

The Council of State Governments
Midwestern Radioactive Materials Transportation Committee

Proceedings of the Spring Meeting

June 17-19, 2003 ❖ Lincoln, Nebraska

June 17, 2003

Committee Business Session

Chair's report: Mr. Tim Runyon (Illinois) focused on the experiences the Midwestern states had had with DOE shipments since October. His purpose in doing so was to identify lessons learned for both DOE and the Midwestern *Planning Guide*, assess the results of DOE's "transition from event planning," and evaluate the application of DOE's new transportation protocols.

For long-term planning, the states rely on DOE's Prospective Shipments Module (PSM). Mr. Runyon recommended that DOE make the PSM complete, accurate, and comprehensive. He said the states would like to see all DOE programs participate: security was not a legitimate excuse for not posting shipments to the PSM. Ms. Judith Holm (DOE) noted that all high-level waste, spent fuel, and highway route-controlled quantity shipments were required to be posted, as well as large volume shipments. Mr. Runyon asked if the PSM could be posted in a secure or semi-secure web format similar to that used for TRANSCOM. Ms. Holm said that was a good suggestion.

Mr. Runyon said it was never too early for DOE to begin talking to the states about shipments. The states would benefit from one year's notice of upcoming shipments. He cited as a model the foreign research reactor program, which began talking to states two years prior to shipments actually commencing.

Mr. Runyon remarked on the compressed nature of the shipping schedule for 2003. With the right communication tools, the states and DOE could eventually work out schedules that would accommodate everyone's needs. Only once this process had been fine tuned, however, would the states be able to routinely handle multiple shipments over a short period of time.

On the subject of training, Mr. Runyon emphasized the need for the states to have sufficient advance notice of shipments. Most states preferred to do their own training, which entailed time and funding that the states often did not have. Illinois handled its own training, and it appreciated DOE's assistance in covering the cost.

Mr. Runyon recommended that DOE continue to provide a small amount of funding to the corridor states. He suggested a stipend approach under which states could receive funding with the flexibility to use it along different routes. He cited the example of TRANSCOM training for Kansas in connection with the West Valley shipment. Illinois had plenty of funding available through the Waste Isolation Pilot Program to conduct TRANSCOM training. The state could not send someone to Kansas, however, because it was not a WIPP state.

Addressing security, Mr. Runyon said he had asked several DOE programs whether they were following the NRC's orders on physical protection of spent fuel shipments. He had received multiple conflicting

answers. Mr. Runyon said he was not comfortable with the idea of DOE following “equivalent” measures. He said he had access to the NRC’s orders and interim compensatory measures, but he did not know what DOE’s “equivalent” measures were. He recommended that DOE follow the NRC’s orders and interim compensatory measures. He also suggested that DOE communicate on security-sensitive issues with the Governors’ designees for advance notification.

Mr. Runyon reviewed the states’ experience with pre-shipment notifications for WIPP shipments. He thought the states and DOE were well on the way to correcting the recurring problems with the eight-week rolling schedule. Mr. Don Flater (Iowa) chimed in about his own frustration with the eight-week schedule. He said the schedule was so inaccurate that it was impossible to schedule escorts for the shipments. His frustration level reached the point that he felt it necessary to contact Dr. Inés Triay in the Carlsbad Field Office.

Mr. Runyon recommended that DOE consider providing a rolling schedule with four weeks’ accurate notice rather than eight weeks’ of “placeholder” notice. He also questioned the value of the two-week notification for the first five shipments along a corridor. By the time one of the notifications had reached the governor’s office in Illinois, the dates had already changed. He suggested that DOE consider developing a rolling schedule for large-scale campaigns such as the DUF₆ transfers.

Mr. Flater addressed another point to DOE — namely, that not following procedures would cause shipments *not* to be routine. If things did not go as planned, the shipments would attract the attention of the governors and the states’ members of Congress. He suggested DOE could avoid all sorts of problems by working cooperatively with the states to develop the plans and then adhere to them strictly during the implementation phase.

Mr. Runyon said he was certain there were programs within DOE that did not consult the *Planning Guide* when getting ready to ship. As evidence, he had fielded five phone calls from a DOE contractor asking if Illinois issued permits for spent fuel shipments. Had the contractor consulted the *Planning Guide*, the company would have known that Illinois did not require permits for legal-weight spent fuel shipments.

Mr. Runyon urged the states to continue to send Ms. Lisa Sattler (CSG-MW) updated information for the *Planning Guide*. Although the printed version is out of date with regard to contacts, the on-line version remains an accurate document. He asked the states to pay particular attention to identifying key dates for the *Planning Guide*. Ms. Sattler handed out excerpts from the *Planning Guide* for the states to update. She asked the committee members to respond by July 18 with updated information.

Mr. Thor Strong (Michigan) asked whether there was anything in particular with regard to the NRC’s orders or interim compensatory measures that Mr. Runyon would like to see DOE implement. Mr. Runyon said he was mainly interested in DOE’s response to questions about escorting from start to finish, as well as shipping during a threat level of Orange. In his opinion, DOE should not conduct shipments during Orange unless there was a definite need to do so.

Project update: Ms. Sattler said five DOE programs would provide FY04 funding for the Midwestern cooperative agreement: the National Transportation Program, Carlsbad Field Office, Office of Civilian Radioactive Waste Management (OCRWM), West Valley, and Oak Ridge. Funding from the last two programs would be earmarked for the corridor states for spent fuel (West Valley) and depleted uranium hexafluoride (Oak Ridge).

Ms. Sattler said the WIPP corridor states would receive their full funding of \$150,000 for FY04. However, because he had originally anticipated completing the Battelle shipments in calendar year 2003, Mr. Ralph Smith (CBFO) had only requested a half-year's funding for the four Midwestern corridor states. Mr. Smith had promised Ms. Sattler that the remainder of the funding would be available during the second half of 2003.

Ms. Sattler said she had spent the bulk of her time since October working on shipment planning for two spent fuel shipping campaigns, three transuranic waste shipping campaigns, and the transfer of DUF₆ from Oak Ridge to Piketon in Ohio.

Ms. Sattler had also done some work in connection with the Nuclear Regulatory Commission's Package Performance Study. She assisted the NRC in identifying state and local officials to participate in a regional roundtable on March 19. She attended the session along with a number of Midwestern committee members. In addition, Ms. Sattler had prepared a summary of the Midwestern states' comments from the workshop. The summary underwent committee review and ultimately was submitted to the NRC as the committee's comments on the draft testing protocol.

Ms. Sattler had also begun to focus her attention on rail transport. In March, at DOE's request, she had scheduled a meeting for all four regions to review and comment on a program implementation guide for rail. The impetus for the document was DOE's need to ship transuranic waste to WIPP by rail. Since it was widely assumed WIPP would set precedents for the much larger OCRWM program, DOE had agreed to let all four regions participate in developing the program implementation guide.

A few weeks after scheduling the meeting, DOE asked Ms. Sattler to cancel it. Apparently, some programs within DOE were not ready to move forward with the plan. The Western Governors' Association (WGA) WIPP Technical Advisory Group decided to proceed on their own. Ms. Sattler had attended a rail meeting sponsored by the WGA group in late May. She said she hoped to hold such a workshop for the Midwestern committee in conjunction with the fall meeting. Based on the discussion at the WGA meeting, she also thought the Midwestern committee would need to decide how it wanted to be involved in developing the WIPP rail program implementation guide. The business session included this subject on the agenda.

Mr. David Crose (Indiana) said he thought the regions should try to resolve this issue at the upcoming meeting of the Transportation External Coordination Working Group (TEC/WG). He noted that the Western region had set the precedent for truck shipments. He said the Midwest needed to be involved from the start in setting the policies for rail shipments of transuranic waste and spent fuel.

In addition to the WGA activities, the TEC/WG had resumed the activities of its Rail Topic Group, of which Ms. Sattler and Mr. Runyon were members. She had participated on a conference call and was working with other topic group members to develop a paper on rail route selection.

Ms. Sattler had also reviewed DOE's "Best Practices" paper and prepared draft comments for the committee to review. She had written several letters on the committee's behalf, all of which were in the briefing materials.

Lastly, Ms. Sattler had written several brief articles for CSG's monthly newsletter *Stateline Midwest*. The articles pertained mostly to state fees, which had attracted a great deal of attention over the past year.

Her latest article covered the new fee in Nebraska and a change to the Indiana fee. Ms. Sattler noted that the Illinois Senate was also considering legislation to increase the state's fee on shipments originating outside the state. Ms. Sattler said that, based on the rough estimates of shipment numbers in OCRWM's environmental impact statement, the states with fees would stand to earn far more in fee revenue than they would through Section 180(c) assistance available from DOE.

Legislative update: Mr. Flater said that, based on Iowa's information on shipment numbers, the state would probably increase its fee on low-level waste shipments to between \$100 and \$150.

Mr. Frank Moussa (Kansas) said his agency might pursue fee legislation after first consulting with the governor's office. He commented that every time Kansas was affected by a shipping campaign, the state had to "go and beg for money" from DOE. He suggested that DOE provide "allowances" to states that have shipments but do not have a permanent program for conducting training along the routes.

Mr. Flater advised Mr. Moussa to make sure any bill in Kansas was crafted so as not to be vulnerable to challenge under federal law. In other words, the revenue from the fee should be earmarked for specific functions such as training. Mr. Moussa observed that Kansas has not yet been a heavily traveled corridor state. When shipments to Yucca Mountain begin, however, the state would likely be a major corridor.

Mr. Runyon observed that the states are not the only ones that understood their central role in ensuring the safety of shipment. He handed out excerpts from several DOE transportation plans, documenting the "roles and responsibilities" for the states. Mr. Runyon said the states were not looking for DOE to *assign* them these responsibilities — rather, the states already had those responsibilities. He thought DOE's acknowledgement of this, in effect, legitimized many of the states' requests for funding and training so that they could maintain an adequate response system.

NRC Package Performance Study workshop: Mr. Runyon reminded the committee that several members participated in the workshop the NRC held in Chicago. The briefing materials for the meeting contained the committee's comments on the draft test protocol. One of the key points in the comments was that Nevada should have been invited to participate in the Western roundtable only.

TRANSCOM update: Mr. Runyon said Illinois had been using TRANSCOM very successfully. The state did some superuser training in Indiana and Ohio. Mr. Runyon warned TRANSCOM users that, if they ever received a message saying their password would expire in 30 days, the password had already expired. He said the user should not try to log on at the point, but rather call the TRANSCOM Control Center to obtain a new password.

Mr. Crose complimented Mr. Runyon and his staff for doing a fine job with the training in Indiana. He said his state had not experienced any problem with the system.

Major Bryan Tuma (Nebraska) mentioned a recent situation in which DOE took the TRANSCOM system down for "routine maintenance" while a shipment was in transit across Nebraska. He was particularly concerned that the state had not learned about the maintenance until just before the system went down. During the same shipment, a second issue with the system was Nebraska's inability to log on to view the shipment. The TRANSCOM Control Center did not show the state as being on the route. A third problem was DOE's failure to implement the agreed-upon backup procedures while the system was

down. The state should have received phone calls every 30 minutes with position updates, but DOE did not make the calls.

Mr. Runyon said he had spoken with Mr. Tony Lucero (DOE) about the maintenance issue. Mr. Runyon suggested that, for performing maintenance, Saturday night might have been a better time than the one DOE chose — namely, noon to 4 p.m. on a weekday. Ms. Holm took it as an action item to follow up with Mr. Lucero regarding maintenance and the implementation of backup procedures.

Naval Nuclear Propulsion Program exercise: Mr. Moussa provided an update on the plans for an exercise with DOE's Naval Nuclear Propulsion Program. Mr. Moussa had been working with Mr. Ray English (DOE) on the plans. DOE was planning to send a mock-up of the shipping cask. The tentative timeframe for a full-scale exercise was summer 2004. Mr. Moussa said he and Mr. English would begin developing the scenario toward the end of this summer. DOE wanted to be the lead on public information, but the state would have a role. He said he would send Ms. Sattler the dates of the exercise and any pre-planning meetings once they were finalized.

WGA Rail Meeting: Ms. Sattler described the meeting as a "Rail 101" — an introduction to the rail operating environment so that the states could get information that they might not have had regarding rail transport. The Association of American Railroads, two carriers, and the Federal Railroad Administration were the "expert panelists," with state rail safety officials also contributing. The states on the WGA committee each had responsibility for a section of the draft rail program implementation guide. That responsibility included asking questions of the panelists regarding a particular topic.

Ms. Sattler said she thought the meeting was very informative. If the Midwestern committee were interested, she would like to hold a similar workshop in the Midwest. She had approached the Northeast about possibly conducting a joint workshop.

Ms. Sattler explained that a situation had developed regarding whether and, if so, how to involve the other regions in developing the Western program implementation guide. The expectation was that rail shipments to WIPP would set precedents for the shipments of spent fuel to Yucca Mountain. The West needed to have a plan in place in time for shipments to begin in 2005. The Midwest and Northeast would not see any rail shipments of transuranic waste, so it would be difficult to make a case for involving them in developing the program implementation guide. Ms. Sattler said the Western states had weighed in with varying opinions. One state representative asked the other regions to submit comments but said he did not really care what the other regions thought. Another state suggested starting from scratch and inviting the other regions to the table right from the beginning.

Ms. Holm said DOE was in the process of revising the transportation protocols to fill in the blanks pertaining to rail shipments to WIPP. DOE wanted to start by looking at what federal regulations required. The department would then evaluate the feasibility of any extra-regulatory measures that the states requested.

Mr. Jon Schwarz (Nebraska) said one of the purposes of the meeting in Portland was for the Western region to identify what it preferred to see in terms of a rail safety plan. He said the last day of the meeting, the Western states seemed to agree to solicit feedback from all the regions. The states would then consider all comments that were applicable to WIPP shipments.

Mr. Schwarz said his responsibility at the meeting had been to question the railroads about adverse weather and bad track conditions. He said it was clear from the answers he received that the railroads were only concerned about crew changes, not whether emergency response crews could get to the scene of an accident.

Mr. Runyon suggested the TEC/WG might be a good place to work out some of the rail issues, because the railroads often participated in the meetings.

Ms. Sattler asked Mr. Schwarz if he thought the Western region would be willing to go back to the original concept of having all four regions work together to develop the program implementation guide. He said he thought at least one state would not be willing to adopt that approach. Ms. Sattler said she thought there might be a way to work it out.

Mr. Runyon added that dealing with the railroads was going to be difficult, given his experience with the West Valley shipment. Mr. Flater asked about safe havens for railroads — to his knowledge, there were no safe havens in Iowa. Mr. Tony Schneider (FRA) questioned whether the Iowa safe havens for truck were, indeed, safe havens as defined by 49 CFR. Mr. Runyon pointed out that the NRC interim compensatory measures had a specific definition of safe haven, with criteria for communication capability, security, and ability to control access.

Mr. Crose asked if rail issues were on the agenda for the TEC/WG meeting. Ms. Sattler said she thought the committee should follow up with a letter to DOE identifying its preferred path forward for developing a rail safety program. Ms. Sattler asked the committee whether they wanted to review the WGA draft plan. Mr. Runyon observed that the Midwest could not tell WGA what it could or could not do, but the Midwest did not necessarily need to buy into the process. He wondered if DOE might need to take the lead on the issue.

Mr. Flater expressed concern about the Midwestern committee providing comments on the plan that the WGA had already drafted. He felt that the draft would reflect just the Western region's position, having been written without any input from the other regions. He supported the idea of working through the TEC/WG. After additional discussion, Mr. Runyon tabled the issue until the next day so that the states could discuss the matter with Ms. Patrice Bubar (DOE)

Involvement of CSG partners: Ms. Sattler explained that the committee operated under the auspices of the Midwestern Governors' Conference and the Midwestern Legislative Conference (MLC). The committee discussed the full-scale testing resolution that the MLC passed in 1995. Strong volunteered to chair an ad hoc committee to revise the full-scale testing resolution and perhaps develop additional ones for the MGC and MLC to consider at their upcoming meetings. Sen. Marvin Riegsecker (Indiana) volunteered to help. Ms. Sattler said she would contact Mr. John Erickson (Nebraska) about serving on the committee. She would also distribute the resolutions previously passed by the MLC.

Winter shipments discussion: Mr. Flater noted that, under Iowa rules, if there was ice anywhere on the interstate, shipments of hazardous materials could not move. In addition, there would have to be at least a quarter-mile visibility. Iowa was against the idea of shipping in December-February. In addition to the hazard of bad roads and weather conditions, there was the problem of great uncertainty in shipping schedules — until the morning of the shipment, the state could not be sure the shipment would depart.

Mr. Flater worried about the cost to the state for guarding a shipment if it had to go into safe parking during bad weather. He said he was concerned about the precedent set by the Battelle shipments. Ms. Sattler observed that, despite the mild winter this past year, the schedule for all three of the Battelle shipments changed due to weather conditions.

Capt. Tom Sever (Iowa) noted that, during one of the Battelle shipments, the WIPP Central Monitoring Room (CMR) had called when the shipment was half-way through the state of Iowa. The caller said the shipment would have to go into safe parking because of bad weather on the highway. Being actually in the state at the time, Capt. Sever knew the roads were fine. It turned out that the staff in the CMR had been watching the web site for Iowa road conditions for eight hours without having refreshed the screen.

Committee discussion: Rep. Jeff Elgin (Iowa) commented that, unless DOE could come up with a more definite schedule, the department and the states would continue to experience many logistical problems with shipments. Mr. Runyon said Mr. Flater had relayed this exact concern in a letter to Dr. Triay. Of particular concern was the DOE eight-week rolling schedule. Mr. Runyon appreciated Dr. Triay's response of ordering that any changes in shipping dates would bump a shipment to the end of the eight-week schedule. Mr. Runyon described the scheduling problem as "extremely frustrating." Mr. Flater also expressed support for Dr. Triay's response. He said he thought the problem would be solved if, indeed, she held to the policy of dropping rescheduled shipments to the end of the line.

Mr. Runyon raised a related concern of DOE programs not coordinating with each other to schedule their shipments in such a way as to minimize the burden on the states. He said scheduling a shipment one day after another was not much better than scheduling two on one day. He thought DOE needed to improve its internal coordination.

The states expressed support for the approach taken by Mr. Tom Baillieul (DOE), who arranged for conference calls 72 hours prior to each shipment from Battelle. Mr. Runyon said he thought it was more useful for the states to work directly with the shipping sites than to go through the CBFO. He had experienced difficulties getting through to personnel at the CBFO. In addition, the information he had obtained from the CBFO had often been incorrect.

Ms. Sattler said she thought DOE should hold conference calls prior to its spent fuel shipments, since this process had worked for the transuranic waste shipments. Mr. Runyon commented that, although the states were careful not to mention safeguards information on conference calls or in e-mail messages, there were ways to communicate about shipments without revealing the date. He questioned whether DOE's contractors understood the repercussions of disseminating safeguards information on e-mail systems and telephone lines that were not secure.

Mr. Flater brought up the issue of security for the Oak Ridge shipments. In Iowa, private guards could not carry a gun without a permit. He said it was inappropriate for the shipment contractor to accuse the Iowa motor carrier personnel of standing in the way of homeland security by enforcing its law on weapons permitting.

Next meeting: The dates for the next meeting were tentatively set for December 2-4, with alternative dates of December 9-11. The meeting would likely be held in Chicago. The committee decided to ask the Northeast Task Force to participate in a joint workshop on rail transport in conjunction with the December meeting.

Regional Roundtable

Illinois: Mr. Runyon said that, in a move that was consistent with other changes in the state, Governor Blagojevich had folded the Department of Nuclear Safety into the Illinois Emergency Management Agency. The change would officially take effect July 1.

Illinois had reviewed the transportation plans for West Valley and Oak Ridge. In addition, the state had inspected and escorted several transuranic waste shipments.

DOE had called the state about a derailment in southern Illinois involving one of its shipments of low-level waste. Fourteen empty roll-off boxes returning to Oak Ridge had derailed. No one was sure whether the empties had been lined or not. Mr. Runyon said the cars had been damaged, but his staff did not detect any radioactivity.

Iowa: Mr. Flater said one of his senior employees had moved to Minnesota to take a job with the Department of Health. He said he expected to lose up to 40% of his staff to retirement in the next few years.

Regarding the foreign research reactor shipments, Mr. Flater said he did not feel the same level of trust and partnership with DOE's INEEL as he did with the Savannah River Site staff. He hoped the folks in Idaho would be able to rebuild that working relationship.

Mr. Flater was puzzled by a flyover of a military base in southeast Iowa. The flyover showed depleted uranium, but it did not detect the cesium capsules that were known to be on the site. He expected to receive a report from the flyover in the next month.

Mr. Flater also mentioned that he had found it worked best to take training to the fire departments rather than trying to hold centralized training sessions. Doing so would make it easier for the responders to attend the training without having to arrange for backup while the trainees were out of town.

Indiana: Mr. Crose said his staff had been training and retraining emergency responders in preparation for the West Valley shipment. The Department of Health was helping the State Emergency Management Agency (SEMA) in this effort. The SEMA newsletter had an article on the TRANSCOM training recently conducted in the state by the staff from Illinois.

SEMA was providing monitoring equipment to the regional hazardous materials teams. In addition, the state was using anti-terrorism funding to buy equipment. Hazmat teams were trained to the operations level.

On October 1, construction would begin on an incinerator for the Vx nerve agent.

Sen. Riegsecker reported on his bill, which had modified the fee on spent fuel shipments and imposed a new fee on low-level waste shipments. He had not included low-level waste in the original version — that provision was introduced after the bill passed the Senate. He ultimately agreed to accept the amendment. Ms. Sattler asked the states with fees whether they had considered applying the fees to highway-route controlled quantity (HRCQ) shipments. Indiana and Iowa had not. Mr. Runyon said

Illinois had considered this. The state agency made a policy decision that the state would apply the fee to HRCQ shipments shipped under alert level Orange.

Mr. Runyon adjourned the meeting for the day. The roundtable would continue later in the meeting.

June 18, 2003

Welcoming Remarks

Mr. Runyon introduced Major Tuma, who introduced the welcoming speaker, the Honorable Mike Johanns, Governor of Nebraska. Gov. Johanns briefly reviewed Nebraska's interaction with DOE on the subject of weapons shipments. He said it was fortunate that, for DOE's unclassified shipments, the department recognized the value of working with groups such as Midwestern Radioactive Materials Transportation Committee. Describing the committee as the "voice of the region," he noted that the Midwestern states expected the dialogue between the committee and DOE to continue well into the 21st century.

Observing that fiscal conditions in the states were bleak, he commended DOE's Office of Environmental Management for trying to do more with less. He noted, however, that DOE would need to maintain its partnership with the states in order to move waste safely and without unnecessary delays. He said the established process of working through the regional committees was an effective and efficient means of doing so. He looked forward to DOE's continued support for the regional planning process.

U.S. Department of Energy Office of Environmental Management (EM)

Ms. Bubar reviewed the management reforms taking place within the EM program. As part of its top-to-bottom review, EM was working aggressively to focus on closure. The program was also developing an integrated, national strategy for disposition of DOE's spent nuclear fuel, including the foreign research reactor spent fuel.

DOE was working to improve interagency coordination at the federal level. Ms. Bubar said DOE was still very much wedded to working with the regional groups on transportation planning. She hoped to use the TEC/WG as a forum for brainstorming with other shippers and commercial entities.

Ms. Bubar said Undersecretary Card had made it very clear that the EM program could not do anything that would set a bad precedent for OCRWM. EM would work with OCRWM to share best practices, as well as to support the regional groups and the TEC/WG.

EM was in the process of planning several spent fuel shipments in 2003. The goal was to conduct these shipments in an integrated manner. Ms. Bubar said DOE was looking at its guidance and orders on radioactive materials transportation, including the Radioactive Materials Transportation Practices Manual. Any gaps or recommended changes would be addressed in the review of the manual. Also, DOE was looking at whether it would be necessary to adopt measures equivalent to the NRC's compensatory measures for spent fuel shipments.

DOE was closely following the enactment of fees on radioactive materials shipments. Ms. Bubar said DOE would comply with the fees, if they were applicable. DOE was concerned the fees would have unintended safety implications.

EM has embarked on an initiative to ship transuranic waste by rail to WIPP. The WGA had begun the process by developing a draft program implementation guide and holding a meeting on the topic. Ms. Bubar recognized that shipping transuranic waste by rail could set precedents for future shipments of spent fuel to Yucca Mountain. For this reason, EM wanted input from all the states on how to base its rail-to-WIPP program on best practices in safety and regulatory oversight.

Mr. Crose asked what Ms. Bubar meant by her comment that fees could have "unintended safety consequences." Ms. Bubar said fees could influence DOE's selection of routes. Mr. Flater noted that the fees Iowa charged for transuranic waste shipments came out of the cooperative agreement. He didn't see the fee in Iowa creating a burden on DOE.

Capt. Sever asked if DOE would escort spent fuel shipments. Ms. Bubar said the current transportation practices manual calls for escorting through population centers only.

Rep. Joann Freeborn (Kansas) asked if the public had an opportunity to comment on the decisions being made at DOE. She also asked who set the closure standards for the sites. Ms. Bubar said DOE followed a formal regulatory process involving CERCLA, which was the authority on closure standards. Sometimes RCRA applied, as well. She said major decisions went through this process, but not internal decisions regarding how to run the program.

Rep. Freeborn asked if DOE ever worked with state legislators that were contemplating fee legislation. She suggested doing so might help to explain some of the implications of fees, as well as increase the likelihood of waivers being part of the bill. Rep. Freeborn said Kansas did not currently have a fee, but if one were in the works she would appreciate having some dialogue with DOE.

Mr. Flater brought up the issue of getting funding right to the cooperative agreement. He said the fiscal year would begin July 1, but the DOE funding would not be available until mid-August. Ms. Bubar asked for clarification. Ms. Sattler explained that CSG could not enter into agreements with the states until the new funding had been awarded to the cooperative agreement. The states' own internal processes prevented them from spending money until they had a signed agreement. As a result, even if the agreements were retroactive to July 1, the states would not be able to use any of the money until the agreements had all been signed.

Because of various delays in getting the funding to DOE's Chicago office, the states would not have their new contracts until August 1 at the earliest. Ms. Sattler added that the West Valley funding had arrived and was being processed by DOE-Chicago. She suggested that whatever mechanism the West Valley project used to transmit the funding worked very well, and should be employed by other programs.

Ms. Christine Bacon (Wisconsin) asked if the revised protocols would apply to the Private Fuel Storage (PFS) shipments. Ms. Bubar said the protocols would only apply to shipments that DOE conducted. Mr. Blackwell said PFS would be a commercial shipper and would not be required to follow DOE protocols. Other regulations would apply. Ms. Bacon said Wisconsin, like many states, would have the same expectations for commercial shipments that it would for DOE shipments.

Mr. Runyon asked about “equivalent” measures for physical protection. He asked if DOE’s equivalent measures would be documented in DOE Order 460.2. Ms. Bubar clarified that DOE would need to confirm that its measures still provided an equivalent level of safety now that the NRC had augmented its procedures. Mr. Runyon said the states did not have access to DOE orders in the same manner as it did NRC regulations. He thought it would simplify things if DOE would commit to follow NRC regulations on physical protection.

Ms. Jennifer Salisbury (WGA) asked Ms. Bubar about the letter from the Secretary of Energy expressing support from the regional groups. The letter had apparently been in the secretary’s office for several months. Ms. Salisbury said the rumor was that DOE did not support the regional groups. She urged Ms. Bubar to try to get this letter out in order to dispel that rumor.

Mr. Runyon brought up the topic of the Midwestern committee having input into the WGA rail program implementation guide. Mr. Runyon asked for Ms. Bubar’s feedback on how DOE wanted to proceed. Mr. Runyon said the Midwest was leaning toward having the regions work together, with all four groups having equivalent input. He understood that WIPP shipments would not impact the Midwest at all. Still, the shipments would be precedent setting and so the region felt it must be involved.

Ms. Bubar said she considered WGA’s draft rail PIG to have been “drafted in a vacuum.” As a result, she did not intend to review it. She preferred to reach agreement with the four regions on the principles: what do the regulations require? What do the states want to do above and beyond those requirements?

Ms. Holm suggested working through the TEC/WG to get broad-based feedback. Mr. Runyon said the TEC might be one place in which to discuss this topic, but he did not envision the work being done entirely through the TEC/WG. He thought a subgroup of the regional groups should do the “ground-level” work. Ms. Bubar said she was open to any suggestions. Mr. Crose said this topic should be on the agenda at the TEC/WG meeting. He agreed with Mr. Runyon about having the regional groups form a subgroup to work on this issue.

Ms. Salisbury said the West was concerned about shipments beginning in 2005. Ms. Bubar and Ms. Holm said that, because of the protocols — which did include some provisions regarding rail — and DOE’s experience shipping low-level waste, DOE would not be starting from scratch in this effort. As a result, the timeline might not be as long as Ms. Salisbury feared.

Mr. Runyon reiterated his position about organizing a small working group. He said the committee would discuss this issue in more detail and follow-up with a letter to Ms. Bubar.

Ms. Holm provided the update on Packaging and Transportation Services. She said EM’s priorities for transportation were de-inventorying nuclear materials at the sites, critical operational services, and DOE-wide packaging and transportation services. Her division was preparing packaging “quick facts” sheets for the Oak Ridge and foreign research reactor shipments. In addition, the program was updating its CD of transportation products.

The TEC/WG had not held a meeting since January 2002. The next meeting would take place in July in Alexandria, VA. Three topic groups had held calls in the interim between meetings. Ms. Holm reported on their progress. She said the upcoming meeting would not include meetings of the topic groups.

As part of a DOE directive, EM was evaluating the TEC/WG to make sure it was meeting the current needs of DOE and the participants. She sought the committee's input on how to streamline interactions and optimize all the participants' time. In response to a question from Mr. Crose, Ms. Holm said the TEC/WG participants had not asked DOE to hold just one meeting per year. Mr. Crose was in favor of two meetings per year.

DOE Office of Secure Transportation (OST)

Mr. Cal Irvin (DOE) reported on DOE's Office of Secure Transportation, whose mission was to provide safe and secure ground and air transportation of nuclear weapons and components and special nuclear materials. The office was part of the National Nuclear Security Administration.

Mr. Irvin reviewed the requirements for federal agents. He explained that the tractor-trailer convoys operated on established routes, with three agents per vehicle. Remarking on the impressive safety record of the office, Mr. Irvin said every escort vehicle was road tested and all safety items were inspected before every mission. The armored tractor underwent the equivalent of a DOT annual inspection prior to every mission.

The Office of Transportation and Emergency Operations maintained a fleet of aircraft that served several purposes, including support for the emergency response program. A 24-hour Transportation Emergency Control Center was capable of tracking both the OST and WIPP shipments. The OST Emergency Operations Center would be activated in the event of an incident or accident involving an OST shipment. Through this Emergency Operations Center, DOE would provide assistance to state and local governments, if necessary. OST's assets would also be available to assist in the response to an accident involving WIPP shipments.

Federal Railroad Administration

Mr. Blackwell reported that he had been on military leave for several weeks. He was now working on the revision to FRA's Safety Compliance Oversight Plan. He will seek feedback from the regional groups on the revisions. It was suggested Mr. Blackwell approach the TEC/WG Rail Topic Group about helping with the revision.

Mr. Blackwell said the FRA was expecting the Dedicated Train Study back from the contractor "at any time." The study would look at the benefits of dedicated trains from a safety standpoint. In response to a question from Mr. Lester, Mr. Blackwell said the study would not consider security. Mr. Runyon said, given the emphasis on security right now, it was questionable how well the study would be received if it did not address security. Mr. Blackwell explained that the report would go to Congress. There would not be a public comment period.

In response to a question from Capt. Sever, Mr. Blackwell said train engineers were subject to background checks. Mr. Blackwell said he would provide Ms. Sattler with an updated list of state inspectors.

U.S. Nuclear Regulatory Commission

Mr. Baggett reported that the NRC had received numerous comments on the Package Performance Study draft test protocols. Around 10% were negative, 10% were positive, and 80% were scattered. The most-frequently cited issues were testing to failure, testing all designs (rather than one), terrorism, changing the fire test, and regulatory-only tests. Mr. Baggett said the NRC would not respond individually to the comments.

Regarding the tunnel fire, Mr. Baggett said the NRC was looking at the projected response of other casks to the conditions in the fire. The test data from the fire analysis would go back into the Package Performance Study.

Around 30 staff members were working full-time on the PFS proposal. Mr. Baggett said PFS had 30 days to provide consequence analysis to the NRC. The NRC would then have another 30 days in which to make a decision.

Mr. Runyon asked whether the NRC's interim compensatory measures for highway route-controlled quantity shipments would eventually be issued as orders. Mr. Baggett said those orders were still pending. He mentioned that the NRC and the Office of Homeland Security were coordinating on this and other issues. The two agencies had a joint security workshop on June 17-18. He said he would send Ms. Sattler information on the workshop.

Columbus Closure Project/Miamisburg Closure Project

Mr. Baillieul provided an overview of the legal situation that had caused a temporary suspension of shipments from Battelle. Battelle had shipped three casks of remote-handled transuranic waste prior to the injunction. Mr. Baillieul did not foresee the legal dispute between DOE and the State of Washington being resolved in the near future.

In the meantime, the CCP was proceeding with decontamination and decommissioning. The site would store its packaged TRU waste in vaults on site. DOE was pursuing a new contract for the Battelle closure. The procurement process could have an impact on the closure schedule. Mr. Baillieul expressed his deep gratitude to all the people who helped to make the first shipments a reality.

Switching hats, Mr. Baillieul reported on the Miamisburg Closure Project. The site had made seven shipments to date, with another two scheduled for this year. The ninth shipment — scheduled for September — would complete the removal of transuranic waste from the site.

Mr. Runyon asked if the issue of the TRANSCOM reporting times for the Mound shipments had been resolved to everyone's satisfaction. Mr. Robert Owen (Ohio) reported that it had — DOE managed to get the reporting time down to 15-minute intervals.

Mr. Runyon asked about the spent fuel shipment scheduled from Battelle. Mr. Baillieul reported that workers at Battelle had found a single, 30-year old pin during the cleanup. It represented an extremely small quantity. The pin would go to Savannah River.

Carlsbad Field Office

Mr. Ralph Smith (DOE) reported that WIPP had received 1,760 shipments as of the previous week. Mr. Smith made two comments about the eight-week rolling schedule. First, the CBFO had decided to separate the inter-site shipments from the regular eight-week schedule. As a result, when there were inter-site shipments schedules, the CBFO would prepare two separate schedules for e-mail distribution.

Second, Mr. Smith said Mr. Flater had written to Dr. Triay complaining about the ongoing inaccuracy of the eight-week schedule. Mr. Smith said the CBFO had been too "customer-service oriented" in letting the shipping sites decide on their schedules. From now on, the CBFO would control the schedule. Any changes to the existing schedule would bump a shipment to the end of the queue. Mr. Smith said Dr. Triay had replied to Mr. Flater's letter to announce the policy change. Mr. Runyon said he appreciated the change. Mr. Flater said that, once he received it, he would forward Dr. Triay's response to Ms. Sattler for further distribution to the committee.

Mr. Flater asked about the WIPP permit. Mr. Smith commented that the New Mexico permit did not allow WIPP to receive remote-handled waste. The permit also did not allow the use of the HalfPACT container. He said DOE had made a number of permit-change requests, all of which were pending.

Rep. Elgin asked about overweight shipments. Mr. Smith said this was an issue mainly with the 10-160B containers used to transport remote-handled waste from Battelle. He said DOE tried to keep the weight around 100,000 so as not to run into any re-routing issues due to bridge limitations. Illinois and Oregon had both issued overweight permits that would have taken the shipments off the interstate. The 10-160B shipments were simply overweight — they were not oversize. Mr. Runyon said he thought most state departments of transportation used automated systems to generate permits based on shipment weight and dimensions. He said additional coordination would be necessary internally to make sure everyone was aware of the routing considerations.

Mr. Runyon commented about shipment security. He acknowledged that the WIPP shipments were technically neither safeguarded nor HRCQ. Nevertheless, he said Illinois treated the shipments as "sensitive," passing information along only on a need-to-know basis. He asked whether DOE was doing anything to restrict the dissemination of shipment-specific information. As an example, he noted that the WIPP drivers commonly told the Illinois dispatchers exactly where the shipment was located. The dispatchers were not accustomed to this, since their training emphasized the need not to discuss location on unsecured telephone lines. Mr. Runyon added that, when he received written shipment notifications from the CBFO, the envelopes containing the notifications often were not sealed.

Mr. Smith responded that WIPP did not escort shipments unless required to do so by state or federal requirements. He said DOE had made adjustments on a case-by-case basis — for example, during the Olympics, DOE escorted the shipments through Utah.

Mr. Crose said Indiana thought the communication with DOE was good. Capt. Bill Hobbs (Nebraska) asked about the recent incident involving TRANSCOM going down during the last shipment. Mr. Smith said it was an example of different DOE offices not communicating with each other well. Capt. Hobbs also noted that the bill of lading had not been posted 24 hours in advance. Mr. Smith confirmed that, under the transportation plan, bills of lading were supposed to be accessible to the states 24 hours prior to the shipment. He said Argonne was supposed to have posted the information.

Ms. Sattler raised a third TRANSCOM issue — namely, that the standard operating procedures required calls every 30 minutes when the system was down. The procedures were not followed for the last Argonne shipment. Mr. Runyon said that, when the bill of lading eventually was posted for the shipment, only two of the three packages were listed. He had spoken with Mr. Lucero about this error, which turned out to be a mistake made by a TRANSCOM Control Center operator.

Capt. Sever observed that the drivers were still stopping to conduct a tire check every two hours or 100 miles. He said the checks were no longer a federal requirement but that the drivers had told him the provision was still part of the carrier contract. He asked if, in light of the security issue, DOE was considering a change to this policy. Mr. Smith explained that WIPP had changed the frequency to every three hours or 150 miles. He also noted that the drivers did not conduct tire checks. Instead, they checked the load.

West Valley Demonstration Project

Mr. Ahmad Al-Daouk (DOE) reported on the status of the West Valley shipment. He reminded the committee that DOE and the states had prepared extensively for the shipment in 2001, but the shipment had been postponed. Planning resumed early in 2003. DOE had made a few changes since 2001 — most importantly, in the area of security. DOE was providing information only on a need-to-know basis. The route, information on the spent fuel, and packaging specifics were all being treated as sensitive information. DOE had submitted revised plans to the states.

DOE had either performed or arranged for all the necessary checks. Mr. Al-Daouk asked the states about their readiness for the shipment, from an emergency preparedness standpoint. Ohio reported that it had not yet conducted hospital training. Mr. Owen expressed his dissatisfaction with the way DOE had handled the matter of financial assistance to the states, particularly the department's resistance to funding hospital training.

Ms. Bubar said she was not convinced that there was a need for hospital training. Her statement sparked a heated discussion among the states and the federal agency personnel. Mr. Owen maintained that, if DOE felt it was acceptable for Ohio to conduct hospital training in 2001, then the department should likewise support such training in 2003. He noted that DOE provided hospital training for all the corridor states on the WIPP routes. He questioned why the department would prepare so for shipments of transuranic waste but not for spent fuel.

Several states noted that, even if a hospital had a nuclear medicine department, that did not mean the hospital personnel were trained to handle contaminated patients. On the contrary, their training would focus on procedures for decontaminating lab space of the medical isotopes — which have very short half-lives. The states were adamant about the fact that decontaminating a person in an emergency room was fundamentally different. In addition, the decontamination procedures in the nuclear medicine department did not necessarily make it down to the emergency room.

Mr. Flater noted that, in Iowa, the state had a goal of training personnel in hospitals within 10 miles on either side of all major corridors. Limited resources, however, were forcing the state to concentrate its training on first responders. Eventually, when the state had more resources, Mr. Flater's program would expand its focus to include training the hospitals.

Mr. Moussa noted that Kansas used its funding to conduct training not just in emergency response procedures, but also to familiarize county officials with the shipment and the state plans and procedures. Ms. Bubar said she thought that was an appropriate use of the financial assistance from DOE. Mr. Moussa noted that, as a non-fee state, it was particularly important to Kansas that DOE continue to provide this type of financial assistance in connection with its shipments.

Mr. Runyon said Illinois had agreed this one time to go all the way to Peru, Indiana, to conduct the inspection. The remaining corridor states reported that they were comfortable with their state of readiness for the shipment.

Mr. Runyon asked whether a timeline would be provided as part of the notification. Mr. Al-Daouk said the notifications would include departure and arrival times. Mr. Runyon said he needed something better than that in order to plan for his staff to arrive in Peru on time. Mr. Al-Daouk said he understood and would coordinate with Mr. Runyon.

The FRA regional representatives reported on their activities with regard to the West Valley shipment. Sen. Riegsecker asked what the policy was with regard to train whistles in quiet zones. Mr. Blackwell said the railroads would blow their whistles at train crossings. He acknowledged that there were several local suits pertaining to enforcement of quiet zones.

In response to a question from Ms. Sattler, Mr. Al-Daouk said DOE did not have to submit the route to the NRC for review. Ms. Sattler also asked to what extent Mr. Al-Daouk was coordinating with the staff in other programs on the scheduling of shipments. Mr. Al-Daouk said he and his counterparts were working together very closely.

Lastly, Ms. Sattler observed that a great deal of information had been removed from the 2001 transportation plan and placed into a security plan that was restricted to those with a need to know. She compared the West Valley transportation plan to the one from Oak Ridge, which contained significant detail. She asked why the two plans were so different in content. Ms. Bubar explained that, at the beginning of the year when planning resumed, Asst. Secretary Roberson had issued guidance to the sites about planning but left much to the site's discretion. Mr. Brady Lester (DOE) added that each site had a different security office, which also influenced the planning process. Ms. Sattler asked Ms. Bubar about the guidance from DOE headquarters. She wondered whether future plans would resemble the Oak Ridge plan or the West Valley plan. Ms. Bubar said she would send Ms. Sattler a copy of the EM guidance.

Ms. Sattler relayed some concerns about media relations, brought to her attention by the State of Missouri. The issue involved an article that appeared in a Missouri paper. She said the reporter had called the Department of Natural Resources twice, as well as the governor's office. The Department of Natural Resources had referred the reporter to a DOE spokesperson, but the reporter apparently had a difficult time connecting with the person. Mr. Blackwell had an issue with some of the information that appeared in the article, but both Ms. Sattler and Mr. Runyon said the state personnel quoted in the article had followed DOE's communications guidelines pertaining to the shipment.

Ms. Sattler asked Mr. Al-Daouk whether he intended to hold a conference call with the states prior to the shipment. She suggested doing so, since this process had worked well with the transuranic waste shipments. She said it might work best to hold that call on a regional basis. Mr. Al-Daouk said he would

follow up on this suggestion. Ms. Sattler also said that she thought Mr. John Chamberlain had done an excellent job managing the public information aspects of the West Valley shipment.

Oak Ridge Shipments

Mr. Lester reported on the shipments of spent fuel from Oak Ridge in Tennessee. He said there would be five shipments by truck. Each one would use the TN-FSV cask with the Oak Ridge container inside. DOE would ship under DOT regulations using an NRC-certified cask.

On the subject of routing, Mr. Lester said the law gave the carrier the authority to choose routes. DOE had used the TRAGIS system to identify acceptable routes. The primary route was documented in the plan. Mr. Lester noted that recent construction would cause a detour in Iowa and Nebraska along the primary route. CVSA Level VI inspections would take place at the point of origin and at the discretion of the corridor states. The shipments would be tracked on TRANSCOM. Mr. Lester said DOE would not conduct shipments during national or state holidays or special events. He said that, given these and other commitments, there would be very few options available for scheduling shipments.

Major Tuma indicated that on July 15, a detour would go into effect for I-80. The alternative route would be Highway 2. Mr. Runyon asked what would happen if the threat level changed to Orange during the shipment. Mr. Lester said DOE would put the shipment in safe parking and would then await further instructions from DOE headquarters. He said DOE would try to be consistent with the NRC orders on physical protection. Ms. Bubar added that, prior to a shipment, if there were a change in threat level, DOE would decide on a case-by-case basis whether to dispatch the shipment.

Mr. Runyon asked Mr. Baggett if dispatching a shipment under Orange was consistent with the NRC orders. He said it was not. Mr. Irvin said the National Nuclear Security Administration would stop its shipments, evaluate the threat, and proceed if the situation were deemed safe. Mr. Schwarz asked for clarification as to whether DOE shipments would go into "safe parking" designated by the states or a Department of Defense "safe haven." Mr. Lester said he was referring to safe parking.

There was a great deal of discussion regarding the four potential routes. Ms. Sattler questioned the decision to use the primary route with a detour, given that the transportation plan specifically mentioned the availability of the other routes in the event of construction. Ms. Sattler recalled Ms. Bubar's comment that the EM program could not do anything that would set a bad precedent for the OCRWM program. Ms. Sattler thought it was a bad precedent to take a non-interstate detour on an "emergency" basis when other routes were available and the so-called "emergency" was construction that had been identified well ahead of time. Mr. Lester and Capt. Sever maintained that the U.S. Department of Transportation had approved the emergency designation under 49 CFR.

Ms. Sattler asked if the NRC had approved the route. Mr. Lester said no, not specifically for this shipment, but the NRC had approved the route previously for spent fuel shipments. Ms. Sattler mentioned that the Oak Ridge contractor had e-mailed the date and time of the first shipment. Both pieces of information were considered safeguards and should not have been transmitted via e-mail. Ms. Sattler also offered a correction to the Oak Ridge plan regarding contingencies in the event of bad weather.

Mr. Runyon questioned DOE's choice of routes, given other alternatives that were available. He also observed that many of the questions he fielded from the Oak Ridge contractor could have been answered if the staff had consulted the Midwestern *Planning Guide*. Ms. Sattler asked if Mr. Lester planned to hold a conference call prior to the Oak Ridge shipment. Mr. Lester said he would work with his contractor to set up the call.

Mr. Flater expressed some concern about the changing shipping dates and the apparent lack of coordination between DOE offices. Mr. Runyon agreed. There ensued a lengthy discussion of the coordination problems and other issues involving the Oak Ridge shipment planning.

Foreign Research Reactor Program

Ms. Bubar reported on the Foreign Research Reactor (FRR) Spent Fuel Acceptance Program. She mentioned that EM was seeking to transfer this program to another division within DOE.

Ms. Bubar said the FRR program intended to make a single cross-country shipment this year in the fall timeframe. This shipment would be the fourth cross-country shipment. The cargo would be spent fuel containing low-enriched uranium, and it was coming from Rikkyo University in Japan. Ms. Bubar said the route selection would be regulated by the NRC and the DOT. She said DOE would work with the states, as it had in the past, to plan the shipment. Transportation planning would be consistent with the DOE Transportation Practices Manual.

Capt. Sever asked about the schedule for shipments in the future. Ms. Bubar said DOE was currently looking at the next five years to determine what it would be shipping and from where. In response to a question from Mr. Blackwell, Ms. Bubar said DOE did not anticipate any near-term shipments through the west coast port. Ms. Bubar said the original projection of around 40 cross-country shipments did not reflect the current situation. She said many countries had decided to manage their spent fuel on site instead of shipping it to the U.S.

Ms. Sattler asked about the transportation plan. Ms. Bubar said it would soon be out for comment. Ms. Sattler noted that the comments the Midwest had submitted on the Oak Ridge plan would also apply to the FRR plan.

Mr. Runyon asked Mr. Lester to comment about the DUF₆ shipments. Mr. Lester said he thought DOE and the states were doing a very good job working together. He noted that the issues raised had largely been political ones, not technical. Oak Ridge would be shipping 7,000 cylinders of DUF₆ to Ohio. DOE would build two facilities — one in Portsmouth, Ohio, and the other in Paducah, Kentucky — to convert the DUF₆ into a more stable format. Ms. Sattler asked whether the shipments would be posted in DOE's Prospective Shipments Module, given the projected frequency of around 500 shipments per year. Mr. Lester said they would.

Mr. Runyon thanked all the DOE presenters for attending. He said he anticipated that the committee would follow-up the meeting with letters or calls regarding some of the issues that had been raised.

Thursday, June 19

Office of Civilian Radioactive Waste Management (OCRWM)

Mr. Jeff Williams reported on the transportation activities of the Civilian Radioactive Waste Management System. For years, the transportation program had been put on hold while site characterization at Yucca Mountain proceeded. Now OCRWM was beginning to resume the development of the transportation system. He said it would be difficult for OCRWM to run its program the way others had. He said OCRWM would definitely need to move away from "event planning," especially given the projected frequency of 175 shipments per year (under a mostly rail scenario). Mr. Williams said OCRWM had seven years in which to plan.

Mr. Williams reviewed OCRWM's budget situation. He said the current year's appropriation would enable OCRWM to reinitiate the regional cooperative agreements. He mentioned that Ms. Holm had been helping the program quite a bit with its institutional activities and the transportation strategic plan.

Because of budget issues during the past year, work on the strategic plan had been delayed. OCRWM was just now formulating what would go into the plan. He did not envision this plan being an operational plan: the program was still seven years away from shipping and there were still a number of uncertainties. OCRWM did expect to issue a strategic plan in 2003. Mr. Williams had recommended to Dr. Margaret Chu that OCRWM discuss the components of the strategic plan at the upcoming TEC/WG. Ms. Sattler asked if OCRWM would send out a draft plan for review prior to the meeting. Mr. Williams said the program would send some papers — perhaps only one or two pages — on various topics in order to guide the discussion during the breakout sessions.

Mr. Strong asked about OCRWM's approach to procuring transportation services. He noted that, in the 1990s, OCRWM had developed one approach, but in 2002 the program proposed — then seemed to drop — a new approach. He wondered whether OCRWM would start from scratch or cobble together pieces from the two previous contracting approaches. Mr. Williams said OCRWM has not yet formulated its contracting approach.

Mr. Williams said OCRWM planned to establish cooperative agreements with the regional groups. He said Ms. Sattler had already submitted a scope of work. Mr. Williams said Dr. Chu would like to see OCRWM use the groups more than it had in the past. She would like to see the groups do something to help OCRWM better run the transportation program. Mr. Runyon asked if OCRWM would support the TEC/WG and, if so, whether the group would resume meeting twice each year instead of once. Mr. Williams said OCRWM would support the TEC/WG.

Ms. Sattler noted that, in the 1990s, the Midwestern region had commented extensively and with substance on the 180(c) draft policy and procedures, the draft RFP, and other matters. She envisioned the new cooperative agreement funding the same type of active involvement. Mr. Williams and Ms. Holm clarified that there might be additional activities that OCRWM would like to see the regional groups take on — for example, outreach to local governments, or regional information centers.

Mr. Runyon asked Mr. Williams why OCRWM would fund the Western Interstate Energy Board (WIEB) and not WGA. Ms. Salisbury explained that the Western governors had traditionally preferred to have WIEB handle issues related to high-level waste while WGA covered transuranic waste and other

transportation programs such as the spent fuel program. She said there was a very close relationship between WGA and WIEB, whose offices were co-located. She acknowledged that quite a few members of the WIEB committee were also on the WGA Technical Advisory Group. Mr. Runyon said he still did not understand the concept of separating the issues between the groups. Ms. Salisbury said it made sense to separate the issues in order to avoid having transuranic waste and other shipment-related issues get bogged down by issues pertaining to high-level waste and the national repository.

Mr. Williams reviewed the tentative schedule for finalizing and implementing Section 180(c) assistance. Ms. Sattler pointed out that the route selection should precede the issuance of the grant application packages. Mr. Williams agreed with this chronology.

Mr. Strong asked about the statement that casks were only available for 35% of the spent fuel to be shipped. Mr. Williams said a wide variety of nuclear fuel types were used in the U.S. He said OCRWM had looked at the certificates of compliance for the existing casks and concluded that, if the program were to ship today, only 35% of the spent fuel could move in the existing casks.

Sen. Mark Ourada (Minnesota) asked about the fact that the repository would be limited to 70,000 tons, but the nation's inventory might wind up being double that amount. He asked what it would take to increase the capacity of the repository. Mr. Williams said it would take an act of Congress either to revise the current statutory limitation on the capacity of the repository or direct DOE to site a second repository.

Ms. Sattler noted that Ms. Bubar said the WGA program implementation guide for rail would likely set precedents for the OCRWM program. She asked to what extent OCRWM would be involved in developing the document. Mr. Williams said his staff was on the writing group that would prepare the revision of DOE's Transportation Practices Manual. He said if the regions were to put together a working group involving DOE representatives, OCRWM would participate.

Ms. Sattler asked Mr. Williams and Ms. Holm to comment on the National Academy of Sciences study of radioactive waste transportation. Specifically, she asked what DOE hoped to learn from the study (since it is one of the key funding organizations) and what was DOE's reaction to the makeup of the study committee. Mr. Williams said it was his understanding that the group would assess the adequacy of the existing regulations. He also thought the group might identify ways in which DOE could "close the gap" in public versus expert perceptions of the risks associated with radiation. He agreed with Ms. Sattler that the study committee did draw heavily from the academic community, but noted that the National Academy had solicited public comments on the selection of members.

Rep. Freeborn asked if one purpose of the study was to the citizens of Nevada. Ms. Holm and Mr. Williams said it was not. Rep. Freeborn asked if the study committee would issue recommendations and, if so, would there be public comments? Mr. Williams said that, since the National Academy was an independent organization, he did not think the committee would seek public comment. The report would likely include recommendations. Ms. Sattler added that the meetings would be open to the public. She had included attendance at these meetings in the scope of work for the Midwestern cooperative agreement.

Transportation Emergency Preparedness Program (TEPP)

Mr. Lester provided an update on the TEPP Program. He said the TEPP program had released a new video entitled, "Pre-hospital Practices for Handling Radiologically Contaminated Patients." In addition, two new modules would be coming out in the summer — one on safeguards, the other on rail emergency response considerations.

The MERRTT modules had been certified for 12.5 continuing education hours (CEH) by the Continuing Education Coordination Board for Emergency Medical Services. These hours would be free for participants in DOE-sponsored MERRTT training. Participants in sessions conducted by states, tribes, or local governments would have to pay a small fee per student.

Mr. Lester said DOE was evaluating the organizational structure of the TEPP. With the Radiological Assistance Program now having full-time positions, it was likely there would be some changes in the way DOE implemented the TEPP. Mr. Lester observed that it was important to continue coordinating with the states and tribes and with shipping programs during the transition.

Private Fuel Storage (PFS)

Mr. John Parkyn reported on the PFS project. After providing some background information, Mr. Parkyn addressed the current licensing situation. The NRC had completed all formal license hearings in July 2002. Several delays resulted in the Atomic Safety and Licensing Board (ASLB) not issuing its decision until March 2003. In that first decision, the board rejected PFS's analysis regarding the potential risks of F-16 crashes into the facility. The board asked PFS to prepare a consequences study.

Following this initial decision, the board ruled in PFS's favor on the seismic and financial issues associated with the application. PFS asked the NRC to overrule the ASLB's decision on the F-16 issue, but the commission declined to do so until seeing the consequences study. In other recent developments, the ASLB said it would not consider PFS's request to license a smaller site unless PFS re-filed the request in a different format.

Mr. Parkyn said PFS intended to present its F-16 consequences study to the ASLB in July. He said the organization would also pursue a smaller site. The NRC had ordered the ASLB to finish its review of the consequences issue by the end of the year. Mr. Parkyn said PFS was awaiting a decision as to whether construction of a rail spur was a major action that would require an environmental impact statement.

Mr. Parkyn said that construction would be scheduled to start after any court appeal on the licensing decision was completed. The latter was expected in early 2004. Testing of the rail car prototype would also be completed in 2004. Mr. Parkyn said the facility would begin operating in late 2005, with the capability of accepting 200 canisters per year. He pledged that PFS would continue to work with state governments as the plans developed.

Mr. John Kerr (Minnesota) asked about the relationship Mr. Parkyn envisioned between PFS and the states. He specifically asked whether PFS would assist the states in conducting training. Mr. Parkyn said the utilities had made payments into the Nuclear Waste Fund to cover this type of activity. He said PFS would definitely work with the states and local governments. Whether the consortium would provide any financial assistance to these governments would remain to be seen. Ms. Bacon said Wisconsin was

the home of the La Crosse nuclear generating station. She was glad to hear that PFS was committed to working with the states.

In response to a question about security, Mr. Parkyn said this was a federal requirement. Responsibility for security could not be transferred from the licensee to a civil agency, although the licensee could contract with a private security company. He thought the states would be able to have personnel ride along with the shipment. Mr. Parkyn added that PFS might use railroad police for the purpose of providing security.

Mr. Runyon asked if PFS would use TRANSCOM. Mr. Parkyn was not familiar with the software but said the shipments would definitely be tracked. Mr. Runyon said Illinois was looking at GPS tracking as a possible substitute for having to put personnel on the train. He recommended that PFS look at using the TRANSCOM system to track its shipments.

Union Pacific Corporation

Mr. Lou Wagner provided some information on Union Pacific (UP) and railroad security. UP handled 315,000 cars on a daily basis, including 30,000 hazmat shipments. Its risk management communication center averaged 57,000 inbound calls each month, with 36,000 deemed "critical." On a monthly basis, the center received 50 calls regarding derailments, 25 calls regarding hazardous material incidents, and 35 Chemtrec notifications.

Mr. Wagner said the railroads had developed a comprehensive terrorism risk analysis and security management plan. The industry formed five teams to address various issues, one of which was hazardous materials. Using an intelligence-based best practices methodology, the railroads had performed a detailed risk analysis to identify critical assets, vulnerabilities, and threats. From this analysis, the industry had developed countermeasures that were proportional to the particular alert level. Countermeasures included intelligence, awareness, engagement, hardening the facility, and technology.

The Association of American Railroads recognized four threat levels. Generally, at higher alert levels, the railroads would keep operating. Surveillance would be increased, however, and the industry would embargo certain commodities such as poison-inhalation hazards and flammable gases.

Regional Roundtable, continued

Wisconsin: Ms. Bacon reported that her agency had been working with other state agencies to plan an exercise with the counties that would be affected by shipments going to PFS. A tabletop had already been held. The experience showed that the counties were not comfortable with their radiological training – even the hazardous materials teams were not well trained. On April 15-17, the state had conducted training. A few real emergencies came up during the training, so attendance was low. The state originally had plans for a full-fledged exercise but had to scale back on those plans.

Ms. Bacon said this had been the first experience for some of these counties in working with the state organization. The scenario for the tabletop exercise involved terrorism. As a result, the local responders needed to learn how to coordinate with the federal agents. In addition, the exercise revealed a need for better integration of the incident command system with the emergency operations center.

Ms. Bacon suggested that the states identify ways to incorporate terrorism scenarios into their exercises so as to tap into the funding available from the Department of Homeland Security. She noted that the Homeland Security grants used to be earmarked for equipment only, but now states could use it for training and exercises, as well.

Nebraska: Mr. Brent Friesen said the Department of Health and Human Services had been working with the legislature to set up the process for collecting the state's new fee. Major Tuma also reported that the State Patrol had been working on ways to implement the fee. All the agencies had been helping to plan DOE's shipments of transuranic waste and spent fuel.

Minnesota: Mr. Kerr deferred to Sen. Ourada, who discussed the legislature's passage of an energy bill allowing additional dry storage at the Prairie Island nuclear plant.

Ohio: Mr. Owen reported that Governor Taft had written to the Secretary of Energy regarding DOE's plans for converting DUF₆ at the Portsmouth site. The governor recognized the need to move the waste, but expressed some concerns regarding DOE's plans to utilize the site.

Ohio had an emergency response exercise at the Davis-Besse nuclear power station. Mr. Owen said the exercise, which involved a couple of counties, went very well. He said Ohio had formed an Office of Homeland Security to replace the existing task force. Mr. Owen's agency had used some of its bioterrorism funding to purchase an emergency response vehicle.

Kansas: Mr. Moussa reported on a recent exercise at the Wolf Creek nuclear plant. The state had also conducted training in connection with the West Valley shipment.

Mr. Moussa commented on a fender bender involving the shipment of a reactor head to Envirocare in Utah. The situation had been mis-managed by the incident commander. Both the state and the NRC became involved in the accident. Mr. Moussa said the driver did not have any training or equipment. Mr. Moussa was surprised that the driver had not been aware of the steps that would be necessary prior to resuming the shipment. The incident made the local papers.

Mr. Flater suggested that, if anyone was interested in finding out about low-level waste shipments headed for Envirocare, they should contact Mr. Sinclair with the radiation control program in Utah. That is how Iowa obtained a list of shippers for the purpose of disseminating information on the Iowa fee and permit system.

Rep. Freeborn said, if the governor's office supported the idea, she would look into fee legislation to help cover the state's expenses related to radioactive waste shipments. She also suggested that Mr. Moussa make other states aware of the training gap that apparently existed for drivers of hazardous materials shipments.

Michigan: Mr. Strong said spent fuel shipments would continue from the University of Michigan to the Savannah River Site. He noted that the university used to communicate freely with the state. Now, however, the NRC orders made it such that the university would no longer share information with Mr. Strong, since he was not the governor's designee for receiving safeguards information. The university was seeking authorization through the governor's office to be able to communicate with Mr. Strong and

other state personnel that had previously been involved in planning. Mr. Crose thought the university shipments passed through Indiana.

Mr. Strong also reported that the Big Rock Point nuclear plant was still planning to ship its reactor head by rail and heavy-haul truck. The reactor head was going to Barnwell.

The radiation protection agency in Michigan would receive \$50,000 for new equipment purchases. The agency would use some of the available funding to do training and develop exercises for dirty bomb incidents. In fact, a large exercise involving dirty bombs had recently taken place in Michigan. It pointed to a number of communication problems and the need for radiological training for first responders.

Mr. Strong raised the issue of armed escorts for the Nordion shipments coming from Ontario. He observed that the committee's earlier discussion of escorts for DOE's spent fuel shipments foreshadowed what would come up if the NRC would require escorts for HRCQ shipments.

Lastly, Mr. Strong reported on an ongoing political issue in Michigan regarding imports of municipal waste from Canada. Recently, the customs office installed portal monitors on the Blue Water Bridge. The monitors had been tripped a couple of times, probably because of medical waste, and the customs office refused to let the shipments cross into Michigan.

Ms. Bacon added that a new thing with the Office of Defense Programs funding was that the states could use it to pay for overtime. The problem was that overtime was allowable for exercises, but not for training sessions. In addition, the states could pay for overtime but could not pay to backfill the positions that were left open as a result of training or exercises.

Ms. Bacon also mentioned that Wisconsin was looking at using federal funding to purchase decontamination shelters for hospitals. The funding could not be used for construction, but the shelters were considered equipment, which was an allowable expenditure.

Committee Discussion

The committee agreed to direct a letter to Ms. Bubar on the subject of training. Mr. Moussa, Mr. Flater, Mr. Owen, and Mr. Schwarz would help Ms. Sattler develop such a letter.

The committee also agreed to pursue with the other regions a unified approach for developing a rail safety program implementation guide. The committee was amenable to the idea of reviewing the draft plan written by the Western states as part of that inter-regional process.

The committee also agreed to respond to Ms. Bubar's question as to the states' preference with regard to DOE's "equivalent" orders on physical protection of shipments. A related security issue was the matter of the different requirements in the states for private security guards carrying weapons. Mr. Runyon agreed to work with Major Tuma, Capt. Hobbs, Capt. Sever, and Ms. Sattler to draft a follow-up letter to Ms. Bubar.

There being no further items for discussion, Mr. Runyon adjourned the meeting.