

## COOPERATIVE AGREEMENTS - THE NEW AGE\*

M. H. McFadden  
Department of Energy  
WIPP Project  
P.O. Box 3090  
Carlsbad, NM 88221

### ABSTRACT

Cooperative Agreements turn problems into solutions. Attitudes of "It's your problem" become instead "It's our shared responsibility."

The new culture of openness and cooperation at the United States (U.S.) Department of Energy (DOE) has created a culture that is ripe for cooperative interactions with state and tribal governments. This culture is prevalent at the DOE's Waste Isolation Pilot Plant (WIPP).

The WIPP is a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense programs of the U.S. One of the major activities of the project is to demonstrate, through a five-year test phase, that transuranic (TRU) waste can be safely packaged, certified, transported, and stored in a deep bedded salt formation. The site is located near Carlsbad, New Mexico. During the test phase the waste will be transported from current storage facilities in the states of Idaho and Colorado.

The shipment routes will travel through five western states, including Idaho, Utah, Wyoming, Colorado, and New Mexico. Shipments from other sites during the test phase (and, if the test phase is successful, during a twenty year disposal phase) would involve a total of 23 states along the shipment corridors. The resulting network of transportation routes results in extensive opportunities for interaction with state and tribal governments.

Public officials and the public at large along the routes must know and understand the risks of transport. The state and tribal governments' need to be involved is matched by the DOE's need of public confidence that the shipments will be safe. This is the fertile environment from which cooperative agreements emerge.

### FIVE YEAR COOPERATIVE AGREEMENT

A cooperative agreement covering ten western states was signed in July 1990. It is entitled Transport of Transuranic Wastes to the Waste Isolation Pilot

Plant: State Concerns and Proposed Solutions. The genesis of this cooperative agreement was a report to Congress with this same title, prepared by seven of the western states.

### INTRODUCTION

The Report to Congress acknowledged that the DOE had strengthened its commitment to safely manage nuclear weapons radioactive wastes. It also reflected upon the public's fear of nuclear wastes being transported through their communities. It introduced the need for all levels of government to actively work to prevent accidents and to be able respond in the event of an accident.

The states reported that the removal of nuclear weapons waste from the temporary storage sites is a shared national responsibility. The states presented roles that state and local governments have in public safety and education.

The shipments to the WIPP would place an additional burden on the states in satisfying these responsibilities. The states also presented their solutions to the concerns created by the WIPP shipments.

In response to the Report to Congress, the DOE entered into the above cited cooperative agreement with the Western Governors' Association (WGA). Through the WGA, the states' solutions to their concerns are implemented in a coordinated regional effort.

### STATE'S SOLUTIONS

The states' solutions involve activities in three distinct areas: Accident prevention, Emergency response, and Public information.

Within these areas specific activities contribute to the overall effort.

### ACCIDENT PREVENTION

Accident prevention includes:

- Ensuring high quality drivers and carrier compliance with regulation and contract requirements,

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- Independent inspections of drivers, vehicles, and shipping containers,
- Keeping shipments off the road during bad weather and road conditions,
- Safe parking during abnormal conditions, and
- Access to information on shipment status.

Emergency preparedness includes:

- Mutual aid agreements among neighboring states and written agreements with federal agencies,
- Emergency response plans and procedures,
- Radiation detection and radiation protection equipment, and
- Training and retraining of emergency responders.

### PUBLIC INFORMATION

Public information activities will establish credible, ongoing state and federal public education and involvement programs.

The WGA/DOE cooperative agreement covers a five-year project period from July 1990 through June 1995. \$1.515 million is provided by the DOE for the first year. The statement of work and budget will be evaluated annually. Future funding is contingent upon Congressional appropriations for the WIPP. The WGA, through its unique position in representing the western states, provides for administration of the cooperative agreement, and the allocation of funds between the participating states.

The activities performed in pursuit of accident prevention, emergency preparedness, and public information are embodied in individual state work plans. These work plans are custom designed by the states to meet their individual needs. Furthermore, they are also designed to accomplish regional priorities of the western states in a coordinated manner.

### WIPP TRANSPORTATION

Even prior to the cooperative agreement, the WIPP transportation system was designed to be extraordinarily safe. Features of the system are:

- TRUPACT-II: A Nuclear Regulatory Commission certified type "B" package,
- Exceptionally strict maintenance requirements for tractors and trailers,
- Frequent vehicle inspections,
- Highly skilled and trained drivers,
- Continuous satellite-based shipment tracking and communication capability,

- Continuous monitoring of the weather along the routes,
- Use of Department of Defense safe parking areas,
- Strict adherence to prescribed routes and speed limits, and
- Training of over 6,000 emergency responders, with retraining.

In June 1989, the National Academy of Sciences concluded that "The system proposed for transportation of TRU waste to WIPP is safer than that employed for any other hazardous material in the U.S. today and will reduce risk to very low levels."

Nevertheless, the cooperative agreement with the WGA, through the activities of the participating states, and their involvement of local governments, provides an extra measure of safety for the WIPP shipments. This will further enhance public confidence that the shipments are safe, which is vital to the success of the WIPP project.

The funds provided by the cooperative agreement cannot satisfy all of the transportation accident prevention, emergency response, and public information responsibilities of the states. It would be inappropriate to expect that they should. The states acknowledged this in their Report to Congress, when they affirmed that they did not propose to finance safety programs for other hazardous materials with WIPP cooperative agreement funds. However, the cooperative agreement does provide funds to assist the states in meeting the needs created by WIPP shipments.

### SAFETY ENHANCEMENTS THROUGH DOE PARTICIPATING STATES

A noteworthy and integral feature of the cooperative agreement is that it involves substantial ongoing involvement between the DOE, the WGA, and the participating states. It is not a grant, nor simply a contract for services. Instead it is an interactive relationship between the participants.

### INTERACTIONS

The DOE interactions with the WGA and participating states include:

- Allowing money and training to be expended to upgrade existing state emergency responders with the ability and equipment to respond to WIPP-related shipments,
- Exchanging information,
- Engaging in joint exercises,
- Attending WGA meetings,
- Developing consistent procedures,

- Establishing complimentary criteria for emergency (safe) parking sites,
- Developing notification procedures,
- Developing guidance for training and emergency operations, and
- Coordinating public information.

These interactions recognize the importance of the states' input into the DOE decision making process. The states gain a greater understanding of the WIPP project. The public benefits from the enhancement of safety which the interactions between responsible parties creates.

Cooperative agreements are also being negotiated with tribal governments and with the Southern States Energy Board (SSEB). The scope of work for these cooperative agreements is expected to involve activities in pursuit of accident prevention, emergency preparedness, and public information, as with the WGA. However, the specific activities may vary based upon the existing capabilities of the participants, and upon the timetable of WIPP shipments through the affected areas.

#### **NEGOTIATING ADDITIONAL COOPERATIVE AGREEMENTS**

The Fort Hall Shoshonne-Bannock Tribes in Idaho, and the Confederated Tribes of the Umatilla Indian Reser-

vation in Oregon are the first tribal governments with which cooperative agreements are being sought. They are located along either the first WIPP shipment corridors. Individual cooperative agreements are being sought with each tribal government due to their unique relationship with the federal government.

The cooperative agreement with the SSEB will take advantage of the opportunity for regional coordination which the SSEB offers, as with the WGA. The 13 southern and midwestern states along WIPP shipment corridors, which are members of the SSEB, will be able to establish regional priorities and develop a scope of work accordingly. WIPP shipments through the southern states are not anticipated until after the five-year test phase. However, the scope of work will recognize this and structure activities in a scheduled manner in preparation for WIPP shipments.

Cooperative agreements provide a valuable tool by which the authorities of the federal, state, and tribal governments are coordinated to the benefit of all the parties. What started out as problems, end up as solutions. The solution of the "other guys problem" becomes a solution for your concerns as well. Ultimately, the public benefits from an increase in the safety of shipments to the WIPP.