

# Guidelines for Updating and Revising the WGA WIPP Transportation Safety Program Implementation Guide

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## Background

In 1995 and again in 2003 and 2009, Western Governors and the Secretary of Energy signed a Memorandum of Agreement (MOA) to implement the provisions contained within the WGA WIPP Transportation Safety Program Implementation Guide (WIPP Guide). These provisions are designed to help achieve the Governors' objective of the "safe and uneventful transportation of nuclear waste" through the Western states. They were cooperatively developed by Western corridor states, DOE-CBFO, and DOE Headquarters.

The MOA currently states: *To ensure the WIPP Guide and the TRU Waste Transportation Plan reflect a current living document, the DOE-CBFO and WGA will use a mutually agreed upon process for making revisions to these documents.*

The MOA recognizes that the transportation safety program has reached a level of maturity and confidence sufficient to authorize future operational and policy changes to the WIPP Guide to be made in a more streamlined and expeditious manner. The WIPP Guide is intended to be a living document and reflect the most up-to-date information. DOE, WGA, and the western states share responsibility for ensuring the information contained in the WIPP Guide is accurate.

To ensure that the most recent version of the WIPP Guide is readily available, WGA maintains a copy of all relevant documents in their latest form on its website.

## Operational and Policy Changes and Updates to the WIPP Guide

### Operational Revisions

The following are considered "operational":

- Updates to the "Appendix", "Documents Included in the Guide", and "Reference Material".
- Lists, such as those with contact numbers or other information, which are required to be updated regularly.

- Changes to deadlines or due dates.
- Typographical errors.
- Changes to the identification of “Lead States” for a particular WIPP Guide section.
- Factual errors (e.g., name of an agency or group).
- Out-of-date and/or irrelevant information contained in the “Introduction” section of the WIPP Guide.

## **Policy Revisions**

The following are considered “policy”:

- Changes made to provisions of a section of the WIPP Guide not considered operational changes as described above.
- Changes to the “Introduction” not considered operational changes as described above.
- Adding or deleting sections to the WIPP Guide.

## **Process for Reviewing and Adopting Revisions or Policy Changes**

### **WGA WIPP TAG Meetings**

Proposed policy revisions to the WIPP Guide will be reviewed at WGA WIPP Technical Advisory Group (TAG) meetings or when deemed necessary by DOE-CBFO, WGA, and the states.

Revisions will be prioritized with the goal of reviewing several sections a year to ensure that they remain relevant and effective. This will provide for a complete review of the WIPP Guide no less than every two years. Recommendations for prioritizing revisions may be made by DOE-CBFO, WGA, or the lead states for a given section.

### **WGA Biennial Program Evaluation**

The WIPP TAG biennial program evaluation will be used to identify any new issues or concerns, and ensure that previous issues have been resolved. After the completion of this evaluation, the WGA WIPP TAG will review the results and make recommendations for any changes in the WIPP Guide that may be indicated. DOE-CBFO, WGA, and the states will hold a conference call within 30 days to discuss the evaluation and prioritize any recommended actions, including whether any recommendation will require a revision to the relevant section of the WIPP Guide. Within 90 days following the completion of the biennial program evaluation, the WGA WIPP Program Director and DOE-CBFO’s Manager of Institutional Affairs will meet to discuss and negotiate all proposed policy changes to the WIPP Guide. The WGA WIPP Program Director and DOE-CBFO’s Manager of Institutional Affairs will keep affected states and appropriate DOE officials apprised as the negotiations proceed.

### **Implementing Operational Revisions**

Operational changes and updates that have been authorized by the WGA WIPP TAG may be made and approved at any time by WGA’s WIPP Program Director and DOE-CBFO’s Manager of Institutional Affairs. Any change will require written agreement of both parties. If there is not

an agreement that the change or update is warranted, it will not be made. Upon approval, the agreed upon changes will be circulated to members of the WGA Technical Advisory Group as well as appropriate DOE personnel. WGA may invite lead states to participate in discussions with DOE-CBFO on these changes.

### **Implementing Policy Revisions**

The WGA WIPP Program Director and DOE-CBFO's Manager of Institutional Affairs will negotiate agreement on policy changes based on authorizations or approvals they receive from the WGA WIPP TAG and decision-makers at DOE. Once an agreement has been reached all proposed changes will be submitted to the Executive Director of WGA and the Manager of DOE-CBFO for final approval. Approval of the changes will be reflected in a joint letter signed by WGA's Executive Director and DOE-CBFO's Manager.

When agreement is not reached on any proposed change or changes, both WGA and DOE-CBFO agree to continue negotiating in good faith until such time as agreement is reached. WGA and DOE-CBFO also agree to identify the official or officials within their respective organizations or agencies who have authority to negotiate unresolved proposed changes on behalf of their respective organization or agency. Only officials identified as having such authority may participate in negotiations. If, at the end of a reasonable period of time, but no later than November 1 of the calendar year of the completion of the WIPP biennial program evaluation, there is no agreement on one or more proposed change, all other proposed changes that have been agreed to will be submitted to the Executive Director of WGA and the Manager of DOE-CBFO for approval as described above.

Any changes that have not been agreed to will be submitted to Western Governors and the DOE Assistant Secretary for Environmental Management for resolution.