

**The Council of State Governments
Midwestern Radioactive Materials Transportation Committee**

Proceedings of the Spring Meeting

May 15-16, 2002 ❖ Overland Park, Kansas

Wednesday, May 15

Welcome and Introductions

Mr. Tim Runyon (Illinois) called the meeting to order. Following the general introductions, he turned the floor over to Mr. Frank Moussa (Kansas), who introduced Major General Gregory Gardner, the Adjutant General for the State of Kansas. On behalf of Gov. Graves, Major General Gardner welcomed the committee to Kansas. He commended the group for educating Midwestern state officials in the subject of DOE's radioactive materials shipments. With financial assistance from the cooperative agreement between the Council of State Governments (CSG) and DOE, the state of Kansas had been able to conduct training and hold town hall meetings on the West Valley shipment. The meetings proved to be a very useful outreach tool. Major General Gardner commented that, due to the postponement of the shipment, Kansas would likely need to repeat many of its outreach activities.

Major General Gardner mentioned he had been a Fellow in CSG's Henry Toll Fellowship Program. He highly recommended the program to those that might have an opportunity to be selected. He closed his opening remarks by stating that the interstate regional committee structure was the right approach to ensuring the most cooperative, effective, and safe transport of nuclear waste.

Committee Business Session

Mr. Runyon presented seven goals for his newly begun term as chair of the committee. First, he would like to see the committee serve as the primary conduit between DOE and state programs for issues related to transportation planning, security, emergency response, and training. He noted that the Midwestern region would be heavily impacted by DOE shipments of spent fuel and high-level waste, and said the region could not afford to be "less than a leader" among the regional groups. The committee should continue to be involved in both the planning of specific shipments as well as the development of DOE-wide policies regarding transportation.

Mr. Runyon noted that the regional approach was an effective one for DOE and the states. When DOE worked with the states to plan shipments, the results were a vast improvement over the situation when the states were shut out. Mr. Runyon cited the MOX fuel shipment as a classic example of how *not* to conduct a shipping campaign. In contrast, programs such as the Waste Isolation Pilot Plant (WIPP) and the Spent Fuel Program recognized the need to keep state officials informed and to assist them in training and equipping responders. Mr. Runyon

noted that other DOE programs could build on these experiences and good working relationships. He cited some of the statements that DOE had made during the Yucca Mountain debate as an indication that DOE *did* recognize the value of the regional groups. In those statements, DOE capitalized on the WIPP program's experience with shipments, including the provision of training to responders along the corridors.

Second, Mr. Runyon would like to see the committee become more involved in federal efforts to reexamine shipment safety and security. He encouraged DOE to consider organizing a topic group of the Transportation External Coordination Working Group (TEC/WG) or some other such national task force to address the matter of shipment security. Mr. Runyon felt that program- or region-specific security protocols would be counterproductive.

The third item on the list was the matter of funding. Mr. Runyon noted that the Midwestern states had traditionally supported consolidated funding. Although it was unclear what would happen with the grant idea under the new administration, Mr. Runyon expressed the region's support for the development of a consistent, equitable program to assist the states that were involved in transportation planning, inspections, escorts, and emergency preparedness.

A fourth item, also related to funding, was the concept of accountability. Mr. Runyon said the Midwestern states should set the standard for demonstrating a high level of accountability for the funding and training they received from DOE programs. He noted that, in the discussions of consolidated funding, some states outside the Midwest would not support the grant concept unless DOE committed to a very large amount of "minimum" funding. Mr. Runyon questioned whether such a large amount of funding was really necessary to help states prepare for, in some cases, one to five shipments. He acknowledged that significant amounts of funding might genuinely be necessary in some states. He would like to see the Midwestern states ask only for what they needed and to treat that funding with the same level of accountability as they would general revenue dollars.

Fifth, Mr. Runyon said he hoped to see the Midwestern region demonstrate to DOE and other federal agencies the value of the regional approach to transportation planning. He noted that it might make sense to develop a national approach to an issue. Nevertheless, the differences between the regions made it such that formulation of a national approach could often best begin at the regional level.

He noted that the Midwestern committee provided DOE with a single forum for addressing transportation policies and activities that affected the region. Doing so eliminated redundancies in the planning process, as well as greatly reduced the need for special planning meetings. Mr. Runyon observed that the practice of using regional meetings to conduct planning activities was working for the transuranic waste shipments, foreign research reactor spent fuel shipments, and the West Valley shipment. He would like to see the committee continue to work with DOE in this way to ensure that states would have input into DOE policies and shipping programs.

Sixth, in the spirit of "truth in advertising," Mr. Runyon proposed changing the name of the committee to more accurately reflect the work performed and the topics addressed at the

meetings. He mentioned that this idea had first come up in 1997, but it had met with objections of some committee members. He deferred discussion of this point until later in the business session.

Lastly, Mr. Runyon pledged to work cooperatively with the other regions to identify areas of mutual interest and concern. He hoped all four regions would be in a position to hold another joint meeting at some future date. In the meantime, he said he would work with Ms. Lisa Sattler (CSG-MW) to keep the lines of communication open between the regions.

In closing, Mr. Runyon noted that, over his many years on the committee, two developments had convinced him of the value of the committee and its work with DOE. First, the committee shifted its focus from planning hypothetical shipments under the OCRWM program to addressing near-term shipments — namely, those under the Environmental Management program. Not only did the states have input into planning actual shipments, but the committee also worked closely with DOE's National Transportation Program (NTP) on DOE-wide activities such as the protocols, TRANSCOM, and the consolidated grant concept. He said the regional process benefited both the states and DOE. It was a testament to the effectiveness of state input that DOE's Office of Public Affairs was using state involvement to counter Nevada's campaign against transportation to Yucca Mountain.

Second, he said the exchange of information with fellow states and with DOE was an invaluable benefit of the cooperative agreement. Noting that even states without common borders were connected by shipping routes, Mr. Runyon said it was extremely helpful to him to have a network of state, federal, and regional contacts to help him get the information that he needed to perform his job. He said he wanted the states to know how much respect he had for the group.

Project Update: Ms. Sattler provided an update on the CSG Midwestern Radioactive Materials Transportation Project. Because the existing agreement would end on June 30, 2002, CSG was negotiating the renewal of the agreement for another five years. CSG requested from five programs: WIPP, NTP, the Office of Civilian Radioactive Waste Management (OCRWM), the National Spent Fuel Program, and West Valley. Over 70 percent of the funding was earmarked for the state agreements.

Both the overall cooperative agreement and the individual state agreements would start anew on July 1, 2002. States with current agreements should submit their final invoices by July 1, 2002, and their final reports by October 1, 2002. Proposed activities for the upcoming five years included committee meetings, assisting with transportation planning, and the resumption of some public information activities — beginning with the publication of a new handbook on radioactive waste transportation. More frequent articles in CSG's national and regional publications would be another new focus of public information activities. In addition, depending on the outcome of the Yucca Mountain site recommendation, Ms. Sattler hoped the CSG Transportation Project would once again turn its attention to OCRWM-related activities.

In response to a question, Ms. Sattler said the target date for publishing the new handbook would be June 2003. The committee would have a chance to review and comment on the outline and the draft document.

Ms. Sattler noted that the Midwest had not seen any shipments since the previous meeting in October 2001. She and several committee members had attended the winter meeting of the TEC/WG in January. In April, CSG published the *Planning Guide for Shipments of Radioactive Materials through the Midwestern States*. Ms. Sattler said the original distribution list included over 200 people, and CSG had already filled requests for almost 200 more copies. She noted that a copy of the *Planning Guide* was available on the internet, and requested that the committee members forward to her any changes in personnel or other state information. The on-line version of the document would be updated regularly. The committee would conduct a lessons-learned review in April 2004, at which time the recommended practices might change. In that event — and funding permitting — CSG would consider reprinting the *Planning Guide*.

Roundtable Discussion of State and Regional Activities

Iowa: Mr. Donald Flater said he had been looking over route maps that affected Iowa and determined there were 11,000 people in need of training along the potential rail route to Private Fuel Storage alone. He said the state had finalized its rule charging a fee for shipments of radioactive materials. The rule went into effect on March 14, with the state to start collecting fees in July 2002. The fee covered all shipments of radioactive waste, including low-level waste. The state Department of Transportation was modifying its permitting system to incorporate the new fee. Shippers could get more information, pay the fee, and receive a permit on-line.

The fee for rail shipments had been reduced from \$250 per car to \$50 per train. A new paragraph in the rule specifically earmarked the collected revenue for use in preparing emergency responders. Mr. Flater also reported that the state was attempting to work with the Department of Defense to identify whether any radioactive waste might be present at an Army base in the southeast corner of the state. The Army commander had not been receptive to the idea of working with the governor.

In response to some questions, Mr. Flater said the fee was charged to the shipper, not the carrier. Over 1,000 information notices had gone out to shippers and carriers, with another 1,000 scheduled to go out in mid-June. He suggested that, in the coming year, the rail fee might increase. Mr. Kevin Blackwell (FRA) asked about Iowa's plans to enforce the rule. Mr. Flater noted violations would be considered a "serious misdemeanor," which carried a fine of \$1,000 per day. The state was also thinking about installing monitoring devices at all weigh stations in order to detect shipments carrying radioactive materials.

Ms. Patrice Bubar (DOE-EM) asked Mr. Flater about the funding available to the state for training. He said the funding was insufficient. There were at least 11,000 emergency responders in the state that needed training. The amount of funding DOE provided was insufficient to address such a great need, not to mention the fact that it was earmarked only for

preparedness activities along the WIPP routes. Iowa experienced a turnover rate of 40% each year in its emergency responders.

Mr. Moussa agreed, and said 80% of the responders in Kansas were volunteers. The turnover rate could be as high as 50%. He added that responders needed to meet the HAZWOPER definition under OSHA regulations. One of the requirements was annual refresher training, which was difficult to provide for so many responders throughout the state.

The states had a lengthy discussion of the need for training. A common theme was that state budgets were stretched too thin to provide adequate resources for keeping up with the training requirements for emergency responders. The situation was already difficult to manage given a small number of DOE shipments; when shipments increased in number — particularly when spent fuel and high-level waste started to move to Yucca Mountain — the states would be hard pressed to keep up with demand for training. The states were in agreement that funding from DOE was insufficient to cover all bases. As a consequence, more states were considering fees as a way to generate revenue.

The states also discussed the amount of time they spent dealing with the media, particularly in recent weeks with so many inquiries stemming from the anti-Yucca Mountain campaign that the state of Nevada was sponsoring. The states said DOE had missed several opportunities to counter the misinformation campaign, including the past opportunity to work with the corridor states through the cooperative agreements.

Ms. Bubar attempted to sum up the discussion regarding the states' interactions with DOE. First, the Transportation Emergency Preparedness Program (TEPP) was a useful training tool and should be more accessible to the states that needed it. Second, there was a need to educate lawmakers and other policy makers. Third, the states needed financial assistance to implement training and outreach programs. The states agreed with Ms. Bubar's synopsis of the discussion.

The states resumed the roundtable. Mr. Runyon reminded the members to comment in an appropriate fashion on how they were responding to the NRC recommendations regarding physical protection of shipments.

Ohio: Mr. Robert Owen said that the state was closely monitoring DOE's activities regarding the possible construction of a conversion facility for depleted uranium hexafluoride (DUF₆) currently stored at three sites in Kentucky and Ohio. Congress had directed DOE to construct two such plants, one of which DOE had tentatively decided to locate in Portsmouth, Ohio. The Office of Management and Budget, however, had said DOE should consider building just one facility. The plan was to identify the site of the single facility in January 2003. Under an agreement with the state of Tennessee, over 5,000 cylinders of DUF₆ would have to leave Oak Ridge by 2004. Ohio and Kentucky had written a joint letter to DOE stating their intent to pursue regulation of the conversion facilities. The states had not received a reply from DOE.

Mr. Runyon commented on the DUF₆ shipments, noting that barge had been suggested as a potential mode of shipment. The states expressed alarm at this, given that exposure of the DUF₆ to water would create hydrofluoric acid. They agreed that radiation was not the

principal hazard in the material, but rather the potential for creation of hydrofluoric acid. Mr. Owen added that, depending on the mode and route chosen, shipments from Oak Ridge might go through Indiana.

Mr. Owen reported that the Ohio state agencies either were conducting or had conducted training in connection with the transuranic waste shipments and the West Valley shipment. There had been some Congressional interest in the West Valley shipment.

Mr. Owen brought up the subject of coordination between DOE programs with regard to training. He had received a training CD from the DOE Emergency Operations Training Academy, and wondered whether this group was aware of the work that had gone into developing the TEPP modules. Ms. Judith Holm (NTP) said she would look into the matter.

Missouri: Mr. Tom Lange reported that the Federal Highway Administration had completed a Tier 1 environmental impact statement for addressing improvements to the I-70 corridor. The Tier 1 study was completed late in 2001. The federal government was now working on the Tier 2 study, which was due in summer 2004. Mr. Lange said the improvements to the interstate would likely require going off the existing right of way. Mr. Ed Gray reported that the Emergency Management Agency was conducting radiological training along the routes for West Valley and the foreign research reactor spent fuel shipments.

Michigan: Mr. Thor Strong noted that he was aware of some upcoming shipments from the University of Michigan research reactor. The shipments did not show up in DOE's Prospective Shipments Module, however. The university had requested that they not be included on the module because DOE was not the shipper. Ms. Holm said she would follow up to see if there was a way to get all universities to post their shipments.

Mr. Strong said there were some certification issues associated with the University of Michigan shipments. Michigan had designated US 23 as the route out of the state. The designation of this route in Ohio was temporary, however, and would have to be extended.

Mr. Strong also reported that, as part of its decommissioning, the Big Rock Point reactor vessel would be shipped sometime in 2003. On the subject of legislation, Mr. Strong said there was the potential for legislation requiring the state to prepare a plan for the safe transport of spent fuel. He did not expect the proposed legislation to enact a fee per se. He said a new provision would impose a \$10,000 civil fine for unauthorized disclosure of safeguards information.

Mr. Strong said his agency had been surprised to learn how many shipments of radioisotopes passed through the state from a Canadian manufacturer (MDS Nordion). The great frequency of the shipments had prompted Michigan to consider developing a more focused state policy on physical protection of shipments.

The Emergency Management Division of the State Police would have a meeting in Crystal Lake on October 7-9 for local emergency responders. Representatives of DOE's TEPP program were invited to participate.

On the subject of the shipments of radioisotopes, Mr. Runyon clarified that, prior to the NRC's actions to augment physical protection, his agency had received notice only of shipments that would *terminate* in the state. In response to the NRC's augmented measures, the state was now receiving notification even if the shipment just passed through the state. He and Mr. Strong agreed that it was getting difficult to keep track of all the shipments. Mr. Blackwell suggested there might be a way to enlist the help of U.S. Customs in keeping track of these shipments.

Indiana: Mr. David Crose said the state had a fee law on the books, and had collected the fee for the West Valley shipment. He said the State Emergency Management Agency had been conducting training with the help of DOE's State and Tribal Education Program (STEP) trainers. Over 500 people along the West Valley and Battelle routes had been trained. On July 23-24, DOE would conduct a TEPP workshop in South Bend.

Kansas: Mr. Moussa reported that his agency had conducted a power plant exercise, as well as an exercise involving a scenario with a dirty bomb. The state had completed its training for West Valley. Mr. Moussa said he did not see a need for a state fee on radioactive materials shipments as long as DOE continued to provide financial and technical assistance to the state in connection with specific shipments.

Nebraska: Mr. Brent Friesen reported that the Omaha Veterans Administration (VA) hospital had a small reactor that was being decommissioned. The USGS site in Colorado was the proposed destination for the material being shipped. At a meeting this past winter, it became clear that both DOE and the VA were wondering how to proceed with the decommissioning and the waste disposal. The VA had expressed its desire to have the work done by March.

Mr. John Erickson said a bill had been introduced this past session that would have charged a fee for shipments of spent fuel, high-level waste, and transuranic waste. The bill spelled out exactly what the funding would be used for — namely, inspections, escorts, emergency planning, and other preparedness activities. Had the legislative calendar not run out, the bill would have passed. Mr. Erickson said the bill would have charged a fee of \$2,000 per cask until January 2004, which would give the state time to refine its rules and regulations. Mr. Erickson said the final rules would likely include an exception to the fee to accommodate programs like WIPP that provided the state with funding in connection with shipments. He expected the bill to be reintroduced during the next session.

Mr. Erickson said the state intended to follow NRC guidance on shipment safeguards, but to his knowledge the state had not been receiving the same number of notifications as other Midwestern states.

Illinois: Mr. Runyon reported that Illinois was not opting to follow the NRC's recommendations regarding physical protection of HRCQ shipments. For spent fuel shipments, the Illinois Department of Nuclear Safety already had a policy of carrying out the actions recommending for physical protection.

Mr. Runyon said university shipments of spent fuel from Missouri had resumed. He said the legislators in Illinois were showing a great deal of interest in transportation issues. He went to Washington, DC, to brief the congressional staff on IDNS's practices.

Mr. Runyon said that, given the contentious debate over Yucca Mountain and the continuing uncertainty in WIPP shipping schedules, IDNS had chosen not to conduct outreach in connection with the Battelle shipments. He said that, as long as DOE provided sufficient lead time to the states, IDNS would be able to complete their outreach activities prior to the shipment.

Mr. Runyon commented on the Kucinich bill. He said almost everything in the bill would not be possible or was already covered. He added that, in the event of an emergency involving a shipment, the state of Illinois would have an escort team accompanying the shipment. The team would include security and a health physicist. Not only would the team monitor the shipment, but they would also make sure any emergency medical technicians that responded to the incident would not refrain from treating medical emergencies out of fear of exposure.

Mr. Runyon then turned the floor over to Ms. Bubar. Ms. Bubar discussed several initiatives within DOE's headquarters.

First, Ms. Bubar said the "top-to-bottom" review of the Environmental Management (EM) program concluded that DOE had to do things differently. Ms. Jessie Roberson, the Assistant Secretary for Environmental Management, wanted decisions brought to her if they had not yet been clearly delegated to another program. Ms. Bubar said EM did not want to break up the regional groups — rather, the department wanted to make sure decisions were being made at the right level. She noted that the Iowa fee might have big implications for DOE's shipping programs.

Regarding the West Valley shipment, Ms. Bubar said the shipment had been the victim of the failure of DOE's Idaho National Engineering and Environmental Laboratory (INEEL) to get on schedule for shipping 3,100 cubic meters of transuranic waste to WIPP by December 2002. Approximately 50% of the volume had been moved as of May 2002. Ms. Bubar noted that INEEL and Rocky Flats were DOE's two biggest priorities in terms of shipping transuranic waste. She said the department would fit in shipments from other sites when possible.

Ms. Bubar mentioned that DOE was still planning the shipments of foreign research reactor spent nuclear fuel. As yet, there were no shipments planned for 2002. EM was also trying to ensure a strong interaction with the Office of Civilian Radioactive Waste Management (OCRWM). Ms. Roberson and Dr. Margaret Chu (OCRWM director) had met. Dr. Chu's biggest priority was getting the Yucca Mountain recommendation through Congress.

Ms. Bubar said transportation was a high priority in EM, and had been identified as one of the 12 areas that needed improvement and better coordination between programs. One improvement was for DOE to stop issuing certificates for containers. After the end of FY03, the NRC or the National Nuclear Security Administration would have that responsibility. This would mean sites would have to do a better job planning ahead for shipments. Ms. Bubar

emphasized Ms. Roberson's desire to see EM become a cleanup and closure program. She mentioned that some activities might have to be turned over to OCRWM.

Mr. Runyon said the Midwestern committee had tried to promote consolidation of shipping activities within DOE. Mr. Crose agreed, and advised Ms. Bubar that DOE should run its transportation program more like a business. That is, the department should stop reinventing the wheel with each new shipping program. DOE could save time and money by foregoing shipment-specific planning meetings and instead tapping the regular committee meetings for this work. Mr. Runyon noted that, with the WIPP Program Implementation Guide and the Foreign Research Reactor SNF Transportation Plan, DOE had materials out there for other programs to use. Mr. Crose asked what the time frame was for making the major changes. Ms. Bubar said the major changes would not come for another year. Currently, DOE was writing the budget for FY04, which was when the changes would be implemented.

Mr. Christopher Wells provided an update on behalf of the Southern region. He said SSEB was working on a revision to its planning guide for transuranic waste shipments. Along with the revised guide, SSEB was pursuing a new memorandum of agreement with the Secretary of Energy. The South was looking forward to resuming its activities related to the Civilian Radioactive Waste Management System.

Mr. Nathan Christiansen provided an update on the Western region. The Western Governors' Association (WGA) was working on revisions to the *WIPP Transportation Safety Program Implementation Guide* (otherwise known as the WIPP PIG). WGA was also working on the new rail version of the PIG. SSEB was involved in this effort, too, because Savannah River had been identified as a site that might conduct shipments via rail. A third activity within WGA was the evaluation of shipment security. The WIPP Technical Advisory Group was considering what to do with regard to WIPP shipment security. Mr. Ron Ross announced that he would be leaving WGA as of June 1 to work under contract for the OCRWM program.

TRANSCOM Steering Group Update: As the committee's representative on DOE's TRANSCOM Steering Group, Mr. Runyon provided the update. DOE had trained over 425 users, 110 of which were "superusers" who could conduct training within the state or the entire region. The training course was consistently rated as excellent or very good. Mr. Runyon mentioned that TRANSCOM had won a DOE award for excellence in information technology.

DOE had improved the system, partly in response to customer suggestions. For example, users would now get a window saying there were no shipments available for viewing. System login and firewall problems seemed to have been resolved, for the most part. Position updates were another critical issue for the states, particularly with the self-powered units. The section on emergency response contacts would now be able to list more than one contact per state.

The NRC was now an authorized TRANSCOM user. It was possible that TRANSCOM was capable of being used to track all HRCQ shipments, not just DOE's spent fuel, transuranic waste, and other high-visibility shipments. The NRC was still working on a method for developing the system-approval process.

Mr. Crose brought up a recurring problem with TRANSCOM training — namely, the dates for training sessions were announced with too little advance notice. Mr. Runyon offered to send superusers from Illinois to conduct training in other states, if necessary. An alternative would be to have the states needing training send their staff to Springfield to work with the Illinois superusers.

Committee Rules: The committee discussed and approved two changes to the committee rules. First, the committee voted to amend the selection process for legislative appointees to make it possible for the gubernatorial appointees to recommend candidates for consideration. Second, the committee voted to change its name to the Midwestern Radioactive Materials Transportation Committee. Both votes were unanimous. The committee directed Ms. Sattler to amend the rules and to distribute copies of the amended rules to all members of the committee.

Mr. Crose asked why the committee had more gubernatorial appointees than legislative ones. Ms. Sattler explained that the committee had 12 members appointed by the Midwestern governors and seven appointed by the chair of the Midwestern Legislative Conference. If the committee increased the number of legislators to a full complement of 12, the funding available to the committee would not be sufficient to cover travel costs to the meetings. Traditionally, most of the legislative seats went to the states on the routes for current DOE shipments.

Next Meeting: Mr. Runyon proposed the schedule for the next four meetings: October/November 2002 in Lincoln, NE; May 2003 in Carlsbad, NM; fall 2003 in Chicago. Mr. Ralph Smith (DOE-Carlsbad) cautioned that the committee should consider visiting the WIPP site sooner rather than later, because of the possibility that public tours would no longer be readily available. The committee agreed to meet in Carlsbad on October 16-17, with the spring 2003 meeting to be held in Lincoln. The next states in the rotation would be Michigan, Ohio, Iowa, and Indiana.

U.S. Department of Energy Program Updates

Waste Isolation Pilot Plant: Mr. Smith provided the update on the Waste Isolation Pilot Plant program. He reported that DOE would conduct a test of the Union Pacific and Burlington Northern/Santa Fe rail system from Idaho down to Carlsbad. The test would take place sometime in September or October. One of the things DOE would be testing was TRANSCOM.

DOE had 59 TRUPACTs and was expecting to have 82 by May 2003. Five 72B casks had been made but DOE had not yet accepted them. DOE did not have any HalfPACTs yet.

Shipments from Argonne National Laboratory-East (ANL-E) were on the priority list for DOE. Higher on the list, though, were the shipments of remote-handled waste from Battelle in Columbus. Shipments from the site could begin in August. In conjunction with the Battelle shipments, Mr. Smith was hoping to move three shipments of waste out of ETEC in California. U.S. Army Materials Command had 2.5 cubic meters of material. It looked like DOE might have a path forward for that waste.

The current plan for moving the seven barrels of contact-handled waste stored at the Missouri University Research Reactor was to have one of the empty CNS 10-160B casks pick up the waste on its way back to Columbus from Hanford. The waste would be moved to ANL-E, and the empty cask would head to Battelle for another shipment of remote-handled waste. Prior to conducting the MURR shipments, DOE would have to conclude negotiations with the state of Illinois over changes to the RCRA permit for ANL-E. The shipping route had already been negotiated.

Mr. Smith said WIPP would pass the 1,000-shipment mark on or around July 4. Over 22,000 people had been trained along the routes. He noted that an upcoming meeting sponsored by WGA would address shipment security. He said the WGA was simply trying to get a start on the matter of security. He recognized that the regions had different approaches to common problems. He assured the states that any developments in the West regarding security would be shared with the other regions, and their input would be welcome. He also mentioned that DOE was updating the transportation plan, and reminded the states to submit their updated contact information.

With regard to public outreach, Mr. Smith reported that many jurisdictions were shying away from "public" outreach, but were still interested in training as well as "political" outreach to elected officials. In addition, the merger of MERRTT and STEP training was headed to the Department of Labor for concurrence. On the subject of financial assistance to the states, Mr. Smith said funding would be available on a prorated basis in FY03 if the Carlsbad Field Office (CBFO) should happen to finish its shipping campaigns through the Midwest earlier than anticipated.

Mr. Runyon asked why the MURR waste would move to ANL-E. Mr. Smith said there were two levels of waste characterization: for transportation and for disposal. The CBFO felt it would be more cost effective to have MURR characterize its waste for transportation and then ship it to ANL-E for the disposal characterization. The CBFO might adopt this approach for the U.S. Army Material Command waste, as well.

Mr. Smith said an updated projection of shipments would be going out to the states at the end of July. That letter would list the shipments from Battelle and ANL-E.

Mr. Crose suggested that DOE should make sure a representative of each region would be able to attend the Western security meeting. Mr. Runyon and Mr. Smith reviewed the agreed-upon notifications for WIPP shipments. Mr. Runyon cautioned that two hours' notice would not give the state of Illinois sufficient time to meet the shipment at the border. Ms. Sattler requested that, for the first few shipments, the CBFO augment these notifications until the states had a high level of comfort with the shipments. She also suggested holding a conference call with the Midwestern corridor states 60 days out from the first shipment.

Mr. Smith said that, on June 24, he anticipated the department would enter into an agreement with WGA and SSEB to have WIPP take responsibility for all transuranic waste shipments. As a

result, control over the Battelle shipments would transfer from the Columbus Environmental Management Project to the CBFO.

During a lengthy discussion of the schedule for Battelle shipments, the Midwestern states expressed concern about shipments taking place in winter. The states had previously made this request, as had the state of Oregon. The states also reiterated their desire to receive 60 days' advance notice of the Battelle shipments. They objected to the CBFO's plan to start shipments in early July, given that shipments would start in less than 60 days. Mr. Smith said it would be possible to begin shipments in September and, with luck, finish by the end of October.

Columbus Environmental Management Project: Mr. Tom Baillieul (DOE-CEMP) said the transuranic waste packaging campaign was winding down, with the end of this activity projected in January. A total of 98 drums had been completed. Mr. Baillieul anticipated a total of around 115 drums. DOE now owned a CNS 10-160B cask. Mr. Baillieul hoped the department would consider purchasing one more for use in shipments of not only transuranic waste but also low-level waste.

One way to compress the timeframe for shipments was to use both the DOE-owned cask and lease a second cask from the Navy. By using two casks, there was a real chance that DOE could finish the Battelle shipments by the end of October if the campaign were to begin in August. Mr. Baillieul added that Hanford had not yet signed a memorandum of agreement with the state of Washington to allow the receipt of Battelle's remote-handled transuranic waste.

Oak Ridge was shipping 15 excess concrete vaults to Hanford for storing the Battelle waste. Mr. Baillieul was still hoping the campaign would start in early July, but he was not optimistic. Mr. Runyon asked if the Battelle waste would be shipped under the WIPP transportation plan. Mr. Baillieul said Mr. Smith's program had taken over all the transuranic waste shipment planning. Mr. Runyon noted that the states did not have a copy of the transportation plan. Ms. Sattler said she had requested a copy of the plan but had not received it. Ms. Rebecca Walker said the plan was undergoing revision and the states would have an opportunity to comment. Mr. Baillieul added that Battelle had prepared a draft transportation plan several months earlier, but DOE would not be using that plan.

Miamisburg Environmental Management Project: Mr. Oba Vincent (DOE-MEMP) reported on the transuranic waste shipments from the Mound site in Ohio. He said Mound was hoping to finish its cleanup project by December 2005. Approximately 40 percent of the site had already been turned over to industry. Mound was the only site authorized to use the OHOX railcar for transuranic waste shipments, and the car could only be used to ship waste to Savannah River Site. Mound expected to make nine more shipments, with September 2002 as the target month for the second shipment. Mr. Vincent explained that Savannah River would first have to make 12 shipments on its own. All subsequent shipments from Savannah River would count towards the agreement SRS made to accept waste from Mound.

Mr. Vincent added that the frequency of shipments from Savannah River were contingent upon INEEL meeting its milestone of shipping 3,100 cubic meters of waste to WIPP. Once that

milestone was met, SRS would be able to accelerate its shipping schedule to the point at which Mound might be able to send one OHOX car to South Carolina every month.

Mr. Vincent noted that the first shipment had uncovered some problems with TRANSCOM on rail shipments. DOE was working with the TRANSCOM system and the state of Ohio to address those concerns. Mr. Vincent added that Kentucky and Tennessee had utilized the MERRTT modules in their training of the shipping corridors. He concluded by saying that, when the whole Mound campaign was done, he hoped people would look back on it and say it was done well.

National Transportation Program (NTP): Ms. Holm provided the National Transportation Program update. She reported that, as a result of the top-to-bottom review, the NTP priorities and budget had undergone some adjustments. NTP was attempting to work more directly with sites such as Hanford that might not have an integrated approach to transportation planning.

NTP was also working with DOE headquarters on the transition of package certification from DOE to the NRC. DOE would continue to support sites in their certification applications to the NRC. Intermodal activities were another new focus for NTP, as was an integrated container procurement program. If individual sites were to buy into broad-based procurement, DOE could stand to save millions of dollars in containers costs. In addition, NTP continues to conduct support activities such as TRANSCOM, systems engineering, risk assessments, and internal compliance assessment audits.

On the subject of security planning, she said DOT was really taking the lead on this topic. Since September 11, the Transportation Security Administration had this responsibility. Air security was the current focus of the administration.

West Valley Demonstration Project: Mr. John Chamberlain (West Valley Nuclear Services) reviewed the events leading to the postponement of the 2001 West Valley shipment. DOE had been very close to making the shipment when the terrorist attacks occurred on September 11. There was one more brief opportunity to ship following the attacks. On October 18, however, Assistant Secretary Roberson decided to postpone the shipment so that INEEL could focus on meeting an important milestone regarding the shipment of transuranic waste to WIPP.

Mr. Chamberlain reported that the two specially designed casks had been maintained in a shipping-ready mode on their railcars. During the past spring, DOE had received sporadic media inquiries regarding the status of the shipment, including calls from media in the Midwest. The casks were checked for surface contamination in early spring, and during the summer DOE would conduct gas sampling and a helium leak test. Other readiness activities included maintaining the on-site rail spur and inspecting the railcars (air brakes, bolts).

Mr. Chamberlain said West Valley was still awaiting a decision from DOE headquarters regarding the shipment. On behalf of the DOE staff at West Valley and the entire project team, Mr. Chamberlain expressed thanks for all the support DOE had received from the states the previous year.

Mr. Moussa said it might be the case that DOE was ready to go, but the states would need at least four-five months to once again prepare for the shipment. He was emphatic that the training the states had provided in anticipation of a summer 2001 shipment would now have to be redone. Mr. Chamberlain said DOE-West Valley had consistently passed this type of information to DOE headquarters. He said the six- to nine-month time frame Ms. Bubar had mentioned earlier in the day not only reflected time to establish contracts with the railroads, but also the other planning activities that would need to be completed — such as routing and training.

Mr. Moussa then brought up the subject of funding. He noted that Kansas had spent the money it received from DOE to conduct training and inform public officials along the route. Those activities would now have to be repeated, therefore the states would be asking for additional assistance. The other corridor states concurred with Mr. Moussa's assessment.

Office of Civilian Radioactive Waste Management (OCRWM): Ms. Jozette Booth (DOE-OCRWM) provided an update on the status of the Civilian Radioactive Waste Management System. She said she hoped that, if Congress approved the Yucca Mountain site recommendation, she would be working with the committee on a regular basis to develop OCRWM's institutional plan.

On January 10, the Secretary notified the Governor of Nevada of his intent to recommend the site to the President. Governor Guinn subsequently filed his notice of disapproval. On February 14, Secretary Abraham sent the recommendation to the President. He based his recommendation on three primary factors, in order: 1) sound science, 2) compelling national interest (e.g., energy security, homeland security), and 3) arguments against moving forward. On February 15, the President sent his letter to Congress supporting the Secretary's recommendation. Ms. Booth noted that over 20 years of scientific research had gone into the site recommendation.

Ms. Booth said both houses of Congress would have to pass a resolution over-riding Governor Guinn's disapproval. The House did so the previous week, whereas the Senate was still considering its over-ride resolution. Ms. Booth said that if Congress did not over-ride the disapproval notice, the OCRWM program would shut down pending further direction.

Assuming Congress approved the site recommendation, the next step in the process would be to submit a license application to the NRC (2004), followed by a construction authorization (projected for 2007), and commencement of operations in 2010.

Ms. Booth reviewed OCRWM's budget request for FY03. She said the states might be interested in the \$17.1 million request for transportation and waste acceptance, \$14.2 million of which was earmarked for transportation. She said, if the site were to be designated, OCRWM would ramp up its transportation program. She noted the program had a lot to do. One of the first things would be to revisit the 180(c) policy, which was last issued in 1998. She said OCRWM would incorporate comments it received on that version, reissue the draft policy by the end of FY02 for comment, and release the final policy next year. In addition, OCRWM would work with EM to

plan the next TEC/WG meeting. Ms. Booth said OCRWM would also be working with the regions to resume the cooperative agreements it had in the past.

The program was considering its approach to procuring transportation services, and would reissue the 1998 request-for-proposal. By the end of the year, she expected OCRWM to issue for comment a draft scope of work for these services. A final request-for-proposal should be available in FY03. Ms. Sattler expressed concern about the possibility that the new approach would deviate from the previous one in terms of institutional activities. She said the states had fought long and hard for OCRWM to maintain control of the institutional program, including working with the states on route selection. Ms. Booth said she did not anticipate changes to any of those provisions.

Transportation Emergency Preparedness Program: Mr. Dan Hoglund (Oak Ridge Institute for Science and Education) provided the TEPP report on behalf of Ms. Ella McNeil (DOE). He reported on the merger of the WIPP STEP training with the MERRTT modules. Distribution of the merged modules began in March 2002. WIPP had requested that OSHA review the modules so that DOE could meet the requirements of the WIPP Land Withdrawal Act.

Regarding the update to the National Fire Protection Association standards, Mr. Hoglund said DOE had tried to get a "temporary interim agreement" to include the improvements and recommendations suggested by the TEC/WG Training and Medical Issues Topic Group. Such temporary agreements, however, would only be issued in an emergency. As a compromise, the user guide to the 471-3 standards would incorporate the suggested changes.

DOE and FEMA jointly produced an emergency response training video, again with assistance from the TEC/WG topic group. This version would replace a similar video that was prepared in 2000. The new video would be available in May, following which the next video in the sequence would go into production. The committee viewed the TEPP video.

Upcoming initiatives for TEPP in 2002 included establishing a link to the MERRTT modules from the FEMA Independent Study web site. In addition, four additional MERRTT modules would be developed through the training and medical issues topic group. The new modules would address rail shipments, tribal issues, safeguard shipments, and a specialist module. In addition, DOE would pursue certifying MERRTT for continuing education units.

Thursday, May 16

Federal Agency Activities

U.S. Nuclear Regulatory Commission: Mr. Earl Easton provided the NRC update. He commented favorably on the *Planning Guide* that the Midwest had prepared. He explained that the NRC was responsible for certifying transportation casks as accident resistant, as well as setting rules for protection against theft and sabotage. He noted that the NRC believed Type B packages represented a safe way of transporting spent fuel and other radioactive materials. The NRC also felt that the existing physical protection measures provided a good level of security.

Despite this confidence in existing casks and security measures, the commission was continuing to reexamine its requirements in light of recent events.

Over the years, the NRC had conducted several studies regarding the performance of transportation packages. The NRC decided to revisit some of these studies in its new Package Performance Study. This study was looking into cask performance in the event of accidents involving severe impact and fire. The commission was seriously considering full-scale testing, which Mr. Easton noted was a recommendation in the committee's *Planning Guide*. Regardless of the commission's decision on full-scale testing, the Package Performance Study would assist the NRC in re-validating codes and models, and thereby the adequacy of its regulations. Mr. Easton invited the states to attend one of the NRC's planned workshops on the testing protocols. Those workshops would take place August 21 in Pahrump, NV; August 22 in Las Vegas; and August 27 in the DC area.

The NRC was also looking into possible cask responses to conditions such as those observed during the Baltimore Tunnel fire. In that fire, which burned for 12 hours, the temperature reached 1,500° F. Under such conditions, a cask would reach 1,200° F. The NRC contracted with NIST to conduct a review of the tunnel fire. That review would not be completed for several months.

The NRC was also engaged in a major rulemaking to bring its rules into "harmony" with the latest safety series from the IAEA. The NRC would hold two meetings, one on June 4 in Chicago and the other on June 24 in DC, to discuss the rulemaking with the public. The comment period would end July 21.

The rulemaking was very wide reaching. Of particular interest were the proposed changes to contamination limits for spent fuel casks. The proposal would address differences in the dose to workers versus the dose to the public. Also, the NRC had proposed dropping its requirement that packages for plutonium have double-containment. Another change would affect the process for changing package authority for dual-purpose casks. Under the current system, changes to transportation casks must first be approved, whereas there was no need for prior approval for storage casks. The NRC was proposing to have dual-purpose casks meet the same requirements as storage casks.

Under the topic of shipment security, Mr. Easton said the Office of Nuclear Safeguards and Incident Response was a new group at the NRC, to be affiliated with homeland security. The NRC had issued two advisories regarding the physical protection of spent fuel and HRCQ materials. Mr. Easton said the NRC would likely issue interim compensatory measures in the coming months. He also speculated that physical protection measures might wind up being the subject of a future order.

In terms of long-term actions, Mr. Easton said the NRC would conduct a top-to-bottom examination of its security program. Three studies were assessing the vulnerability of casks during the transport of spent fuel and of non-spent fuel, as well as storage cask vulnerability. Mr. Easton mentioned the test at the Aberdeen Proving Grounds that involved firing a shaped

charge at a transportation cask both with and without an overpack. He welcomed feedback from the states on the NRC's activities related to security enhancements and package performance testing.

Mr. Runyon clarified that the Midwestern committee's position on full-scale testing did not reflect a lack of confidence in the NRC's regulations pertaining to cask design. Rather, the states believed the time was right, given the status of the Yucca Mountain project, to conduct a new set of cask tests similar to those conducted at Sandia National Laboratory in the 1970s.

Federal Railroad Administration (FRA): Mr. Blackwell reported on the activities of the Federal Railroad Administration. He said the dedicated train study would be out by the end of the calendar year. He did not rule out the possibility of the FRA issuing a rulemaking as a result of the study.

The General Accounting Office would be kicking off their audit of DOT's nuclear waste shipment security. Congressman Joe Barton had requested the audit. Mr. Blackwell hoped to see the Safety Compliance Oversight Plan (SCOP) revised in the near future.

In response to a question about the SCOP and the possibility of a rulemaking related to dedicated trains, Mr. Blackwell clarified that the SCOP addressed how rail shipments would move. The SCOP would apply equally to dedicated train shipments or to radioactive materials in general freight.

Federal Motor Carrier Safety Administration (FMCSA): Mr. Joe Delorenzo reported on the activities of the Federal Motor Carrier Safety Administration. As a result of the recently conducted "security sensitivity visits," the FMCSA had learned many lessons. In terms of personnel security, carriers had not been doing an exemplary job of checking the backgrounds of their drivers and other employees. Limiting access to facilities would also go a long way toward improving shipment security, as would better adherence to the regulations regarding use of preferred routes. Technological devices — such as installing remote shut-offs — were available to carriers but not always utilized. Mr. Delorenzo noted that the FMCSA regulations did not say much about shipment security beyond making sure hazardous materials shipments were delivered as expeditiously as possible and followed preferred routes.

Future actions at the FMCSA would focus on bringing safety and security together, with emphasis placed on outreach to drivers. The agency would also continue to coordinate with the Transportation Security Administration. In addition, Mr. Delorenzo said the FMCSA would review its regulations for the purpose of enhancing those pertaining to security. An interim final rule would be coming out soon regarding background checks for persons seeking commercial drivers licenses.

The FMCSA would continue to address security during its compliance reviews. Approximately 3,000 such reviews were conducted annually. It was also possible the agency would continue to conduct security sensitivity visits, with a focus on the highest risk carriers. In addition, funding was available to the FMCSA for testing some of the technology that was available.

Operational testing would help to identify what was available, demonstrate its effectiveness, and measure the costs and benefits. The testing would cover six risk areas: driver verification, off-route vehicle alerts, stolen vehicles, unauthorized drivers, cargo tampering, and suspicious cargo deliveries. Each of these areas would be tested in three stages: pickup of hazardous materials, en route transportation, and delivery.

Mr. Delorenzo commented on the DOT Inspector General's (IG) review of the department's readiness for the coming increase in frequency of nuclear waste shipments. The IG report, issued on January 10, contained two recommendations. First, the department should designate a focal point to timely and effectively address issues pertaining to the budget, resources, regulations, coordination, infrastructure, routing, the environment, and safety. Second, the department should establish and maintain senior-level coordination with DOE regarding the transport of nuclear waste. Undersecretary Jeff Shane (S-3) had tentatively been tapped as the person in charge of coordinating with other agencies regarding shipment security.

Mr. Delorenzo closed by reminding the committee that July 29 was the deadline for commenting on the HM-230 rulemaking (regarding compatibility with the IAEA regulations).

Private Sector Activities

Mr. Runyon introduced the session by noting that developments in the non-government sectors could set precedents or generate lessons learned, which in turn could influence DOE's transportation activities. Toward that end, the committee had invited the next three speakers to discuss the work that they performed and how transportation figured into that work.

Association of American Railroads (AAR): Mr. Robert Fronczak reported on the AAR's activities, with particular emphasis on the performance standard for spent nuclear fuel trains. He explained that the AAR published a manual of standards and recommended practices for the industry. These standards were voluntary and were developed and maintained for railroads. They applied to the rail equipment interchanged between railroads. Among the topics addressed in the standards were performance and quality assurance. Mr. Fronczak reminded the committee that, in addition to the AAR manual, federal safety standards also applied to railroad operations.

He said the derailment rate had declined by 69% since 1980. The industry hoped to see the spent fuel derailment rate be even lower than the average rate. In crafting its performance standards, the AAR had assumed that most shipments of spent fuel would be by rail, due to the weight of the casks and the lower risk of accident associated with rail shipments.

Approximately 250-400 shipments would take place each year, with the shipping campaign lasting 40-50 years. The shipments to the repository or storage facility would be highly visible. One of the AAR's goals was to minimize the impact on operations and to ensure continuous improvement to the system.

The objective of the AAR was to provide a dedicated cask-car-train system that would ensure cask integrity in the railroad operating environment and allow timetable speeds without any restrictions on meets and passes.

In December 1998, the first draft of the standard had been completed. The AAR Equipment Engineering Committee reviewed the draft and submitted comments. In March 2000, the committee approved the revised standard. The AAR issued for comment Circular Letter C-9149 on May 23, 2000, to carriers, shippers, and suppliers. The standard went into effect on September 1, 2000.

Mr. Fronczak reviewed some highlights of the standard. First, the standard included all cars in the trains, including buffer and security cars. Both static and dynamic modeling would be required before construction. In addition, full-scale characterization, static testing, and dynamic testing would be required of each car and the train. The standard specified design requirements, which included electronically controlled pneumatic brakes and on-board real-time monitoring systems.

Other risk management actions related to spent nuclear fuel transport included the AAR's OT-55-D. This recommended practice addressed track and equipment inspections, defect monitoring, increased employee training, increased maintenance and frequency, and a maximum speed limit of 50 mph.

The AAR had worked with Private Fuel Storage LLC to develop the rail system for transporting spent fuel to the proposed storage facility in Utah. PFS would be the first shipper to build equipment to the new standard established by the AAR. The cask car was being manufactured by Trinity Industries. The overall weight of the cask, car, cradle, and impact limiters was approximately 476,000 lbs. Static and dynamic tests were planned for 2002. Modeling and characterization testing had already been completed.

In terms of security, Mr. Fronczak said critical action teams had been formed to address such topics as operational security, physical infrastructure, and information technology and communications. As a result of the work of these teams, the AAR produced a Terrorism Risk Analysis and Security Management Plan.

In response to a question, Mr. Fronczak said the AAR assumed TRANSCOM would be the system for tracking DOE shipments and commercial ones, pending approval by the NRC. Mr. Runyon asked about the weight of the car Mr. Fronczak had mentioned. He wondered whether the rail spurs that connected utilities to the main lines would be able to handle such weight without upgrades. Mr. Blackwell noted that PFS was well aware of the limitations at some facilities and the steps that would be necessary to address them. Mr. Runyon mentioned that, the previous summer, he had seen the new rail car, which he described as "pretty impressive."

Nuclear Management Company (NMC): Mr. John Broschak reported on the activities of the Nuclear Management Company. Mr. Broschak explained that, as an outgrowth of the consolidation of the nuclear industry, NMC had been organized to standardize and optimize major fleet programs and processes. High-level waste management was selected as a prime and

logical area for standardization. Three of NMC's member plants had independent storage facilities operating on site (Point Beach, Palisades, and Prairie Island).

Mr. Broschak became the Fleet High-Level Waste Manager in July 2001. The proposed organization would centralize various common functions of the individual dry fuel programs, such as fabrication oversight, welding, and training. Despite the centralization, each site would continue to staff a dedicated dry fuel project team focusing on the engineering and cask loading at that site. Noting that there were a plethora of dry storage designs, Mr. Broschak said NMC could achieve significant benefits simply through making use of a common dry storage technology.

NMC was striving to eliminate duplication. The philosophy was to "create one of each and duplicate" versus "create multiple times." As a result, NMC was centralizing its fabrication management and expertise, as well as leveraging fleet resources such as training and welding. The individual plans shared the resources as the workload fluctuated.

Mr. Broschak reviewed the organizational chart for the NMC Fleet High-Level Waste Organization. The following power plants were part of the organization: Prairie Island and Monticello in Minnesota; Duane Arnold Energy Center in Iowa; Palisades in Michigan; and Point Beach and Kewaunee in Wisconsin. Mr. Broschak then reviewed the status of spent fuel storage at the plants. Point Beach, Palisades, and Prairie Island all had dry storage facilities operating, although the available storage capacity at each plant would be insufficient to meet long-term needs. The Duane Arnold plant was planning to erect an independent spent fuel storage facility, to become operational in 2003. Only the Kewaunee plant in northern Wisconsin had sufficient capacity to meet its spent-fuel storage needs through the life of its current license.

Mr. Runyon introduced Mr. Paul Hobbs with the Missouri University Research Reactor (MURR). Mr. Runyon commented that the Illinois Department of Nuclear Safety had worked with MURR for 10 or 12 years on spent fuel shipments from the site. Those experiences had been very positive.

Missouri University Research Reactor: Mr. Hobbs noted that he had joined the reactor in June 2000, shortly after two events took place at the reactor. He said that, after the incident at Three Mile Island, all commercial procedures had changed. Those at MURR and other research reactors, however, had not. It was his job to update the procedures.

The reactor operated around the clock. Mr. Hobbs said the reactor would go to five crews from four as of June 1st. With five crews, it would be possible for the crews to receive training every six or seven weeks. The reactor shut down one day each week to refuel and to remove products.

MURR served many purposes, including the production of radiopharmaceuticals for research, as well as educating everyone from engineers and physicists, to high school students and the public. Mr. Hobbs noted that MURR traditionally conducted many public tours, which were curtailed following the events of September 11. He said tours had resume, and he welcomed all interested parties to tour the reactor.

Mr. Hobbs discussed several interesting research projects that utilized the research reactor. MURR did quite a bit of neutron activation analysis, much of it in support of health and archaeological studies. In addition, Mr. Hobbs said MURR performed work for NASA — for example, analyzing the stresses borne by the welds on equipment such as the space shuttle. He added that MURR produced a radiopharmaceutical that consisted of very tiny glass beads. These beads were made radioactive in the reactor, then introduced into the patient. The beads were small enough to be delivered through capillaries to the tumor, which they would then irradiate.

MURR made a small number of shipments each year to reduce its inventory of spent fuel from the reactor. This material was destined for DOE's Savannah River Site. There was only a small amount of storage space available at MURR. As a result, interruptions in shipments could threaten continued operation of the reactor. Such a situation had occurred in 2000-2001 when DOE temporarily suspended shipments from the site. As a result of some experiments conducted in the 1990s, MURR had seven barrels of transuranic waste stored on site. MURR was working with DOE on the plan to ship that material in 2002.

In response to a question, Mr. Hobbs said the transuranic waste would go to Argonne National Laboratory-East in Illinois prior to being shipped to WIPP for permanent disposal.

Regional Roundtable on Security Measures

Mr. Runyon introduced the security roundtable by asking the states to discuss the actions and initiatives they were taking related to the security of spent fuel or other nuclear waste transportation. He observed that, based on the earlier reports, none of the states appeared to be providing the services described in the NRC advisories. He noted that, if those measures were to become the subject of an NRC order, the states would clearly follow them. In that case, though, the states would probably need some funding to offset their own costs. Mr. Easton said if the NRC were to issue an order or other mandate, the process would include consultation with agreement states.

Mr. Runyon said the advisory described the program Illinois already had for spent fuel, high-level waste, and transuranic waste shipments. The Illinois Department of Nuclear Safety had traditionally not regarded sealed sources as posing any significant threat; therefore, the inspection and escort program did not cover shipments of such materials. Mr. Easton explained the NRC's rationale for recommending specific measures for non-spent fuel shipments. Mr. Runyon said he agreed that the NRC's actions were logical given the need for an immediate response. But integrating such measures into state programs on a permanent basis would be difficult, at best.

Mr. Erickson reported that the Lt. Governor was in charge of homeland security policy for Nebraska. A group of state officials was working with the Lt. Governor to identify options for ensuring homeland security. Mr. Erickson thought the January legislative session would see the

reintroduction of fee legislation for radioactive materials shipments. If passed, that legislation would help defray some of the states costs for escorting shipments.

Mr. Blackwell asked if the NRC had reached out to the carriers to make sure they knew about the NRC advisories. Mr. Easton agreed that doing so was important. He also clarified that the NRC imposed requirements on licensees, but could not impose such requirements on the states. Mr. Blackwell suggested the NRC coordinate with the FRA on making sure those in the industry were aware of the requirements.

Mr. Easton lamented that federal agencies had a difficult time sharing information on what they thought the threats to shipments were. This lack of sharing made it difficult for everyone to understand why, for example, the NRC recommended measures be applied to situations that might not appear to have a threat associated with them. Mr. Blackwell observed that, after September 11, all federal agencies rushed to do *something*. Unfortunately, and despite best intentions, the efforts were often not coordinated. Mr. Runyon agreed, and said that, while it was good that the federal and state governments were acting, it was important to try to get some of these efforts to dovetail. He said that sharing information with the Agreement State points of contact might serve some purpose, but it would not cover all the bases.

As an example, the participants reviewed the situation of the AAR releasing OT-55. It was a good effort and very timely, but the AAR did not immediately notify the FRA. The FRA, when it received the information, shared it with the Office of Homeland Security. The NRC found out about it through "sector workshops" that the commission held. The new Homeland Security office would be the single point of contact for dealing with this subject. With luck, all agencies would be able to report to the office and, in turn, receive the information they needed.

Mr. Delorenzo noted that, with all the new homeland security efforts underway, the federal government was coordinating better now than at any other time. The problem was that there was little coordination on what information to pass down to other levels of government and to industry.

Mr. Moussa said his state was participating in the biweekly teleconferences with Gov. Ridge. He thought this call provided a good linkage between the states and the federal government. The Health Department, Emergency Management Division, Governor's Office, and Department of Transportation had convened a state terrorism working group. Mr. Moussa observed that the state was not receiving as much information from the Homeland Security office as they needed.

Mr. Strong said Michigan, as required, was providing escorts (both motor carrier and health physics) for shipments from the University of Michigan. He said the number of shipments coming into the state from Canada had surprised him. He had called the company (MDS Nordion) to see if they were requesting an escort. The company said it was not — it was simply notifying the state of the shipments. Mr. Strong added that some officials in state and local governments were calling for all waste shipments from Toronto to be inspected.

Mr. Owen said the Ohio State University study on routing of high-level waste shipments was still in review. There was some uncertainty regarding how to release the study, given that it contained a wealth of information on state resources such as water treatment plants, hospitals, schools, etc. Mr. Owen said the state was evaluating whether some of this information should be deemed "sensitive" and, therefore, not released to the public. A bill had been introduced in the legislature to make public records laws not applicable to security issues, such as those raised by the OSU study.

Mr. Runyon asked Mr. Easton whether the NRC was considering making shipping routes safeguarded information. Mr. Easton said the matter was open to debate. He did note that the NRC might rethink its 10-day rule restricting public disclosure of shipping dates.

Rep. Elgin observed that every legislative committee he sat on had considered the need for legislative changes in light of new security concerns. These requests were coming from the state agencies. He said legislators were not getting any direction on how much information could be shared. He worried that this lack of direction might force state lawmakers to legislate in a vacuum.

Mr. Crose opined that, if a terrorist really wanted to do something, there was no way to stop him. He asked how much the country was willing to give up in terms of freedom and free enterprise in order to enhance homeland security.

Mr. Runyon thanked the participants for their time. He reminded everyone that the next meeting would be in Carlsbad, New Mexico, on October 16-17. With no further business, he adjourned the meeting.

Prepared by Lisa Sattler.

January 9, 2003