

The Council of State Governments Midwestern Radioactive Materials Transportation Committee

Proceedings of the Fall 2005 Meeting

Okemos, Michigan ✧ October 25-26, 2005

Tuesday, October 25

Committee Business Session

Thor Strong (MI) called the meeting to order at 8:10 a.m. Mr. Strong introduced himself and then asked all the participants to introduce themselves. George Bruchman (MI) then welcomed the group to Michigan. Lisa Sattler (CSG) then went over the changes in the schedule and passed around the sign-in sheet.

Chair's Report: Mr. Strong started his last Chair's Report by reviewing everything that had happened over the last two years. He said in December 2003, Midwestern representatives went to Washington D.C. to meet with OCRWM officials, who unveiled the OCRWM strategic plan. In the strategic plan, DOE officials described the State Regional Groups (SRGs) as the anchors for DOE's interaction and coordination with the states as the department prepares for shipments to Yucca Mountain. At the same time, Gary Lanthrum challenged the regional groups to "roll up our sleeves" and get down to business. At the Topeka meeting, the Midwest got volunteers to serve on Topic Groups, and prior to that, several topic groups were established at a TEC meeting (routing, security, rail, and 180c). The spectrum of Topic Groups gives us a sense of the scope of involvement.

At the Topeka meeting the Committee also had a lengthy discussion of key issues: NRC regulations, regional planning process, full-scale cask testing, mode of transport, barge shipments, and shipments during the winter. These are not new issues, and in fact the Committee had already conveyed to DOE our opinion on those issues, but we continue to invest time in these issues. Some issues have been decided; the mode decision was finally made, but many continue to need ongoing discussion and consideration. In Topeka we also started talking about special projects. The two the Committee chose were a local outreach workshop and a legislative tour of Yucca Mountain. The legislative tour is coming to pass next month.

Mr. Strong said there have been a number of noteworthy events in the last two years. There has been a big jump and then steep decline in DOE transportation budget, DOE made a mostly-rail mode decision, and DOE issued a policy decision in favor of dedicated trains. The event that marks the hallmark of this period, however, is the completion of the Federal Railroad Administration (FRA) dedicated train study. In addition, Private Fuel Storage (PFS) cleared its last hurdle for Nuclear Regulatory Commission (NRC) licensing. There was also a court ruling about the EPA radiation standard for Yucca Mountain, and a couple months ago they issued some new proposed standards. In addition Congress passed a budget bill that required DOE to look at interim storage sites, which has the potential to change our preconceptions as we go forward.

Mr. Strong said that during the last two years, the four SRGs have worked together more completely and consistently than in the past. Together we have developed principles of agreement, which set forth our basic standards for shipments to Yucca Mountain. So what's next for the Committee and the transportation of radioactive materials? Mr. Strong said that the Yucca Mountain project will continue to plod along. We hope that DOE will give more money to the transportation portion of the project, as it is a critical component. The Committee will work closely with DOE to develop a transportation plan using the principles of agreement. In the next six months, one of the big issues the Committee will tackle is the publishing of the 180(c) draft *Federal Register Notice* (FRN). Finally, Mr. Strong said that he suspects shipments will likely go to PFS in Utah before they

go to Yucca Mountain, and that changes the complexity of things. The Committee will have to work more closely with PFS in the near future.

Mr. Strong said that at the first meeting of his chairmanship in Topeka, he shared his opinion that radioactive materials are just another category of hazmat that is on our roads everyday and may pose less of a risk. But the public, media, and local officials don't feel that way and we are stuck in the middle. The utilities and DOE want to get stuff on the road but there is a skeptical public. Our role has to be to do more to nudge the public, media, and local officials towards a more balanced view. We are making headway and the Yucca Mountain tour will give us a chance to reach out even more. That will be our challenge over the next few years, especially if PFS continues to progress.

Project Update: Mr. Strong then asked Ms. Sattler to give the Committee a project update. Ms. Sattler said our funding is in good shape but we had to cut out the local workshop "special project" due to lack of funds. We did get funding from WIPP in conjunction with the Battelle shipments. Two state agreements are in place, one is in the works, and an agreement with Indiana will likely be made in the near future. We have two new committee appointments: Joseph Bell is the new appointee from Indiana, and Floyd Gilzow at the Department of Natural Resources is the new Missouri appointee. There are new legislative appointments for Michigan, Wisconsin, Minnesota, and Nebraska, and we are still waiting for appointments from Illinois and Missouri.

In the public information area, Ms. Sattler said that committee members should have received copies of the *Handbook of Radioactive Waste Transportation*. We sent out approximately 2,500 copies to various people. The project brochure will be updated in January in time for CSG staff to take on their annual state fieldtrips. The *Planning Guide* will need to be revised in 2006. It is revised every two years and at the meeting in Topeka the committee spent a lot of time going over changes. At the spring committee meeting we will need to spend a lot of time going over changes to the recommended practices. Ms. Sattler said she would like to pull together a small group of people to look over the recommended practices and do a preliminary review. Tim Runyon (IL), Frank Moussa (KS), Jane Beetem (MO), and Don Flater (IA) volunteered to join the review group. Ms. Sattler said that Sarah Wochos (CSG) continues to update the website on a regular basis and that she recently added some new tables of plant and regional information to the site. Finally, Ms. Sattler thanked the committee for responding to the members' survey last spring. The feedback was very helpful and generally very positive. One unanimous comment from the survey was that committee members appreciated discussion at meetings as opposed to continuous presentations.

TEC Meeting and Topic Groups: Mr. Strong then asked for comments from anyone who had attended the *TEC/WG meeting* in Pueblo, CO, in September. Mr. Runyon said he thought it was a good meeting and that his only complaint was that the two different groups (rail and security) ran concurrently so that members had to make choice between the two. He suggested that DOE consider rearranging the schedule. Ms. Sattler said that she did ask DOE to rearrange the schedule prior to the meeting, but she understood why they couldn't, and since the Midwest has so many members that overlap, we at least had some representation at each group. Jay Jones (DOE) said that, at the next meeting, DOE will try to accommodate the request. Mr. Flater added that in the past DOE has complained about a lack of participation, so if they really want participants, they shouldn't run the meetings concurrently.

Mr. Runyon said he thought the presentations were good except for the standard program update presentations. Ms. Beetem said that this was her first TEC meeting and her favorite presentation was from the man from the Brotherhood of Locomotive Engineers. That presentation pointed out concerns that we had never discussed before. She added that the Topic Groups made a lot of progress. Mr. Moussa said that he hoped the Topic Group meetings could have been a little longer. The 180(c) discussion was cut off abruptly and now will require more conference calls. Ms. Sattler added that the TEC meeting proved that discussion is more fruitful than presentation after presentation. She suggested making the presentations to smaller groups to facilitate conversation. Mr. Jones said the next meeting will be only Topic Group meetings, so there will be a lot of discussion. Ms. Sattler asked

how not having the Topic Group meetings on the agenda was received. Mr. Jones said there is a balance between making sure members know about the meeting and keeping everyone else out. At this meeting DOE erred on the side of Topic Group members. Corinne Macaluso is putting together the agenda for the next meeting and will consult with the SRGs. Mr. Flater added that the change made to the Security Topic Group (STG) was excellent and discussion is much more fruitful now.

Other Meetings: Mr. Strong said that it is important to keep in contact with other groups, so we send members and staff to other meetings. He asked Ms. Sattler to report on the *National Academies of Science (NAS)* meeting and the *National Conference of State Legislatures (NCSL)* meeting she attended. Ms. Sattler said an NAS panel has been working on a study about the transportation of radioactive materials and was close to wrapping up their charge when the Department of Transportation (DOT) asked them to look at routing. The day after our last committee meeting in Traverse City, Ms. Sattler flew to Washington, D.C., to provide the states' perspective on spent fuel transportation. Chris Wells from Southern States Energy Board (SSEB) spoke with her. Someone asked about how politics influenced route selection for Foreign Research Reactor shipments and Jim Wade (DOE-Idaho) was very honest and said that the decision was political and that is why it was made by the Assistant Secretary and not by someone further down the line. Ms. Sattler said the panel is not yet done with its study, but the report should come out in November. Earl Easton (NRC) clarified that the full report would be out in December. Mr. Runyon asked if Kevin Crowley (NAS) would speak to the committee next spring, and Ms. Sattler said she would invite him to do so.

Ms. Sattler said there were a few Midwesterners at the NCSL meeting, but that there were a lot of Nevada legislators. Speaker Curtis of Utah was there, so PFS dominated a lot of the discussion. Brian O'Connell of the National Association of Regulatory Utility Commissioners (NARUC) was there and he said that ratepayers should not have to pay for the consequences of DOE's failure to accept spent fuel. Ms. Sattler said she asked him if PFS is a consequence of DOE not accepting spent fuel and Mr. O'Connell couldn't give her an answer, though he thought there might be a way for DOE to treat PFS shipments as a test campaign. Ms. Sattler said there might be an opportunity for us to work with NARUC on this. Ms. Sattler reported that Kevin Blackwell (Federal Railroad Administration) said the Safety Compliance Oversight Plan (SCOP) revision would be out by the end of the year. Finally, Ms. Sattler said that NCSL did a tour of Yucca Mountain in October and invited us to co-sponsor, but we declined because we plan on taking more people than would fit in the spaces left over on their tour.

Mr. Strong asked Rep. Jeff Elgin (IA) to give a report from the *Midwestern Legislative Conference (MLC)*, which was held in Regina, Saskatchewan, in July. Rep. Elgin said that he gave a report about committee activities to the MLC Executive Committee. He tried to emphasize what the committee has accomplished over the last year, such as Topic Groups activities, the routing project, etc. He thought it would be a good idea to try to get us on the agenda in a breakout session so that we can really discuss the responsibility of our committee and what the Midwestern position is on various issues. If the committee agrees, he will pursue that avenue. Ms. Sattler said that she and Ms. Wochos have been pushing for radioactive waste breakout session within our staff meetings, however the host state really decides what breakout sessions will cover, so she suggested Mr. Runyon call incoming MLC Chair Sen. Donne Trotter's office since the next MLC is in Illinois.

Mr. Strong asked Mr. Moussa to report on the *Transportation Emergency Preparedness Program (TEPP) Update* meeting. Mr. Moussa said that the TEPP update meeting was held at Argonne National Labs outside Chicago in early October. The meeting was held to go over the latest issues and updates/adaptations to the program. He said Kansas uses TEPP as an augmentation module. They do not use it verbatim but do adapt it to the state's needs. The updates to TEPP include integration with NIMS and an Incident Command System segment included in the module. There are three modules to pick from (terrorism, hospital, and regular) and all are self-paced by a certified instructor. Mr. Moussa said that one of the things that caused issue is that DOE uses the word "safeguard" a lot and that has a different meaning to NRC; the two terms are not necessarily in unison, so hopefully DOE will take that back as an action item and modify the phrasing.

Mr. Moussa said half of the meeting was looking at the Radiological Assistance Program (RAP) team capabilities. The meeting participants got to look at the equipment the RAP teams have access to. Mr. Moussa said he felt that TEPP will work very well with 180(c) because there is a training assessment in the program, and while each state will not need to use it verbatim, it would be silly to reinvent the wheel. He felt DOE is constantly striving to update the course in order to bring it into alignment with current emergency management requirements. Ms. Sattler asked Mr. Runyon if he had adapted TEPP to Illinois' needs such as Idaho had done. Mr. Runyon said he received Idaho's files, but the contractor was less forthcoming with the original files. Ms. Sattler said she asked Joe DiMatteo (DOE) whether the information was proprietary or whether the states can get the actual files and adapt them, and Mr. DiMatteo said the files are DOE owned, so the states should be able to have them. Ms. Sattler said that she would follow up with Ms. McNeil (DOE) to get the files.

Mr. Strong asked Ms. Wochos to report on the *Western Governors' Association (WGA)* meeting and the *Western Interstate Energy Board (WIEB)* meeting. Ms. Wochos reported that the WGA meeting was held in Idaho Falls on October 4-5. The first day was devoted to a tour of the Idaho National Laboratories, which was very informative. The group saw the waste reclamation, reclassification, and repackaging process, among other areas. The second day was devoted to discussion, and one of the action items that came out of the meeting was to write DOE a letter encouraging them to stop their commodity flow studies. Ms. Wochos explained that DOE did a count of all the trucks that came along a certain portion of I20 in Arizona to see how many were carrying hazmat and how many of the hazmat were Class 7. The Western states thought that the study wasn't useful, and Dennis Ashworth (DOE) suggested that the states write a letter to DOE asking them to stop conducting these studies. Ms. Wochos said that the Midwestern states should consider signing on to this letter.

Ms. Wochos reported that the WIEB meeting had a tour of Yucca Mountain on the first day and a discussion-format meeting on the second day. She reported that the Western states had a long discussion with John Parkyn from PFS. One of the interesting things to come out of that discussion was that Mr. Parkyn told WIEB that PFS could be able to begin accepting shipments in three years.

Topic Group Updates: Mr. Strong gave a **180(c) Topic Group** and work group update. He said that 180(c) has been one of the TEC Topic Groups for a year and a half, and the groups have met through conference calls and at TEC meetings. There were four basic issues that the group started wrestling with: funding distribution method, funding allocation method, allowable activities, and timing and eligibility. Throughout these discussions the Midwestern states and the other regions, as well, argued for a broad definition and application of the Nuclear Waste Policy Act. Through discussion on these issues the states also identified many more issues, some of which are definitions, pass-through requirements for funds (i.e. how much should be passed on to local entities, if anything), contingencies (i.e. how do you plan for rerouting), rulemaking (as opposed to just a policy), state fees (i.e. would state fees be subtracted from the state's 180(c) award?), and the funding of operational activities (i.e. WIPP funds most state expenses including escorts and inspections, but those activities are not currently provided for under 180(c)).

Mr. Strong said that the resolved issues are those that the DOE staff and SRGs have agreed to, but these issues still need to be signed off on by DOE management. These issues are:

- Funding distribution: the Topic Group agreed that direct grants to states and tribes were the best method. The group considered grants through the SRGs, but DOE said that was not possible.
- Allowable activities: the Topic Group agreed to allow flexibility whenever possible. The agreed upon scope of allowable activities is broad especially in terms of who to train and at what level. Those decisions will be left up to the states.
- Definitions: the Topic Group agreed that hospital personnel should be included in the definitions of public safety.
- Pass-through of funds: the Topic Group agreed that there should be no direct pass through requirement; however states will have to demonstrate how local entities will benefit from their 180(c) award.

- Contingencies: the Topic Group agreed that on the definition and remedy for receiving extra money should there be a need for rerouting.
- Policy or rulemaking: DOE has committed to pursuing making 180(c) into a rule, however it will first be executed as a policy.
- Timing and eligibility: the Topic Group wrestled with what to do about states with mutual aid agreements, but in the end we agreed that those situations should be special negotiations with DOE.

Mr. Strong then went over the basic grant framework. The Topic Group agreed that a \$200,000 planning grant should be available to states 4 years prior to the first shipments. In this planning grant, states will lay the groundwork for a training program, do a needs assessment, and do route evaluations. Following the planning grant is the training grant, which has two components: a based grant of \$100,000 and a variable grant. The variable grant was one of the big points of discussion. The basic concept is that the variable amount is based on some kind of factor that represents the risk to each state.

Mr. Strong said that there are a few unresolved issues. For state fees, the states recommended that DOE not deduct any money from the state's award nor require any matching amount. As it stands right now there is some room for DOE and each state to work together to resolve the issue. Another unresolved issue is the funding of operational-related activities. Clearly some states have to pay for escorts, inspections, tracking, and right now 180(c) doesn't cover those expenses. We don't yet have a commitment from DOE to pay for those activities, though the states' stand is that DOE should pay for them. The final and most unresolved issue is the funding allocation method. The problem is coming up with a method for allocation that takes into consideration the heavy population but relatively short routes in the Northeast, the long but relatively unpopulated routes in the Midwest and the combination in the Midwest and South. There has been good discussion on what the criteria should be to divvy up the money. The WGA proposed a formula based 75% on shipment miles and 25% discretionary back in the 1990s. They have since revised that recommendation to say that it is too early to suggest a funding formula. The Midwest started looking at the Hazardous Materials Emergency Preparedness (HMEP) program as a model and came up with a recommendation based 30% on shipment miles, 30% on shipment population, 30% on shipment numbers, and 10% on shipping sites. The South and Northeast signed on to the model, and it is the model that DOE will put in the *Federal Register* notice. Ms. Sattler and Ms. Wochos did a comparison of the two formulas to see what would happen, and there are winners and losers in each region, but for the most part it was fair.

Mr. Strong said that the other activities the Midwest has been involved in include the principles of agreement, the strawman regulations, the grant application package, and the pilot program. The principles of agreement were originally proposed by Barbara Byron (CA). It seemed like a good idea to put together a list of basic principles that the states believe DOE and any other shipper should adhere to when shipping spent nuclear fuel. The principles were sent to DOE management as well as PFS management. Several state volunteers put together a set of strawman regulations for the time when DOE moves to make 180(c) a rule. However, that project is on hold until some other application and implementation issues are agreed upon. The group recently started working on the grant application package. Mr. Moussa has been the Midwestern representative on the smaller working group, which is trying to decide how states will apply for the grant and how each application will be evaluated. Mr. Strong asked committee members to look over the grant application package so that the committee can discuss it tomorrow. Mr. Strong said that the next steps for the 180(c) work group is to comment on the 180(c) *Federal Register* notice and the grant application procedures notice, both of which will come out in December. The work group will have to prepare comments by a January or February timeframe.

Mr. Runyon said that some of the existing state fees are designed to offset the cost of operational activities that DOE is not funding. So it is inappropriate for DOE to discuss removal or negotiation of state fee money. He reminded the committee that DOE needs to make the distinction between fees that pay for training and fees that don't. Ms. Sattler said that page 12 of the guidance document is where DOE is proposing to address state fees. She asked Mr. Runyon if the wording was appropriate and he said yes. Mr. Schmidt asked if 180(c) money applies to

just Yucca Mountain shipments, or also to PFS shipments. Mr. Strong said that a strict reading of 180(c) would not apply to PFS or any other private shipping campaign. That is one of the issues that the work group is still wrestling with. Mr. Flater said that one of the biggest problems Iowa has with 180(c), especially with a strict interpretation of it, is that there are too many people to train and too much turnover. He thinks DOE doesn't have enough money to train everybody along every route, so Iowa has shifted its focus to escorting and training of escorts. Hospital personnel will still be trained, but police and local responders pose a real challenge. Mr. Strong said that committee members should look over the grant guidance document and the merit review criteria document so that we can discuss it tomorrow.

Mr. Owen next gave the group an update on the status of the **protocols working group**. He said that in February the group convened to review and comment on DOE's Transportation Practices Manual, commonly referred to as "the protocols." The protocols were developed in the late 1990s with state assistance through the Protocols Topic Group. Mr. Owen said he and John Kerr (Minnesota) are the Midwestern representatives on this working group. So far the group has focused primarily on the OCRWM provisions, but now the group would like to focus on non-OCRWM provisions. At the May committee meeting, Mr. Owen had gone over the proposed changes and the committee approved the working group's recommendations. The working group missed the deadline of sending the proposed revisions in summer, but just recently the West and the South joined us on a letter to DOE management. Mr. Owen said that it was announced at the TEC meeting in Pueblo that DOE would not be reconvening the protocols Topic Group, which was something the states had been hoping for. In response, the West proposed sending a letter to Environmental Management (EM) Assistant Secretary Rispoli to again request to convene the Topic Group. Regardless of whether DOE reconvenes the Topic Group, the states will be looking at the EM provisions in the document and will send recommended revisions to DOE management. Mr. Owen asked that the committee look over the letter to Assistant Secretary Rispoli to see if they have any comments. He also asked for volunteers for the interregional working group.

Mr. Strong asked why there was a different approach to OCRWM shipments and EM shipments. Why are the protocols different? Ms. Sattler said that initially the interregional group only looked at OCRWM sections because it was part of the regional groups' scopes of work. But after that task was done, the group learned EM would be revising its sections, so we requested that they reorganize the Topic Group. Bill Mackie (WGA) added that the owner of the document is EM, not OCRWM.

Mr. Strong said that the committee needs to decide whether or not to sign on to the letter to Assistant Secretary Rispoli. Committee members should look it over and we will discuss it tomorrow. Ms. Sattler added that regardless of whether DOE decides to reconvene the Topic Group or not, would the committee be interested in forming an interregional group to look at the other provisions? And if so, would anyone be willing to participate. The committee agreed that it was a good idea to form the interregional group, and Ms. Beetem, Mr. Owen, and Mr. Kerr volunteered to represent the Midwest.

Mr. Runyon next gave the group an update on the **Security Topic Group**. He reported that the TEC meeting in Pueblo was the third time the Topic Group had met, but the first time the group had accomplished anything. Mr. Runyon reported that Alex Thrower was reassigned to work with this group. One of the positive things from this meeting is that DOE brought the folks from the DOE security office and gave members a background the kinds of activities they are pursuing. Mr. Runyon said that John Fitzgibbons gave the Topic Group a background on the design basis threat that was developed for standing facilities and told the Topic Group that his group was now developing a design basis threat for transportation. Mr. Runyon said that Mr. Fitzgibbons answered a lot of the Topic Group's questions. The Topic Group also had considerable discussion on what states need to know and for the first time DOE has a better sense for what exactly that is. Mr. Runyon said the Topic Group suggested that DOE include in its classification guide information similar to what is in NRC's guide. Mr. Runyon said the Topic Group will have monthly conference calls, although on the last one participation was scarce and only he and Ms. Wochos were able to call in for it. On that call, however, Larry Stern (CVSA) informed us that the RAM

subcommittee had formed another ad-hoc committee to look at security. Mr. Runyon said that he may be participating in that group.

Ms. Sattler said that she agreed that the Security Topic Group meeting in Pueblo was more productive than the group had been in the whole last year. She said that after the April TEC meeting she and Mr. Mackie put together a draft task plan and shared it with the members. DOE has agreed to pretty much take that task plan on for the Security Topic Group. Mr. Runyon added that the task plan is boiled down into three different areas: information security, security practices, and other security issues. The clearance level of members somehow always seems to come up, so DOE still needs to either get state members cleared or develop a new classification for governors' designees/people with need-to-know in the states.

Mr. Flater next told the group the recent activities of the **Rail Topic Group**. He said that the group is represented by Illinois, Iowa and Missouri, and along with other state representatives from other regions, groups such as FRA, NCSL, and Association of American Railroads (AAR) have participating members. He said when the group started out there was a lot of duplication of effort between the Topic Group and the regional groups, especially in the route identification area, so the Midwest suggested DOE wait to start the national route selection discussion until after the regional groups were finished with their own projects. DOE agreed, and at the TEC meeting in Pueblo the group finalized a list of activities that sub-groups will be working on. One of the sub-groups is the rail planning process and protocols, which will look at aspects of training and planning a rail campaign. Another sub-group is inspections, which will discuss current state inspections programs, how they differ, and will try to come up with some consistency to avoid confusion. Another sub-group is tracking, which will analyze the best technology for tracking and access for states to tracking information. Another sub-group is legal weight truck shipments, which will look at what to do with shipments before the rail line is built all the way to Yucca Mountain. Finally, there is a sub-group that will analyze lessons-learned from previous shipping campaigns. Mr. Flater noted that the last two sub-groups don't have many members, so it is possible that DOE will blend those in with the other areas.

Mt. Flater said that the Rail Topic Group also tabled two topics for discussion in the future. One topic was testing the TRAGIS model to see if the results are viable, which DOE has agreed to wait on until the regional groups finish their routing projects. The second issue is escorting, which the Security Topic Group is looking at.

Mr. Flater said that the Rail Topic Group has a schedule of bi-monthly topic group calls, with established dates ahead of time, and monthly sub-group calls or as needed. The entire Rail Topic Group will convene in the spring at the next TEC meeting. At that meeting, the Midwest will likely give a presentation on our route identification project.

Mr. Flater went on to describe the activities of the Route Identification Work Group. The work group includes state people from Illinois, Iowa, Missouri, Nebraska, and Ohio. The group has been working on the comparison of routes to Yucca Mountain for some time now. The group had a meeting in Lombard in June to go over the initial route comparison results, and then the full committee had a conference call in July to go over the initial maps. Some committee members then talked with state DOT people or other interested parties to get feedback. In August and September Ms. Wochos, Ms. Sattler, and Mr. Runyon met with railroad representatives to discuss the viability of the routes and other rail planning issues. In October the work group had another conference call to go over any changes due to state or railroad input. We will present our results to DOE in December and in February. Ms. Wochos will present a lessons-learned paper at the Waste Management conference.

Ms. Wochos then went over the route identification and comparison process. She said the work group took its comparison criteria from the DOT guidelines, and that we used the same factors for truck and rail. The general idea is to minimize the risk to the general public, so in both truck and rail we want to keep shipments out of highly populated, high-accident rate areas. Ms. Wochos went through the primary factors, which are risk to the general public during normal transport, risk to the public in case of an accident, and risk to the

environment/economics in case of an accident. She said the work group decided not to include time in transit as a specific factor. The work group also had to tweak the factors and corresponding formulas in the DOT guidelines a bit. For example, the original formula required data inside a 0-5 mile band and a 5-10 mile band, but the group reduced the distance to 0-2500 meters because of data limitations and a presentation by Ruth Weiner that showed dispersion only up to 2 miles.

Ms. Wochos said that she collected data from a variety of sources, ran as many routes as seemed reasonable from each reactor, and then compared the routes using the primary factors. Any routes that came out as equal or almost equal from the primary factor comparison were then run through the secondary factors. The secondary factors are percentage of a route that is urban, accident rate along the routes, road or track quality, and traffic density.

Ms. Wochos then showed the group an example from the plant at Dresden and explained that the same was done for all the Midwestern plants. She then showed the group the map of all rail routes before analysis. She explained that a lot of plants had overlapping routes and that the plants in the east have more options than plants in the west. Ms. Wochos then showed the group a map of the remaining rail routes after the initial comparison. She then showed the close-up maps of the changes made after consultations with the railroads and state agencies:

- After talking with BNSF railroad the routes through the Chicago area changes because BNSF does not interchange at Chicago Canal Street. Ms. Wochos said she is also working with someone at the Chicago Transportation Commission to make sure all the Chicago routes are viable.
- In western IL BNSF said that they do not like to interchange at Clinton and do not interchange at Flag Center. In addition, BNSF would interchange at Galesburg, not Peoria.
- In southeastern IA, the Iowa DOT had a problem with all the ICE lines and the railroads confirm that concern, so we took those routes out.
- Missouri did not like the UP line running from the IA border to Kansas City, nor did they prefer the KCS lines, so those were removed.
- TRAGIS said that there was an interchange at Grand Island in Nebraska, but the railroads confirmed that there is no interchange, so shipments will have to interchange elsewhere or continue on their own lines.

Ms. Wochos then showed the group the final map. She said that it is considerably cleaned up, but still offers quite a few options from each reactor and is a great starting point for discussions with DOE.

The same process was used for highway. The work group had been told that there would not be as many options for rail as compared to highway, but that was not the case. There are really only three ways to get across the US by highway (I80, I70, I40). Ms. Wochos showed an example of all the highway routes from the Dresden plant, then she showed the map of all the highway routes before comparison and the map after initial comparison. She said the big finding was that I70 turned out not to be a good alternative through Illinois or Missouri, based on our criteria. Ms. Wochos said that after consultation with state agencies there weren't any changes to the highway map because although you can change the initial access route from any reactor, you then have to stay on the interstate system, and that limits the options. Ms. Wochos said the one change that is not indicated on this map is that from Prairie Island in Minnesota, the state would prefer to take smaller state and US highways to I35 instead of going through the Twin Cities. This is not reflected on the map because TRAGIS doesn't have all the roads in its system.

Ms. Wochos then showed the group the final map of both rail and highway routes. She said the next step was for the committee to review the information flyer that outlines the project and the results. She asked that committee members look over the flyer tonight so that the committee can discuss it tomorrow. She also asked that the committee review the list of recommendations that we will present to DOE, the other regions, and possibly DOT. Next week the staff will send each state a customized flyer with state maps and a list of key messages. At that point committee members are responsible for giving the information to their governors. We will not say that these

maps represent approved or recommended routes, so we don't need gubernatorial approval. But we do need to let them know what we will be presenting to DOE. Ms. Wochos also asked that if anyone is interested in participating on any of the Rail Topic Group sub-groups that they let the staff know.

Mr. Owen asked who was responsible for notifying the governor. Ms. Wochos said that it is the committee members' responsibility. Staff will email the flyer to the states on Monday and Fed-Ex color copies to whoever wants them by Wednesday. Mr. Kerr asked if the Prairie Island alternative route could be added to the Minnesota map. Ms. Wochos said she would figure out how to do that.

Cort Richardson (CSG-ERC) asked if routes from reactors were ranked (if there was more than one). Ms. Wochos said that the routes are not ranked. All the routes on the final map are equal or nearly equal after comparison. Mike Cash (AL) asked if we considered routes from the South and the East. Ms. Wochos said that the project only looked at routes from reactors in the Midwest. The South and the West were sent letters with maps showing how their regions would be affected and the West responded that they didn't feel it was appropriate to respond and the South responded that Texas had no comments and OK hadn't responded to the inquiry.

Jennifer Salisbury (WGA) said that the presentation shows a lot of problems with the TRAGIS data. She asked if we had received any indication from DOE that they plan to fix that. Ms. Wochos responded that one of the Rail Topic Group tasks was to do a validation of the model. What we have found is that some of the interchanges don't work, so that is one of our recommendations to DOE. Ms. Sattler added that the validation exercise should be done before any of the other regions begin a routing project.

Ms. Sattler asked the various Rail Topic Group sub-group participants to describe what their tasks were so that committee members could decide whether or not to join. Mr. Runyon said the inspection sub-group will work with the railroads and states to develop national standards more like the standards CVSA has, since the railroads aren't too fond of the state inspection programs. He added that anyone with CVSA experience should consider joining. Ms. Sattler said that Carlisle Smith (OH) is looking at his schedule to see if he could fit it in. Mr. Runyon added that if railroads don't want to stop at state boundaries to do inspections that we need to develop national standards.

Ms. Beetem said that the lessons learned sub-group doesn't have any volunteers at this point. She asked for assistance from everyone so that she doesn't have to reinvent the wheel. Ms. Sattler said the staff will solicit lessons-learned documents from committee members and will ask the other regional staff to do the same.

Ms. Sattler said the protocols and planning sub-group will look at all the steps necessary to plan a rail campaign (what decisions, who makes the decisions, when the decisions need to be made, etc.) She said that the Rail Topic Group members are interested in having another meeting with railroad representatives to learn more about what will have to happen to organize the campaign. We were pushing to have the next meeting with the railroads in conjunction with our route meeting with DOE, but Bob Fronczak (AAR) wanted to wait until spring. Mr. Jones added that AAR thought it was premature to talk about shipments since they won't happen for many years. Ms. Sattler mentioned that when the route identification work group members met with the railroads, the railroad representatives all were interested in having a meeting in Chicago. Mr. Jones said he would talk to Mr. Fronczak about it again.

Mr. Mackie said that for the tracking sub-group Ms. Wochos had pulled a bunch of materials together and that he would be reviewing those in the near future. Ms. Sattler said that the legal weight truck sub-group was a western idea, so we didn't volunteer a lead. She asked Mr. Jones if the sub-groups could move on to setting up conference calls and whatnot. Mr. Jones said he thought that would be fine. Ms. Sattler asked who would pay for the conference calls. Mr. Jones said that he will find out how to get that set up.

Ms. Sattler then reported on the status of the **State Government Officials' Yucca Mountain Tour**. She said the project is one of our special projects, but because of money issues we had to scale it back a bit. The idea was to go to the 10 affected states and ask each governor to send a member of his or her staff and ask each legislative chamber to send a member as well. In addition, we invited committee members to talk about several issues and members of the CSG staff to talk about CSG Midwest, its services, and the transportation project. Ms. Sattler went through the proposed agenda. She said the whole purpose is to bring to the attention of the decision makers the work that we do and the transportation issues. We recognized that just having a transportation meeting wouldn't be a big draw so we combined it with a tour. She went over the list of attendees and pointed out some minor changes. She said DOE has the contact information for all the people on the list and needs 2 weeks to clear people to get access to the site. She asked, though, if committee members see blanks in the list and can round up some participation to please let the staff know. Ms. Sattler said that if the tour works out well we will request funding to do it every two years.

New business: Ms. Sattler introduced the concept of revising the Prospective Shipment Module (PSM) to the committee. She said that the idea came from Ms. Beetem and she had discussed it with the states at the route identification work group meeting in June. With the start of the Fernald shipments, Ms. Beetem has asked if there was a nice source of information about shipments crossing the state that she could have and could turn over to local governments and possibly the media. Ms. Sattler said DOE produces a PSM, but it is not always accurate and lacks contact information. So she took the last PSM that DOE had sent and added contact information, pictures, comments, etc. The first page would go out with hyperlinks to fact sheets about the specific campaigns, which would be on the subsequent pages. Each PSM would be state specific as well. Joseph Bell (IN) asked if it could also show whether a shipment has already been made or not. Ms. Sattler said she would add that in. She also said that DOE needs to put together a better source for shipment information materials. She said Mr. Bell had requested info on 8 or 9 shipping campaigns and DOE hasn't been able to provide the necessary information. The committee agreed that the updated PSM would be useful, and Ms. Sattler said she would talk with DOE about who (DOE or regional staff) should compile the document. She also added that it might be possible to put this information on a secure part of the CSG website.

Ms. Sattler then told the group that it was almost time to revise the *Planning Guide*. She and Ms. Wochos will go through the recommended practices and mark them up and then there will be a conference call with a smaller work group sometime in January. The full committee will get the work group's recommended changes one month before the next committee meeting, and at the meeting we will go through the changes. After the meeting Ms. Wochos will prepare the document for print in time for the Midwestern Legislative Conference meeting in mid-August.

Ms. Sattler then told the committee about recommended changes to the **FRA SCOP**. She said that the west had put together some comments and shared them with us. The Midwestern members of the Rail Topic Group looked over the comments and agreed with the recommendations. The committee needs to look over the letter and the recommendations and decide whether or not to sign off on it. She asked that committee members look it over and we will discuss it tomorrow. She reminded the group that this is not the last time the states will have a chance to comment on the SCOP revision. FRA has said they will send a copy of the marked-up document to the states for input.

Mr. Strong then went on to discuss the **election of the Vice-Chair**. He said his term as Chair ends at the end of the year, at which point Mr. Owen will take over. He asked for volunteers or nominations for Vice-Chair. Mr. Runyon asked the committee to discuss the option of co-chairs. He said that he perceived the workload to be escalating, so he thought it might be useful to have two people take on the work. Doug Larson (WIEB) said his committee had co-chairs and it works very well because of the increased workload. Ms. Sattler said that if we decide to have co-chairs we would have to rewrite the committee rules. One advantage of sharing the load is that the commitment is reduced to 2 years (whereas now the commitment is 2 years as Vice-Chair, 2 years as Chair). The tricky part is the transition. Mr. Runyon said that another advantage is that we have a lot of new committee

members who may be reluctant to volunteer, but if they co-chaired with a more experienced person, they may feel more comfortable. The other regional groups said that they all had co-chairs and the co-chairs shared the decision-making duties.

After some discussion, it was agreed that the committee could elect a vice-chair for a 1-year time period, amend the by-laws, and then next year elect a junior co-chair. Mr. Owen made a motion to limit the term of the Vice-Chair to 1 year, Mr. Runyon seconded the motion. After a review of the rules it was decided that the committee would have to vote on more extensive revisions to effect this one change, so Mr. Owen withdrew his motion. The committee agreed to elect someone to a 2-year term, and the staff would review the rules and suggest revisions for consideration at the next committee meeting.

Mr. Flater nominated Julie Maaske (NE). Mr. Runyon explained that he had talked to Captain Maaske about serving as vice chair and she declined at this time. Ms. Sattler asked Ms. Beetem if she would be interested, but since she is not an actual committee member, she declined. Mr. Runyon nominated Mr. Moussa and Mr. Schmidt seconded the nomination. Mr. Strong called for a vote and Mr. Moussa was elected Vice-Chair. Mr. Strong then ceremoniously handed over the gavel to Mr. Owen, who read a resolution of appreciation for Mr. Strong.

Ms. Wochos then went over the **dates for the next meeting**, which will be held in Cedar Rapids, IA. The meeting will be either June 13-14 or 14-15. Ms. Sattler said after Iowa the rotation goes Missouri, Indiana, and then Ohio for Mr. Owen's last meeting as Chair.

State Roundtable

Illinois: Mr. Runyon reported that, because the state is inspecting all HRCQ shipments, the past year had been one of the busiest since 1985 or 1986. He told the neighboring states that, if they hadn't been tracking shipments, he would bet they're seeing lots of half-million Curie shipments of cobalt 60 coming from Nordion. Mr. Runyon said he had talked to Michigan about accepting the state's Level VI inspection in order to reduce the Illinois requirement to a Level II inspection. In fact, he had talked to Susan Fries (MI) today at the meeting as well as prior to this day. Mr. Flater asked if Illinois was charging a fee for the HRCQ shipments. Mr. Runyon said yes, the fee on HRCQ shipments is part of the Illinois fee law. Mr. Flater asked Mr. Runyon to send him a copy of the law.

Mr. Runyon added that Illinois was seeing occasional spent fuel shipments. There were no other major developments in the state.

Indiana: Joseph Bell (IN) reported that Indiana is looking at its fee system as a result of a legislative inquiry into the fee revenue. Apparently, DOE had provided information showing a large number of shipments through the state, and the number of shipments did not seem to match the fee revenue.

Iowa: Mr. Flater reported that Iowa is looking into charging fees for all highway route-controlled quantity (HRCQ) shipments. The state legislature did raise the fee last year after there was no response to a public comment period. Mr. Flater said that because shipments of low-level waste to Envirocare have increased over the last few years he expects the legislature to increase the low-level fee again. The fee will not be charged on medical supply shipments, though.

Kansas: Mr. Moussa reported that Kansas held a graded exercise at Wolf Creek Nuclear Plant on November 16th. He also reported that there is a DVD available of the nuclear propulsion program exercise. Ms. Sattler said she would play the DVD during the break. Mr. Moussa also said that Kansas is getting a lot of ODP funds, but the departments receiving the funds aren't looking at radiological training to the extent that he would like. His goal is to get the responders newer and better equipment.

Minnesota: Mr. Kerr reported that when shipments go to PFS, Xcel Energy will be one of the first companies to ship. He spoke to Xcel representatives last week about it and they are very eager for PFS to start construction. The

Monticello nuclear plant applied for a certificate of need from the public utilities commission for dry cask storage and applied for a license extension from NRC because they think it will be harder to get dry cask certification than a license extension. Ms. Sattler asked if fee legislation would change this year. Mr. Kerr said not at this point. The Minnesota legislation is still illegal because all fees go into the general fund, so fees are not necessarily used for response preparedness training. The legislature realizes that is an issue and will eventually change it.

Missouri: Ms. Beetem reported that Missouri has been seeing a lot of cobalt 60 shipments. Fernald shipments have also ramped up, and despite construction on I70 and I44, she has not heard any negative feedback. Ms. Beetem said last year fee legislation was introduced, but it did not pass simply because it was introduced too late. Several agencies have worked together to draft revised legislation which will be introduced next year. Ms. Beetem asked if Iowa and Illinois could send samples of their legislation so that she could see how those states have worded the legislation to keep medical shipments out and how they delineate agency responsibilities. Ms. Sattler asked if Missouri had any luck tracking shipments through the state. Ms. Beetem said they set up a simple database of shipments that have already gone through the state. Ms. Sattler said that this was again another example of how the commodity flow studies that DOE are doing are not useful, but that an expanded prospective shipment module would be more useful. Mr. Easton noted to Ms. Beetem that she might want to look at the IAEA code of conduct to find dose levels for her potential legislation (in order to not include medical shipments).

Ohio: Mr. Owen said that Perry nuclear plant has been cited by the NRC and is close to needing corrective action. The plant is working with the emergency management agency to look at enhanced communications in the plan. Mr. Owen said that the Davis-Besse plant suffered similar set-backs in previous years. Mr. Owen announced that Carlisle Smith of PUCO has been named the CVSA RAM sub-committee chairman. The state is also ramping up for an ingestion exercise next June 24th. Ms. Sattler asked if the Ohio Department of Health participated in inspections of Battelle shipments. Mr. Owen responded that he didn't know and would have to check on it.

Wisconsin: Mr. Schmidt said that the state has a long-standing transportation committee to talk about what would happen if there was an accident. The committee has not met for 4-5 years, but it has become apparent that they should reconvene. In addition, the issue of emergency preparedness for counties around nuclear plant counties is a big priority. The state will focus on getting volunteer counties to develop a template. He said the counties that volunteered are those counties that will likely be on shipping corridors. Mr. Schmidt said that the counties have a lot of equipment and other stuff, but no training or infrastructure to use the stuff. Sonia Eichen (OH) asked if the equipment that the counties have received is the correct equipment. Mr. Schmidt said that it is a mixed batch. Mr. Schmidt said that it was a mix of federal grants that have given the state money.

There was some discussion on whether states have policies in place to issue potassium iodide (KI) to people within an emergency planning zone (EPZ) or whether it is up to the public to come and get the KI. Some states will issue within 10 miles, some within 20, and some leave it up to the public to come get the pill. Mr. Flater asked if there is any liability if a state gives a child an adult dose of KI. Mr. Owen said that it is assumed the parents will cut the adult dose in half. Lou Brandon (MI) said that it is the FDA's stance that it is better to give children more than necessary than nothing at all.

Mr. Strong asked Mr. Schmidt if there was any formality to the committee. Mr. Schmidt said that the committee was set up by the Emergency Management Agency, so yes. Ms. Sattler offered to provide any useful information for the committee's next meeting.

Michigan: Mr. Strong reported that all of the major radioactive shipments from the Big Rock Point decommissioning have finished, but they are still shipping demolition rubble. The last real structure at the site is the dry cask storage. Mr. Strong said that Michigan sees a lot of Nordion shipments, and while the state inspects some as they come across, they do not escort any of them. There was an issue of last minute rerouting through Michigan instead of taking a normal path through New York. Mr. Strong said that the state was very unhappy with that development and does not want to be known as the path of least resistance. Mr. Strong said that

Michigan also has a transportation committee and he recently updated that committee on the route identification project. Mr. Schmidt asked if CSG is planning on doing a press release about the route identification project. Ms. Sattler said that CSG will not do a press release, but will do an article in January. We have the key messages and the informational flyer for everyone in case someone gets contacted for information.

Discussions with DOE's Office of Civilian Radioactive Waste Management (OCRWM)

Mr. Jones began his presentation by giving a short OCRWM overview. He said in 1982 Congress passed the NWPA which mandated that the federal government develop a deep geological repository for the nation's commercial and defense spent fuel and high level waste. The act said the federal government would start accepting shipments in 1998, but they missed the deadline and are still trying to catch up. Originally DOE looked at numerous sites, but in 1987 they narrowed the search only to Yucca Mountain (YM) and in 2001 Congress approved the choice of YM. There are 125 shipping sites around the country and 90% of the waste going into YM is commercial.

Mr. Jones said that there were several lawsuits filed against the project, and the only one that made it through the courts is the lawsuit questioning the EPA standard, which originally only asked for exposure rates up to 10,000 years. The courts asked the EPA to rewrite the exposure rates for a 1,000,000 year standard and in August they issued a revised standard of 15 mrem for the first 10,000 years and 350 mrem for the remaining years up to 1,000,000. The EPA is currently having a public comment period for the new standard and that lasts through November 28th.

Mr. Jones said that in order for DOE to prepare the license application they must first certify the License Support Network (LSN) which is a computer database of all the information on the repository that will be used for the application. There were some problems with the LSN and DOE is now working to implement the changes the NRC requested. Mr. Jones said it should be finished pretty soon. The license application is currently being updated to reflect the EPA decision. Mr. Jones said he has not seen a formal date from DOE, but it could potentially be submitted next December.

Mr. Jones next addressed a press release stating DOE's intention to make YM into a clean facility. In other words DOE will use multi-purpose canisters to ship and store the material, so there is no need to open and handle the materials at YM. He said he doesn't know how this new direction will affect the license application.

Mr. Jones said that the Office of National Transportation (ONT) was established in 2003 to develop the transportation plan for the campaign. ONT is the link between waste acceptance and the repository. ONT's work scope is focused on the Nevada rail line, fleet acquisition, operations planning and institutional planning. Stakeholder interactions are a priority for the department. There are a lot of people interested in the program, so one of the big challenges is working with all of the stakeholders.

Mr. Jones said OCRWM is currently on a continuing resolution budget for FY 06. The program was on the back burner from 1999-2003, but now has again become a priority. The program does not know how much money it will have or how that money will be distributed.

Mr. Jones said that one of the main focuses of the program is the Nevada rail alignment EIS. Another priority is cask acquisition so that there is the proper infrastructure to ship the waste. Another priority is to continue stakeholder discussions, primarily through Topic Groups. The department will also be updating the Practices Manual, which is actually under the purview of EM, so OCRWM does not have control of that project. The program is beginning cask design and is conducting trade studies in this area. Ms. Sattler asked if all the work that had been done with vendors is being scrapped based on the new direction towards multi-purpose canisters. Mr. Jones said he would presume that new negotiations and studies would have to be done, but he didn't know for sure. Mr. Easton said that the multi-purpose canister is not the same NRC-approved dual-purpose canister that PFS would use. He added that the real question is what happens to the spent fuel that has already been

packaged in dual-purpose canisters at the utilities. Does it now get repackaged at the utilities because there are no surface facilities at Yucca Mountain?

Mr. Jones went on to cover OCRWM's two major accomplishments of the past year. The first is the announcement of the policy to use dedicated trains. OCRWM had recommendations from states, FRA, etc., to use dedicated trains. After studying the effects of dedicated trains versus general freight, the program decided on dedicated. The benefits of dedicated trains are that the program can better manage the rolling stock, the trains won't be sitting around rail yards, there will be better security, there will be better routing flexibility, and routing and scheduling will have greater predictability. Mr. Jones said that OCRWM had a meeting in August with FRA, AAR, and railroad representatives to get input on potential routes and other transportation issues. He said they discussed dedicated trains and the railroads said that the only potential problem with dedicated trains is that they could disrupt the commercial traffic. Mr. Jones said that he will distribute the meeting summary and list of participants and will work to set another meeting which the states could attend.

The second major accomplishment was progress on the Nevada rail alignment draft EIS. Mr. Jones explained that DOE filed an application with the Bureau of Land Management in 2003 and was granted a two year protection for assessment. The protection ends this year and DOE will ask for a 10 year extension, which will give the department enough time to issue the EIS and a record of decision on the corridor alignment. DOE is in the process of collecting technical data along the corridor. The draft EIS will come out in the next fiscal year, after which public hearings will be held, and then the final EIS will be issues, then a record of decision, and then construction. Ms. Sattler said that if there is no proprietary information being discussed in meetings with cask vendors then states should be allowed and invited to attend. Mr. Jones said he would take that suggestion back with him.

Ms. Sattler said that at the U.S. Transport Council meeting that was held in early October someone said they though dedicated trains was "overkill." Is DOE working with the carriers to see what they thought of that? Mr. Jones said he hadn't heard that opinion. Mr. van Orman said the truck companies would obviously love for it all to go by truck. The comment on overkill was referring to the escort cars, which will be much fancier than normal caboose cars. The industry has never opposed dedicated trains, but from a technological standpoint, they are not necessary. The Navy doesn't require dedicated trains. Mr. Levin added that the industry is of the opinion that DOE is spending a lot of time and money coming up with a car that isn't necessary. Ms. Sattler asked if it wasn't the AAR standard, though. Mr. Easton said that we have to keep in perspective why we use dedicated trains. The FRA study says there is very little safety benefit to dedicated trains, but operational capabilities, security, and public perspective are much better. Mr. Strong added that the public opinion is that no other hazardous materials should be on a train that is carrying spent fuel. Mr. Runyon added that the route identification work group talked to 5 railroad companies and all favored dedicated trains. Mr. Easton added that the NRC also favors dedicated trains, but for reasons other than safety.

Mr. Jones said that OCRWM is preparing an internal draft of the concept of operations. They are starting to identify the key components of this document and the transportation program. It will be consistent with the Practices Manual. Mr. Jones said that OCRWM will also develop a high-level "capstone" document (an overarching document of what the entire program will look like) and will solicit comments from the SRGs when it is completed. Mr. Jones then described the general concept of where fuel comes and goes and the possible places it could go between the utility and YM (intermodal site or marshalling yard). He also explained how the empty and loaded casks are shipped among these various locations. The capstone document will fill in the details of this chart.

Ms. Sattler asked when the capstone document would be shared with the SRGs. Mr. Jones thought it would be sometime in the next calendar year. Ms. Sattler asked if OCRWM had any objections to forming a Topic Group to address the protocols update. Mr. Jones said he personally did not have a problem with it, but the protocols are EM's document, so it is their call.

Mr. Jones then went on to discuss contingency planning. He said that if YM is operational prior to the rail line being built, then DOE will use a combination of legal-weight truck and rail transport. The rail would not be in Nevada, but to the Nevada border. He said that the EIS includes predictions for truck shipments and supports a safe truck campaign. There could be up to 1,100 truck shipments. DOE will evaluate shipping truck casks on rail cars on a case-by-case basis to see if there is any advantage to doing that.

On the public information front, Mr. Jones said OCRWM's frequently asked questions (FAQ) was handed out at the TEC meeting and will be distributed in FY 06. He said the SRGs should look over the FAQ and provide any comments in the near future. Mr. Jones said that a handful of fact sheets are also being developed. Many of the old fact sheets are out of date and need to be revised. Mr. Jones said that OCRWM plans to engage the SRGs at the beginning of next year. OCRWM will also discuss with the SRGs if there is a specific mailing list the fact sheets should be distributed to. Ms. Sattler said that the states got money to distribute public information materials for the WIPP and FRR campaigns, but 180(c) money doesn't right now provide money for that. Mr. Jones said that will have to be worked out. Ms. Sattler said that she would check with Corinne Macaluso to see if distributing public information materials were allowable activities under the 180(c) planning grant. Ms. Sattler said that at the committee's May meeting, Mr. Runyon, Mr. Schmidt, Randy Dahlin, and Mr. Flater volunteered to review the public information materials. She asked that these individuals review the FAQ and let the staff know of any comments or edits.

Mr. Jones went on to discuss OCRWM's tribal outreach efforts. He explained that DOE analyzed the rail and highway routes in the EIS and overlaid the reservations on the map. There were 35 that were either on a route or within ½ mile of the routes. In March OCRWM sent a letter about the program to each tribe and requested a meeting. Mr. Jones explained that DOE has been working primarily with the states to develop the 180(c) program, but the tribes are also eligible, so they are trying to get the tribes more involved. Mr. Jones said there are 6 tribes in the Midwest that are potentially affected by the program, but none of these 6 has wanted to set up a meeting with OCRWM. OCRWM will follow-up the letter with additional phone calls. Mr. Jones said Ms. Sattler had expressed interest in attending the tribal meetings, but OCRWM would rather have the tribes decide who should attend. Mr. Kerr asked if the states were cc'd on the communication with the tribes. Mr. Jones said that individual states were not cc'd, but rather OCRWM talked to the SRGs and sent Ms. Sattler a generic copy of the letter that was sent to the tribes. Mr. Kerr asked that any future correspondence cc the states. Mr. Jones said that DOE has set up a number of meetings over the last year, including at the TEC meetings. At the last TEC meeting, Corinne Macaluso talked to the tribes about 180(c) funding, and it became pretty obvious that the funding formula for the tribes will not be the same one as that for the states. In addition, DOE set up a real life scenario meeting in Oregon which went very well.

Mr. Jones said that he did not have much to update on the security front. DOE has not made any decisions on escorts or security details, but the states will be intimately involved in security planning.

Mr. Jones then explained the Sandia logistics model. He said the model looks at investment planning on the transportation side. It is currently only for official use, but it will be made available to the SRGs on a need-to-know basis. Mr. Larson added that the West has a special project to evaluate how the model could be use and even have a consultant waiting to get access to it.

Mr. Schmidt asked Mr. Jones what the current operational date is for YM. Mr. Jones said the date is uncertain. Mr. Strong said that the committee has heard a little about the possibility of using a multi-purpose cask. Clearly the use of such an item raises a lot of questions. It will affect the utilities and the repository, but will it affect transportation? Mr. Jones said that he didn't think it would affect transportation because the package would be NRC certified. Mr. Easton said that once a package is developed and the application is submitted it takes about 18 months for approval. The standards wouldn't be any different than those for packages that are currently on the road. He added that the package performance study is supposed to demonstrate that NRC's standards provide

security against real world scenarios. Ms. Sattler said that 'merit public confidence' was dropped from OCRWM's mission, at least according to the mission statement on Mr. Jones's slides. She asked if this was a change in policy. Mr. Jones said it is not a change in policy; it was just left off the slide to be succinct.

Mr. Strong then asked the committee to consider several items of business before adjourning for the day. He asked the committee to look at the draft letter to Assistant Secretary Rispoli. Ms. Sattler added that committee members should look it over and see if it is something that we want to sign on to. She noted that the committee has already sent a letter to Frank Marcinowski transmitting the recommended changes to the protocols on the OCRWM side. In that letter we also recommended that EM reconvene the Protocols Topic Group, but at the TEC meeting Ms. McNeil said EM has no intention of reconvening the Topic Group. Ms. Sattler said that the staff has reviewed the letter and recommends that the committee sign on to it. Mr. Strong asked if there were any opposing viewpoints. Ms. Beetem made a motion to accept the letter and Mr. Owen seconded. Mr. Strong took a verbal count of support and the committee unanimously supported signing the letter.

Ms. Sattler then asked Mr. Flater and Rep. Elgin to go over what they wanted to do at the next meeting. Mr. Flater said that the meeting would be held in Cedar Rapids. Rep. Elgin is checking on hotels. Mr. Flater said he is envisioning a tour of the Duane Arnold facility and the dry cask storage area. Ms. Sattler asked if anyone had topics for the next meeting. The committee agreed that we should try to get an update from the US Transport Council.

Ms. Strong asked committee members to look at the 180(c) grant application and guidance, the route identification flyer, the SCOP comments and the letter that goes with the SCOP comments. The committee will discuss these documents tomorrow during the committee business section. Mr. Strong then adjourned the meeting for the day.

Wednesday, October 26, 2005

Mr. Strong called the meeting to order and asked Ms. McNeil to give the EM program update.

Discussions with DOE's Office of Environmental Management

Ms. McNeil started her presentation by explaining that the majority of DOE waste is the responsibility of EM. There had been a plan to transfer responsibility to the National Nuclear Security Administration (NNSA), but that plan was delayed due to appropriations and other congressional issues. Last year there were over 20,000 shipments of hazardous waste and there will likely be the around the same amount this year. EM's scope includes both remediation and processing.

Ms. McNeil explained that DOE policy 435.1 says that EM will first try to dispose of waste at the generator site, and if space is not available they will dispose of it at another DOE site, and if space is not available there then at a commercial site. Transuranic (TRU) waste is disposed of at the WIPP site in Carlsbad. Non-defense TRU waste goes unto safe storage until a decision is made about the final disposition of such materials. There are two low-level waste/mixed low-level waste (LLW/MLLW) disposal facilities in the DOE system (Hanford and NTS). NTS will begin receiving MLLW in 2006. Ms. McNeil showed a map of DOE facilities and the transportation between these facilities. All facilities have baseline lifecycle disposal plans. EM has an automated shipping process. Sites enter what needs to be shipped and gain approval and then go in afterwards and mark that the shipment has been made.

Ms. McNeil said that the national disposition strategy ensures that there is a disposition path, coordinates resources, improves transportation infrastructure, etc. Last year EM started looking at transportation incidents and held a best practices meeting for rail transportation. National strategies provide a formal structure to waste

disposition although each waste type has a specific disposition path. Ms. McNeil said that transportation, federal disposition and commercial disposition work together to make progress.

In 2005, EM significantly increased the volume of waste shipped and reduced the number of transportation incidents. EM completed TRU and MLLW shipments from Rocky Flats and Mound. All legacy waste was removed from Brookhaven and EM resolved the orphan waste issue.

Ms. McNeil said that transportation safety is critical. There were 23 incidents reported in 2004 and 16 so far in 2005. The severity of the incidents was also reduced. There were over 4,000 shipments carrying over 32,000 m³ of waste to WIPP last year. SNF and HLW at EM sites were consolidated and are awaiting the opening of Yucca Mountain. In addition, Ms. McNeil said there was a management meeting in September to address the plan for DOE-owned SNF. At the Savannah River Site there are 2,000 HLW canisters at the processing facility. At Hanford DOE is still working on the waste treatment plant. Ms. McNeil said that a senior department-wide team will take up the issue of special nuclear materials in the near future, especially the issue of how to handle the excess plutonium.

Mr. Strong asked how the SRGs will be kept in the practices manual revision process. Ms. McNeil said that there is a writing team of OCRWM, EM, naval, and field representatives that are going through the document and identifying areas that need to be updated. She said she had received the letter from the SRGs about reconvening the Topic Group but that it is not part of the plan. The writing group will make any changes and in February DOE will send it to the field sites for their input. After that the collective management will get a look and then the SRGs and any other TEC members will be able to review it. This will all happen by the end of March. DOE will allow a couple of months to get comments back and then the writing group will address the comments and hold conference calls if necessary to go over the comments. Then there will be another draft for informal review and then the document will go through the formal review and comment process. Mr. Strong asked if there was a concern with reconstituting the Topic Group. Ms. McNeil said that discussions within EM decided that the TEC groups were established to discuss OCRWM topics, and the OCRWM staff was already committed to other topic groups. She added that a lot of the issues that come out of the TEC discussions will fold into this manual, but because this is a revision there wasn't a need to start the Topic Group up again. Ms. Sattler asked if that since EM is a TEC co-chair, wouldn't it be okay if EM staffed a Topic Group? Ms. McNeil said she would check into it, but she wasn't sure there'd be time to reconvene a Topic Group.

Mr. Bell asked how EM determines what shipments have been made and when. Ms. McNeil said that she had received Mr. Bell's request for a list of shipments that had gone through Indiana in the last 3 years and had compiled the information. EM put in an automated shipping approval system last year. The field sites input their projected shipments and then the system gets field approval and headquarters approval and then notifies the site that shipments can go ahead. After the shipments are made the field site goes back into the system to update the record with shipment numbers and volume. Ms. McNeil said that a goal for the coming year is to update the website with pie charts and other data. Ms. Strong asked if the website would also include prospective shipments. Ms. McNeil said no because of security reasons. Prospective shipments are put on TRANSCOM, though, for the entire year. She asked if the group would rather have the website with information or a more detailed Prospective Shipments Module. Ms. Sattler said that she had an idea to expand the PSM to include more state-specific information so that local officials can be informed about what is going through the area. She added that the PSM should include links to fact sheets, contact information, and carrier names. And it should include a tally of what has already gone through. Ms. Sattler asked if the automated shipment system feeds into the PSM. Ms. McNeil said that is something they are working on. Ms. Sattler added that the commodity flow study didn't seem to be very popular with the states, so perhaps the resources from the project could be used to make the PSM more complete. Ms. McNeil said that she will take that back with her. She added that with the data they are collecting now, EM could provide both a projection for the coming year and a summary for the previous year.

Ms. Sattler asked if Ms. McNeil was familiar with the central internet database. She said she stumbled across it while looking up shipment information. It had some useful information, but it only went through 2002. Ms. McNeil said she was not familiar with it but would check into it.

Ms. Sattler asked Ms. McNeil if EM would continue to support TEPP in the near future. She mentioned that OCRWM is going to cite TEPP in the 180(c) grant guidance document. Ms. McNeil said that TEPP will continue to receive level funding and support. She is collaborating with the Department of Homeland Security to make MERRTT part of their training program so that there is one set of training for everyone.

Ms. Sattler asked if EM planned to hold another best practices meeting in the near future. Ms. McNeil said she thought they would hold one in April in the DC area. Ms. Sattler asked when the incident report would be released and Ms. McNeil said it was under management review so it should be out around the first of the year.

Rep. Elgin said that he was concerned that the PSM hasn't been updated in the last 6 months. Ms. McNeil said that she was open to alternatives, like releasing a PSM for the entire next year and then update it quarterly or every six months. Mr. Flater asked for a PSM for the entire next year and for the recently completed year. Ms. Sattler said she had a template of what the Midwestern states would like. She will send it to Ms. McNeil. Ms. Beetem asked Ms. McNeil if she could send the lessons-learned document from the rail best practices meeting. Ms. McNeil said she would do so.

WIPP and TRANSCOM: Mr. Strong next asked Ralph Smith (CBFO) to give the committee an update on WIPP shipments and the TRANSCOM transition. Ms. Smith said that there have been a total of 4,020 WIPP shipments to date. The major campaign that is finished is Rocky Flats, and now more shipments will come from INL and SRS to make up the slack. Mr. Smith said that the agreement with the NRC is that all TRU waste will be removed from the Battelle site by the end of December. There are 14 contact-handled shipments left and the remaining waste is remote-handled waste. The remote-handled waste will go to SRS in 4-6 shipments, which should be done by December 12th. The shipments will be overweight.

Mr. Smith said that DOE has made an agreement with Nevada on a route from NTS to WIPP and they will try to get 6 shipments out by the end of this year. Nevada is concerned because they do not want to set a precedent on routes for Yucca Mountain shipments. Mr. Smith said that since INL is behind on shipments they will fill in the spaces with shipments from Hanford.

Mr. Smith said that next year there are 1,200 planned shipments, or about 30 per week. Shipments from Oak Ridge will begin next year. The agreement with INL is that they will remove 2,000 m³ per year and 6,000 m³ total by the end of this year. If INL doesn't make this milestone all spent nuclear fuel shipments to INL will stop until they fulfill their agreement. DOE will continue to keep the number of shipment from INL high. Los Alamos will also start up shipments again and will continue at a steady pace. A lot of the material at Los Alamos needs to be repackaged before it is sent. Once the TRUPACT is closed, however, DOE has three days to send the shipment.

Mr. Cash asked if DOE would take the traditional route for SRS shipments or the alternate due to Hurricane Katrina. Mr. Smith said that right now everything stays the same, but after the first of the year DOE will likely go back to the traditional route. Mr. Cash asked when the Oak Ridge shipments would begin. Mr. Smith answered that those shipments would not begin until late in the year.

Mr. Smith said that WIPP was designed to accept 17 shipments a week, but they strive for 30. The major closed site is Rocky Flats, though Mound and Battelle are close to being done, at least in TRU waste terms. Mr. Smith said that DOE added a fender to the WIPP trailers after a suggestion from the Idaho state police. The TRUPACT III will be coming out soon. Some time in the middle of next year the vendor will do a full-scale test at Sandia so that the package is ready for use by the end of next year. Mr. Easton asked if there were any plans to use the Arrowpak in the Midwest. Mr. Smith said he didn't think DOE would even use the TRUPACT III in the Midwest.

He said that there are over 100 sites that claim to have EM-eligible TRU waste on site, but DOE does not think that is true. WIPP can only accept 100+ nanocurie TRU waste; the rest will have to go to a low-level commercial waste site. There is an elaborate process to decide whether or not waste is eligible for WIPP: it has to be over 100 nanocuries, it has to be defense related, etc. The waste that does not fit these criteria will not be accepted.

Mr. Smith then went on to talk about the TRANSCOM transition. He said that it was in Albuquerque as part of the National Transportation Program (NTP), but as NTP transitioned into different departments, DOE decided to transition TRANSCOM to Carlsbad. In December the system will formally move to Carlsbad. They are currently getting some equipment and software upgrades. There is a new domain name: transcom.energy.gov, but access for the states will not change. Mr. Smith said that most of the old TRANSCOM personnel will be transitioning to Carlsbad. The go-live date is scheduled for December 2005 and a new 5 year contract with the same service provider will start in January. Mr. Smith said that he is planning on having a user's group meeting sometime in January.

Mr. Runyon asked if all the changes identified by the users group would be incorporated into the new TRANSCOM. Mr. Smith said yes. Ms. Sattler asked why the transition had been moved back to December. Mr. Smith said that the procurement, contract, and staff relocation took longer than expected. Ms. Sattler asked if the committee could have a copy of the final transition plan and Mr. Smith said that he would have Casey Gadbury send it.

Fernald Shipping Campaign: Mr. Strong asked John Sattler (DOE-Ohio) to give the committee an update on the shipping campaigns out of Fernald and Battelle. Mr. Sattler began with Fernald, and said that they do a routine inspection on all the shipments from Silos 1 and 2. Nearly all Silo 1 and 2 shipments are inspected by PUCO at CVSA Level 1. He said the only reason it doesn't happen on every shipment is because of the volume of shipments. There was only one incident where a Silo 3 truck dropped its load coming back from Envirocare. There was no waste in the shipment and there was no damage to the container. He said there was news video several weeks ago on ABC about waste disposition. The cameras followed a truck thinking it was spent fuel. Drivers are given specific instructions on what to do if they are being tailed or photographed. They call the dispatcher who then contacts the Fernald communications center. There are about a dozen of these incidents every year without incident. Mr. Sattler said that the Fernald contact information would soon be changing and that he will send out the updated information. As the site gets cleaned up and the infrastructure goes away, the contact work will be contracted out to someone else.

Mr. Sattler provided an example of the shipping schedule for Fernald. There are quite a few shipments each week and that will increase in November and December because of the beginning of the new fiscal year. Mr. Owen asked when the committee would receive an updated shipment schedule and count. Ms. Sattler said one is sent out every week. Ms. Sattler asked for a simple chart showing shipment numbers over the last year. Mr. Sattler said that he would put that together.

Mr. Sattler explained that Silos 1 and 2 are shipping 6 days a week, while Silo 3 shipments usually go out on Saturday. Silo 3 uses soft-sided containers that are loaded 7-8 to a Sealand shipping container. Silos 1 and 2 have special containers.

Battelle Shipping Campaign: Mr. Sattler explained that there were a couple of shipments from Battelle that went to Richland 3 years ago, but then those shipments were stopped and the EIS was reworked. In May of this year DOE got approval to begin shipments again, but then in July there were some problems with the EIS and shipments were again suspended. Battelle is on a tight deadline to get the waste off-site. The site needs to be de-licensed by 12/31/05. Although the material had been stored safely outdoors, that storage was only temporary storage until it could be moved off-site. SRS has agreed to accept the waste and DOE did a supplement to the EIS for SRS. On October 24th the first TRU shipment went to SRS and on November 7th the first remote-handled TRU will leave for SRS.

Mr. Runyon said that the fact sheets that were developed were very helpful, especially in their electronic form. Mr. Sattler said that one of the lessons-learned was that consultation with the states and locals was important to find out what kind of information they wanted to make the fact sheets more useful. Mr. Runyon said that the weekly update that Donna Allen sent out was also very helpful because it can be passed on to whoever is on call in the Nuclear Safety Division. Mr. Sattler warned, though, that those updates are just forecasts, so states need to remain flexible.

Roundtable of Cooperative-Agreement Group Activities

Mr. Strong asked Mr. Larson to give the committee an update on the **Western Interstate Energy Board's (WIEB)** activities. Mr. Larson reported first that Bob Halstead had volunteered to lead the Rail Topic Group sub-group on shipping legal-weight truck casks by rail. Mr. Larson also discussed the West's special project, which is to better understand the Sandia model and what it could do for the states. This project was stalled by a lack of access to the model. Another special project that the West proposed was to work on a needs assessment for the states. This project was not moving forward in the near term, largely because OCRWM did not appear to be moving forward with the 180(c) pilot project.

Mr. Larson commented on the Midwest's proposed tour of Yucca Mountain for state officials. He suggested taking Nevada along. The West's next meeting would be in spring. Mr. Larson expressed his thanks to the Midwest for the great collaboration the two regions had enjoyed over the past year. He said the West looks to the Midwest for leadership on the issues of fees and rail inspections.

Mr. Larson expressed the West's growing concern about the preparations for shipments to PFS. He said the shipping campaign could involve the entire inventory of spent nuclear fuel, according to John Parkyn. Mr. Larson worried that the states would get far less advance notice of shipments than they are anticipating under the OCRWM program.

Mr. Runyon asked if John Parkyn had told WIEB anything about the availability of approved casks for a PFS shipping campaign. Mr. Larson said that they had not explored that question with Mr. Parkyn. Mr. Easton said that the PFS shipping cask is based on the dual-purpose Holtec cask and the regulatory approval is in place. Mr. Runyon asked about the reality of manufacturing the casks. Mr. Easton said that it would take 6 months to manufacture the casks and 1 year to build the facility, though these activities would be completed concurrently.

Mr. Flater asked if we had made any effort to contact the utilities that are part of PFS. He added that if we talk to the owners and let them know early on that we have concerns, the more likely they will be to work with the states on the transportation campaign. Ms. Sattler said that she and Ms. Wochos are going to Madison next week to talk with Mr. Parkyn and she hoped that the meeting would be the first of many. She added that it might be a good idea if committee members approach the utilities in their own state. Mr. Runyon asked if OCRWM would have a problem funding activities related to PFS. He said that there is a lot to do before the PFS shipments begin, like perhaps another routing study. Ms. Sattler questioned whether it was necessary to re-do the routing study, but she agreed that we should check with OCRWM to make sure it was okay to pursue PFS activities with cooperative-agreement money. She said she would bring it up on the next SRG staff call with DOE. Mr. Jones said that it could be possible to revise the cooperative agreement to put PFS as a special project. Mr. Richardson said that at the WIEB meeting Mr. Parkyn's attitude toward cooperation with the states was that the ratepayers had already paid into the Nuclear Waste Fund (NWF) so the utilities don't want to have to pay twice. Ms. Sattler said that is exactly why it would be a good idea to talk to the owners. They are supportive of using NWF monies to pay for PFS.

Mr. Mackie then gave an update of the activities of the **Western Governor's Association WIPP-Transportation Advisory Group (WIPP-TAG)**. He said the group had a meeting in Idaho Falls in October that included a one-day tour of INL. In particular the group was interested in seeing the mixed waste treatment facility. At the

meeting they were told that the 6,000 m³ milestone would not be met by the end of the year, so no spent fuel or foreign research reactor shipments will be accepted at INL until that level is met. He added that most of the problems INL is having meeting the deadline are mechanical problems. The next WIPP-TAG meeting will be held in May in Albuquerque to coincide with the TRUPACT III drop test. In addition, Mr. Mackie said that he has been working with Ms. Wochos on the tracking sub-group of the Rail Topic Group and with Ms. Sattler on the Security Topic Group.

Mr. Richardson then gave an update on the **CSG/ERC Northeast High-Level Radioactive Waste Transportation Task Force**. Their next meeting will be December 14-15 in Bethesda, MD. They will have a morning tour of the NRC emergency response center and then presentations from NRC staff afterwards. The following day will be the task force meeting. The project just opened a new office in Montpelier and the staff is trying to get going on the rail routing project. Mr. Richardson said he will consult with Ms. Sattler and Ms. Wochos on that. They are also working on a barge feasibility study with the South. There have been a couple of exercises in the area including an emergency management exercise at a Pennsylvania airport. Mr. Richardson said that he is focusing on reconstituting the task force. Mr. Strong asked where the barge shipments from the Northeast would end. Mr. Richardson responded that he did not know since they had not yet finished their study. Ms. Sattler asked if the Northeast was still planning on publishing a planning guide and Mr. Richardson said it was still in the works.

Mr. Cash gave an update for the **Southern States Energy Board (SSEB)**. Mr. Cash said that Alabama has been stocking KI for 20 years with the directive to distribute it inside a 10 mile radius. The state has always proposed to use it as an incentive for people to leave the radius, so it is kept at a reception center outside the radius. He said that there have been several exercises this year and next year DOE will do a full-field exercise to a non-nuclear plant accident. He thinks it will be a dirty bomb type exercise. He added that SSEB is interested in looking at train routing, but he wasn't sure when that project would begin. The region's next meeting will be in Hilton Head, SC, on November 9-10. Mr. Strong asked how the South felt about receiving barge shipments from the Northeast. Mr. Cash said that he didn't know but that was one of the issues the South is looking at in their barge study.

U.S. Nuclear Regulatory Commission Studies

Mr. Easton gave the committee an overview of the recent NRC studies. He said the SRGs are regarded as a major external stakeholder, so it is very important to keep the states up-to-date on what is going on at the NRC. Mr. Easton covered the following topics:

- He encouraged the Midwest to participate in PATRAM 2007, which is an international radioactive waste material packaging conference. The conference will be held in Miami and he was sure the organizers would welcome papers on state experiences.
- Mr. Easton gave a short presentation on the status of the Arrowpack and TRUPACT III. The TRUPACT III is designed to ship large packages, whereas Arrowpack is designed to ship packages with a high hydrogen concentration. The vendors did a half-scale test on the TRUPACT III and then a computer analysis of the full-scale. The half-scale cask passed the leak test, but the computer analysis did not pass the required margins. The vendor is beefing up the design and will do a full-scale test this spring.
- Mr. Easton said the National Academies of Science study on spent fuel transportation is due out in December. A panel of 15 experts looked at how spent fuel is shipped, how WIPP is a good model for NWPAs shipments, private versus government shipments, adequacy of regulations in relation to real-world accidents, and security. The NAS will have a press release and will then send the report to Congress.
- Mr. Easton showed the committee a table summarizing the data from the Volpe center study to explain the FRA Dedicated Train Study. He said that the NRC is not against dedicated train, but it is misleading to say that dedicated trains are safer. There are other reasons besides safety as to why you would want to use dedicated trains. He explained that there is no real difference in latent cancer fatalities for regular, key, and dedicated trains. Similarly there is no real difference in release in case of an accident.
- Mr. Easton said that the NRC recently finished a series of vulnerability studies (security assessments). The calculations have been done and the commissioners are looking over the report now. Mr. Easton said that he hoped some of the information would be shared at the next TEC meeting and that a fact sheet on security at

reactors would be done soon. He said one of the conclusions was that while casks are vulnerable to attack, the releases after attack are insignificant. The NRC did a design basis threat for several facilities and then took that basis and applied it to transportation where applicable.

- Mr. Easton said the package performance study design was released and the NRC staff proposed putting a cask on a rail car, lay the rail car across some tracks, and then run a train into it at 60 mph. The Commissioners asked the staff to also add a fully-engulfing fire test (30 minutes). Mr. Easton said that this test plan should not be the final work on package performance study. He hopes that the U.S. will make a cooperative agreement with Germany to look at their drop test and computer analysis data in order to reaffirm the way the NRC certifies packages.
- Mr. Easton notified the committee that the commission voting record is now available on the NRC website.
- On the subject of full scale-testing, Mr. Easton said that the NRC does not believe it is necessary in all cases because passing a computer analysis is often harder than passing a full-scale test. He said the NRC requires no buckling of the shell, no yielding of the body, and no impact limiter release.
- Mr. Easton said that the Baltimore Tunnel Fire report is now available in draft form. The NRC did a case study of the tunnel, not a worst case scenario study. They took a lot of time determining the actual conditions in the tunnel and eventually put 3 different casks in a 7-hour fire. There was no release from cladding and no release from the casks. The TN-68 cask's seal temperature was exceeded, but again the fuel cladding temperature was not reached, nor was there any release. Less than 3.4 curies of cobalt 60 would be released. The NAC-LWT truck cask also had no release, though a small amount of crud release was possible (.02 curies of cobalt 60). The risk of this type of accident is 1 in every 750,000 campaigns. The report is out in the *Federal Register* for public comment until October 31st. Mr. Strong asked if the 1 out of every 750,000 campaigns figure was predicated on the assumption of spent fuel traveling on a regular freight train. Mr. Easton said yes, so a dedicated train would reduce that chance even more.

Discussions with Other Industry Groups

Private Fuel Storage: Mr. Strong asked John Parkyn to give the committee an overview and update of the progress of PFS. Mr. Parkyn said that PFS has made it through the licensing proceedings and the commission voted to approve the facility license. The company was first started because the nuclear industry got concerned that the spent fuel storage problem would not be quickly fixed. Dairyland Cooperative, his company, was the first utility to run out of spent fuel storage and the first to apply for more space. Because of this Mr. Parkyn became interested in interim storage or a repository. The consortium formed in 1995. The facility will be open to all utilities and will hold about 40,000 MTU of spent fuel. Most importantly, the private nature of the company allows them to skip over the elaborate and confusing queue system DOE currently has in place for Yucca Mountain shipments. He said the company will not hold any utility to filling up their purchased space, nor will they put any facility's shipments to Yucca Mountain at risk. They plan on shipping about 2,000 MTU a year, which works out to about 200 canisters. The site is located on the Goshute Indian Reservation in Utah. They looked at 40 communities before choosing the Utah site, and 3 of the final 4 were non-minority owned lands. The project has good support from the tribe. The company will own its own rolling stock, and because they don't need to build too many cars, they can afford to build them very well.

Mr. Parkyn then went over the licensing process. He said the company applied for a license in 1997, had a safety hearing in 2000 and then a safety review. They submitted a final EIS and had another safety hearing in 2002. They need to get approval from the NRC, the Bureau of Indian Affairs, and the Bureau of Land Management (for the rail line). In addition, PFS had to get approval from the Surface Transportation Board. They received recommendations on the rail line in 2001 and had hearings in 2002. Utah was successful only in raising the concern about the possibility of an aircraft attack. PFS received notice of their license approval on September 9th of this year.

Mr. Parkyn said that one of their partners in this venture is the Skull Valley Goshute Indians, from whom they received a 25-year land lease with the possibility of a 25-year extension. Another partner is Tooele County, with whom PFS signed an agreement for cooperation, services, and compensation in 2000. He said the county has an

outstanding emergency response system already in place because of the proximity to other existing waste facilities.

The facility itself fits in less than a hundred acres and there is an 820-acre control area around the actual site. The rail car has articulated ends so that it behaves like a 40-foot car. PFS worked with the AAR to design the car and each car has uplinks to a satellite at the wheel bearings so that it can be constantly monitored. PFS is in negotiations to buy locomotives from UP. Holtec provided a cask for the rail car tests, which is similar to what PFS would actually use. One train of 6 rail cars would replace over 100 truck shipments of spent fuel.

The major benefits of the PFS site is that it is less expensive than on-site storage at a facility, and the commitment is only to space, not a specific usage schedule. He explained that shipments to Yucca Mountain could contain casks from multiple sites, whereas PFS would try to fill up a whole train with casks from one utility. Mr. Parkyn also said that PFS is funded for a full decommissioning.

The next step for PFS is to get customers signed to contracts, determine the shipping schedule and select the routes. PFS is under different routing criteria than DOE. The DOT and NRC have oversight of the selected routes, and ultimately it is these agencies who will determine which way to ship. But PFS will work with the regions and the railroads to determine the best routes. After customers are signed on, PFS will construct the infrastructure, train responders along the routes, and then begin shipping.

Mr. Parkyn said that the site decommissioning is completely pre-funded and will return the site to as-is unless any asset is desired by the tribe. PFS will also prepare the shipments to Yucca Mountain or another permanent repository site once one is open. He added that the multi-purpose canister idea was a good one for Yucca Mountain because PFS has planned for that all along.

Mr. Strong asked which utilities would likely be the first to ship. Mr. Parkyn said that it was hard to say because PFS couldn't sign agreements without a license. He thought first the shut-down reactors would likely ship, then perhaps those utilities that want to avoid building on site dry storage facilities. Charles Pray (ME) said that Maine Yankee had already spent millions on a dry cask storage site, so depending on shipping costs, the second group Mr. Parkyn mentioned might be more likely to go first. Mr. Parkyn said there is a fixed price for service and he thought the shut-down reactors would find that price cheaper than on-site storage.

Mary Ann Elzerman (MI) asked if there would be an additional cost to the utility when the fuel is shipped from PFS to Yucca Mountain. Mr. Parkyn said that the utility retains title of the fuel, so DOE will have to pay for shipping the fuel from PFS to YM. Mr. Strong said that the states have been doing a lot of planning for shipments to Yucca Mountain, but it seems that PFS will be operational long before Yucca, so the states' attention will likely shift to that focus. He asked how Mr. Parkyn foresaw PFS working with the SRGs on some of the bigger issues. Mr. Parkyn said that PFS voluntarily began meeting with the SRGs a long time ago. He said he intends to work with the SRGs on routing. Though the DOT and NRC have authority and have to consult the states, PFS will do so in the very beginning. To cover all possibilities, PFS will get routes approved from all the utilities in the country. As for training, he would like to cooperate with DOE and the states at every chance.

Mr. Kerr asked what the tentative operational date would be. Mr. Parkyn answered that it would take 21 months for construction, but first they need to get customers. If there are any legal barriers that could add a delay, but most of the legal options have already been exhausted. The last restriction is regulatory related. The only thing Utah could contest is whether the NRC regulations were appropriately applied to the license. Mr. Strong asked if 2007 was realistic. Mr. Parkyn answered that 2007 was not unrealistic. Mr. Owen said that he appreciated PFS's willingness to include the states in training, but he wondered how that would unfold. Would PFS use existing systems or create their own? Mr. Parkyn said that PFS will make sure the training is acceptable to the states. They will make it volunteer friendly because they realize that a lot of responders along the route don't respond for a

full-time living. Mr. Strong added that Ms. Sattler and Ms. Wochos would be meeting with Mr. Parkyn next week and would be able to ask more questions if anyone comes up with more.

Yucca Mountain Task Force: Mr. Pray gave the committee an overview and update on the task force. He said that he is the co-chair of the task force and the vice chairs are from Minnesota and Wisconsin. The task force was developed out of a variety of forums because of the failure to find a solution to the spent fuel storage problem. The individuals on the task force have served on every administration since the Carter administration. The objective is to complete the license review for Yucca Mountain and start the construction of the repository, as written in the NWPA. The members of the task force want to make sure every detail is taken care of and want to ensure that the transportation is done in a way that is safe to all states. Mr. Pray said that he thought this would be a pivotal year in Washington. He added that the ratepayers have already paid for this repository. Mr. Pray showed a list of contributions to the NWF from the Midwestern states.

Mr. Pray said one of the objectives for the task force was to find a reasonable funding solution. He felt that the money that has been put into the fund already should be used to finish the program. Another goal is to have acceptable radiation standards. This goal is on its way to being resolved by the NRC and EPA. Another goal is to make sure DOE submits a quality license application. A fourth goal is to make sure that the program goes forward regardless of who the contractor is. A final goal is to facilitate transportation issues. He felt that DOE needs to put more time and effort into solving the transportation system.

Mr. Pray said that the program can move forward. He felt that the next few months would be especially important. Members of the task force will be meeting with as many senators as possible in the next few months. He felt that resolving the funding issue is the biggest obstacle. Mr. Strong asked if the task force agreed with the EPA's new standard. Mr. Pray said that personally he thought it was acceptable. Mr. Pray added that any state that wants to join the conversation with the senators and representatives should contact him.

Nuclear Energy Institute: Mr. van Orman next gave a brief update on the activities of the NEI. He said that there was a recent article in *Radioactive Exchange* that said that the national stance on reprocessing is likely to be reversed. He thinks this is accurate. Mr. van Orman said that there are 3 potential pieces of legislature out about reprocessing right now: one that the administration is pushing for it, one possible House bill, and one rumored attempt by Sens. Domenici and Reid to begin a 'take-title' program. He said some of the language likely to be included in either the House bill or the administration's bill will be about aging pads for interim storage. He felt the repository would get the hottest fuel the utility can send, so it would need to sit and cool before it could be permanently stored.

Mr. van Orman said that there is a real intent in the industry to fix the funding in the NWF. Additionally, he felt that another initiative would be to remove the 70,000 MTU cap on Yucca Mountain. Finally, another initiative is to bifurcate the license application into two parts, the surface facilities and the sub-surface facilities. This is so that the surface facilities can be licensed and start receiving fuel for interim storage and then the sub-surface facilities can be built later down the line. Mr. van Orman said that any legislation that speeds the movement of spent fuel to Nevada will obviously be opposed by the Nevada legislators. Mr. van Orman said that revitalizing the reprocessing debate is part of a different administrative initiative. Mr. Pray said that South Carolina has expressed interest in talking about reprocessing at the Savannah River Site. Ms. Sattler asked if the committee could have a copy of the memo sent by Paul Golan, and Mr. Jones said that he would find out if it could be distributed.

Mr. Levin gave a brief overview of what issues the utilities are currently facing. He said that the multi-purpose canisters (MPCs) could pose a problem because some utilities have loaded dry cask storage not in those canisters. Those utilities would have to figure out how to switch that fuel over to MPCs, but he thought it would be something the industry would agree with. It is a much simpler process on DOE's end, so hopefully that will enable them to go forward at an accelerated pace. Mr. Levin said that utilities will likely load intermediate heat

fuel into the first canisters because that is the fuel that is in the pools (cooler fuel is in dry cask storage). Therefore the aging pads are necessary. He said that the standard contract allows the utility to send any spent fuel that is at least 5 years decayed, and recent security orders from the NRC encourage the utilities to get hot fuel out of the pools. So the utilities will get rid of whatever they can as fast as possible. Rep. Elgin asked if it would take an executive order to start reprocessing. Mr. van Orman said that President Carter prohibited reprocessing because of proliferation concerns, then President Reagan overturned it, and then President Clinton reinstated the reprocessing ban. But overturning that is just a signature away. Mr. Levin added that today's technologies for reprocessing fuels would not necessarily reduce the amount of waste. In addition, the fuel that is manufactured from reprocessed waste would be two to four times the cost of new fuel, so it is not cost efficient for the utilities to reprocess. He added that there is some interesting technology on the horizon, but right now the technology is not great. Mr. Runyon asked if reprocessing fits better with the new breed of reactors. Mr. Levin said that the national labs are doing research in that area, but he didn't know if it fit better with one reactor over another.

Committee Discussion

Mr. Strong then moved the discussion into general committee business. Mr. Flater asked if anyone had considered an amendment to change what section 180(c) can fund so that it is more beneficial to the states. Mr. Strong said that it might be more palatable to change 180(c) than to put in a new provision for a new funding source or funding mechanism to fund operational activities. Mr. Jones said the problem is that the more things you add to proposed legislation the less likely it is to pass. Mr. Flater said that the language should also be loosened up to cover all shipments of spent nuclear fuel, not just those to Yucca Mountain. Mr. van Orman said that the industry would be opposed to opening up 180(c) funds for PFS because it might detract from the necessity of building a permanent repository. Money spent on PFS is less money spent on Yucca Mountain. Mr. Strong said that Mr. Parkyn has said that PFS would like to use the money the ratepayers have already paid to fund parts of the project like emergency responder training. Mr. van Orman said that currently the legislation says that DOE must build and operate a permanent geologic repository, and the industry doesn't want any more delays to that outcome. A clear path towards the construction of new plants is the construction of a repository.

Ms. Beetem said that using the money for either YM or PFS is only one problem and that another is that 180(c) can only be used for training. If the legislation is opened up, we should make sure the scope is broadened. Mr. Runyon added that shipments to aging pads should be included and Ms. Sattler said that shipments to YM aging pads are covered, but not other aging pads. After some discussion, it was agreed that the 180(c) Topic Group members should take this into consideration. Ms. Sattler added that because of CSG's lobbying restrictions, the committee staff cannot do anything along the lines of lobbying for changes in the Act. Individual committee members can pursue that end, but the staff cannot.

Mr. Strong then asked for comments on the route identification flyer. Ms. Beetem asked who the target audience was. Ms. Sattler said that the target audience is whomever the states chose to tell about the project. It is what committee members can use when they contact the governors' offices or any legislative offices. All along the work group has intended for committee members to tell their governors and anyone else they feel appropriate that these are the routes that the committee would like DOE use as a starting point for discussions at the national level. The governors should know about the project and the work that we've done. We also don't want them to be surprised if something shows up in an article or if someone contacts their offices for information. Mr. Moussa said that because of tenure issues the governors might not care. Ms. Sattler said that that is okay and that is also why we are not asking for endorsement. We just don't want the governors to be blind-sided. After some discussion, it was decided that each state would write an individual memo, but the key messages could be used for the bulk of the memo so that there is consistency among the states. Some minor revisions were made to the document. The committee reviewed the final maps from the Route Identification Project and a sentence to that affect was added to the flyer.

Ms. Sattler said that she and Ms. Wochos would make any necessary changes to the text and would customize the maps for each state and would email the documents on Monday. She said that hard copies could also be printed if anyone wanted them. Mr. Moussa asked for 30 and Mr. Kerr asked for 5.

On the key messages document Ms. Sattler said that she would rearrange the bullets per committee comments. She will also add some information that Mr. Kerr had requested, including the reference to the Code of Federal Regulations and some background information on TRAGIS.

Mr. Strong asked if anyone had comments on the 180(c) grant guidance and merit review matrices. Ms. Sattler said that one of the original comments had been to combine sections 4 and 5 and call out what was different between the planning grant and the training grant. She said that change would be made. Ms. Sattler added that we will get another shot at reviewing this information when it comes out in the *Federal Register*. Mr. Strong asked if it was necessary to have 90 days between the notice of funding and the application deadline. The committee agreed that though it may not be necessary, the extra timing is not a hindrance. Mr. Strong noted that states may receive funding up to 4.5 years before shipments but don't have to receive it that early. Ms. Sattler added that similarly states will receive up to \$200,000, not necessarily exactly \$200,000.

Mr. Strong asked if there were any other comments on the matrix. Mr. Strong asked if funding for public information activities were included in the allowable activities. Ms. Sattler said that she will get clarification from Corinne Macaluso about that. Mr. Kerr asked if there is there anything in the guidance that supports a liberal interpretation of the application and use of 180(c). Mr. Strong said that the overall 180(c) policy pushes for flexibility. Ms. Sattler said that the list of allowable activities is pretty liberal, though we need to get clarification on whether escorting states can still get the planning grant money even if there is no intention of going after training grant money (if it is as restrictive to training as it currently is). Mr. Flater said that there will be an effort of planning regardless of if the state trains or not. We will have to train hospitals. Mr. Runyon said escorting states may have to train new staff. After some discussion it was decided that we also need to get clarification on this issue. Ms. Sattler asked whether OCRWM would provide funding so that training could be done along all the potential routes in the suite of routes or just the one that is likely to be used each year. Again the committee agreed that there needs to be clarification on this issue.

Mr. Strong asked if committee members had any comments on the SCOP comments and letter. Ms. Sattler said that the language in the 3rd paragraph should reflect the actual language in the SCOP. The committee agreed and accepted the comments and the letter.

Mr. Strong asked if anyone wanted to volunteer for the rail sub-groups. Mr. Bell volunteered for the tracking sub-group. Mr. Strong reminded committee members that if they can get some legislators interested in the SGO tour to please let Ms. Sattler know. Additionally, Ms. Sattler asked that if anyone has comments on the Baltimore Tunnel Fire study to please send them to her. Ms. Sattler asked if the committee wanted to suggest any additional train regulations now that the dedicated train study is done. The committee agreed that a general inspection requirement might be good. Ms. Sattler said that she would look into the language and process for making that suggestion.

Ms. Wochos and Ms. Sattler reviewed the action items. Mr. Strong called the meeting adjourned at 5 p.m.

Report prepared by Sarah Wochos, Council of State Governments-Midwestern Office.