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OCRWM Background

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PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE TRANSPORTATION INSTITUTIONAL PLAN

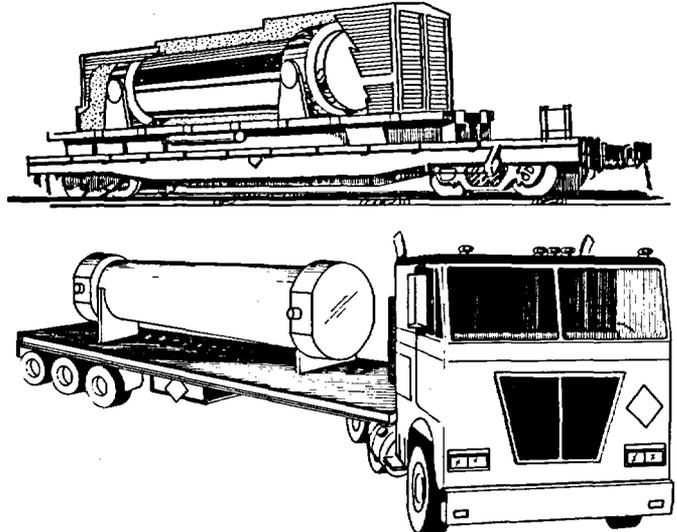
In cooperation with the public, the Office of Civilian Radioactive Waste Management (OCRWM) has developed the *Transportation Institutional Plan* (DOE/RW-0094, August 1986). This document lays the foundation for interaction among all interested parties in addressing and working to resolve issues related to the establishment and operation of a transportation system. This transportation system supports the requirements of the Nuclear Waste Policy Act of 1982 (NWPA) to develop a national capability for disposal of spent nuclear fuel.

The Plan is divided into three chapters. Chapter 1 provides background information, discusses the purposes of the Plan and planning principles, and describes the projected NWPA transportation system and plans for its integrated development. Chapter 2 describes the major participants with whom OCRWM expects to interact to build the transportation system. Chapter 3 suggests mechanisms for interaction that will foster wide participation in program planning and implementation, and provides a framework for managing and resolving

transportation issues. Appendices to the Plan include discussion of specific transportation issues, detailed information on Federal roles in regulating transportation, and a directory of organizational contacts.

When developing the Plan, OCRWM made a special effort to address comments received on the *Draft Transportation Institutional Plan* (DOE/RW-0031, September 1985) and at the Transportation Institutional Workshop in Atlanta, Georgia, in November 1985. The most frequently received comments called for:

- development of a comprehensive transportation plan to provide integrated guidance on major elements of the NWPA transportation system;
- definition of the roles of various offices of the Department of Energy (DOE) in planning for NWPA transportation and Federal agency responsibilities for regulating nuclear waste transportation;
- clarification on planned interactions with interested parties;
- definition of the degree to which OCRWM will provide financial assistance to support participation in transportation planning activities;
- discussion of the potential use of conflict-resolution procedures; and
- detailed discussion of OCRWM's plans to address specific transportation issues, and the expected timing of related OCRWM policy decisions.



Representative rail and truck transport casks.

In response to such comments, the draft Plan was significantly revised and supplemented by a Comment/Response Document. The following discussion provides a synopsis of major comments and OCRWM's effort to effectively address such comments in the Plan.

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To provide current background information on program facts, issues, and initiatives. For further information write to: Information Services Division, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, Mail Stop RW-40, Washington, DC 20585, Telephone (202) 586-5722.

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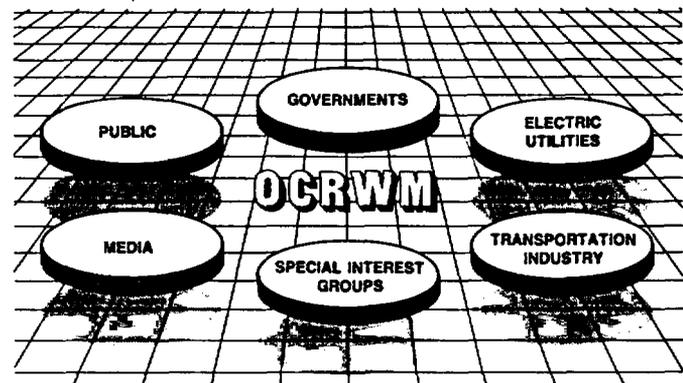
DEVELOPMENT OF COMPREHENSIVE TRANSPORTATION PLAN

The most frequent comment received by OCRWM was that the *Transportation Institutional Plan* should be combined with the *Transportation Business Plan* (DOE/RW-0046, January 1986) and an operations plan, yet to be developed, to provide integrated guidance on major elements of NWPAs transportation planning. In response to such comments, OCRWM accelerated its schedule to produce a comprehensive transportation plan. As a first step, discussion papers on specific transportation issues that were originally intended to be published separately were incorporated into the *Transportation Institutional Plan* as an appendix, and an overview of OCRWM's preliminary plans for the technical development of the NWPAs transportation system was provided.

A second major step toward integration of the transportation plan is expected in 1988 with the release in draft form of the first iteration of a comprehensive document containing three planning elements for: (1) institutional interactions and related planning principles; (2) business activities related to cask and equipment design and development, and the study of service and management options; and (3) operational procedures and activities. The operational element in the first version of the comprehensive plan will be a preliminary outline of operational activities and procedures. When the comprehensive plan is fully developed, the operational element will provide an overview of the basic procedures under which nuclear waste will be transported to NWPAs facilities. The draft comprehensive plan will, of course, be issued for public review and comment.

FEDERAL AGENCIES INVOLVED IN TRANSPORTATION PLANNING AND REGULATION

Some commenters requested that OCRWM include in the *Transportation Institutional Plan* a discussion of various DOE offices now involved in planning for NWPAs transportation, and a review of the roles of Federal agencies having responsibility for regulating nuclear waste transportation. A discussion was added to the Plan to define the roles of offices within OCRWM as well as the support that is provided by DOE Operations Offices and the repository program project offices. In addition, an appendix to the Plan provides a detailed summary of Federal agency roles in regulating nuclear waste transportation.



Six major groups will interact with OCRWM in the *Communications Network*.

INTERACTION WITH INTERESTED PARTIES

Many commenters suggested that the *Draft Transportation Institutional Plan's* discussion of planned interaction with interested parties was vague. The revised Plan therefore contains an expanded discussion of a network whose members OCRWM expects will actively participate in establishing a system for NWPAs transportation. This network is comprised of six categories of participants: (1) Federal, State, Indian Tribal, and local governments; (2) the electric utilities; (3) the transportation industry; (4) special interest groups; (5) the media; and (6) the public at large. The Plan provides detailed information on methods OCRWM will use to facilitate interactions with members of the network, including information exchange; active participation in meetings, briefings and workshops; the potential use of issue-resolution mechanisms; and the support of program participation through various funding mechanisms. The Plan also provides examples of the expected involvement of network members in the planning process for various program activities. An appendix to the Plan includes a listing of specific governmental contacts identified to date.

FINANCIAL ASSISTANCE FOR PROGRAM PARTICIPATION

Numerous commenters requested that OCRWM specify the extent to which financial support would be provided for participation in program activities. The Plan, therefore, was revised to discuss principles and mechanisms by which participation in transportation activities will be supported. The Plan describes support available to potential host States and affected Indian Tribes under specific provisions of the NWPAs, and plans to foster program participation by other States and Indian Tribes that may be affected by transportation through the use of contractual arrangements with national, regional, and transportation-related organizations.

POTENTIAL USE OF CONFLICT-RESOLUTION PROCEDURES

Many commenters suggested that OCRWM specify the manner in which it expects to manage conflicts. OCRWM plans to use all practical measures to resolve an issue through cooperative discussion and interaction. Forms of interaction, such as workshops, seminars, and issue study groups, are discussed in detail in the Plan. In recognition that an impasse on certain issues could arise, the Plan reviews several mechanisms that may be appropriate to assist in issue resolution, including negotiation and mediation.

DISCUSSION OF SPECIFIC TRANSPORTATION ISSUES

While many comments focused on the framework for cooperation interactions in the development of the NWPA transportation system, numerous comments addressed specific transportation issues. OCRWM categorized such issues and associated issue-elements under 16 major headings in the *Draft Transportation Institutional Plan*:

- transportation of defense waste;
- prenotification;
- physical protection procedures;
- highway routing;
- rail routing;
- inspection and enforcement for highway and rail shipments;
- emergency response;
- liability coverage for transportation to NWPA facilities;
- cask design and testing;
- overweight truck shipments;
- rail service analysis;
- mixture of transportation modes;
- transportation infrastructure improvements;
- OCRWM training standards;
- transportation operational procedures; and
- State, tribal, and local regulation of transportation.

An Appendix to the revised Plan was then added with detailed discussion papers on each of the 16 issues. The discussion papers include an overview of the issues, identification of opportunities for public involvement in the evaluation of OCRWM policy options for addressing the issues, and provide a suggested time-frame for reaching policy decisions and conducting program activities. The tentative schedule for decisions accommodates OCRWM program requirements only; additional comments providing State, Indian Tribal, and other perspectives on timing are invited to enable a more definitive schedule.

CONCLUSION

The *Transportation Institutional Plan* establishes a foundation for OCRWM's projected interactions in establishing an NWPA transportation system. OCRWM hopes that continued cooperative effort in implementing provisions of the Plan and in addressing transportation concerns will facilitate the resolution of issues through a process that focuses on communication and constructive interaction rather than conflict.

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