to coordinate their planning, programming and procedural development processes for TRU waste and TRU mixed waste transportation.

To implement these principles, it is recommended that the Secretary of Energy:

- Designate the Manager of the CBFO as the Department’s representative to the SSEB regional transuranic waste transportation process; and
- Participate in and support the SSEB Transuranic Waste Transportation Working Group through the cooperative agreement.

