June 9, 1998

Mr. Markus Popa
U.S. Department of Energy, RW-45
1000 Independence Ave., SW, Room 7F-070
Washington, DC 20585

RE: Cooperative Agreement DE-FC01-93RW00282; Fourth Quarter and Final Report

Dear Mr. Popa:

This letter serves as the Fourth Quarterly Report under the Revised Statement of Work for the fifth year of the cooperative agreement DE-FC01-93RW00282 between the Western Interstate Energy Board and the U.S. Department of Energy. Together with the three previous quarterly reports, this document will also serve as the Final Report for this cooperative agreement year. The report covers activities for the period January 15, 1998 through April 14, 1998.

The following activities were accomplished this quarter:

**Activity 1: High-Level Radioactive Waste Committees**

- Continued close coordination and information exchange with Committee members and the DOE Project Officer.

- In cooperation with staff from the other regional high-level radioactive waste transportation committees, staff member Dale DeCesare produced a meeting summary of the December 1997 Second Joint Meeting of the Regional Radioactive Waste Transportation Committees.

**Activity 2: Regional Spent Fuel and HLW Transportation Information**

- The Committee continued to monitor developments in the litigation pending against DOE and its NWPA program. The Committee is tracking the development of DOE policy in light of the U.S. Court of Appeals decision that DOE has an obligation to begin disposing of spent nuclear fuel no later than January 31, 1998.

- High-Level Radioactive Waste Committee Co-Chair Ken Niles and staff member Dale DeCesare continue to participate in the Transportation External Coordination Working Group, including the group's most recent meeting held in January in Las Vegas, Nevada.

- On January 30, 1998 the Committee submitted comments on the Department of Energy Office of General Counsel's Notice of Inquiry concerning the preparation of a report to Congress on the Price-Anderson Act. The Committee stated that the Price-Anderson Act should be continued and that the Act should also continue to cover all DOE spent fuel and high-level radioactive waste activities. The Committee believes that Price-Anderson coverage will become more critical with

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the significant increase in potential radioactive waste shipment numbers which can be anticipated in both the near and long term.

**Activity 3: Section 180(c) Assistance**

- The Committee continued to monitor DOE's Section 180(c) assistance development effort. The Committee will review and provide comments on OCRWM's next iteration of its Section 180(c) policy.

- Committee members and staff continued to participate in the TEC/WG subcommittees established after the TEC/WG meeting held in Pittsburgh, Pennsylvania on July 16-18, 1996. Committee member Chris Wentz participates on the TEC/WG subcommittee on the mechanics of providing funding and equipment for emergency preparedness.

**Activity 4: Routing**

- The Committee continues to monitor the progress of OCRWM's program to contract with private parties to provide waste acceptance, storage, and transportation services. On February 12, 1998 the Committee provided OCRWM with comments on its November 24, 1997 draft request for proposals for the privatization of transportation services. The Committee stated that it remains highly concerned that many critical policy decisions will be improperly delegated to a private contractor. The Committee requested that OCRWM release another draft of the RFP clarifying that DOE will not delegate to a private contractor the responsibility for developing institutional plans, selecting transportation modes and routes, preparing an environmental impact statement addressing transportation concerns, or selecting transportation tasks. In addition, the Committee requested that OCRWM include in its next draft of the RFP a route selection time line which clearly establishes that States will have sufficient time to adjust highway routes, if necessary, and that NWPA Section 180(c) funds will be provided to States and tribes no later than three years prior to the start of shipments. The Committee also recommended that OCRWM follow the example set by the Department's WIPP program by working extensively with States and tribes to develop a transportation safety program implementation guide for NWPA shipments.

- In conjunction with the other regional high-level radioactive waste committees that attended the December 1997 Second Joint Meeting of the Regional Radioactive Waste Transportation Committees in Las Vegas, Nevada, the Committee sent DOE Secretary Peha a joint letter concerning three key areas of consensus regarding radioactive waste transportation. The letter expresses the groups' common policy positions concerning 1) transportation planning, 2) privatizing transportation services, and 3) route selection. With regard to routing, the letter stated the common position held by States that the Department should follow a routing process similar to the process it used under the WIPP program. Under this process, DOE should work to propose a set of shipping routes to the affected States and tribes for their review and comment. The end result of the process would be a set of primary and secondary routes from each site of origin to each destination. DOE should require the use of these routes through mandatory contract provisions with any private contractors.

- Committee member Ken Niles and staff member Dale DeCesare continue to participate in the TEC/WG Routing Topic Subgroup in finalizing the Routing Topic Group Discussion Paper.
Activity 5: Cask Program Developments
► The Committee stated in its February 12 comments on the draft RFP for the privatization of transportation services that DOE should follow the recommendations of the Nuclear Waste Technical Review Board by promoting more uniformity in the casks used for NWPA shipments. The Committee also reiterated its position that the decision to select a transportation cask or cask system to be used in transporting NWPA shipments should be directly determined by the routing and modal analyses conducted by DOE. Such a decision should not be left in the hands of a private contractor.

Activity 6: Interim Storage
► The Committee continued to monitor the development of legislation in Congress calling for the construction of interim storage facilities.
► The Committee also monitored other private interim storage proposals, including the license application submitted to the Nuclear Regulatory Commission by Private Fuel Storage Limited Liability Company (PFSL) and the Skull Valley Band of Goshute Indians to build an interim nuclear waste storage facility in Utah.

Please let me know if you have any questions or if I may be of further assistance.

Sincerely,

Dale DeCesare, Policy Analyst

Enclosures
Form 272 Federal Cash Transactions Report
Form 269A Financial Status Report

cc: Bernard Watts