

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

**Proceedings of the Spring 2005 Meeting**

**Traverse City, Michigan ✧ May 24-25, 2005**

**Tuesday, May 24**

***Committee Business Session***

Thor Strong (Michigan) called the meeting to order at 8:30 AM and welcomed everyone to Michigan. The participants introduced themselves to the group.

**Chair's Report:** Mr. Strong gave a short Chair's Report to the committee. He said that since the last committee meeting, members have attended many meetings, there have been further Yucca Mountain set-backs, and plans for a Private Fuel Storage (PFS) interim storage site have moved forward. In addition, language was added to a Congressional budget bill requiring DOE to take immediate steps to acquiring a national interim storage site. At this point, we really don't know when we will see shipments. Mr. Strong said that despite the set-backs, we stay committed to what we are doing and sooner or later our efforts will make meaningful contributions to a successful transportation program. Mr. Strong then turned the floor over to Lisa Sattler (CSG) for the project update.

**Project Update:** Ms. Sattler told the committee that the last 6 months have been really busy. She said the status of the cooperative agreement is solid. The fiscal year begins in July and we are still waiting to officially hear about funding from RW, but we are confident of approval. She said that we should get the same level of funding and so we will continue to have 2 committee meetings in addition to all our other activities. We have already heard from EM about basic funding, however we are still in negotiation with them about funding for individual states.

In regards to committee appointments, Ms. Sattler said that we lost a legislator to retirement and we have solicited the states without legislators for recommendations. We are still waiting for 2 states to respond, and hopefully by our fall meeting all 5 open spots will be filled. She added that she would be looking to our current legislators to reach out to new or potential legislative members.

Ms. Sattler said the committee has several public information projects in the works. We finished the project brochure, which everyone should have received, and if anyone wants additional copies they should let the staff know. The brochure went to all state legislators in the Midwest, committee members, and other interested parties. In addition to the brochure, the committee is publishing a revised version of the *Handbook of Radioactive Waste Transportation*. The staff has finished drafting the revision and we are now seeking volunteers to comb through it with the goal of having it finished by the end of this fiscal year. Finally, Ms. Sattler reminded the committee that the revised *Planning Guide for Shipments of Radioactive Materials through the Midwestern States* came out last August, and the staff continues to prepare a written insert with updates, as well as an up-to-date online version. Sarah Wochos (CSG) solicited the states for updates and is waiting to hear back from everyone.

Finally, Ms. Sattler told the committee that she wanted to conduct a member survey. The survey will ask members to comment on projects the staff and the committee have already completed and ask if there are any areas that we have overlooked. The survey will be online to assure anonymity and will be available sometime in mid-June.

Ms. Sattler asked for volunteers to review the *Handbook* and Frank Moussa (Kansas), John Kerr (Minnesota), Don Flater (Iowa) and Tim Runyon (Illinois) volunteered. Mr. Strong then asked the various work groups to give updates on their activities.

**Work Groups: 180(c):** Mr. Strong told the committee that in March of last year a TEC working group (TEC/WG) was formed to look at 180(c) issues in detail. The TEC/WG began with identification of 4 areas of interest within 180(c) (funding distribution, funding allocation, allowable activities/training, and timing and eligibility) and then wrote issue papers for those areas. In the last year, additional topic areas were added because of the complexity of the 180(c). The group added definitions, funding pass-through requirements, contingencies, rule making, state fees, and the funding of operational activities as areas of interest.

Mr. Strong said that in the last couple of months, the TEC/WG resolved a few of the issues. This means that the TEC/WG wrapped up the discussion on the issue and produced a paper or set of recommendations that were presented to DOE management. Mr. Strong noted that DOE management did not necessarily agree to the recommendations, but they were nonetheless aware of them. One of the completed issues was the funding distribution method. The issue was whether funding should go through direct grants to states or through a cooperative agreement with the state regional groups (SRGs). In the end, all four regional groups agreed to funding by direct grants to the states. There was some discussion about which agency should receive the direct grant, and the TEC/WG advocated for as much flexibility as possible so that each state could determine the appropriate agency.

Mr. Strong said that allowable activities and training is another issue that has been completed. He noted that the key word for this issue is flexibility. The states argued for as much latitude as possible with regard to who to train and at what level. One success within this issue is that hospital training is included in eligible activities. Mr. Strong said that within the definitions issues there were a few terms that the TEC/WG need to clarify, but ultimately the group came to consensus on these definitions. The definitions the TEC/WG worked on were for technical assistance, safe routine transportation, and public safety official. A coup for the group was that hospital personnel were included in the definition for public safety official.

Mr. Strong said that in regard to the possibility of states having to pass-through funds to local entities, the TEC/WG recommended that there be no direct requirement, but agreed to demonstrate the benefit to the local entities within the 180(c) application package. The TEC/WG foresaw the possibility of route closures that might lead to rerouting, and therefore took up contingency planning as an issue for discussion. Rerouting could have dramatic effects on the overall program, and therefore the TEC/WG agreed that if the situation should arise, then DOE and the state need to work together to come to a mutually agreeable solution. Finally, in regard to the issue of whether 180(c) should be a policy or a rule, Mr. Strong said that the TEC/WG agreed that initially it should be a policy, but that DOE should work towards making it a rule. The rule would assure that 180(c) doesn't change should there be any change in DOE management.

Mr. Strong said that there are several unresolved issues that the TEC/WG are still working on, so recommendations on these issues have not been sent to DOE management. One such issue is state fees. Some of the Midwestern states have fees on radioactive shipments, and DOE proposed deducting the amount of the fees from the state's 180(c) funds. The TEC/WG's basic recommendation is that the fee amount not be deducted from the 180(c) funds unless there is some specific agreement between the state and DOE. DOE raised objections that they would be paying twice (through fees and 180(c)), but the states argued that fees pay for other operational costs instead of training. DOE then suggested that states should have to match part of their 180(c) funds and that fees could cover a portion of that match, but again states argued that fees and 180(c) pay for different services. The recommendation that the TEC/WG is finalizing is that there is no match requirement.

Another unresolved issue is funding for operational related activities. Mr. Strong noted that the language within Section 180(c) uses the term 'for training', but there are many other activities that states will incur expenses for, including inspections, escorts, and TRANSCOM. These activities don't clearly fall under the heading training, so as of now, they are not covered by any DOE funding. The TEC/WG recommended that DOE implement a funding program similar to the WIPP program to cover these operational costs.

A third unresolved issue is timing and eligibility. There are a couple of things within this issue that need to be resolved, one of which is border routes and mutual aid agreements (i.e. if a route runs along the border of another state is the other state eligible for funding)? Provisions are being made so that those situations are addressed as necessary, and the TEC/WG is lobbying for latitude for agencies to apply for funding if it is needed. Another part of this issue that needs ironing out is the timing and amounts of the various grants. In the 1998 *Federal Register* Notice, the planning grant would be available 4 years ahead of time. Mr. Strong said the TEC/WG wondered whether it was necessary to receive the planning grant that far ahead of time if a state is only looking at a small shipping campaign. The recommendation as it stands right now is that if a state needs 4 years to plan, it can receive the planning grant 4 years ahead of time, but it is not necessary to receive so far ahead. Mr. Strong pointed out that, again, the point is to maintain flexibility since each state has different needs. Mr. Strong said that right now, the planning grant is set at \$200,000 but the TEC/WG is discussing whether that amount is necessary for a state with a small or short shipping campaign. Again, the answer is maybe or maybe not. The TEC/WG agreed to maintain flexibility and leave the \$200,000 amount in the recommendation, but each state would have to submit a justification and work plan for that amount.

The last and most important unresolved issue is the funding allocation method. Mr. Strong said the Midwest at first struggled with whether the allocation should be needs-based or formula-based. The Midwest then looked at the HMEP program as a model because it is simple, with simple measures of risk. We crafted an allocation formula similar to HMEP and presented it to the rest of the regional groups. At the TEC meeting in Minneapolis last fall, the South and the Northeast agreed to accept the formula, which allocated 30% of funds based on population, 30% based on miles, 30% on number of shipments, and 10% of shipment sites. The West has a Western Governors' Association (WGA) resolution in place that has been around for several years which proposes to allocate funds 75% based on shipment miles and 25% for discretionary needs. The WGA WIPP Technical Advisory Group recently had a meeting and reviewed that resolution, and perhaps they will comment on it later in this meeting. Mr. Strong said that Ms. Sattler and Ms. Wochos tested the allocation formula on a representational shipping campaign and came up with results that argued favorably for the formula. The TEC/WG, however, is still trying to resolve this issue.

Mr. Strong said that there were a couple of other 180(c) related activated that committee members have been working on. One is a statement of principles of agreement that an interregional work group put together to address the states' opinions on what the intent of 180(c) is and what the program needs to accomplish. This statement was sent to DOE some months back and it will be sent to other entities in the near future. Another small sub-group of the interregional work group is looking at the 180(c) regulation. Eventually the 180(c) program will become a regulation, and several years ago the Western Interstate Energy Board (WIEB) developed a set of strawman regulations. The work group put these strawman regulations together with the HMEP regulations, but now has to wait until the rest of the 180(c) issues are resolved before it can continue.

Mr. Strong also said that another work group is developing the grant application package for the program, and Mr. Moussa will represent the Midwest on that work group because of his HMEP experience. The TEC/WG will also be developing a pilot program to test the 180(c) program, but not much has been done on that as of yet. Finally, Mr. Strong said that the schedule for 180(c) was for DOE to publish the *Federal Register* Notice with the TEC/WG's recommendations in December, and then let the public comment. Mr. Strong asked if anyone had questions regarding 180(c) activities.

Paul Genoa (NEI) said that NEI put together a grant application package that local communities could use to apply for DHS funding. He said he would be happy to make that available. Mr. Strong said that it would be very useful. Rep. Jeff Elgin (Iowa) asked if we defined the frequency of training in the timing and eligibility paper. He added that Iowa always gets stuck on the frequency of training because of delays in shipments. Mr. Strong answered that the TEC/WG did not define frequency because the goal is to maintain state flexibility. The TEC/WG recognized that if you train someone in year one, they may forget that training by year two. That and turnover within departments creates a unique situation in each state. Mr. Strong said that states will have to lie out and justify the frequency of training in the application and work plan. Don Flater (Iowa) added that Iowa has been looking at how people retain information. There is not a lot of response going on to radioactive material accidents because there aren't many accidents. Because of that, after 3 months people forget their one-day training. In Iowa there are 11,000 people to train every 3 months, therefore Iowa is starting to lean towards escorting and training a small cadre of people as opposed to training all first responders.

Dave Crose (Indiana) asked if DOE is going to resolve the routing issues at least 3 years in advance of shipments. He wanted routes to be selected as soon as possible so states can start planning as soon as possible. Judith Holm (DOE-RW) said DOE is working on routing right now. Ms. Sattler added that the 1998 FRN did commit to route selection at least 3 years in advance. Ms. Holm added that DOE hoped to have it finished by next fall. The Rail TEC/WG is in the process of selecting factors, and it will wait for the Midwest to present its suite of routes, which will factor in. Mr. Strong asked the committee to review the yellow sheet of paper with the 180(c) recommendations and the draft letter to PFS tonight and come tomorrow to the discussion with comments and questions. Mr. Strong then asked the Route Identification Work Group for an update.

Route Identification: Jane Beetem (Missouri) told the committee of the activities of the Route Identification Work Group since the last committee meeting. She said the work group is represented by Illinois, Iowa, Missouri, Nebraska, and Ohio. The primary task for this group is to identify a regional suite of routes from Midwestern reactors to Yucca Mountain. The task was assigned in 2003 after a meeting with then Secretary of Energy Card. The group decided a regional approach was better than a national approach because it would be quite some time before DOE would begin the national process,

and the Midwestern states were likely to have different priorities for routing than the other regions. The work group began the process by selecting route comparison factors. The factors chosen try to limit the radiological risk during transportation. The work group decided to use the same factors for both highway and rail, which was a controversial decision, but the work group wanted to see if the same criteria, reducing the risk to the public, would work for rail. Some of the factors taken into consideration in the comparison are land use, population, length, traffic, and accidents. Time in transit itself is not included because the work group felt that the quickest route to Yucca Mountain does not necessarily mean the safest route. The work group does recognize that time in transit is likely to be an important part in DOE's decision-making process, but the purpose of this analysis is to come up with a suite of routes that is the best from the states' perspective.

Ms. Beetem said that the primary factors in the analysis came from the DOT's *Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials*. The 3 primary factors are radiological risk to the public during routine transportation, public health risk from the accidental release of radioactive materials, and economic risk from the accidental release of radioactive materials. Potential routes will be run through the primary factors and then any routes that emerge as equal or nearly equal from the process will then be run through the secondary factors.

Ms. Beetem said the secondary factors are those that the work group felt were most pertinent to the Midwestern states to minimizing the risk to the public. The secondary factors are percentage of the route that is urban, accident rate, track or road quality, and traffic density. The work group recognized that some of these factors are part of the primary factors, but they felt it was necessary to look at them individually as secondary factors.

Ms. Beetem then went on to describe some other activities that the work group has participated in. There have been two conference calls since the last committee meeting, during which the work group refined the list of route comparison factors. There was a TRAGIS and RADTRAN training session in Oak Ridge, Tennessee, in January where Paul Johnson (ORNL) taught the group the basics of running routes on TRAGIS as well as how to set up more complicated routing parameters. At that same session, Ruth Weiner (Sandia) gave the group an overview of her decision modeling tool, but spent the majority of her time teaching the group how to use RADTRAN to determine radiological risk. Ms. Beetem said that the Midwesterners who participated in this training found it interesting; they also developed a list of suggestions for improvements for both programs.

Ms. Beetem said that the timeline for the Route ID work group is to collect data and run the initial comparison by June and then have a work group meeting in Lombard to go over the initial results. In July the work group will begin consulting with the utilities and railroads, will run any additional routes or make changes to existing routes, and will run routes from entry points on the Southern and Eastern borders of the region. Ms. Beetem noted that during these consultations, the work group is not necessarily seeking endorsement from other stakeholders, but rather just soliciting an opinion. By September the work group will hold a conference call with the entire committee to discuss the work group's results, and work group members will attend the TEC meeting. In fall, the work group will make any last alterations to routes based on the committee's recommendations, and will then receive the committee's approval of the suite of routes. In December, members of the work group will present the suite of routes to DOE.

Ms. Beetem said that in addition to being on the Midwest work group, members also participate in the Rail Topic Group (TEC/WG). She said the TEC/WG has other members such as other states and regions, and other stakeholders like the railroads, utilities and tribes. The TEC/WG has had five conference calls since the last committee meeting. Members got together at the TEC meeting in Phoenix in April, and the Midwestern members submitted a list of alternative tasks for the TEC/WG to take on instead of writing a paper on route comparison factors. The Midwest argued that since various regions were doing their own analysis, the TEC/WG should wait until after the results of these analyses to write a paper on route comparison factors. The TEC/WG decided instead to focus on the rail planning process, protocols and guidance, inspections, and tracking as issues. The schedule for the Rail TEC/WG is to have monthly conference calls, begin work on the task list in the summer, and in September attend the TEC meeting. Ms. Beetem then asked Ms. Wochos to provide more detailed information on the route comparison project.

Ms. Wochos went over the primary factors, the related formulas, and the data needed for each factor. For primary factor 1, she said that population and length data was obtained from TRAGIS, while traffic and median width were obtained from the Federal Highway Administration Office of Highway Policy Information, and speed was obtained from the Insurance Institute for Highway Safety. She noted that the original DOT formula for this factor included the dose to the truck crew, and the work group decided to remove that because crew members are considered rad workers. The second primary factor uses the same population and length data from TRAGIS, and uses accident data obtained from each state DOT. Ms. Wochos said that the work group decided to count the number of accidents along the segment and divide it by the length to get an accident rate instead of using the accident rate for the entire length of the route. She said the work group is indebted to the state DOTs for their help in obtaining accident counts along the various highways.

For the third primary factor, Ms. Wochos said she examined each segment using ArcView and data from the U.S. Geological Survey. This factor looks at the square mileage that is rural, park, residential, etc. and the associated risk to each land type if a release were to happen. Ms. Wochos said for all of these factors the data was very hard to collect because there is no central source for all of it. It would be especially helpful if TRAGIS could produce an output that would show the DOT score for each route or alternately if T-REX had data sources available for public use.

Ms. Wochos then went over the secondary factors. She noted that for factors 1 (% of a route that is urban), 2 (accident rate) and 4 (traffic density) it is obvious that the best routes would have the lowest score. For factor 3 (road or track quality), which is median width, lane width, pavement condition, track class and dual track percentage, the best route would have the highest scores. Therefore the work group devised a rating scale for each part of secondary factor 3 that would give the best route the lowest score. Finally, Ms. Wochos said that she ran a slew of possible routes from each reactor and is currently collecting the data for these routes. An example of the possible rail and highway routes from Dresden in Illinois is depicted on the last two pages of the handout.

Earl Easton (NRC) wondered if the comparison was really meaningful with such a wide error band for the data (because it is collected from so many different sources). Ms. Sattler answered that we recognize the disparity in the sources, but we still think it is a meaningful. Mr. Runyon asked if we had looked at routes from the South yet. He reminded the committee that the EIS had many of the Southern reactors shipping through the Midwest. Ms. Wochos said she had not yet started that part of the analysis. Ms. Sattler added that she thought the EIS maps might have had something to do with DOE trying to avoid

the tribal lands in the Southwest. Ms. Holm said it is probably due to time in transit since some of the Midwestern states have higher speed limits, so it would take less time to travel through them. Mr. Crose asked if the East was doing a similar project. Ms. Sattler said they are doing a route study, but she did not know the specifics. Mr. Crose also wondered if this would end up in the same situation as 180(c), with all the regions fighting. Ms. Sattler said we intend to work closely with the other regions to work out the kinks.

**Security:** Capt. Maaske explained that the Security TEC/WG is a relatively young group. The group was initiated last fall at the Minneapolis TEC meeting and is led by Nancy Slater-Thompson at DOE. The Midwest is represented by Iowa, Illinois, Kansas and Nebraska. Within the Midwest's own working group there have been 2 conference calls to go over the scope of work for the TEC/WG. The entire TEC/WG has had 2 conference calls since Minneapolis and met at the TEC meeting in Phoenix. Capt. Maaske explained that after the Minneapolis meeting, the Midwest work group made a draft list of tasks for the committee to work on. DOE also put together a draft task list for the TEC/WG, and the Midwest submitted extensive comments on the list. Capt. Maaske explained that DOE did not accept a lot of our comments, but did not provide reasons for not accepting them. In particular, the Midwest asked that threat assessments be added, including finding out what security technology is available to determine the actual threat and make things more secure. The Midwestern states are all trying to persuade DOE to follow NRC regulations or at least incorporate similar regulations into DOE guidelines. DOE has initiated a sit-down meeting with DOE and NRC to discuss integration.

Capt. Maaske also explained that the Midwest asked that DOE identify audiences for public information materials and develop messages to get key info out to key people. The Midwest also asked that DOE address expectations of state law enforcement. In particular, what is the local response ability, escort ability, etc. and what is DOE's expectation of state and local law enforcement?

Capt. Maaske said at the TEC meeting in Phoenix the TEC/WG broke into 4 groups to discuss various issues. The format did not work well because all of the groups were dependent on the work of the other groups. As a result, the TEC/WG may only have 2 sub-groups instead of the 4. Right now, the entire topic group is scheduled to have monthly conference calls, but there has not been one yet. In addition, the two subcommittees, transportation operations security and information security, have not had conference calls and are awaiting guidance from DOE on next steps.

Mr. Easton said that the TEC/WG may want to factor in that the NRC is in consultation with DHS to help on a security assessment on shipments to PFS. DHS asked the NRC to provide briefings on threat assessments and vulnerability assessments for that study. Mr. Easton said that study should come out in the next couple of months.

Capt. Maaske said the basic goal of the TEC/WG is to figure out how all interested parties can work together to make sure shipments are safe. The group needs to figure out how to measure safety or threat with current regulations and how we can make those regulations better. Mr. Flater said the most frustrating thing about the whole process is that no one at DOE is willing to say how much of a threat we really have here. Ms. Holm responded that one dilemma for DOE is wanting to work with the TEC/WG in a public forum, but keeping threat assessment information safeguarded. She said that DOE needs to know from the TEC/WG participants how to bring sensitive discussions to the state organizations. Would it be appropriate to have a smaller group discussion with only people with the appropriate clearance? Mr. Flater responded that even in a closed session we haven't gotten much information from DOE. The states

have some responsibility for the public health and safety for our people, but we still don't have the information we need to keep the public safe.

Mr. Easton said the NRC just went through a similar process with the storage of spent fuel. NRC recently issued a public version of the findings. The NRC is now struggling with how to do that kind of study in transportation. In addition, the NAS is doing a transportation study, but only 4 of the NAS members have clearance to look at the information necessary to complete the study. Mr. Easton asked if there has been an effort to get cleared individuals in every state. Mr. Flater responded that the information on security clearances in Iowa has been in for 6-9 weeks and DHS has taken no action. Mr. Easton assured everyone that the NRC is equally frustrated.

Mr. Runyon said that we have the same problem of getting vulnerability assessment information from the NRC with commercial shipments. He said that information is necessary so that states can make a responsible decision. He added that the NRC has a lot of work to do in recognizing what is going on in the field. In regard to whether DOE uses their own regulations or uses the NRC's, Mr. Runyon said the only way DOE will have credibility on threat assessment is if that information comes from the NRC. He added that Nancy Slater-Thompson had said that anyone looking at DOE clearance has been put on hold because DOE is clearing contractors first. Capt. Maaske added that in her 18 years in law enforcement there has been a need-to-know battle, and now it's at a national level. The question is what information is released and who it is released to. The issue is more closely scrutinized now than it was before, but we are slowly moving forward. Mr. Strong then asked for an update from the Protocols work group.

**Protocols:** Bob Owen (Ohio) explained that DOE produced a transportation practices manual a few years back with a lot of input from our group and others. DOE is now looking at revising that manual and a small interregional working group has been working on states' suggestions for revisions. Since the last committee meeting there have been 2 conference calls. Ken Niles of Oregon made a draft for the working group and what the working group needs now is for the committee to review and comment on what has been done. The goal is to come up with a final draft around August. Mr. Owen then went over the individual parts of the protocols.

Mr. Owen said that the protocols address the obvious transportation issues. For mode, DOE must use rail to the greatest extent possible. He told the committee that this is a deviation from our *Planning Guide*, and he asked the group to think about whether this was acceptable, thus possibly necessitating a change to the *Planning Guide*.

Mr. Owen said that in the training section the working group added that DOE must provide funds for training for shipments to PFS. He asked if the committee wanted to keep this in the states' revisions or if the state regional groups should address this separately. He also asked if there were other PFS issues that should be addressed. Rep. Joann Freeborn (Kansas) asked whether funds for hospital emergency personnel training would duplicate DHS funds. Mr. Owen said that there is some money available from DHS, but it is not sufficient, so DOE needs to provide the remainder. Mr. Flater added that DHS funding varies from state to state.

Mr. Owen said that the changes to the routing section of the protocols are minimal because the Rail Topic Group will be tackling that issue, but that any revisions emphasize safety. In the security section, the main revisions state that DOE must reimburse costs for escorts and the DOE must follow NRC safeguards

regulations. In addition, carrier requirements should be the same as the requirements for WIPP shipments.

Mr. Owen asked that in the case of safe parking the committee consider whether DOE will provide security for safe-parked vehicles or do states want to provide their own security. In the emergency response section, Mr. Owen told the committee to consider whether states want DOE to provide radiological assistance or states want DOE to respond only if requested by the state. He said that in Ohio, the local jurisdiction has the authority to call in the necessary people. Ralph Smith (CBFO) responded that right now, DOE people are only sent out at the request of the state, and when sent, DOE people do not take charge, but are there only for assistance. Mr. Owen said then that maybe it is just a matter of clarification and wording in the protocols.

Rep. Freeborn asked that if the states are going to approve the clean-up, is there nothing about timing? What are the states' obligations in having licensed clean-up firms in place at a certain time? Mr. Owen responded that generally anyone who would do the clean-up is already licensed in the state. Each state probably has a list of people that are able to do the cleanup. Mr. Smith added that WIPP has people in place to do clean-up if necessary. The states are required to keep the license up to date. He added that it is a partnership between DOE and the state to identify and clean-up the accident. He added that the real issue for each state is how clean is clean? Mr. Owen said that in Ohio there is a standard of clean. What is more of an issue is advance coordination. The state governments need to be in the loop to know the clean-up process and who would do the clean-up. Mr. Genoa asked what was in place today for radiological state agencies to respond to a radiological incident. He added that if there is a rail accident can you go on private property to clean it up. Mr. Owen responded that the state would have to rely on the rail company and the FRA to give us access to go on rail property to clean up the accident. Mr. Runyon said that in Illinois they have the authority to investigate any radiological accident. Tony Schneider (FRA) added that for inspections states rely on the FRA, but for response, states have the authority to go on rail property.

Mr. Strong then called a short break. He asked the committee to review the materials from the morning's presentations in order to have a committee discussion tomorrow afternoon.

**TRANSCOM User Group:** After the break, Mr. Strong asked Mr. Runyon to give an update on the TRANSCOM User Group. Mr. Runyon said in December 2004, much to the User Group's surprise, DOE announced that TRANSCOM was moving to Carlsbad. The Midwest sent a letter to DOE about the matter because, without background and to address the bigger transportation picture, we thought it was a bad idea. Our major concern was that TRANSCOM is used for many different kinds of shipments, and to move the program to a facility that only covers one type of shipment might be a conflict of interest. Right now WIPP is a major user of TRANSCOM, but other facilities and other programs (DUF6) do use it and we were concerned those campaigns would be overshadowed. In addition, TRANSCOM will be transitioning in the future to track spent fuel shipments, and we were concerned that housing the program at WIPP would not address all the issues involved in these shipments. Finally, we were concerned that the security would diminish because of the capabilities of the CBFO facilities.

The Western regional group also voiced their opinion on this subject, and so DOE, the West, and the Midwest had a conference call in February. During the call, DOE assured us that TRANSCOM would not lose its independence from WIPP. In April we received a transition plan and we reviewed it and provided comments back to DOE. There was a lot of information that was missing from the transition

plan that needs to be added in. In addition, the Vople Center report reviewed TRANSCOM for use by RW shipments and they concluded that there needs to be further development. We are hoping to get a response from DOE on our transition plan comments in the near future. Mr. Runyon noted that the Midwest's concerns haven't been assuaged, but that DOE has committed to a seamless transition. DOE has also committed to updated training, changes in security procedures, new passwords, and easier access.

**Other Meetings:** Mr. Strong asked various members of the committee to give a brief update of other meetings they had attended since the last committee meeting. Ms. Sattler said that she attended the **Northeast High-Level Radioactive Waste Transportation Task Force** meeting in Cape Elizabeth, ME, at the end of November. Ms. Sattler said that the TRANSCOM transition was announced at that meeting and generated quite a bit of discussion amongst the northeastern states. Ms. Sattler said the northeast also assigned a task force to tackle their proposed barge study, with Conrad Smith as the lead staff. The northeastern states are also looking at writing a planning guide. The states originally considered just endorsing the Midwest *Planning Guide*, but later decided to draft their own version. They are in the process of doing so, and Conrad Smith is again the lead staff on that project. Ms. Sattler said there were two changes on the task force: Tom Hughes of Pennsylvania resigned from the task force due to work constraints, and Phil Paull is retiring at the end of August. Conrad Smith will take over as the lead staff of the task force.

Ms. Wochos reported that she and Dave Crose attend the **Southern States Energy Board** meeting in Miami at the beginning of December. At that meeting Ms. Wochos and Mr. Crose gave a presentation to the group on the Midwestern perspective on 180(c) funding. The Southern states agreed to accept the Minneapolis 180(c) formula at that meeting. Mr. Crose also attended the TEPP session prior to the meeting.

Mr. Strong reported that he attended the **U.S. Transport Council** meeting in January. The Council is an advocacy and lobbying group established by the firms that deal with rad waste transportation, like Edlow and Tri-State Transportation. Mr. Strong said he gave a presentation at that meeting sharing the state perspective on the transport of spent fuel and talked about the priorities for our committee for the next year (180c, routing, security, planning). Mr. Strong noted that in his 180(c) presentation to the Council, he pointed out the guiding principle of flexibility. He also pointed out to the Council that the shipping schedule shows a divergence in state priorities and industry priorities. Mr. Strong said that he tried to make the point that from the states' perspective the shipping schedule makes it difficult for states to plan because of its lack of predictability. Mr. Strong said another area where the Council and states diverge is state fees. The Council has a principle that calls fees unnecessary and duplicative. Mr. Strong said that overall it was a good meeting and he suggested continued interaction with this group and groups like it.

Ms. Sattler reported that she attended the **Waste Management** conference in Tucson, AZ, in February for the first time because she is interested in having the Midwest present papers at the conference and so she wanted to get a feel for what the conference was like. At the conference there were a lot of papers by Bob Halstead and Fred Dilger (both work for the State of Nevada), and there were some other state presentations and industry presentations. One of the highlights was a paper from Cogema, who completed a feasibility study for 3 different options in the disposal of Canada's waste. Ms. Sattler said she will take a look at the studies and pull out to transportation-specific parts for the committee. She thought this might be an area for a special project since CSG has 3 affiliate provinces. Perhaps our legislative

members can interact with the provincial legislators. Ms. Sattler said that she is considering submitting one or two papers for presentation at next year's Waste Management conference because she thinks it is important for industry to hear the states' perspective other than just Nevada's opinion.

Mr. Runyon reported that he attended the **NRC Regulatory Information Conference**. He gave a presentation on state programs for spent fuel transportation to give the participants a feeling for how the Midwest does planning, training, inspecting, and tracking. Mr. Runyon said his presentation consisted of a list of Midwestern issues for RW shipments. Mr. Easton thanked Mr. Runyon for participating and added that the NRC thought it was important to hear the states' perspective. He added that he hoped to have a session just on states at a future meeting.

Capt. Maaske began the report on the **TEC Meeting** that was held in Phoenix in September by reporting that she didn't realize that it would be such a large meeting. She also added that she felt this was the first time the tribes had a large presence in the discussions. Ms. Sattler added that the committee members that attended the meeting realized that the Topic Group meetings need to run concurrently, so the Midwest will have to parcel out members to each session. Ms. Holm added that DOE is considering moving towards one TEC meeting solely for Topic Group members and another open for others. Ms. Sattler agreed that the larger the Topic Group meetings get, the less fruitful the discussion gets. Ms. Holm said the next meeting is scheduled for mid-September.

Mr. Runyon said that he, Ms. Sattler, and Mr. Flater attended the **EM Best Practices** meeting that was held just after the TEC meeting. He said he was surprised it was billed as a training meeting, because there wasn't any training going on. Ms. Sattler added that there was some confusion on the purpose of each segment. She added that there was much room for improvement and that the high point was the breakout session on lessons learned. Ms. Sattler hoped to get the lessons learned summary and information from EM. Bill Mackie (WGA) added that he thought the meeting was too big to get anything accomplished. Casey Gadbury (CBFO) reported that it was unlikely that meeting would ever be piggybacked on to TEC again.

**New Business:** Mr. Strong went over the new committee business. He said one of the handouts was an EIS for the disposal of greater than Class-C waste. Another was proposed revision to both NRC and DOT regulations to make them more in sync with international standards. Mr. Strong asked that committee members review the handouts so that we can discuss them tomorrow.

**Next Meeting:** Mr. Strong explained that this meeting was being held in Michigan because the committee has never had a meeting in Michigan. The next meeting will also be in Michigan because it will be his last meeting as chair. Ms. Wochos said that based on the calendars committee members submitted, the best dates for the next meeting are October 25-26 or 26-27. If necessary, staff will look at the following week as well.

Mr. Strong asked the committee members if they had any agenda items for the next meeting. Rep. Freeborn asked for an update on the Yucca Mountain site. Mr. Moussa said he would like to know the status of our legislators visiting Yucca Mountain. Kenric Scheevel (Dairyland Power Cooperative) suggested an update on the implications on transportation of the interim storage language in the new House bill. Ms. Sattler suggested an update from the Yucca Mountain Task Force, who is now trying to move forward with figuring out how DOE can use the money in the NWF as well as settling the 10,000-year issue. Howard Arnold (NWTRB) suggested a presentation on the NAS panel that is looking at low-

level waste transportation. He said there should be a report on that study in the near future. Mr. Strong thanked everyone for their suggestions and noted that at the next meeting Mr. Owen will take over as chair and the committee will have to elect a new vice-chair.

**Regional Round Table:** After lunch, Mr. Strong asked each of the states to give a brief update of state happenings.

Illinois: Mr. Runyon reported that they continue to inspect and escort HRCQ shipments. He thought shipments from Canada would increase in the near future and they have had some dialogue with the NRC about ironing out the security details. Mr. Runyon said he appreciates the information provided on the Fernald shipments, and that Illinois will likely see more of those shipments in the future.

Indiana: Mr. Crose reported that Indiana has a new governor and has adopted the daylight savings plan. The state has already been paid some advanced fees for Fernald Silos 1 and 2 shipments, and they are expecting both the Battelle and Brookhaven shipment in the near future. Destruction of the VX nerve agent started in May and will continue for the next 2 years. There have been no incidents so far. Finally, Mr. Crose said that they are storing hydrolysate in intermodal containers and are waiting for the approval to move it to New Jersey.

Iowa: Mr. Flater reported that Iowa's fees went up recently (so that one cask of HLW traveling across the entire state would cost \$2920, and one LLW shipment would cost \$25 more than previously). They have had a number of shipments of HLW every year (8-15 per year) and expect that to increase this year. They have seen a sizeable increase in LLW, from 500 last year to 500 already by April of this year. Mr. Flater said his office is relocating back to the Capitol complex as of June 14<sup>th</sup>. Rep. Elgin added that the issue of fees and what to do with the money from those fees was very complicated, so it was hard to get the bill introduced years back. They have been slowly raising it ever since.

Kansas: Mr. Moussa said that the exercise video of the Kansas/DOE Naval Nuclear Propulsion Program exercise was just released, and CSG will get a copy. It will be available nationwide later this year. Mr. Moussa said that right now, Kansas does not have a fee for HLW, but that is something to consider in the future and he has been asked by the governor to revisit the issue. He noted that if the 180(c) plan comes to fruition, they could balance that money with a possible fee. As for shipments, Kansas has the Fernald shipments coming through. They are not escorting those shipments, but rather just sending notification to the locals. Rep. Freeborn added that it was difficult to get fee legislation passes in Kansas. She has tried several times without success. Those attempts, however, were for fees only to recover costs.

Michigan: Mr. Strong said that not much has been happening in the state. Big Rock Point is in the final stages of decommissioning. They have shipped away all the big items except for the spent fuel. If PFS opens, BRP would likely ship the fuel as soon as possible. Mr. Strong said that the research reactor at the U of M is entering the decommissioning stage. U of M has shipped fuel before and will likely do so again. There have also been Nordion shipments out of Canada on a weekly basis. And on a personal note, after the last meeting in Columbus, Mr. Strong was made section chief in his department.

Minnesota: Mr. Kerr reported that there are some anticipated actions for Monticello. The operating license for the plant expires in 2010 and the spent fuel pool capacity will be exhausted. The operating company has submitted an application to the public utilities commission for a certificate of need for dry cask storage and should probably hear back in 6 months. In March the company submitted a 20 year NRC

license renewal. The NRC completed its sufficiency review in May and decided the company had provided adequate information. Now the NRC will proceed with a technical review, and the company could hear back in January of 2007. Mr. Kerr also noted that there was legislation in the house and senate to improve Minnesota's fee situation. Mr. Scheevel asked what the timetable was for dry cask storage approval. Mr. Kerr thought that technically the company will get a response in 6 months but PUC and EIC need to complete an EIS before that can happen.

Missouri: Ms. Beetem reported that Missouri has a new governor and a republican-led legislature. She said Tom Lange transferred to a different department within the DNR, so he no longer works with this committee. The new director is Doyle Childers and he is very interested in nuclear waste issues. In addition, Ms. Beetem reported that Deputy Director Ron Kucera resigned 2 weeks ago. His replacement is Floyd Gilsmer. Finally, she said that last session there were some fee bills introduced that didn't pass and there was one fee bill introduced mid-session by her department that wasn't accepted. Ms. Beetem noted that Missouri will not escort any of the LLW shipments from Fernald.

Nebraska: Capt. Maaske reported that there is a new governor in Nebraska. The previous governor was asked by President Bush to serve as Secretary of Agriculture. Bryan Tuma has been promoted to Colonel and will take over the State Patrol on June 4<sup>th</sup>. Capt. Maaske said that HRCQ shipments are escorted and the state's fees have not changed. They are looking ahead to the Battelle shipments this summer. Capt. Maaske said they are working on a buffer zone protection plan (BZPP), which examines the safety of critical resources identified by DHS (i.e. North Platte switching yard). Law enforcement is working with the railroads to construct a buffer zone around that particular resource. At Cooper power plant, Capt. Maaske said the NRC asked for the company to develop helicopter landing areas around the plant, and the State Patrol is helping with that project.

Kevin Blackwell (FRA) asked if the BZPP was identified by the state or the feds. Capt. Maaske said the feds identified the buffer zone, and that they were having good cooperation with the rail lines so far. Mr. Moussa said that some of what the feds define as critical structures is not just the plants but rail. He said Kansas is supposed to do a vulnerability assessment on a bridge in Kansas City. Mr. Schneider asked if the critical assets set by DHS were on a need-to-know basis. Capt. Maaske and Mr. Blackwell were unsure of who was privy to the information.

Ohio: Mr. Owen said that fee legislation was reintroduced this year in Ohio, and it includes HRCQ, SNF, and HLW. There is also a companion bill that establishes a commission to study what is needed within the state to address safe transportation through the state. Mr. Owen said that right now Mound and Battelle are gearing up for shipments and he is happy it's finally moving. Mr. Owens's agency has an agreement with the NRC to inspect facilities in the state, and the inspections have gone well. The security inspections are fairly intense and lengthy. Carol O'Claire (Ohio) added that there was a successful exercise at Davis-Besse and they are working on an ingestion exercise to be held in June of 2006. Ohio is working with Michigan to have a joint exercise because as it stands right now, Michigan has an exercise planned for 2 weeks before Ohio's. Ms. O'Claire added that Davis-Besse and Perry have come under the microscope lately. Davis-Besse was fined \$5.45 million for acid corrosion problems and for providing inaccurate info to the NRC. Perry is now on the NRC watch list.

### *Office of Civilian Radioactive Waste Management (OCRWM) Updates*

Mr. Strong turned the floor over to Ms. Holm for an update on the OCRWM program. Ms. Holm said the priorities since November have been infrastructure acquisition, the caliente rail corridor, operational planning including the standard contract with the utilities, and institutional programs including interaction with the regional groups. Ms. Holm explained the structure of the department and the divisions in responsibility. Ms. Holm said the funding for the transportation activities is low, and is way below the level requested. Priorities in the program are completing the EIS, conceptual designs for casks and rail cars, and testing components. Mr. Blackwell noted that the AAR recently sent an addendum to S2043. Ms. Holm added that the good thing about 2043 is that a lot of the components have already been tested and approved.

Ms. Holm said there has been many new staff to join the project, so there has been a lot of focus on debriefings. The department has also started the consultation process with the tribes. Letters have been sent and they have received feedback. There are some trips planned for this summer and fall.

Ms. Holm said the TEC meetings have gone well. DOE also has an agreement with NCSL that is going well. She said they have started a pretty aggressive public information campaign. There is not the right information available on the websites right now. Ms. Holm said they are revamping the exhibit and will get some materials out to the regional groups for review.

Ms. Holm said DOE is using available technology to the fullest extent in cask design. They would like to have flexibility within the cask utilization system. For railroad, DOE has decided to use the same contractor to build the rail line inside the facility as outside the facility. DOE is getting ready to go out with RFPs for casks, then the contractors would get certification from NRC during the RFP process, and eventually when there is enough money DOE will place orders. There is a similar program for rolling stock. The escort cars are among the most expensive part of the rolling stock because of the security requirements.

Ms. Holm said they are moving forward on the Nevada rail alignment EIS. They are still getting letters and comments from interested parties. She has seen one draft of the EIS but there are still pieces that need to be filled in. As part of the EIS they are looking at some parts of the design of the rail in order to determine the impact. Several alternative routes have been requested and analyzed. The data collection for the alternative routes will extend the whole process with the final EIS coming out at the end of next year.

Ms. Holm said that in operational programs they are doing a large study on burn-up credit data collection. DOE has a logistics model that does investment planning, and eventually it will do logistics to look at 'what if' scenarios. They are continuing to support RADTRAN and TRAGIS, and both feed into the logistics model. DOE is also looking at lessons learned from other shipping campaigns. Alex Thrower will be taking the lead on lessons learned.

On the security front, Ms. Holm said DOE is working on a classification guide, and they will share it with the Topic Group as soon as it is ready. They are also looking at international sabotage studies, threat analysis, and information and personnel security. Ms. Holm said DOE is working on a concept of operations, and she hopes to be able to share that at the next TEC meeting.

Ms. Holm noted that one thing that has already come up in the meeting was NRC approval of routes. She said DOE doesn't have to follow NRC regulations, and she suggested that if the regional groups want that to be the case, they should work on how to fashion the DOE route selection and transportation protocols so that it looks more like the NRC regulations. Ms. Holm explained the transportation process, and pointed out that DOE takes possession after the cask has been loaded on the rolling stock. Mr. Blackwell asked if the central rail storage/maintenance/etc. site will be located somewhere between Caliente and Yucca Mountain. Ms. Holm said DOE has not made a decision about that yet.

Ms. Holm explained that one of the pre-operational activities they are looking at is an operational plan; however she cautioned that some major decisions need to be made before such a document can be completed. Out of the national operational plan, DOE will develop an operational plan for each site or for each year. Ms. Holm said that DOE also needs to develop the 180(c) plan and that is why the pilot project is necessary. We can start to think about how to operate within an area. The pilot project will help shape the application process, planning process, and get everyone trained on how the program would be run.

Ms. Holm said that advanced notification will be provided to states, as dictated in the NWPA. The standard contract is an individual contract with each utility. Ms. Holm explained that DOE must accept all the fuel, but it is separated into standard and non-standard, which includes failed fuel and unusually shaped fuel. The acceptance priority only gives the utility a place in line, and then the utility gets to tell DOE which plant it wants DOE to visit first. Ms. Holm explained that DOE can grant priority to shut-down reactors, emergencies, and other than standard fuel. There is a lot of flexibility in the contract, but at some point DOE will have to sit down with the utilities and negotiate a more predictable schedule.

Ms. Holm explained that there is an Annual Capacity Report (ACR) and the Annual Priority Ranking (APR). The utilities report to DOE the amount and age of the fuel, and 5 years beforehand the shipments are planned. Utilities can still trade spots, but 12 months out the shipment schedule is set. The question to states is if 12 months is enough time to plan and train. Mr. Strong asked what the difference was between the ACR and the APR. Ms. Sattler explained that the ACR is a listing of what fuel is the oldest and the APR is how much fuel DOE will accept each year from each plant.

Ms. Holm said the TEC format will be changed a bit in light of the problems at the Phoenix meeting. The plan is to have a fall meeting open to everyone and a spring meeting open only to members. The topic group meetings would run concurrently so that each group would have half a day to work. Ms. Holm explained that this is still in the planning phase. The TEC website is being moved over to a new server, so there may be some time when the site is down.

Mr. Blackwell suggested that Jay Jones look at train consist configuration instead of focusing on only dedicated train. Ms. Holm said she will take that back to Mr. Jones.

Ms. Holm said the Tribal topic group has only a handful of tribes right now, but they are looking to get more participation. Ms. Holm said they are looking at a regional approach to meeting with tribes (EPA model). Ms. Beetem asked if the tribes have an organization like CSG. Ms. Holm said that a few groups in New Mexico have grouped together with one representative, and in Oklahoma there is a regional representative. but for the most part no. NCAI does work with DOE, but the tribes have said that that organization does not represent them, that DOE needs to address each tribe government to government. There is a value in having a group to understand common issues. Ms. Holm went over the representative routes in the EIS and showed the group where the affected tribes are located.

The Rail TEC/WG is looking at some criteria and routes and addressing concerns about rail (how it would work, the features it contains). Ms. Holm explained that a suite of routes is necessary because of security. The Canadian model is to not have a standard pattern, but to have multiple routes to avoid predictability. A suite of routes also helps in the case of bad weather or rerouting. Multiple routes also address interregional equity so that one regional doesn't bear the entire burden.

Ms. Sattler asked if DOE will provide 180(c) money to all states that are on potentially available routes. Ms. Holm said that at this point, that is the thinking. Scott Field (WIEB) asked if DOE is going to increase the number of routes that need training, will they also increase the pot of money available for 180(c). Ms. Holm replied that the new management hasn't decided these kinds of discussions yet. She explained that RW will propose how much money to spend on 180(c), but in the end RW is told how much they will get for 180(c). We will never have \$100 million for emergency preparedness, but we hope it will be adequate. Ms. Holm explained the money is for more than just training, it is also for safe, routine transportation, and therefore will cover expenses like inspecting, should a state decide to do that.

Ms. Holm went over the route identification process. DOE will be talking with the regional groups, utilities and carriers to develop a national suite of routes. In any given year there will be a smaller set of routes than the national suite of routes. DOE understands the need for planning. Mr. Flater asked if shipments will start before the rail line is finished, then DOE will have to use truck, and what has DOE done to prepare for that. Ms. Holm responded that DOE would like to make as few truck shipments as possible (30 per year), but DOE does recognize there will be truck shipments. DOE is looking at intermodal casks as well, so as to open many possibilities. DOE is hoping to get approval to move forward with the rail line to Yucca Mountain. The thinking is that if the rail line is built, then the repository can be built using the rail line to bring in supplies.

Mr. Blackwell asked if the truck shipments would go through Las Vegas, and Ms. Holm said she didn't know yet what the route would be. Rep. Elgin asked if the FRA and the rail companies will offer what they feel are the best routes. Ms. Holm said DOE and FRA and the railroads have to be partners on this. The railroads know the lines better than anyone, so they need to be part of the TEC/WG. Rep. Elgin said that if the Midwest produces a suite of routes, will the railroads just provide comments on our suite or will they offer alternative routes. Ms. Holm said they would probably do both. The railroads may have different criteria than we do, and they may have operational reasons as to why some of the routes are better than others. Mr. Blackwell reminded the group that the rail lines may fluctuate because rail lines are optimal at different points in time. That is why rail routing is so difficult to tame from a regulatory standpoint. Rep. Elgin said he didn't want our routing project to go by the wayside. Mr. Blackwell responded that it will be a collaborative effort. But, unless Congress mandates the rail lines to develop rail routing regulations, they won't. Ms. Holm reminded the group that the shipping campaign has to fit into an already developed system that is almost currently at capacity.

Ms. Holm said she would like the public information section of the Security topic group move to DOE's public information people or have another topic group. DOE has already developed some key issues and messages for the group to revise. Ms. Holm said that DOE fully intends to follow CVSA Level VI inspections in the shipping campaign. DOE is doing a peer review in the training to make any needed enhancements.

Ms. Holm said the policy decision on dedicated trains should be done by the end of the year. Ms. Holm said she even expected that to be done in the next couple of months. DOE is working with the NRC to address full-scale testing. The NRC Commissioner has met with the DOE Secretary to discuss how DOE can support the NRC's initiatives in full-scale testing. As for a concept of operations, Ms. Holm said that DOE should have something to share with the group at the next TEC meeting.

The protocols revision is moving along. DOE has done a gap analysis of the RW program and is working with EM to develop an internal working group to look at the protocols. There will be a discussion about that at the next TEC meeting. Mr. Crose asked if the issue of oversize and overweight restrictions has been addressed. Will the state have to waive those restrictions? Ms. Holm said if DOE has to move the large casks, they will have to be heavy-hauled, so some of the restrictions might have to be modified. Ms. Sattler asked if the Midwest's special project to take state legislators on a tour of Yucca Mountain had been approved. Ms. Holm said she thought it had been approved and that DOE has the funding to support it, and will follow-up to make sure Ms. Sattler gets a notice of the approval.

### *Office of Environmental Management Updates*

**EM Headquarters:** After a short break, Mr. Strong asked Dennis Ashworth (DOE-EM) to give an update on EM headquarters activities. Mr. Ashworth said a year and a half ago DOE reorganized. EM's mission is to provide safe, cost-effective transportation of radioactive materials. The goal is to move all materials without incident. In 2004 there were about 24,000 shipments and in 2005 he expects over 40,000 shipments. EM's duties are divided into risk reduction, legislative and regulatory compliance, site support and logistics, emergency preparedness, and outreach. Mr. Ashworth said that though there have been major changes in the EM structure, the programs and systems (TRAGIS, TRANSCOM, etc.) are still available.

Mr. Ashworth explained the Prospective Shipments Module as a tool the states can use to predict shipments through their territory. EM is working hard to update that module, with the goal of putting it out twice a year. All of the states will receive it via e-mail. Mr. Ashworth said the North Anna shipment is in the works, with a possible shipment in July. However, the transportation plan is still in development. The shipment will probably follow either the blue or the black FRR route. Mr. Ashworth said that for all shipments EM is developing an improved communications plan so that states get information in a timely and appropriate manner. The individual sites have the responsibility to develop the transportation plan for each shipment campaign, but EM headquarters is setting up a system to send the plan to the regional group as well.

Mr. Ashworth said that Fernald right now has 200 excellent rail cars that EM is trying to divvy up. Other EM activities include the transportation practices manual. The goal is to finish that by September 2006 and in the process solicit state and tribal input. Mr. Ashworth said there is no planned change to the DOE security condition response plan until DHS makes proposed changes. Mr. Ashworth said that the last Rocky Flats shipment went out recently, and they are on track to close the site by the end of 2005. Brookhaven has been approved to restart shipments to Envirocare. Mr. Ashworth said that EM is trying to understand and consolidate best practices from all the campaigns, which was the idea for the meeting in Phoenix.

Mr. Ashworth said that in the area of risk management, EM is trying to analyze incidents and use those reports to improve shipping. There is so much shipping that no one really had a good idea of everything that was shipping. Once everything is identified and tracked, then EM will have a better handle on how to improve transportation. They look at volume of shipments, distance, population, and material to determine risk. All shipments are ranked according to risk so as to tell EM where to focus attention. The next step is to ask the people doing the shipments their opinion of what has been going on and what needs improvement, including packaging, loading, inspecting, routing and emergency planning. EM recently did a review at Oak Ridge and found opportunities for improvement in many areas, including pre-load inspections, packaging, etc.

Mr. Ashworth said that EM is really dedicated to working with the states and tribes in planning. He mentioned a commodity flow survey and TransCAER (Transportation Community Awareness and Emergency Response) workshops as two examples. The commodity flow survey provides communities along a route with information about the shipments and provides local entities with an opportunity to be better prepared for potential incident response. The TransCAER workshops allow for dialogue with local community leaders.

Mr. Ashworth said that in the area of incidents, EM is now tracking every major and minor incident. While the number of shipments increases, EM is dedicated to reducing the incident rate. The criteria for an incident are any release of material, any injury or property damage, package damage, etc. In 2004 there were 23 incidents for a rate of 11.5 incidents per 10,000 shipments. The goal is to reduce that number for 2005. Mr. Ashworth went over the incidents in 2005 to date. He said there has been a 31% reduction over the same period in 2004. Most of the incidents are due to human error. Mr. Ashworth said that EM is working hard to develop preventative actions for these incidents.

Mr. Genoa asked if DOE still keeps a list of commercial shipment incidents. Mr. Ashworth said that DOE only tracks DOE incidents. Mr. Easton said that Sandia used to be the collection point for all incidents under DOE, DOT, or NRC regulations, but after 1995 that was stopped. Sandia's collection was useful because there was some standardization of what is considered an incident (had to be reportable under DOT, DOE, or NRC guidelines) and the rate is more accurate. Mr. Genoa said that it would be extremely valuable to convey to the public how safe hazmat transportation is. Mike Cash (Alabama) said that some of the incidents are trivialized. Mr. Ashworth said that the point is to give an accurate picture of what happens during shipments.

**Fernald Silo Waste Update:** John Sattler (Fernald) gave out fact sheets about the Fernald Silos 1 and 2 shipments. He explained that there are four silos on the site, but that one of the silos is empty. There are two separate projects to remove the materials from the silos, treat it, package it and ship it off-site. The material has been stored since the late 1950s and is the leftovers from the uranium milling and extraction process. Silos 1 and 2 (K65 material) have a very high radiation factor, while Silo 3 is less radioactive (cold metal oxide). Preparations for the Silos 1 and 2 shipments have been underway in that the content of the silos have been emptied, the materials have been slurried and has been put in 750,000 gallon storage tanks. They have completed all of the operation reviews and will hopefully produce a waste product sometime this week.

Mr. Sattler said he sent a notice through the SRGs with an update on the shipment schedule. For both the projects, the standard has been to send the notice to the SRGs and have the SRGs send the information to the states. The notice sent indicated that Fernald may be ready to ship by the end of the week, though the

notice was only in draft form. Mr. Sattler said that it is now improbable that the shipments will commence this week, but more likely next week. The two projects are going to different locations. Silo 3 will have approximately 250 truck shipments. The material is processed and loaded into soft-sided containers of about 100 cubic feet, and then loaded into Sealand containers, put on the back of flatbed trucks and shipped to Envirocare in Utah. Silos 3 will make about 10 shipments per week.

Mr. Sattler said that Silos 1 and 2 materials will be shipped to WCS outside of Andrews, TX. The material is being sent for storage. The facility has a storage license, and has submitted a license request for permanent disposal, but has not yet been approved. There is the possibility that the material will have to be removed if the facility does not get the disposal license. Mr. Sattler said he expects that license to be approved. The process for Silos 1 and 2 is that the material is slurried and kept in 750,000 storage tanks. It is then mixed with cement and fly ash and kept in large carbon steel containers of approximately 6 feet tall and 6 feet wide. The material is in grout form. Two containers are put on each truck and will be shipped as radioactive materials (classification is LSA2). The material is not considered HRCQ. It does have the regulatory status of 11e2 material, but that has less to do with shipment than with disposal. The material is essentially LLW. The handout says there will be up to 7,000 containers, so up to 3,500 shipments. The contractor now believes that the actual container number will be lower (4,400 - 4,500 containers).

Mr. Sattler said the contractor, Fluor Fernald, is contracting with Visionary Solutions (out of TN), to provide trailers and manage logistics. Visionary Solutions worked together with Fernald to come up with the route. They ran TRAGIS and selected the commercial route because on balance it gave the best situation when considering distance, time in transit and population. Mr. Sattler said that shipments will go out on weekends once shipments get up to speed. There will be 10-15 trucks a day leaving the site, and they will leave 7 days a week. All the shipments will leave during the daytime hours. WCS can only take receipt of the waste Monday through Friday, so shipments will be planned around that schedule. The shipments won't use TRANSCOM, but they are required to use Qualcomm. Mr. Sattler said that there are two emergency response telephone numbers on the fact sheet and there is a toll free number that drivers will use to contact Fluor in the case of an incident. He said that given the projected number of canisters and the rate of shipments, the campaign is expected to go through the rest of the calendar year.

Ms. Sattler asked if any official notification will go out to the states. Mr. Sattler responded that he sent an Excel spreadsheet on Monday. Once he knows when the first shipment will go out he will notify Ms. Sattler. Since the shipments are considered LLW, they are not regulated in notification like HLW. Ms. Sattler said that there are some pieces of information that need to go out to states, like material characteristics, etc., that is not necessarily on the schedule. Mr. Sattler said that information will come with the notification of the first shipment.

Mr. Sattler ended by reporting that Mound is planning on shipping in the near future. In the Battelle case, the judge ruled that Hanford can receive the non-mixed TRU waste from Battelle, so those shipments will go forward. For non-mixed waste (approximately 3 cubic meters) they are still looking at other possibilities.

**Waste Isolation Pilot Plant (WIPP):** Ralph Smith reported that the Rocky Flats shipping campaign is completed and they are now trying to fill up the shipment slots with materials from other sites. A very small number of shipments are coming from the Midwest (15 or so), though there may be some more shipments from Argonne in the future. Mr. Smith said that they are working on the remote-handled

shipments, but there is only 1 trailer and 12 casks, which will not accommodate everything. There are also some technical problems with the trailer. They are getting some prototypes for a new trailer that includes hydraulic systems. Additionally, new tie-downs have been developed for the TRUPACTs. Mr. Smith reported that panels 2 and 3 at the WIPP site are basically done (each panel can hold about 6,600 55-gallon drums). Mr. Smith said that they are designing new packages to hold boxes that will not fit in TRUPACT-II. Some of the material will be size-reduced as well. Next June they will do full-scale testing on TRUPACT-III at Sandia.

Mr. Smith said that there have been several accidents or incidents of interest, but those were covered in Mr. Ashworth's presentation. He also reported that they are considering painting the TRUPACT-IIs because the weather is doing damage to the outside.

Mr. Smith said they are going to do two shipments. One shipment is one drum of Rocky Flat ash from Brookhaven to INL. Right now the shipment is scheduled for July 13<sup>th</sup>. Ms. Sattler asked if the 8-week rolling schedule distribution list had been updated so that the schedule would go directly to the affected Midwestern states. Mr. Smith replied that it hasn't been done yet, but he will get it done soon. Mr. Genoa asked how long the trip from Brookhaven would take. Mr. Smith said he thought approximately 36 hours, but he will get a timeline for the states.

Mr. Smith explained that last week the federal judge lifted the ban on shipping non-mixed waste to Hanford. There are 13 or 14 shipments from Battelle going there, all of which will be overweight shipments. Mr. Flater said that he needed ample time to get the overweight permits. Mr. Gadbury asked if that was noted on the 8-week rolling schedule. Mr. Smith said he didn't think it was, but he will make sure to add that so the states have ample warning. There are also three packages that are mixed waste and therefore have no destination as of now. When a place is found for the mixed waste there will be an additional 3 shipments. He believes the Battelle shipments will begin after July 4<sup>th</sup>. After these shipments, the only shipments he foresees in the future are newly generated waste and remote-handled waste from Argonne.

Someone asked about clarifying the schedule. Mr. Smith explained that there are three shipments from Mound, which are the last three. The first shipment will be on June 6<sup>th</sup>, the second on July 6<sup>th</sup>, and the third on August 8<sup>th</sup>. Mr. Smith said they will be issuing a 2-week letter for Brookhaven and they will be reissuing a 2-week letter for Battelle shipments because there has been such a gap in time since the last Battelle shipment. The letter will go to committee members and the governor's office. Mr. Smith said that he will work with Illinois and Iowa to route the overweight shipments appropriately. The companies will be responsible for initial fee payments and then will be reimbursed. Mr. Smith ended by telling the committee about the Michigan State Police website, which has a short video about shipment security.

**TRANSCOM Transition:** Mr. Gadbury explained that TRANSCOM is transitioning from Albuquerque to Carlsbad and came under CBFO direction in March. CBFO has technical oversight right now and is working on the physical transition. They are shooting for a physical transition by the end of September 2005. The contract with NSSA expires in July, however they are looking for a contract extension so as to facilitate the transition. He emphasized that though TRANSCOM is right now being used mainly for WIPP shipments, in the transition there will be a clear distinction between TRANSCOM and WIPP. He would like to keep the operation of TRANSCOM and WIPP separate. TRANSCOM is not moving to the WIPP site, but to the DOE offices in Carlsbad. .

Mr. Gadbury said the draft of the transition plan went out in April. He has been going over the Midwest's comments, and he will get back to us soon with a reaction. He said the TRANSCOM User's Group will continue and the suggestions from the last meeting will be incorporated once the final transition is done. Another User's Group meeting will be held once the transition is complete, either in Carlsbad or wherever is most convenient.

Mr. Gadbury said that they are trying to get transponder units for the Mound shipments. Qualcomm is making a specific transponder for rail shipments, and they are working to get that fixed and ready to use. He said that DOE is also looking at a new smaller transponder to address the concern that the current transponder tracks the tractor, not the trailer. This new transponder would affix to the trailer.

Mr. Runyon asked if DOE anticipated TRANSCOM being operational in Carlsbad in time to track the Battelle shipments. Mr. Gadbury said that the physical transition would not be completed, but the shipments would be tracked. Ms. O'Claire said that on the last Mound shipment there was a delay in getting tracking information, so the states didn't get real time information. Mr. Gadbury said that with the new transponder that won't be an issue. Ms. O'Claire asked if the NRC is considering using TRANSCOM for its licensee shipments. Mr. Easton responded that NRC told its licensees that the NRC supports the use of TRANSCOM but does not require it.

Ms. Sattler asked if TRANSCOM would be available for private shippers. Mr. Ashworth responded that DOE paid the Volpe Center to conduct a study and they found that TRANSCOM was a great system. He said the question of whether to let private shippers use TRANSCOM was something Mr. Gadbury would have to address. Mr. Easton added that there are commercial tracking systems, and since the NRC doesn't have a requirement to use TRANSCOM, private shippers can use the commercial systems. Mr. Runyon said that he strongly recommends requiring the use of TRANSCOM for NRC-licensee shipments.

## **Tuesday, May 25**

**Transportation Emergency Preparedness Program (TEPP):** Joe DiMatteo (DOE) told the group that there have been significant accomplishments with TEPP in FY05. There were 87 DOE-sponsored MERRTT training sessions throughout the year, with 1,321 responders participating. A total of 2,250 responders were trained by MERRTT qualified trainers. Through the course, responders receive 12.5 hours of continuing education credit, and over 290 students applied for those credits.

Mr. DiMatteo said that in addition to MERRTT, TEPP also participated in a TransCAER Whistle Stop Tour to educate the public about the transportation of hazardous materials. TransCAER activities will be conducted in Western New York and Pennsylvania during early October. A typical Whistle Stop TransCAER activity is scheduled for 5 cities in 5 days. TransCAER is an outreach effort sponsored by the chemical manufacturers, transportation industry, and safety organizations. During the stops in each city TEPP will conduct training sessions on radioactive material shipping packages and available resources. TEPP also sponsored 7 tabletop exercises and attended state and national emergency response conferences to present updates on the program.

Mr. DiMatteo said that the MERRTT training schedule can be found on the TEPP web site. Classes are scheduled across the country and contact information (name of the state and TEPP coordinator) for each

class is provided on the web site if you are interested in attending. A student database allows trainers access to information about classes conducted, the opportunity to enter information on classes conducted, and print certificates. There are also planning tools on the website to assist agencies in conducting a needs assessment and then implementing the proper training sessions.

Mr. DiMatteo said that a 2005 version of MERRTT will be released in May. The training program is designed to be delivered in 16 hours. The course design also offers the flexibility for instructors to select and only deliver modules on topics that responders have a need to develop or improve skills. The basis for the 2005 revision is the 2004 revision to the Hazardous Materials regulations and the Emergency Response Guidebook. The major HMR changes that impacted MERRTT included the revision of the proper shipping names, addition of the fissile label/CSI, and addition of the UN identification number on excepted packaging. The major changes in the ERG included changing the initial isolation distance from 80-160 to 75 feet and addition of radioactive material labels to the Table of Placards.

Mr. DiMatteo noted that MERRTT will be reviewed by OSHA, as required by the Waste Isolation Pilot Plant Land Withdrawal Act. In addition, in March the Department of Homeland Security reviewed and accepted MERRTT into the listing of federal courses. The advantage of being accepted and added to the DHS course listing is that state and local entities can use DHS money to pay for MERRTT training.

DOE is working with FEMA to post MERRTT Modules on the FEMA Self-Study website. Students can use the modules to satisfy refresher training requirements. DOE is also helping FEMA in revision of the existing Hospital Training Program. Finally, DOE is working with DHS to identify planning and training overlaps in radiological response and planning preparedness.

Mr. DiMatteo said that DOE is assisting Oklahoma State University with the development of firefighter training information on radioactive materials. DOE TEPP has a representative on the Federal Radiological Preparedness Coordinating Committee (FRPCC). Through the FRPCC, TEPP is working to update the compendium of federal radiological training which lists radiological training programs offered by the various federal agencies. Finally, DOE continues to work with NFPA in the development of responder training competencies—specifically, adding radioactive material competencies to NFPA standards 471, 472, 473.

Mr. Flater asked if the updates to the Go-Kits were available for purchase. Mr. DiMatteo said that they were and that people interested in the updates should contact him. Mr. DiMatteo also said that he would like to plan a MERRTT update meeting at Argonne in the fall. Illinois, Indiana, Iowa, Kansas, and Michigan said that they would be interested in attending such a session.

### *State and Regional Stakeholders*

**Idaho MERRTT Program:** Kristi Moser-McIntire explained the State of Idaho's radiological training program for emergency responders. She said the first step for her department was to conduct a state-wide needs assessment to see what resources were available, what equipment was available, and to see the level of training already achieved by responders. After conducting the needs assessment, training was done regionally in conjunction with the regional hazmat response teams.

Ms. Moser-McIntire said that the state decided to standardize instrumentation and have an annual calibration schedule for uniformity and ease in training. Her department adopted the DOE-MERRTT program for core training and made adjustments as necessary. The state wanted to customize MERRTT modules to fit the training needs of the state, so they created the Idaho Radiation Emergency Preparedness Program (IREPP). The IREPP includes the customized MERRTT modules, hands-on exercise packages, radiological training for hospital personnel, and a website for requesting training and downloading modules.

Ms. Moser-McIntire said that the modified MERRTT modules contained the core elements of MERRTT, but included specific shipment information, an appendix for instrumentation and dosimetry, and information on radioactive dispersal devices. The hands-on exercises packages cover instrument use, assessing package integrity, patient handling, and surveying potentially contaminated personnel, and were designed to reinforce the material learned in IMERRTT. In addition, drill exercises modeled after the TEPP planning tools cover a variety of situations.

Ms. Moser-McIntire said that an important part of the IREPP program is hospital personnel training. The training is targeted to emergency department personnel and is a 4-hour, 4-module program. Ms. Moser-McIntire said her department developed a brochure for the program to advertise IMERRTT throughout the state. In addition, the website was developed to advertise the program and to organize training and training requests. The website allows students to request a class, download a module, request a customized course, and find additional sources of information. Ms. Moser-McIntire said her department put the IMERRTT program on CD, similar to the DOE MERRTT program, but included the Idaho specific modules and exercises.

Ms. Moser-McIntire said the cost for development of the IMERRTT was about \$40,000, with some of the money coming from funding for the WIPP program. Partners in the program include the Institute of Emergency Management at Idaho State University and the Statewide Domestic Preparedness Training Advisory Committee. This committee is responsible for developing, reviewing, and maintaining a curriculum for domestic preparedness, specifically for response and awareness of WMD. The curriculum includes training at various levels, like awareness, incident command, operations, planning, and multi-agency coordination. The committee is also responsible for grouping audiences according to training level.

Ms. Moser-McIntire said that IMERRTT is recommended by the Advisory Committee for performance/operations level training. It is also approved by the Idaho Bureau of Homeland Security. In addition, the program has an MOU with the Institute of Emergency Management at ISU. The next steps for the IREPP is to update IMERRTT to include recent changes, develop a specialist training course, develop a self-study awareness level training course, and promote new hands-on training initiatives.

Mr. Moussa asked if there was an Idaho Emergency Management Agency. Ms. Moser-McIntire responded that everything emergency response-related falls under the Department of Homeland Security. Mr. Field asked what they used for examples in their drills. Ms. Moser-McIntire responded that they used soil sources and a train car with nitric acid. Mr. Owen asked how many hospitals in the area were trained. Ms. Moser-McIntire responded that the hospitals trained were mainly in the Idaho Falls area and she did not know exactly how many.

Mr. Runyon asked if her department dismantled and changed the MERRTT modules. Ms. Moser-McIntire responded that that work was contracted out. Mr. Flater asked if she got any hesitation from the hospitals to train because they don't want to accept hazardous patients. Ms. Moser-McIntire said she has not had any resistance from the hospitals, but most of the hospitals that are being trained have MOUs with DOE. Mr. Strong asked to what extent has the online course been used and how adequate is it compared to the one-day course. Ms. Moser-McIntire replied that no one has yet taken only the online course. She thinks that the course will be marketed to city officials and that it would be adequate for that awareness level training.

**National Association of Regulatory Utility Commissioners (NARUC):** Greg White said that he testified before the state senate last week and transportation was discussed. He said that from the utilities' perspective, the transportation side of the program is moving along well, as compared to other parts of the program. Mr. White explained that NARUC is the organization of public utility commissioners around the country, some international members, and some associate members from the federal government (including the NRC). The group regulates electric, gas, telephone, and water around the country. The group works with legislators on both the federal and state level to better serve the public interest by furthering the cause of public utility regulation. Mr. White said that 41 member states pay into the Nuclear Waste Fund. In the NWPA, it says that the fees for disposing of spent nuclear fuel would be paid by the rate payers. In other words, the federal government will take care of the waste, but the rate payers will pay for it. To date, rate payers have put more than \$24 billion into the fund. The problem now is getting the money back *out* of the fund.

Mr. White said that NARUC initially got involved in the program to monitor progress and comment when appropriate. They recognized that the program would have problems, and so in 1984 a subcommittee on spent fuel disposal was organized. The subcommittee has since been at battle with DOE over the management of the program. The subcommittee spent the first 10-12 years focusing on the efficiency of spending the money in the fund. After that, NARUC felt the program got streamlined and DOE did a good job of moving forward. In recent years, however, the battle has been to get money into the program and to reform the NWF. Out of the \$24 billion available, \$7 billion has been used. Congress said that if the program is to move forward, there needs to be a new way to fund it. The utilities find this unacceptable. The money in the NWF has been used for other purposes, but efforts in the last 4 Congresses have failed to reform the fund.

Mr. White said that the basic principle is that there needs to be a permanent solution to nuclear waste disposal. NARUC supports the NWPA despite the problems in implementing it. NARUC also supports the repository program, but believes that there needs to be a push to get the license application into the NRC and get the construction license approved. Mr. White said that he fears that plants will be shut down before their licenses expire without the approval and construction of Yucca Mountain. NARUC is committed, however, to the idea that problems with the waste fund should not hold back going forth with nuclear energy. NARUC supports the NWF only for its intended purpose.

Mr. White said that because of delays in the program, NARUC supports interim storage either at individual facilities or at one central facility. The utilities have a different view of interim storage than DOE. The utilities feel that DOE is authorized to take waste to an interim site, whereas DOE feels that they are not authorized. Interim storage needs to be part of the discussion because it is necessary.

Mr. White said that NARUC plans to maintain active participation in the planning process. The utilities have issues and concerns about the political will and leadership of the program. There is some good leadership right now, but that leadership still is not getting it done. The utilities are working very closely with DOE and have been pleased with recent management, but have concern that there is a lot of turnover in leadership and a lot of interim leaders running the program. The utilities feel that the license application is way overdue. The utilities realize that there are some issues with the repository, including water transport through the rock and incompatibility with waste stored at PFS. The review process for the license is 3 years with an option for a 4<sup>th</sup> year, but executives in the federal government have indicated that they think it'll take much longer than 4 years to review the license.

Mr. White said that there are currently 66 lawsuits in the federal court of claims for damages due to the program delays. In the past month, a Sacramento judge ordered that the federal government has to give the money paid into the fund back because she thought the repository would never open. The ruling will be overturned, and NARUC doesn't support getting the money back, but rather just wants the waste taken. Mr. White said that the utilities are concerned that one of the lawsuits will seriously derail the program.

Mr. White said that the next step is to amend the NWPA. Unfortunately, the lawyers for DOE have taken the position to stay very strictly within the confines of the document. The utilities feel that the department needs to think outside the box and take another look at the program to find ways to adapt to the changes of the last 20 years. The rate payers put in over \$1 billion every year, which is way more than is spent on the program each year. Mr. White said that it is discouraging to have to go to Congress and beg them to fund the program adequately. The utilities don't want to take the program off budget or out of oversight, but Congress needs to find a mechanism to fully fund the program.

Mr. White said that NARUC is not at this time advocating for building a second repository, but the NWPA calls for a repository to hold 70,000 metric tons, and there will be well over 100,000 metric tons generated by the time Yucca Mountain opens. The remaining waste will need to go somewhere. As for interim storage options, Mr. White said the utilities are open to all possibilities. What the utilities do not agree with is the option of DOE taking title of the waste and then leaving it at the sites. The utilities believe there needs to be a new national policy for the management of waste. The current policy does not allow reprocessing because of an executive order in the 1970s banning reprocessing because of proliferation concerns. A lot has changed since then, and the order has been rescinded, but now reprocessing is not economically sound. It is cheaper to buy new uranium. Mr. White said that with the current high volume of waste, the government needs to reconsider reprocessing. We dispose of 90% of energy potential by not reprocessing. Mr. White said that the final page of his handout included a look at how much money is put into the fund by state.

Mr. Strong said that Representative Hobson sponsored a vision for a national interim storage facility. Mr. White responded that Rep. Hobson found \$10 million to put in the 2006 budget to look at the interim storage problem. That is not enough, but it is a start. In general, there needs to be a larger effort to consider what can be done on an interim basis. Mr. Strong asked if the presumption was that the interim storage would be at Yucca. Mr. White responded that the legislation is wide open as to where the site would be. The current statute does prohibit an interim storage facility at Yucca Mountain. DOE has considered a cooling facility at Yucca in an interim capacity before putting the spent fuel in the mountain, but not calling it an interim storage facility. Even if the repository is not successful, having an interim facility on a federal site in a remote location looks attractive.

Either way, the transportation is a critical component. Mr. White said that he felt that the transportation side needs more focus. He said Michigan was ready to move its waste, but without education of the public and public figures, nothing will move. Mr. Blackwell asked if there was the infrastructure to have an interim storage site at one of the DOE sites. Mr. White said that the utilities have argued for that possibility. If PFS cannot get a license, then building a centralized interim storage facility will have tremendous problems. Mr. Genoa said the Rep. Hobson's language indicated that an interim storage facility at Yucca would make the most sense, but other options are Hanford, Idaho, and Savannah River. It also asks for the government to consider non-federal options, military options, PFS, and international sites.

**Commercial Safety Vehicle Alliance (CVSA):** Carlisle Smith said that the CVSA was formed in 1980 by seven western states, and now includes all 50 states, all U.S. territories, all Canadian provinces, and Mexico. It was initially formed to cover uniform vehicle inspections, but now covers vehicle, driver and cargo inspections. All members sign a MOU recognizing CVSA inspection procedures as the standard. CVSA develops the North American Standard (NAS) for highway inspections, which covers everything from brakes to driver requirements.

Mr. Smith said that CVSA has had a cooperative agreement with DOE since 1986 to develop standards for the transportation of radioactive materials. A final report on this, including the pilot study, was issued in October 1999, and interim report was published in October 2002, and a WIPP update was published in April 2004. All of these are available on the CVSA website.

Mr. Smith said that regular CVSA decals are good for 90 days, and are received after a certified inspector completes the inspection. For Level VI inspections, the decal is good for one trip and is affixed at the point-of-origin and removed at the point-of-destination. Mr. Smith said the April 2005 report on the program reviews the newest violation data and explains the differences in the Level I to Level VI violations found. Mr. Smith then gave the committee examples of the violations found throughout the country. He said that there is some discussion on whether a Level VI violation is worse than a Level I violation. A Level VI violation is more detail oriented, whereas a Level I violation usually results in out-of-service recommendation. Mr. Smith said that only about 8% of all Level VI inspections found violations, and very few resulted in an out-of-service designation. The low out-of-service rate is indicative of the safe transportation of radioactive and hazardous materials.

Mr. Smith said that for those states required to conduct inspections, CVSA is recommending completing a lower level of inspection instead of Level VI, and then doing random Level VI inspections. He said that there were multiple training sessions coming up in the future should anyone want to attend. Mr. Smith also said that CVSA has a new cooperative agreement with DOE to conduct a peer review program. The cooperative agreement also calls for a new outreach program, a database of violations, and more training. Mr. Smith said the South Carolina and Colorado peer reviews were done and the reviews in Tennessee, Washington, and New Mexico were planned for the near future. Ms. Sattler asked why there were no Midwestern states. Mr. Smith responded that the program is voluntary and no Midwestern states volunteered. He hoped that next year the Midwestern states would volunteer.

Mr. Runyon asked if there is a CVSA guidance on how frequently Level VI inspections should be repeated. Mr. Smith responded that CVSA leaves that decision up to the individual state. Mr. Runyon asked about the status of Canadian CVSA inspections and Michigan point-of-origin inspections. Mr.

Smith responded that CVSA has invited the Canadians to join in on the training, but he doesn't think they will have a team any time soon. So Nordion shipments will have to be stopped in Michigan or New York for an inspection. Mr. Strong said that the Michigan inspections are sporadic. Mr. Runyon said that the numbers of violations for those trucks would suggest that Illinois will want to continue Level VI inspections. He said he did not know the level of experience the Canadians have in inspection. Nordion might not really understand the program because they brought trucks into the U.S. and changed drivers or trailers and either of those would negate the inspection. Mr. Smith said that CVSA explained the Level VI protocol to the Canadians and that it is a learning curve for Nordion right now. Ms. Sattler asked if CVSA looked at point-of-origin violations to see if there is also likely to be an en route violation. Mr. Smith said that they have not, but they can. Ms. Sattler said the Midwestern committee had previously requested that analysis.

**Western Interstate Energy Board:** Mr. Field explained that WIEB is responsible for RW shipments while the Western Governors' Association (WGA) is responsible for the EM shipments. The two organizations had a joint meeting in Salt Lake City in May. They had a PFS workshop before the committee meeting. The western states believe that the expectations that the western governors have for RW shipments are the same expectations for any other shipments. The primary concern is that DOE or PFS should pay for the costs of the program. The western states are looking at options including state fees to fund the operations for such a campaign. One big concern is that PFS will accept fuel in welded canisters and Yucca Mountain will not, so the fuel would have to be repackaged before going to Yucca. This is a legal barrier, not a technical one. Apparently DOE could renegotiate the contract to accept the welded containers. Mr. Field said that the western states feel that any interim storage should be part of the NWPA.

Mr. Field said that the WGA resolution is sunseting this year, and the governors will see a new draft at their meeting in June. The main changes are that the language has been cleaned up so that it applies to all shipments of SNF and HLW. Another change in draft is that while the west has not totally thrown away the 75/25 funding formula, they do think it is premature to decide how to divide up the money given all the uncertainties (route, mode, etc.) in the program. He said that the states don't know how much money they'll really need. Mr. Field said that routing is a big issue, and that while the regions disagree on how to proceed with routing, it is important to present a unified front. The west believes that it is the department's responsibility to decide the routes and the west will comment on them. He said that there are only so many routes to get through the west, so it is less of an issue for the western states.

Mr. Field said that the western states are finalizing their comments on the issue papers and the DOE practices manual. They are also reviewing the Sandia logistics model to see if it would have some utility for the western states. Right now that project is on hold because of access issues. Another special project is a prototype needs assessment project, which is similar to the 180(c) pilot program, and would determine how much funding a state would need.

**Western Governors' Association:** Mr. Mackie said that the WIPP Transportation Advisory Group had a security subcommittee meeting in March for law enforcement people. They discussed all security subjects (NRC, DOE, FBI, CIA, etc.) and presentations at that meeting are available from Ms. Sattler. The outcome of the meeting was that the WIPP TAG would add a security plan protocol to the WIPP PIG. The next security subcommittee meeting will be in Carlsbad in September or October at WIPP.

Mr. Mackie said that at the WIPP TAG meeting in Salt Lake City the group got similar updates to the ones presented at this meeting. They also received a briefing on a potential consolidation at INL, which would cut down on transportation. Mr. Mackie said that the WIPP TAG is in the process of finalizing the biennial revision of the FIG. The west also does not think that EM has a comprehensive incident database so they are making their own list and will probably post it on their website. Another issue of concern is the 8-week rolling schedule. There is discussion that only the states that are affected need to see the schedule. Mr. Mackie said that the next WIPP TAG meeting in September in Idaho Falls and will include a tour of INL.

Ms. Sattler asked if the west expects EM to consider as an incident when they don't follow their own protocols and transportation manual. Mr. Mackie said yes, that the west has asked EM to include those and so far EM has not, and that is why the incident report is incomplete. Mr. Flater asked if the west hasn't removed the 75/25 funding formula from the governors' resolution then why don't they want to discuss funding options. Mr. Field answered that there needs to be some assessment as to what level of funding and what level of training is needed for this program, and the revised resolution mentions the 75/25 as a previous option, but says that at this time more decisions need to be made before a formula can be decided on. Mr. Flater said that it is a problem that the resolution doesn't give any guidance as to where to go with the funding formula once the decisions are made. He thought it would ultimately be a roadblock. Mr. Mackie said that the supporting documents to the resolution do contain guidance.

**National Conference of State Legislatures:** Linda Sikkema told the group that the NCSL is having a High-Level Waste Working Group meeting on June 26-28 in Washington, DC. The working group has 60 members in 32 states. There are 20 new members to the committee, and if the Midwest is doing a tour of Yucca Mountain, NCSL would be interested in partnering. At the meeting in DC there will be a new member orientation because many of the new members have no background. There is also a national caucus of Native American legislators that NCSL is working with to figure out the best way to work with the states and with DOE. Ms. Sikkema said that NCSL is creating a legislative guide to emergency response and planning and she expects to have that done in the next couple of months.

**Nuclear Waste Technical Review Board:** Howard Arnold explained that the NWPA chartered an independent agency to monitor DOE activities on spent fuel disposal. There are 11 part-time board members and 10 staffers. Presidential appointees are selected from a list prepared by the NAS of people with a variety of backgrounds. Mr. Arnold said that there is also a low-level waste committee for NAS and that group has found inconsistencies within all the categories of LLW, including transportation. The Board prepares two formal reports for the President and holds open public meetings. The next meeting will be in Las Vegas in November. The Board also has smaller, informal meetings to explore a particular topic. On the current list of hot issues is the design of the canisters, especially the welding, and the design of the facility. Mr. Arnold said the Board is not a regulatory body and will not make a decision on the standards to which the repository will be held. But rather the Board reviews the technical aspects of the design to meet the standards of the EPA and NRC and others. Mr. Arnold said that oftentimes the Board has an easier time getting DOE to answer questions than other groups or individuals, and the Midwestern states should consider the Board members as a resource.

### ***State and Regional Stakeholders***

**Big Rock Point Decommissioning:** After a short break, Mr. Strong asked Kurt Haas to give an update on the Big Rock Point decommissioning project. Mr. Haas told the committee that his job was to make BRP

into something where anything can go. Everything will be removed from the site except for the breakwater, an intake line, and a septic field. BRP was in operation for 35 years, and he wants to show that you can safely move things backward. Decommissioning is a low cost option because it opens up a lot of options, and it earns the trust of people around the area. The residents will be more apt to accept the decommissioning if you listen to stakeholders, explain the process and benefits, and address any concerns.

Mr. Haas said that the first milestone was hazard reduction. They got rid of the power materials that weren't needed. In the buildings they repowered what was necessary instead of sorting through all the wires to find which ones were still needed. After that they began hazardous material removal and full primary decontamination. The goal was to reduce the dose levels by at least a factor of 10. They built a new spent fuel cooling area and a new monitoring station, and then cleaned up the old spent fuel pool. The spent fuel rods went into dry fuel storage. A total of 441 assemblies were put into 7 casks, all without incident. With the spent fuel out of the way in the ISFSI, the old spent fuel pool could be cleaned and dismantled. After that, the reactor vessel was removed. The reactor vessel, with a total weight of 565,000 pounds, was heavy-hauled to a rail head and then shipped to Savannah River. The shipment went off without incident except for some minor delays due to protestors in Ohio. Before the vessel went to Savannah River, the steam drum was removed and shipped to Clive, UT, for storage.

Mr. Haas said that the lessons they learned from the decommissioning project are to start planning early, practice dry runs whenever possible, develop contingencies and practice them, and address local concerns. He said that you can never start planning early enough. He also said that you cannot plan for storms or accidents, but you can plan for what to do in the case of the. It is easy to talk about contingencies, but it is hard to execute, so planning and practicing is essential.

Mr. Haas said that the BRP shipment was a big headache for the railroads, but that the railroad police did an outstanding job preparing and executing the shipment. He warned that many of the plants in the U.S. probably have limited or poor railroad equipment, and therefore shipments would have to be shipped by truck to another rail head. He said the BRP shipment had to go very slow out of Michigan because of the trackage restrictions, but the local law enforcement was really cooperative.

Mr. Haas said beware of fixed price contracts. There are grey areas in those contracts that result in bad news for people at the other end of the shipment. These contracts also get in the way of planning ahead. Mr. Haas said that the technical stuff is easy in comparison to the communication needed for such a project. Incidents were big news in that part of the state, so there was a lot of planning and communication beforehand to address local security concerns.

Mr. Haas said that they are currently removing the remaining structures and will put the 1.5 miles of shoreline (over 100 acres) up for sale in the near future. To address public concern they cleaned up the discharge channel above and beyond what the public asked for. The challenge now is the industrial safety of the workers, because the demolition work is dangerous.

Mr. Haas said that the project was estimated to cost \$364 million, \$75 million of which was for dry cask storage (assuming a 2010 shipment date). Waste disposal is 17% of the project costs (\$62 million in the budget). 115 million pounds of clean materials are being put into waste management landfills. 13 million pounds of contaminated materials were sent to a waste disposal site at Barnwell. There have been almost

1,000 waste shipments to date, including 445 rad waste shipments, all of which were incident free. Mr. Haas estimates another 1,500 shipments in clean building debris before the project is complete.

All that will be left is the ISFSI, with the final phase of decommissioning being the shipment of the spent fuel to another site. They are ready to move the spent fuel, and have licensed a transfer cask to get the assemblies out of the dry cask storage. Mr. Haas said that they have shipped spent fuel from BRP in the past. In the 1970s they shipped 272 assemblies (for a total of 27 shipments) to West Valley, all without incident. The only issue in the shipments was the decontamination of the casks. Mr. Haas said there was interest from a local conservancy and private developers to buy the land.

Mr. Blackwell said that the BRP shipment brought home the problem with the short line railroads. The shipment moved slowly out of Michigan because the track couldn't handle the weight. He warned that the short line railroads may not have the infrastructure that the Class 1 railroads have. Mr. Strong asked what the concept of spent fuel transportation was. Did Mr. Haas expect to heavy haul the casks to a railhead or transport them by truck all the way to Yucca Mountain? Mr. Haas said that he expected to heavy haul the casks to a railhead.

Mr. Haas said that BRP shut down when they did because there was a window of opportunity to send the fuel to a burial place. Mr. Genoa said that there is a \$45 billion liability to decommission all the plants across the U.S., so it would cost about \$500 million per plant. Mr. Kerr asked how the gap for power is being filled in Michigan. Mr. Haas responded that BRP was a small reactor to begin with, so economically it didn't make sense to keep it open. He didn't know exactly where the power was coming from since it closed. Mr. Arnold asked if there were any questions or concerns from the public about the landfill materials. Mr. Haas responded that there was a significant amount of public relations done beforehand to assuage any concerns. Rep. Freeborn asked if the BRP employees transitioned into decommissioning employees and Mr. Haas said that yes, most did stay on for the decommissioning. Mr. Strong asked if Mr. Haas was working with the PFS folks to take the spent fuel. Mr. Haas said he is not because he would like DOE to take title of the fuel.

**Update on Nuclear Management Company's (NMC) Dry Storage Projects:** Suzanne LeBlang gave the committee an overview of the dry storage projects at the six NMC plants. She said that NMC only manages the sites and does not own them, and that the utilities retain ownership of the plant and the fuel. NMC is the sixth largest nuclear operating company in the country. It manages the Duane Arnold, Kewaunee, Monticello, Palisades, Point Beach, and Prairie Island plants. Ms. LeBlang said that Kewaunee is being sold to Dominion and Duane Arnold is going to be sold at auction in the near future. Ms. LeBlang then went over the dry cask projects at each of NMC's plants. Most have some Trans-Nuclear casks loaded and are looking at the transportability of those casks. She showed the committee pictures of a dry cask storage loading and of the storage sites for each of NMC's plants. Ms. LeBlang walked the committee through the process of dry cask storage, and said that the typical loading takes about 6 days.

**Nuclear Energy Institute Update:** Mr. Genoa gave the committee an overview of the current status of Yucca Mountain. He said that NEI believes that a repository is an essential part of any nuclear energy program, and that studies and research have shown that Yucca Mountain is a safe site for such a repository. He said that public opinion supports the use of nuclear energy, and that energy diversity means energy security, and thus national security. Nuclear energy is currently the largest source of emissions-free electricity and provides about 20% of the nation's electricity. It is a low-cost option for energy, but depends on a solution to the problem of waste disposal.

Mr. Genoa said that there is currently about 54,000 MTU in used fuel inventory, and 8,200 MTU in dry cask storage. 30 sites have dry cask storage, and by 2010 there will be approximately 13,500 MTU in dry cask storage at 51 sites (for 83 plants). Mr. Genoa said that reprocessing is a new option within Rep. Hobson's bill and that the industry should and would take a close look at reprocessing options.

Mr. Genoa said that President Bush supports Yucca Mountain, but current Nevada legislators are trying to block the construction. A group called "For a Better Nevada" has come together to look at the benefits of having Yucca Mountain open, and is seeking dialogue with DOE. Mr. Genoa said that Yucca Mountain still faces many challenges, including funding, licensing, and the recent document falsification. There is over \$24 billion dollars theoretically in the NWF, and yet the project is consistently underfunded. DOE also faces a significant challenge in the licensing process because of the sheer amount of paperwork needed.

The transportation program also faces funding shortfalls, but there is some encouraging progress. The rail EIS is almost finished, and DOE has made significant steps in procurement activities. Mr. Genoa said that the focus now needs to be on continuous funding, integration of the site and transportation, and site infrastructure. Mr. Genoa said that the document falsification posed a significant threat to the development of the site because it gave fuel to the opposition. Only 3 scientists out of 3,000 were involved in the e-mails, and there was some question as to whether the falsification was of scientific data or just documentation.

Mr. Genoa said that some of the contract disputes are still in litigation. The Exelon settlement means that DOE needs to work harder to find a spent fuel solution. Mr. Genoa did not think that the Sacramento district decision to give the utilities back the money would stand. There have been encouraging signs of progress from both DOE and the NRC on Yucca Mountain. During pre-licensing, DOE and the NRC have come to agreement on 293 key issues, and DOE has implemented a management improvement initiative to move the license application process forward. In conclusion, Mr. Genoa said that Yucca Mountain is a priority and needs to be fully funded in the near future. There are encouraging signs of progress and DOE and the federal government need to stay committed to moving the project forward. Finally, he said that the industry must maintain its support for Yucca Mountain and must produce consistent messages of support.

### ***Nuclear Regulatory Commission Update***

After lunch, Mr. Easton gave the committee an overview of cask testing and recent NRC developments. He said that dry cask storage is growing quickly, and he showed the committee a map of the possibilities of storage over the next couple of years. There have been six package performance studies done in recent years. The NAS storage study was mandated by Congress and the NRC has to give all of its dry and wet storage information over to the NAS. However, only several of the NAS members had clearance levels to receive the information, so it made sharing difficult. A classified version of the findings was published last fall and a public version is now available. The study basically found that the terrorist threat can't be quantified or characterized, that the likelihood of a terrorist stealing enough material to make dispersion device is very small, and that while there are differences in cask design, the differences are not large and the casks are not likely to release.

Mr. Easton said the NAS transportation study is a comparative look at the risk of shipping spent fuel as compared to other things. In particular it will focus on the societal risk. The NRC security assessments were the basis for the two NAS studies. There are 3 ongoing NRC security assessments looking at storage casks, 4 different transportation casks, and other casks. Where there is a breach, the NRC is doing calculations to figure out how much will be released. The package performance study has no new updates since December. Mr. Easton said that the NRC prepared a test plan to do full-scale testing on a rail cask. The commission has changed since that plan was developed, so there has been no further direction since then. The Baltimore tunnel fire study analyzed 3 casks (HISTAR dual purpose cask, TN68 rail cask, and LWT truck cask as if transported by train) to see what would happen in a tunnel fire. The report for that should be out soon, as should the report on the highway tunnel fire, which is a similar study, except on road, not track.

Mr. Easton said that TRUPACT-III is about to submit a revised license application. The first application was withdrawn without prejudice for revision in August 2004. Mr. Easton then went through a short demonstration on how a cask is tested and how a release might happen. He said that approval of cask design is based on no yielding of the lid bolts, no deformation of the sealing surface, and sufficient application of the code margins. Mr. Easton then explained that rail transport is the safest way to transport spent fuel. He said most rail accidents are caused by top or bottom fitting dysfunction. Other reasons include puncture of the tank heads and tank shell breaches. Mr. Easton said that spent fuel casks and trailers are designed differently, so the possibility of a puncture is greatly diminished. The FRA has also adopted new rail standards that will reduce the risk and severity of rail accidents.

Mr. Blackwell said that accident rates are based upon reports required by regulation, so many could be rail yard accidents where the train is moving really slow. Mr. Runyon asked if the NRC endorsed the use of dedicated trains. Mr. Easton said that the NRC feels very confident with the casks in either situation and that the probability of an incident is small either way.

### ***Committee Discussion***

After a short break, the committee discussed business from the previous day.

**Draft Letter to PFS and DOE:** After a few small changes the committee voted to approve the letter. Mr. Field will run the changes by the Western states and Ms. Sattler will send the final draft to the committee and regional staff for approval by SSEB and ERC.

**180(c) Unresolved Issues:** Ms. Maaske asked how long states would have to spend the money awarded in the planning grant. She worried that states would lose money if they were forced to spend it all in one year. Ms. Holm said she envisioned the planning grant to be a multi-year grant so that states could spread it across 4 years if necessary.

Mr. Strong asked what the committee felt about the \$200,000 planning grant amount. He told committee members to remember that each state will have to develop a work plan for the money and justify all expenses. Ms. Holm said that if a state didn't need \$200,000 that would be reflected in the application, but the \$200,000 was the ceiling. Mr. Strong said that if a state had only one or two shipments it wouldn't get much of a variable grant and the \$100,000 base grant may not be enough. Ms. Beetem said it is hard to estimate what is enough when we really don't know how many shipments are coming through. Mr. Crose asked what would happen if the planning grant is a one-time grant over the life of the program but

you needed to do planning 10 years down the line. Mr. Strong answered that as it is worded right now, the state would not get another planning grant unless there was a lapse in shipments. However there is flexibility to pay for planning with the training grants. Mr. Flater said each state will have to do some sort of planning to do the training so the training grants will have a planning component. The \$200,000 is to get the system established and then the training grants keep it going.

Mr. Strong said that one other element to the problem of the \$100,000 is that DOE will come forward with a dollar number to the whole pot and the larger the base grant, the smaller the variable grant. Those states with many shipments might be in favor of a smaller base grant. Mr. Kerr said that if you need to hire someone and purchase equipment, etc., \$100,000 doesn't go very far. Mr. Flater added that if there is a lot of turnover in first responders a state will have to do extra training sessions.

Mr. Moussa was concerned about showing benefit to the locals. He said if that is given as a percentage of funds that need to go down to the locals then the states are in a tough position. Ms. Sattler said that a percentage is not in the language, so states won't be held to any certain amount. Ms. Holm said that DOE has interpreted that question from the Secretary to mean that states need to show that the locals are getting the benefit of training, not just money. Mr. Strong said that it all depends on what 'benefit' means. Mr. Runyon said that Illinois' program is designed to take the pressure off the locals so it would be prescriptive to say how much has to go through to the locals when the state does most of the work. Ms. Holm responded that the language says that states have to provide training to local public officials, and states get to decide what a public official is and to what level those people need to be trained.

**180(c) Pilot Project:** Ms. Holm said that DOE is thinking about doing a pilot to test out the application process. They are looking at 2007 for the pilot program and it would be helpful to have volunteer states from each region. Ms. Sattler asked how the states would be chosen. Ms. Holm said DOE needs to look at some criteria, but that it hasn't been decided yet. Mr. Moussa asked if the state would actually get the money to try out the program. He thought DOE should try a bunch of different states (a fee state, a non-fee state, a corridor state, a non-corridor state). Mr. Strong asked if the state would get the full amount and Ms. Holm said she didn't know how much money would be available.

Ms. Sattler said that the Midwest has committed to working with the other regions to finalize these papers. She asked that the committee members look at the comments on the yellow handout and get any concerns to her by June 10<sup>th</sup>.

**Protocols Revision:** Mr. Owen went over the specific questions posed to the committee about the protocols revision. The first one, that the states feel that DOE should use rail to the greatest possible extent, is a direct contradiction to what we say in the *Planning Guide*. He said that the *Planning Guide* says safety comes first, so it's not necessarily a disconnect, but a clarification in both cases might be necessary. Mr. Blackwell said that whether one mode is safer than the other depends on what safety parameters you are looking at. Ms. Sattler said the real question to the committee is whether we want to support this sentence and change the *Planning Guide* or not support the sentence and keep the *Planning Guide* the way it is. The committee agreed to support the sentence and change the *Planning Guide* to reflect this support.

Mr. Owen asked the committee if they want to include PFS training in the protocols or if it should be addressed separately. Ms. Beetem asked if we want to be restrictive and say PFS because shipments might go elsewhere. Ms. Sattler said we could take the wording of the letter to make it broader. Mr. Strong said that this is a broad policy document. He wondered why we need to include PFS training in a

document that addresses transportation protocols. Mr. Owen agreed, saying that the whole section is about the money and not about the transportation. Ms. Sattler said there was not much support for this section and the committee agreed to take it out.

Mr. Owen asked if the committee wanted to leave safe parking security to DOE or provide their own. Mr. Runyon said that he would like to change the wording to say that any additional security is the responsibility of the shipper or carrier. If you leave it as the shipper or carrier's responsibility then it assures that it is taken care of, but the state then has the right to say how they want it done. Ms. Wochos said that the statement should say something about a consultation with the state so that the state can say how they want it done. Ms. Maaske suggested adding payment so that there is no confusion about what 'responsibility' means.

Mr. Owen said that for response, Mr. Smith said DOE wouldn't respond to an accident unless requested by the state. Mr. Flater said it is mandated that they can't respond unless invited. Ms. Sattler thought that DOE will respond, but won't take over control. Mr. Crose clarified that DOE will dispatch equipment and people, but will not take over command.

Ms. Sattler will make revisions to the protocols and will send it to the other regional groups for their review. If committee members have any further comments, please get them to Ms. Sattler by June 10<sup>th</sup>.

Mr. Strong asked if there were any questions regarding the route identification process. Rep. Elgin asked what the timetable was for the route identification project. Ms. Sattler said that the final presentation will be made to DOE in December. The next step is to have the work group meet in June, and then the entire committee will go over the work group's recommendations via conference call. After the conference call the work group will have consultations with other affected parties and then in October the work group will re-present the suite of routes to the committee for approval.

After a short break, Mr. Field explained the WGA resolution. He noted that this was draft language, written by his committee. The language mentioned that prior versions had the 75/25 funding formula but because of current uncertainties in the transportation plan it is premature to finalize a 180(c) formula. Ms. Wochos asked what the west would support putting in the *Federal Register* Notice. Mr. Field said that is up in the air. Mr. Flater said that he is glad the west is no longer bound by the 75/25. Ms. Sattler warned though that it puts 180(c) in the same boat as route identification because other regions are going ahead while the west is still thinking about it.

**Key Issues:** The committee then went through the key issues document. The key issues were developed last summer in Topeka and now need revision. The committee went through each of the key issues and with minor variations accepted the changes. Ms. Wochos will make the changes to the website.

**Special Projects:** Mr. Kerr volunteered to be the local workshop host state. Ms. Sattler said that she will be in touch to develop plans for that project, which will include state, county, town, and tribal officials. Mr. Moussa, Mr. Crose, and Rep. Elgin volunteered to be the steering committee for the state legislators' tour of Yucca Mountain.

**Agenda Items for Next Meeting:** The following suggestions were made for the next meeting:

- NNPP video and presentation about the exercise from June 2004
- One day of RW issues and one day of EM issues

- Debra Thrall from New Mexico's Radiation Education and Awareness Program
- David Bennett from USTC

**New Business:** Mr. Runyon volunteered to look over the new proposal to harmonize the NRC regulations with international ones. The committee also decided to think over whether to review the EIS on disposal of greater-than-Class-C waste.

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.