

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

**Proceedings of the Spring 2006 Meeting**

**Cedar Rapids, Iowa ✧ June 14-15, 2006**

**Wednesday June 14**

***Committee Business Session***

Bob Owen called the meeting to order. He thanked the Duane Arnold staff for making the facility available to us for the afternoon. He welcomed everyone to Iowa and pointed out that because of the morning tour of the Duane Arnold facility we can now associate spent nuclear fuel with an origin.

**Chair's Report:** Mr. Owen gave the committee his Chair's Report. He said that this is his first meeting as Chair, though he has been a part of the committee for quite a while. Since the last committee meeting we have been hard at work with the Department of Energy (DOE) to develop the appropriate transportation plan for spent nuclear fuel and high-level waste through the Midwestern states. Mr. Owen then went over the highlights of what the committee has been up to since the last meeting. He said that we took legislators and governor's appointees on a tour of Yucca Mountain in November. During that trip we made presentations on what the committee does as well as the overall status of the Yucca Mountain repository. We are talking about doing something like that again at the WIPP site, which Mr. Owen said he thought was a good idea.

Also since the last meeting DOE submitted a draft 180(c) policy to management for review. We are waiting for that draft policy to be published in the *Federal Register*. Mr. Owen said that in December we submitted the final results of our route identification project to DOE. He said he thought the project was well received. Mr. Owen said that President Bush announced in his State of the Union address his intention to fund the Global Nuclear Energy Partnership (GNEP), which could affect funding for Yucca Mountain and could shift focus away from it as well. The committee submitted comments on DOE's *Advanced Notice of Intent to Prepare an Environmental Impact State for the Global Nuclear Energy Partnership Demonstration Sites*. A copy of these comments is available in the handouts.

Mr. Owen said that in April, Senator Pete Domenici introduced Senate Bill 2589 to kick start the Yucca Mountain program. Many states take issue with Section 7 of this bill. The CSG Executive Committee passed a resolution supporting the removal of this section from the bill. In addition, Don Flater wrote a letter to his Congressional delegation, the Southern States Energy Board (SSEB) is considering writing a letter, and the Conference of Radiation Control Program Directors (CRCPD) is also considering a resolution.

Mr. Owen said that some of the other activities that have gone on since the last meeting are that some of the TEC Topic Groups got moving. The Rail Topic Group in particular was very active. It split into subgroups to focus on specific issues. Mr. Owen said that the National Academies of Science (NAS) released their report on the safety of spent fuel transportation in the United States. Kevin Crowley will be with us tomorrow to talk about that report. In response to that report, the committee sent a letter to the U.S. Nuclear Regulatory Commission (NRC) supporting an independent security review, but also supporting the release of existing information to appropriate people. A copy of this letter is also in the handouts. Finally, Mr. Owen said that Private Fuel Storage (PFS) received an operating license from the NRC this spring. Brian Rude from Dairyland Cooperative is here with us and will give us a brief update on next steps for PFS.

Mr. Owen said that there are an abundance of issues in front of the Midwestern states. We need to continue down the cooperative path to work through these issues one by one. Cooperation is the only way to get an optimized transportation plan and system that is amenable to all. Mr. Owen then asked Sarah Wochos to give a brief project update.

**Project Update:** Ms. Wochos told the committee that staff submitted a budget and scope of work for a FY07 continuation of the cooperative agreement the committee has with DOE's Office of Civilian Radioactive Waste Management (RW). The only change to the scope of work from the previous year is the addition of a security planning task. In addition to regular tasks, staff proposed three special projects. The first is a follow-up to the state government officials tour of Yucca Mountain, the second is a local workshop, which was in the scope of work for FY06 but had to be dropped due to insufficient funds, and finally a possible session at the Midwestern Legislative Conference (MLC) this summer. Ms. Wochos said that the MLC planning committee did not accept our suggestion for a radioactive waste transportation session, so we will not need to do that special project. Ms. Wochos said that in addition to money from RW, we will also receive funds from DOE's Office of Environmental Management (EM) for the low-level waste shipments and review of the DOE practices manual, and DOE's Carlsbad Field Office (CBFO) for Waste Isolation Pilot Plant (WIPP) shipments. Remote-handled shipments for Illinois' Argonne laboratory will likely begin in early 2007.

Ms. Wochos said that in addition to the two committee meetings, members participated in numerous other meetings. Thor Strong (MI) attended the MLC Executive Committee meeting in Delaware in December, Tim Runyon (IL) participated in the TRANSCOM Users' Group meeting in January and Shannon Dettmer (OH) participated in Carlsbad in person. Mr. Runyon and Lisa Janairo (CSG) both attended the American Nuclear Society conference in Rosemont, IL in February. Mr. Runyon will give an update on that meeting later. In April Ms. Janairo attended the Wisconsin High-Level Waste Transportation Work Group and Ms. Wochos attended this meeting in April. Paul Schmidt (WI) was also at both of these meetings and will update the committee about them later. Ms. Wochos said that Don Flater (IA) attended the Ohio House Economic Development and Energy Committee to give an overview of the Iowa fee system because legislation on a fee system for Ohio was introduced this year by Rep. Michael Skindell. Ms. Wochos said that numerous committee members attended the TEC meeting in Washington DC in March and that she attended Waste Management in February, the Western Interstate Energy Board (WIEB) and Western Governors' Association joint meeting in May and the Northeast High-Level Radioactive Waste Transportation Task Force meeting in May. Finally Ms. Wochos said that Mr. Flater and Frank Moussa (KS) were slated to attend the EM Best Practices meeting in Boulder in April, but due to a misunderstanding in EM, the meeting was cancelled. We were not notified about the cancellation and so if the meeting is rescheduled we will have to decide whether it is worth sending someone.

Ms. Wochos then described the major projects the committee has worked on since the last meeting. She said a major project that was completed was the route identification project. The route identification work group presented the final results to DOE in December. DOE then provided a list of questions about the process, and we provided written answers and participated on a conference call early in the year. Ms. Wochos said she and the other regional staff put together a document outlining the regional preferences for the path forward for the national route selection process. A copy of this document is in the handouts. The work group and the committee will now turn its attention to the national route selection process.

Ms. Wochos said that not much has happened in the area of 180(c) since the last meeting. Corinne Macaluso (DOE-RW) did submit the 180(c) Topic Group's recommendations for the draft 180(c) policy to DOE

management. We are waiting for the draft policy to come out in the *Federal Register*. Ms. Wochos said that she would check the status of that and whether or not the 180(c) pilot program is still scheduled for FY07.

Ms. Wochos said there has been a lot of activity under the transportation planning task. This task encompasses the Rail and Security Topic Groups. Ms. Wochos said that the Rail Topic Group split into several subgroups and that the Midwest is represented on each of these and actually chairs or co-chairs most of them. The Security Topic Group has been trying to gain focus, and one task that the regional groups volunteered to take on was surveying the states on security and information security practices. Ms. Wochos said that everyone should have received and filled out the security survey that was sent last month. The regional staff is in the process of collecting the last responses and compiling the results. The results will help the Security Topic Group develop practices and procedures for the transportation plan.

Ms. Wochos said that several of the Midwestern states have been involved in revising DOE's Practices Manual, which are the protocols for transportation that all the DOE field sites use. DOE agreed to convene a Manual Review Topic Group, but that group has not yet by conference call yet. The Midwest did provide some initial comments on DOE's suggested revisions. Ms. Wochos said that a copy of those comments is in the handouts and Mr. Owen will go over those in more detail later.

Finally, Ms. Wochos said that the committee has been very busy with its communication since the last meeting. In response to a request from the legislators on the State Government Officials' Tour of Yucca Mountain, Ms. Janairo put together a Yucca Mountain timeline. The timeline outlines the basic steps that DOE still needs to accomplish before Yucca Mountain becomes operational, as well as the milestones DOE has already completed. Ms. Wochos said the committee will review the timeline tomorrow. In January, Ms. Janairo and Ms. Wochos reviewed and reprinted the project brochure and everyone should have received a copy of it. This summer the committee will reprint the *Planning Guide for Shipments of Radioactive Waste through the Midwestern States*. An ad hoc work group revised the text and we will go through the recommended changes tomorrow. In addition, each state should have received the state-specific section of the text. Ms. Wochos asked for members to check over the information for their state carefully and return any revisions to her as soon as possible. Ms. Wochos said that the website is consistently updated and is the best resource for committee and project information. Finally, Ms. Wochos said the committee has sent numerous correspondences over the last few months. As Mr. Owen mentioned, the committee sent a letter to the NRC on the NAS recommendation for an independent security review. As Mr. Owen also mention, the committee submitted comments on the GNEP ANOI. Finally, as Mr. Owen also mentioned, the CSG Executive Committee passed a resolution supporting the removal of Section 7 from Senate Bill 2589. Copies of the resolution were sent to every member of Congress, every governor, and Secretary Bodman.

**TEC/WG Meeting and Topic Groups:** Mr. Owen then asked committee members to report on the activities of the TEC Topic Groups and the TEC meeting in Washington in March. Mr. Owen began by reporting on the *Manual Review Topic Group*. He said that during the TEC meeting the Topic Group went through the manual to make changes. He said he will go over some of the suggested changes tomorrow. Mr. Strong, Jane Beetem (MO) and Mr. Owen are participants on this group. Mr. Owen said that one of the overarching comments from all the states was that DOE needs to include the original comments submitted by the regional groups back in September. Another agreed upon comment is that DOE also needs to take title of special nuclear material. Finally, all of the regional groups seem to agree that DOE should follow all NRC regulations, not just notification and packaging. Mr. Owen asked if Mr. Strong or Ms. Beetem has anything else to report.

Mr. Owen asked Mr. Moussa to report on the *Security Topic Group*. Mr. Moussa said that the Midwest is represented by Illinois, Iowa, Kansas and Nebraska. Initially the Topic Group spent a great deal of time talking about what can be talked about in an open forum and whether or not DOE needs to pursue clearances for Topic Group members. In February, DOE announced it would not seek clearances for Topic Group members, so the Topic Group will not talk about safeguards information. Mr. Moussa said the Midwest has been wondering what the value of the Topic Group is if we can't talk about safeguards information. Mr. Moussa said that the Midwest provided comments on the security sections of the Practices Manual and that a copy of these comments is in the handouts. Finally, Mr. Moussa said that one of the tasks of the group was to survey the states on security and information security practices. Mr. Moussa said that Mr. Flater helped Ms. Janairo and Ms. Wochos and the other regional staff develop a survey. The survey was piloted in Kansas and Michigan and one or two states in the other regions. Based on the pilot states' responses, the survey was changed and sent to the rest of the states. Mr. Moussa said that the regional staff is in the process of collecting and compiling the results of the surveys.

Mr. Owen then asked Ms. Beetem to report on the *Rail Topic Group*. Ms. Beetem said that she chairs the *Lessons Learned Subgroup* of the RTG. She said that DOE has a lot of lessons learned documents and so it has taken her longer to go through and pick out the appropriate text to include. She plans to send the document to the rest of the RTG in the near future. One thing she is missing, though, is feedback and other lessons learned from the other regions. The Midwest is good at writing down lessons learned, but she has not received any from the other regions. Ms. Beetem said that while the West Valley experience is probably the most applicable to Yucca Mountain, many of the highway shipments have good lessons that can be adapted to rail. The goal is to put all the lessons into one document for easy reference. Kevin Blackwell (FRA) asked if Ms. Beetem was only looking at rail. Ms. Beetem replied that she was focusing on rail, but that many of the topics cross over. Dru Buntin (MO) asked if the lessons learned document will address inspections and Ms. Beetem said that it will.

Mr. Runyon then told the committee about the *Inspection Subgroup*. He said that the group had one call before the TEC meeting and that most of that call was to talk the railroads off the ledge about inspections. Once the group was able to find some common ground, Mr. Runyon said they were able to figure out the objective of the group. Mr. Runyon said that Carlisle Smith (OH) is the other co-chair of the group. Railroad industry representatives from FRA, BNSF and UP are all on the group. Mr. Runyon said that once the group decided that the goal was to develop a program for inspections that would give downstream states confidence in inspections from upstream states, similar to but not that same as the Commercial Vehicle Safety Alliance (CVSA) Level VI inspection program, the group was able to make headway. Mr. Runyon said that recently Ms. Wochos was able to put together a map of some potential crew change points based on hypothetical routes. Mr. Runyon said the group engaged the state inspection program people to start gathering information relative to equipment and hazmat inspections. Between the equipment and hazmat inspections, the group hopes to encompass most of the intent of the CVSA program. Mr. Runyon noted that the important thing that CVSA provides is reciprocity. He said that it will be up to the states to flesh out some inspection program document. Mr. Blackwell said that the group needs to address the issue of state or tribal inspectors going into other states. Mr. Runyon said that the big picture surprise was that a lot of inspections that take place for rail equipment are not in any standardized checklist. Mr. Blackwell said that he felt there was a way to put together a program but not make it a regulation. He said an FRA state inspector could fill out a checklist not as a requirement but as a goodwill gesture. Mel Massaro (FRA) noted that state participation in the FRA program is a necessity to make this work. If the states do not have a FRA state inspector, they should.

Ms. Wochos then went over the activities of the *Tracking Subgroup*. She said the group has been looking at the necessary components for the states for tracking spent fuel shipments to Yucca Mountain. Right now the states use TRANSCOM, and it has proved sufficient for WIPP shipments, but we do not know if TRANSCOM will be around when Yucca shipments begin or if it will be sufficient. So the group is looking at other technologies and is also surveying the states to find out their preferences, practices, protocols, and their future needs. The goal is to present DOE with the necessary parts of whichever system DOE eventually chooses, including practices and protocols for use.

Ms. Wochos said that another of the subgroups was the *TRAGIS Planning Subgroup*. This group is looking at the assumptions in the TRAGIS modeling program to see how they affect route generation. The group has been slow to start because Paul Johnson at Oak Ridge National Laboratories is updating the TRAGIS system. Once that is completed, the group will try to pick out the various assumptions, put them into layman's terms, and present them to the entire RTG for use in the national route identification process.

Ms. Wochos said the final RTG subgroup is the *Rail Planning Subgroup*. Ms. Janairo and Ken Niles of Oregon are the co-leads on this group. They took a multitude of documents including DOE's practices manual and the FRA Safety Compliance Oversight Plan (SCOP) and wrote out a specific timeline of events for rail planning. Mr. Niles will send the timeline out for review by the entire RTG in the near future and hopefully that group will have a finished product to share with the entire TEC group by the next meeting.

Mr. Owen asked Jay Jones (DOE-RW) to report on the *Tribal Topic Group*. Mr. Jones said that at the last TEC meeting there was a lot of tribal representation. DOE has identified 40 or so tribes that are either on or near possible routes. DOE has contacted all of them and is in the process of getting them involved in the planning process. The main focus right now is to develop the 180(c) process for tribal emergency response training. Mr. Jones said that the tribes felt that the formula and mechanism that the states developed was not appropriate for the tribes. Corinne Macaluso is working with the tribes to develop a 180(c) recommendation paper in a similar fashion to the one the states developed. The tribes would then review the paper and then it will be published in the Federal Register.

Mr. Jones noted that the next TEC meeting would be held in Green Bay, Wisconsin on September 13-14. He added that the Oneida tribe has offered DOE the use of the conference center and hotel, so that is why the meeting will be in Green Bay. Mr. Owen restated the Midwest's desire to have the meeting in Chicago.

### ***Legislative and GNEP Update***

Mr. Owen asked Donn Salvosa (NEI) to give the committee a brief overview of current legislation and the industry's perspective on this legislation. Mr. Salvosa said that Chandler van Orman was scheduled to come to Cedar Rapids but his daughter is getting married this weekend, so he has been grounded for the week. Mr. Salvosa explained that NEI represents all of the companies that operate nuclear power plants in the nation. He said he began his career working for a Florida congressman, then worked for the House Energy Subcommittee and then moved to NEI. Mr. Salvosa said that it is currently the best environment for nuclear power than in any recent years. The House and the Senate have both been very supportive of nuclear energy. Last year the Energy Bill was supportive of nuclear power. Sixteen companies are planning on filing NRC applications for licensing new plants. Mr. Salvosa said the one last hurdle for the industry is Yucca Mountain. Since 1983 the ratepayers have paid \$24 billion in the Nuclear Waste Fund, and continue to put in about \$700-\$800 million each year. About \$6 billion has been used. The rest is in the treasury. The Yucca Mountain program has been funded at about \$500 million, when it should be at about \$1.2 billion per year. That money goes to other projects. Mr. Salvosa said that in S.2589 there is language that would take the Nuclear Waste

Fund off budget, which would help solve the funding problem. Another large hurdle for the Yucca Mountain project is the license application. Current projections have DOE filing the application in early 2008.

Mr. Salvosa then went on to discuss the various sections of S.2589. He said the bill was introduced in early April on behalf of the administration. The major players are Sen. Pete Domenici (NM) and Rep. Joe Barton (TX). Sen. Domenici introduced the bill by request, meaning that he doesn't necessarily support or not support the bill, but rather just introduced on behalf of the administration.

Mr. Salvosa said that one of the major provisions of the bill is the permanent withdrawal from public use of the land around Yucca. The land would be under the authority of the Secretary of DOE. Another provision would lift the statutory 77,000 metric ton restriction on the repository. Other provisions address streamlining the licensing process, infrastructure activities, rail line development, funding, and transportation. Mr. Salvosa said that from the industry standpoint, the bill is a good start. He warned the committee that if this bill is passed, it will look very different than it does right now. It is currently going through mark-up in the Senate. He said there is a lot of opportunity for states to weigh in along the way. Mr. Salvosa said he did not know if this legislation would move this year. Major legislation comes through in off-election years, so it is probable this bill could stagnate. Mr. Salvosa said one surprising part that is missing from the bill is interim storage. In the industry's perspective, interim storage needs to be addressed. The bill also does not address the new EPA standard. Industry does not think the new standard is necessary since no one knows what the world will look like in 1,000,000 years. The bill also does not have provisions for Nevada, which will make it difficult for this bill to move forward, despite the fact that most Nevadans don't put Yucca Mountain high on their list of concerns.

Mr. Salvosa said that it is probable that the House could pass a bill like this, but there is no clear path forward in the Senate. The Senate can filibuster because a bill would need 60 votes to pass and Senator Reid (NV) has 40 locked up. The industry's opinion is that stalling Yucca Mountain doesn't make sense for states because they are voting to keep the waste in their states. He said the next step is to hold a hearing on the bill. By the time elections roll around the committee can focus on getting a mark-up done and then go into conference.

Mr. Salvosa then gave the committee a brief overview of GNEP. He said that industry is supportive of GNEP in general, but thinks that Yucca Mountain is still essential. Mr. Salvosa said one problem he encounters on Capitol Hill is that legislators think that if GNEP is successful than Yucca Mountain won't be necessary. He is trying to overcome that misunderstanding. If the United States can't get Yucca Mountain up and running we won't be able to take other countries' waste. Mr. Salvosa said that the House isn't very supportive of the program. They passed an amendment that said no Nuclear Waste Fund monies could go to fund GNEP. They do support the research of the program, though. If GNEP is successful it would probably ensure that the United States doesn't need a second Yucca Mountain.

Mr. Salvosa said that in addition to S.2589, Senator Ensign and Reid introduced a bill to keep waste on site indefinitely. The industry thinks this is a non-starter. The federal government should have taken the waste in 1998, so dry cask storage is a direct result of DOE's inability to fulfill its obligation.

Mr. Blackwell asked if the advent of dry cask storage has taken the urgency off moving the waste, in Congress' opinion. Mr. Salvosa said that there is no pressing emergency right now, and emergencies usually push legislation through. Power isn't getting knocked out; there is not threat to the security of the waste, etc. If there is another event, like the lawsuits that the utility companies have filed, then we might see some movement. Ms. Wochos asked how the industry feels about Section 7 of S.2589. Mr. Salvosa said that industry is supportive of the bill because it moves things forward. Industry will evaluate changes to the

legislation as it goes through the process, but in general it just wants the project to move forward. Mr. Buntin said that from Missouri's standpoint, the industry should look at the implications of Section 7, because it could cause the industry a lot of heartburn. That section could start an adversarial relationship. The fees that that section could preempt are in place solely for cost recovery. If states are prevented from recouping their costs, non-support for the bill will not break down along party lines.

Mr. Jones then gave DOE's impression of the bill and the response to the states' distaste for Section 7. He noted that DOE has gotten a lot of letters on the legislation. He added that no one in his office was directly involved in authoring the legislation. He said that the bill clarifies the authority that the Secretary of Energy has with the Secretary of Transportation. Section 7 is not blanket preemption. The only official response from DOE to communications from the states is a letter from Secretary Bodman to the Governor of Oregon. In that letter, Secretary Bodman explains that Section 7 is a means of addressing unwarranted efforts by states to obstruct shipments. It does not change any of the work that DOE is doing with the states or the cooperative planning process that DOE has committed to.

Ms. Wochos said that while the committee trusts that Mr. Jones and even the current Secretary of Energy intends to stick to that interpretation, the fact of the matter is that Yucca shipments are very far in the future, and future administrations may interpret the bill's language differently. Mr. Buntin added that the language in Secretary Bodman's letter is subjective. Section 7 causes a lot of heartburn in the states. We understand that the current administration is sensitive to the states' fears, but subsequent administrations may not be so sensitive. Mr. Jones said that there will be a hearing for the bill and that the states should consider sending someone to make sure their concerns are heard. Ms. Wochos noted that the CSG Executive Committee resolution on this Section was sent to every member of Congress, so they already have some inkling that the states are not pleased. Angela Kordyak (DOE) reminded the committee that a lot of the consultation and coordination that DOE engages in right now with the states is not required. But the department does it anyway. Mr. Blackwell said that all state or local regulations aside, the current regulatory framework has preemption abilities. Scott Field (WIEB) countered that most states have a comfort level with the current DOT preemption framework, so a restatement of it isn't necessary. Mr. Buntin added that the states would be happy to work together with DOE and DOT to adjust the language of the current preemption process to improve it.

Mr. Runyon said that he has a letter from Lake Barrett committing DOE to following all the DOT regulations. He asked if the states need to get a new letter to that effect every time the administration changes. He added that if DOE's objective was to address states that may attempt to prevent transportation, the way to go about it is not to try to exempt DOE from hazardous materials regulations. If DOE has no intention of ever using the preemption, then it doesn't need to be in the bill. Ms. Kordyak responded that DOE wouldn't say that they will never use it, but rather that they hope to never use it. If DOE succeeds in getting an operating license from the NRC, one state could enact an unreasonable regulatory hurdle that could halt progress. Mr. Buntin said that there are other ways of addressing that possibility without bringing in states that have been cooperative for years.

Ms. Beetem added that the Supreme Court already ruled that states can't inhibit interstate commerce, so this isn't necessary. Cort Richardson (CSG-ERC) noted that if DOE already has the statutory right to preempt and case law to support that right, then this section is superfluous. Ms. Kordyak said that the intent is to move things along faster if necessary. Using an administrative process is faster, and this section just clarifies that Yucca shipments are subject to this administrative process. Kevin Leuer (MN) added that the language is just too open. States are responsible to their citizens to ensure safety, and the current regulatory process works to

that end. Section 7 creates a backdoor. He suggested that DOE state clearly what they are trying to avoid instead of making blanket statements.

Ms. Beetem added that the Midwest is a group of states that can agree with a lot of the provisions of the bill. We all want to see Yucca Mountain move forward, and a lot of the provisions in this bill will help that, but Section 7 makes it impossible for the states to support the bill. Mr. Jones reiterated that there will be hearings and the states will have opportunities to comment. Ms. Kordyak added that the bill may disappear or it may be redrafted in the mark-up process. Mr. Richardson noted that it is important to remember that a lot of legislation gets derailed. It is more likely that this will be derailed than not. But DOE wants to preempt the possibility of derailment before it gets to committee; he suggests working with the states now so that the whole thing doesn't get thrown out.

Mr. Owen asked Mr. Salvosa what Congress' response was to the bill. Mr. Salvosa said that the Democrats have not been willing to work on it, but the Republicans are supportive. He said perhaps after the elections that will change. Mr. Jones said that first drafts of bills never pass. Ms. Wochos said that Brian O'Connell from NARUC contacted her and relayed the message that they were supportive of the bill except they were worried that all of the negative response to Section 7 would kill the bill. Mr. Jones suggested scheduling a phone call with the regional staff to discuss the legislation.

Mr. Blackwell said that he was afraid that the FRA people were indirectly the driving force behind Section 7. He thinks this provision was added as a result of the hazardous materials restrictions in Washington DC. Mr. Field added that while everyone is focusing on Section 7, the Western states also have concern with Section 6a. This section says that any DOE materials sent in an NRC approved cask would be exempt from RCRA. He said this would affect WIPP shipments. He said the West shares the Midwest's concerns about Section 7, but he wanted everyone to know about the implications of Section 6a. Ms. Kordyak responded that DOE General Counsel is supportive of rewriting Section 6a to make it clear that it doesn't apply to WIPP shipments. Mr. Richardson asked if there was a good way to get updates on pertinent legislation. Mr. Salvosa said that he will send periodic updates to the regional staff.

Mr. Salvosa then changed the subject to talk a bit more about GNEP. He said that the program will not affect the states any time in the near future. Ms. Wochos asked Mr. Jones if DOE planned to follow the same consultative planning approach to GNEP. Mr. Jones said that he couldn't say for sure, but he would be surprised if DOE didn't use the same consultative process. Mr. Owen asked how GNEP would affect funding for Yucca Mountain. Mr. Jones said that the bottom line is that Congress can't use the Nuclear Waste Fund to pay for GNEP, so Yucca Mountain funds should not be cut. Earl Easton (NRC) added that the commission wrote a paper on recycling. He said recycling facilities for domestic spent fuel will come before facilities for foreign spent fuel. If the demonstration sites become commercial, then the NRC will have to license the sites. The Commission decided to ask Congress for legislation that would give the NRC regulatory licensing authority over the demonstration sites, which currently are not under NRC purview.

Mr. Owen adjourned the meeting for the day.

### **Thursday, June 15**

#### ***Committee Business Session, Resumed***

Mr. Owen called the meeting to order at 8 am.



Rep. Elgin introduced Mayor Kay Halloran. He said she is the first mayor under Cedar Rapids' new government system, which is now a council form of government. The city is trying to hire its first city manager. Rep. Elgin said that Mayor Halloran earned her undergraduate and law degree from the University of Iowa. She served as a state representative for thirteen years, then left to serve under Governor Vilsack before returning to Cedar Rapids as mayor.

Mayor Halloran said that she is very familiar with CSG. The work that Iowa was doing when she first started in the legislature was primarily low-level waste. She said that the Duane Arnold plant has been both a benefit and a curse to Cedar Rapids. She personally thinks it is a benefit, but getting public acceptance of the plant was a struggle. She said both Cedar Rapids and Linn County are well advanced with evacuation procedures and emergency preparedness. When Department of Homeland Security money became available, the county was already well-versed and was already giving lessons to other communities. Mayor Halloran welcomed everyone to Cedar Rapids and said she hoped we would partake in some of the Czech heritage activities around the city, including the food and museum.

**Work Group Updates:** Mr. Owen asked Mr. Strong to give the *180(c) Work Group* update. Mr. Strong said that 180(c) was very active and busy a year ago. At the last committee meeting in October, the work group had finished its deliberations on a handful of issues. DOE had indicated that they would have a policy notice issued in the *Federal Register* by last December or early this year. It is now June and we are still waiting for it. Mr. Strong said that he didn't know if the delay was just administrative or if there was a particular issue that is holding up progress. Mr. Jones said that he asked Corinne Macaluso about 180(c) status. The policy is in internal review right now. RW has a new Director, so he has to be briefed on the various issues before he can sign off on it. Mr. Strong asked if the hold-up had anything to do with the tribes. Mr. Jones said he thought the tribal 180(c) policy was a separate document and that the hold-up really is related to the change in leadership and getting the new Director vetted. Ms. Wochos asked if DOE still plans to do the 180(c) pilot project in FY07. Mr. Jones said that it depends on money. DOE has not gotten the final budget for FY07, but it is in the budget request for that year. Mr. Strong asked if the policy has to be adopted for doing the pilot. Mr. Jones said he did not know, but he did not think that was the case. Ms. Wochos said she would follow-up with Corinne Macaluso to get the status of the pilot program and the *Federal Register Notice*.

Mr. Owen then went over the *Manual Review Work Group's* comments on the revisions to the DOE practices manual. He said that the work group submitted comments to Ella McNeil in May. He asked the group to follow the pagination in the lower right-hand corner, not the upper left hand corner. On page 13, he noted that the work group thought the phrase 'cognizant DOE organization' was a bad term, and that DOE should say 'responsible.' On page 15, the work group thought that the fact sheets should include emergency response details, because as the fact sheets look right now, they are more of media release sheets than fact sheets.

On page 20 the work group asked DOE to add emergency response methods to the laundry list of things that need to be in the transportation plan. On page 22, the work group reiterated the Midwest's opinion that DOE should follow all applicable NRC regulations, not just notification and packaging. We suggested DOE add a sentence saying that DOE will strive for uniformity with NRC regulations. On page 23 the work group asked DOE if their sites really do analyze routes using the DOT guidelines, and if so, where do they find the data. On page 24, the work group asked DOE to remove 'to the extent practicable' from the section on rail route variables. The work group felt that DOE should always consider those variables listed, as well as population and accident information.

Mr. Owen said that on page 27, the work group asked DOE to clarify who develops the security plan. Is it the site or the responsible DOE organization? On page 31, the work group suggested that DOE add 'or equivalent tracking system' when talking about TRANSCOM. The work group felt that since it has not been decided that TRANSCOM is the tracking program of choice DOE should commit to using something at least equivalent to TRANSCOM.

On page 40, the work group asked DOE to reword the sentence about CVSA Level VI intent. We suggested that the intent is more that if a shipment is defect-free at point of origin it should arrive at its destination in good condition. On page 43, the work group suggested adding shopping malls and rest areas to the list of areas that should not be used for safe parking. On page 44, the work group suggested that DOE add that they will avoid populated areas when choosing a rail safe parking spot.

Mr. Owen said that on page 50, the work group suggested that DOE include reference to state requirements in the recovery and cleanup section because it is the local governments that will dictate the clean-up level. This recommendation is also made on page 51. Mr. Owen noted that this is only the preliminary round of comments from the Midwest and that the work group is anticipating the Manual Review Topic Group to commence conference calls in the near future. He asked if committee members had any questions or comments. No one did, so Mr. Owen asked that if committee members review the document and have any comments or question, to contact him or Ms. Wochos.

Mr. Owen then asked Mr. Moussa to update the committee on the *Security Work Group*. Mr. Moussa said that he went over most of the work group's activities yesterday when he gave the Security Topic Group update. He said the work group is represented by Kansas, Nebraska, Illinois and Iowa. One of the issues that the work group is still waiting to hear about is the classification guide. Mr. Moussa asked Mr. Jones if he knew the status of this document. Mr. Jones said that he talked with Deborah Dawson, who is assisting Chris Einberg in the development of the document, and she said there was a meeting in May with DHS and other pertinent departments. It looks as though the document will come out in the fall. They are still trying to work through who will be able to view the document. Mr. Moussa said that this circulates back to the issue that DOE can't talk about safeguards information with the Topic Group. Mr. Leuer asked if there was any movement by DOE to accept other departments' security clearances. Mr. Jones said he will check on that status. Mr. Moussa said that it is his belief that the states need to be involved in security policy development, not just reviewing, and to do that people in the states need appropriate clearances.

Mr. Easton said that he thinks a resolution to this is what was outlined in the letter the Midwest sent to the NRC. The letter asked for a stronger partnership with the NRC and information sharing. Mr. Easton said that the NRC will respond by the end of the month. He thinks the response will be that the NRC agrees and wants to start a dialogue on how to accomplish this goal. The concern is that the NRC cannot give away information, but they want everyone to get the information they need. Mr. Easton said that the NRC is working internally on how to get information to the people who need it. Mr. Moussa said that he would advise the NRC to go through the governors' designees, because those are the people that brief the governor's staff. Mr. Easton asked if all of the states wanted to proceed that way. Ms. Wochos said that about half of our committee members are governors' designees and the other are not, so a blanket statement wouldn't work. Mr. Easton said that it is a little more problematic to not go through the designee, but it can be worked out. Mr. Strong suggested that we clarify who we are talking about when we say governor's designee. Mr. Owen added that the designee is for notification, and in his state, that is not the person that Ohio would want reviewing shipment security information. Mr. Moussa suggested that the NRC work with the committee to get a list of appropriate people. The group agreed that this was a good activity. Ms. Wochos said she would work with Mr. Easton and the states to develop that list. Mr. Jones warned that since the

committee works under the RW program we would have to be careful to make sure that the activity could be funded by the cooperative agreement. Ms. Wochos said that she would clarify that with DOE when needed.

Mr. Owen asked Ms. Beetem to give an update on the activities of the *Route Identification Work Group*. Ms. Beetem said that the work group is represented by Illinois, Iowa, Missouri, Nebraska and Ohio. At the last committee meeting the committee was shown the final results of the project. Committee members were asked to inform their governors about the project, being careful not to introduce the results as preferred or approved routes. After the committee members informed their governors, Ms. Beetem said that the work group presented the final results to DOE. The meeting was held in Lombard, Illinois, in December. Copies of the final report are available, and anyone interested should contact Ms. Wochos for a copy. DOE provided the work group with a list of follow-up questions about the process, to which we provided written responses and had a conference call. Ms. Wochos also has copies of this document. Ms. Beetem said that Ms. Wochos presented a paper on the project at the Waste Management Symposium in February and presented the project to the Rail Topic Group at the TEC meeting in March.

Ms. Beetem said that after the project was finished, the group shifted focus to the national route selection process. The regional staff put together a routing path forward document, which was part of the briefing materials, and asked DOE for specific answers at the regional meetings. Members of the work group also met with DOE after the March TEC meeting to see how our project could help the national project and to clarify any remaining questions. At that meeting we discussed the possibility of putting together a Rail 101 type meeting where rail experts could give us the ins and outs of rail operations. This meeting could be part of a committee meeting, a TEC meeting or as a stand alone meeting.

Ms. Beetem then showed the committee final maps of the rail and highway routes. She then outlined the questions that the regions presented to DOE. She said that of primary concern is the timeline for the national route selection process. The regions also want to know why DOE has decided to establish a suite of routes. Another question is whether or not DOE will wait for the routing process to finish before developing an operations plan. The regions asked if DOE had a contingency plan in case the Nevada rail line is not built in time. And finally, the regions wanted to know how the 180(c) program will be coordinated with the national route selection process. Ms. Beetem said that Mr. Jones will hopefully provide some answers to these questions in his presentation.

Ms. Beetem then went through an abbreviated version of the path forward that the Midwest states proposed. She said the basic premise is for DOE to conduct routing analyses on a regional basis and then combine them together for discussion. The first step is to complete the update of the TRAGIS data. The Midwest provided some suggestions about TRAGIS from our experience with it and DOE is implementing some of those changes. The next step is to decide how many routes will be established in the suite, and then develop the criteria, both at a national level and on a regional level. If the regions choose not to develop their own criteria, they can use the national criteria. Ms. Beetem said that after the criteria are developed, each region then needs to develop the decision model or use the national model. Some basic questions that need to be answered are: where would heavy haul to rail intermodal sites be located, where would barge to rail intermodal sites be located, and what are the data limitations. After the basic questions are decided upon, DOE would generate the routes, collect the data, and do the analysis. States would then consult with appropriate people in their states and DOE would check for the operational viability of the routes. After taking stakeholder comments into consideration, DOE would put the routes through the Sandia Logistics Model to make sure the routes are logistically viable, and then DOE would seek public comment, if necessary.

Ms. Beetem said that the Northeast has agreed with this approach. The South and the West, however, provided their own paths, which are available in the document in the briefing materials. Mr. Blackwell asked if the railroads would be consulted in the process. Ms. Wochos pointed out that the work group did meet with all of the Class I railroads during the course of the project. Mr. Jones said that the railroads will weigh in on the route decision during the national process.

Mr. Owen then asked Rep. Elgin to provide a summary of the *State Government Officials' Tour of Yucca Mountain*. Rep. Elgin said that the Midwest has looked for a number of years to get more participation from state legislators. He said this tour was intended to get people involved in the committee, but the hook was that we would take them to Yucca Mountain. He said the staff worked hard to get people to participate, but we were a little strapped for time. Thirty people attended the tour, with about half of those people being current committee members or staff. We had an introductory dinner the first night, toured the mountain on the second day, and then wrapped up the trip with a half day of presentations about the committee and the issues facing the states.

Rep. Elgin said we got typical feedback about dissatisfaction and shock that the repository wasn't yet operational. One suggestion from the participants was to put together a timeline of necessary steps to get the repository open. We also heard that participants were disappointed to have only heard the DOE side of the story. They wanted to hear the hold-ups and the Nevada side of the story. Rep. Elgin said that he thought the participants were very interested in the tour. They had no real concept of what the committee does and what we've accomplished before going on the trip, but now we have piqued their interest. Rep. Elgin said that the participants wanted to see an active waste site, so the committee needs to consider taking the participants to the WIPP site this fall to show them that radioactive waste can be handled in a safe manner. He said that the participants also wanted to go further into the mountain, but he thinks taking them to Carlsbad is a better idea.

Rep. Elgin said that a big disappointment is that we are not having a session on radioactive waste at the Midwestern Legislative Conference in Chicago. He said that he thought such a session could have attracted more attention to the issue and solicited more participation from legislators. Ms. Wochos said that the planning committee did not accept the suggestion. Sen. Marvin Riegsecker (IN) said that it is hard to get legislators involved because the process for Yucca Mountain is so drawn out and legislators have a short attention span. Ms. Wochos said that an unintended consequence of the tour was that a participant from Wisconsin became more aware of the consequences of a bill he was introducing about nuclear power in the state. She said that that legislator wanted to lift the moratorium on building nuclear power plants in Wisconsin, but after going to Yucca Mountain thought more about the waste issues involved. The legislator continued to support his bill, but became more informed on all the consequences, both good and bad.

Sen. Riegsecker asked if it would be possible to get a radioactive waste session at the CSG Annual Meeting in December. Ms. Wochos said she would check into it. Mr. Jones said that if anyone has not seen the mountain and would like to, they should contact him. Ms. Wochos said that the Northeast will be taking a tour deeper into the tunnel this fall and if someone wants to go, we could probably arrange for it.

Mr. Jones said that the timeline for Yucca Mountain is also frustrating for DOE. Paul Schmidt said that he talked to both the Senator and Representative from Wisconsin that attended. He said they got to see that DOE has been working on Yucca Mountain for a long time and has spent a lot of money on it, but there was also the reality that there is still long way to go. He said he thought taking these same people to an operating facility like WIPP would be a good way to show them that hurdles can be overcome. Rep. Elgin suggested that we do a presentation on the timeline for WIPP so that participants can have a parallel to the Yucca

Mountain timeline. Mr. Owen said that he wanted to thank all of the legislators on the committee for their hard work on both the tour and the committee itself.

***Planning Guide Review:*** Mr. Owen then asked Mr. Runyon to go over the suggested revisions to the *Planning Guide*. Mr. Runyon said that the Midwest publishes this document for shippers to follow when they move materials through the Midwest. Every two years the committee reviews the text, revises it, and republishes it. We used to survey the entire committee on preferred practices, but this time we put together an ad hoc committee of those states that have had shipments in the last two years.

Mr. Runyon said that he would run through the specific changes. Under the objective of the book, the work group added reference to Private Fuel Storage. This is also the case throughout the rest of the document whenever we mention spent fuel shipments. Mr. Runyon said that we also added other radioactive materials to the objective, instead of just waste.

Under maintenance the work group changed the text to reflect the process that we followed this year. On page four, under transportation planning, we changed the timeline to say transportation plans should be available three years in advance instead of two. We also suggested that the shipper update their contact information. We also added a communications approach for the media and public, and an incident or accident recovery plan to the laundry list on page four of necessary components of the transportation plan.

Mr. Runyon said that on page five under mode and route selection the work group changed the process to reflect what the committee used for the route identification project. Our process goes beyond what is written in the 49 CFR guidelines. Under driver and crew compliance we added a reference to a forthcoming NRC background check rule. Ms. Wochos pointed out that the rule hasn't yet been issued, so if it is not, we will have to remove that reference. Ms. Wochos also added that under packaging on page six, we removed the reference to full-scale testing because the NRC has said that computer modeling is a more stringent test on packaging than actual full-scale tests.

Mr. Runyon said that on page seven under notification, the work group added a statement about re-notification in the case of a significant hiatus of shipments during an extended campaign. This was added because when the Battelle shipments stopped and then restarted, DOE did not notify the states again, because technically they already had at the beginning of the campaign.

On page ten and eleven, Mr. Runyon said that the work group added a whole new section on assistance to the states. This subject area used to be part of the emergency response section, but based on the work on 180(c), the work group decided it needed its own section. Ms. Wochos asked the states to review this section carefully because it is mostly new text.

Mr. Runyon said that in the inspections section on page twelve the work group added more detailed references to the CVSA program, including the CFR reference. On page thirteen, under security the work group added 'other authorized personnel' to the list of people the shipper should coordinate with regarding security, because the people that need security information are not necessarily only the governors' designees. Finally, Mr. Runyon said that under safe parking on page thirteen, the work group added malls and parking lots as examples of areas to avoid.

Ms. Wochos said that as a committee, we need to agree to the changes. She asked if anyone had specific questions or if they needed more time to review. Mr. Flater asked if TRANSCOM was being abandoned as the tracking system. Mr. Runyon said that no one at DOE has come out and specifically said that

TRANSCOM is going to die, but the improvements that they are talking about right now are things that we suggested two years ago, so obviously the system is not a priority. Mr. Runyon explained that TRANSCOM recently moved from Albuquerque to Carlsbad and even as the move was occurring we started noticing references in other documents about equivalent systems or new systems, etc. Since the move to Carlsbad, DOE has been looking to buy the current versions of Oracle and to change some of the map delivery processes. They are also looking at implementing a different kind of firewall. He said the contractors are very supportive if you are using the system, but he felt DOE is not actively making changes to the system that will make it viable for a large scale shipping campaign. Mr. Flater asked if the committee should send a letter about these subtleties and ask what DOE's plans are for TRANSCOM. Mr. Runyon said he doesn't think DOE will scrap the program because it is still in use for WIPP shipments, but he felt DOE has no intention of using it for spent fuel shipments. Mr. Flater said we should ask for a commitment on whether DOE is or isn't going to use it for Yucca shipments. The committee decided that it may be premature to send a letter regarding TRANSCOM. Ms. Wochos asked that the states review the changes to the planning guide and we will answer any additional questions and vote on the changes at the end of the day.

After the break, Mr. Owen asked Mr. Schmidt to give his update on Wisconsin activities, since he had to leave the meeting early. Mr. Schmidt said that up until now, he hasn't had much to say because there were no shipments in Wisconsin. Now that has changed. He said that up until about five years ago the state had a transportation planning group, but disbanded because shipments weren't even on the horizon. The group has since started meeting again because one of the reactors in the state is in the decommissioning process and will be transporting its reactor vessel in the next year. The group has met twice in the last 6 months. The group took the reactor vessel shipment as a good opportunity to look at things in the state and see what needs to be done. The group has met with the facility and will take a tour of it later this year. Mr. Schmidt said that the questions they are trying to answer are whether to impose fees or escort the shipment. The group also needs to decide when to start training emergency responders. The current thinking is that the infrastructure isn't necessary right now. Three years ago one of the other reactor counties wanted to train responders and what they found was that within three years that county had 100% turnover. The reactor vessel is shipping in June of 2007, so training now would be too early. Brian Rude (Dairyland Power Cooperative) said that Duratek is doing the reactor vessel removal for the utility. When they open up the side of the vessel the utility may decide to put the spent fuel into dry cask storage. Mr. Owen asked if there was a route for the shipment. Mr. Rude said that the route has been determined, but he didn't know the specifics. He said he would check with his office and send any information on to Ms. Wochos.

**Other Meetings:** Mr. Owen then asked members of the committee to report on the meetings they have attended since the last committee meeting. Mr. Strong said that in December he attended the *Midwest Legislative Conference (MLC) Executive Committee Meeting* in Delaware. He said that he gave an update on committee activities, including the routing project and the SGO tour. He said he received a couple of questions about funding and whether 180(c) would pay for all state expenses. He said he explained to the Executive Committee that 180(c) is limited. He said he also made a point that although Yucca Mountain looked like it would be years away, PFS is looming and planning is necessary. Mr. Strong said that he felt that the committee should work with the MLC as much as possible. Ms. Wochos said that she will work on getting a session at the next MLC meeting and the CSG annual meeting.

Mr. Runyon said that he already covered the highlights of the *TRANSCOM Users' Group Meeting*, so he took the opportunity to ask Mr. Jones what the current perspective is on TRANSCOM as the system for use for tracking large-scale spent fuel campaigns. He said that there have been a lot of references as of late to TRANSCOM or an alternate system. He asked Mr. Jones if DOE is looking at moving away from TRANSCOM. Mr. Jones said that DOE is identifying other companies that have at least the equivalent

capabilities of TRANSCOM, but no decision has been made. Ms. Wochos said that her tracking subgroup is looking at alternative technologies, not necessarily to recommend one in particular, but to develop a list of necessary components for whichever system DOE decides to use. Mr. Runyon said that it is telling that there even is a tracking subgroup looking at other technologies.

Mr. Runyon then told the committee that he and Ms. Janairo both attended the *American Nuclear Society Meeting* this winter. He said that the audience was mainly industry folks that had been involved in different shipping campaigns. John Parkyn from PFS was at the meeting the day before PFS was issued its NRC license. Mr. Runyon said that Ms. Janairo gave a presentation on the committee and the things we have accomplished. She also covered things from the *Planning Guide*, like the states' expectations for shipping campaigns. Mr. Runyon said that he gave a presentation on the Illinois inspection and escorting program and what expectations Illinois had for spent fuel shipment campaigns. He said there was some surprise from the audience at the level of involvement the states have in the process. The audience was surprised at the level of detail the states get into. Mr. Easton said that he also attended that meeting and did a presentation on dry cask storage and transportation. He said he also thought the audience was surprised at the Midwest's involvement in the planning process.

Ms. Wochos then told the group that she attended the *Waste Management Symposium* in February. She said that she presented a paper on lessons learned from the route identification project. She said Mr. Easton and Bob Halstead from Nevada were also on the panel. She said she received some questions on why the railroads weren't involved in the process, which she explained that they were. She said she was also asked why the Midwest did not do sensitivity analyses on the routing criteria. She said she explained that given the time and budget constraints, the group couldn't conduct those types of analyses. She said overall she thought the presentation and the paper were well-received. Mr. Easton added that he did a paper on the Baltimore Tunnel Fire and the Bob Luna gave a presentation on packaging threats, which gave vulnerability information, something that the NRC cannot release to the public. He suggested that committee members review the papers from that panel. Ms. Wochos said that anyone who is interested in reading those papers should contact her. She also added that on the second day of the conference Elizabeth Helvey presented a paper the Mr. Strong and Ms. Janairo had helped write on stakeholder interactions based on the 180(c) experience. Ms. Wochos said she felt that presentation was also well-received.

Ms. Wochos told the group about the *Western Interstate Energy Board (WIEB)* and *Western Governors' Association (WGA)* meetings. She said she went to Salt Lake City to attend the joint meeting of these two groups. In addition to presentations and discussion, the group also toured the Energy Solutions facility out in Clive, and drove around the Private Fuel Storage site. She said that the WGA portion of the meeting focused on two WIPP incidents: the first when two empty TRUPACT containers fell off a truck in Idaho, and second when TRU waste was accidentally sent to the wrong site and then was not sent back in an approved container. She said they also received a TRANSCOM update and an NNSA update. During the WIEB portion of the meeting, Ms. Wochos said that the discussion revolved around the NAS study, the legislation, and PFS. Ms. Wochos said that Mr. Field would give a more detailed report later.

Ms. Wochos said that she also attend the *Northeast Radioactive Waste Transportation Task Force Meeting* in Atlantic City in May. She said that the content of the meeting was similar to the West's meeting and our own meeting. She said the Northeast is considering inviting legislators to join their committee and are deciding whether legislators will be voting members or non-voting members. She also said that the Northeast is working on a routing study and they went over some preliminary results from that study. Ms. Wochos said that Mr. Richardson would give a more detailed report later.

**Committee Rules:** Mr. Owen then asked committee members to turn their attention to the committee rules. He said that in October in Michigan members agreed to consider a change to the rules to alter the leadership structure. Members thought that having co-chairs may be a better option. In Michigan we came up with the idea of a senior chair and a junior chair. The senior chair would still conduct the meetings, but both would sign letters and represent the committee. It would ensure that someone would always be available for committee business. Mr. Owen explained that if the rules are adopted, a junior co-chair would be elected and then he would take the senior co-chair position next year. Mr. Owen said that in addition to that change in the rules, there is also a change that says if the position is vacated that the committee will elect a new chair within 60 days. Mr. Strong asked if the senior co-chair position is vacated if the junior co-chair would move up. Ms. Wochos said that that was her interpretation of it. Mr. Flater suggested clarifying that language to make it absolutely clear. The committee agreed that clarifying that language was a good idea. Mr. Flater moved to accept the document as revised. Mr. Schmidt seconded the motion. Mr. Owen called for a vote and the motion passed unanimously.

**Lead States:** Mr. Owen asked committee members to look at the lead states document that was included in the briefing materials. He said that the committee tackles issues by working in smaller work groups. He said that we need to make sure that we have ample representation on all of the work groups. He encouraged new members to consider participating because he said it is a great way to dive in and get acclimated. Mr. Owen then went through the list of work groups and asked if there were any changes or additions. In the route identification work group there were no changes. In the state capabilities and needs work group there were no changes. In the 180(c) work group there were no changes. In the transportation planning work group Mr. Flater suggested that Jon Schwarz (NE) participate. Mr. Schwarz accepted. In the transportation practices manual work group there were no changes. In the information and communication work group Mr. Flater suggested that Randy Dahlin be considered a full member. Mr. Dahlin accepted. In the security planning work group Mr. Flater suggested that Capt. Dean House (IA) be considered a full member. Capt. House accepted.

Mr. Owen said that in addition to the regular work groups, we have three special projects that need state participation. The first is the follow-up to the state government official's tour. Mr. Owen asked if the current members of the group wanted to continue their participation. All agreed to continue. Ms. Wochos said that next special project work group was the local workshop group. She said that this project was originally planned for last year, but a misunderstanding with the funding prevented it from happening. This year the project is built into the funding for the cooperative agreement. She said originally John Kerr (MN) had volunteered to be the host state. She asked Mr. Leuer if he wanted to host the workshop. Mr. Leuer asked what that would entail. Ms. Wochos explained that the goal was to pilot a community outreach campaign with local government and the public in a community somewhere around a nuclear plant. Mr. Leuer said he would participate on the work group but couldn't yet commit to hosting the local work shop. Ms. Wochos asked if anyone else would be willing to be on the work group and Mr. Schwarz volunteered. Ms. Wochos said that she and Ms. Janairo will set up a phone call with Mr. Leuer and Mr. Schwarz to discuss the plans for this activity.

Mr. Owen said that the final special project work group was for a possible MLC session, but since that is no longer happening, the work group is not needed. Ms. Wochos asked the current work group participants if they would be willing to help if we were successful in getting a session at the CSG Annual Meeting. All participants agreed. Ms. Wochos asked Sen. Riegsecker if he would be willing to join the work group as well and he agreed.



**OCRWM Project Timeline:** Mr. Owen then asked Ms. Wochos to go over the Yucca Mountain timeline. Ms. Wochos explained that the timeline was the result of a suggestion from the state government officials' tour participants. Those participants had wanted to know the major steps left to accomplish before Yucca Mountain can open. Ms. Wochos said that Ms. Janairo collected information from a variety of DOE and other organizations and came up with this timeline. She said that it was surprising that DOE did not have such a timeline developed and available to the public. A lot of the dates are estimated, and all are tentative. Ms. Wochos went through the timeline and asked the committee members if they had any questions.

Mr. Jones said that DOE will have a new license process schedule out this summer. He said the new director may want to revamp things, so that could alter the timeline significantly. Mr. Jones also said that DOE is now considering a new rail line, so that may also alter the timeline. The new rail line is the Mina line and is mostly an already existing line that runs through an Indian tribe. The tribe originally decided many years ago to restrict all radioactive waste coming through the reservation, so the Mina route was eliminated from contention when DOE did the EIS. Recently, however, the tribe has reconsidered their decision and so DOE is now going to add the Mina line to the EIS. Mr. Richardson asked if the three years of time between the FEIS and rail construction was correct. Mr. Jones said that the draft EIS for the rail line would come out this fall, the final a year later, the record of decision on the rail line at the end of 2007 and rail construction would begin in 2008. Ms. Wochos said she would make the changes.

Mr. Jones also said that in proposed legislation, DOE would not have to wait for the NRC to grant a license before being construction on infrastructure. If the legislation passes, that will alter the timeline. Mr. Easton said that there are a lot of other things the DOE is doing that are not on the list. For instance, DOE will come out with the specifications for the TAD canisters and then the storage facility for the TADs. He added that there is a whole parallel track on transportation, like obtaining the rolling stock and getting the transportation plan developed. Ms. Wochos said that the document is intended to look at the big picture instead of the minute details. The document was developed for legislators and other public officials so they could have a quick reference. She said she would add the major TAD milestones to the timeline and would consider adding some of the more minute transportation tasks.

**Plans for Waste Management 2007:** Ms. Wochos then told the committee that there is money in the budget to send someone to Waste Management next year to present a paper. She explained that the paper doesn't have to be original research, but rather could cover a member's existing experience with some aspect of transportation. She said that an example would be if Mr. Owen wanted to write about training local responders or if Mr. Runyon wanted to write about state inspection and escort programs. She said having a committee member present a paper is good exposure for the committee and our work, and it is good for industry to hear from us and get our perspective on things. She said that she and Ms. Janairo would help whoever was interested. Mr. Flater suggested that Mr. Owen present a paper on state involvement in Yucca Mountain planning on behalf of the committee. Mr. Owen said he may have a hard time getting the travel approved. Mr. Moussa said that he could do it, but he felt there should be consensus on the topic. The group agreed that a good subject area would be state involvement in radioactive waste transportation. Ms. Wochos said that she and Ms. Janairo would be in contact with Mr. Moussa. She also said that if other individuals might be interested in presenting a separate paper, they should contact her or Ms. Janairo.

Mr. Easton then told the group about the possibility of presenting a paper at PATRAM 2007, which is an international packaging and transportation conference. He said that the NRC and DOE are sponsoring organizations and he was trying to get some free registrations for the regional groups in exchange for a paper. He said he would encourage someone to write something on the state need for security and state planning for a shipping campaign. He said that the meeting was in Miami in October 2007. Mr. Owen said

that he would consider presenting a paper for the committee at that meeting. Ms. Wochos said that since the meeting is not for another year and a half we should think about it and discuss it further at the fall meeting.

**Next meeting:** Mr. Owen then asked Ms. Wochos to talk about the next meeting. Ms. Wochos said that the committee has two options for the fall meeting. The first option is to go to Carlsbad as originally planned and take the legislators and state officials that went on the state government officials' tour on a tour of WIPP. The other option is to have a joint meeting with some of the other regions in Texas to celebrate Ralph Smith's (DOE-CBFO) retirement. Mr. Field said that Bill Mackie originally suggested the idea and the south has agreed to participate. He said his group likely would not and that while it is a good idea, it may be hard to plan. Ms. Wochos said that she agreed. Rep. Elgin said that we need to focus on retaining interest in the legislators that went on the Yucca Mountain tour, as well as get new legislative membership. He felt that Carlsbad was a better option for that than a joint meeting. The committee agreed. Mr. Runyon added that Argonne is supposed to start shipping remote-handled TRU waste so legislators could possibly see actual Midwestern waste being emplaced somewhere. Mr. Runyon also mentioned that it might be a good opportunity to see the new TRANSCOM facilities.

Ms. Wochos said that based on the responses to her calendar request, the best weeks for the meeting are the week of October 24<sup>th</sup> and the week of November 13<sup>th</sup>. Mr. Rude said that if the goal is to get legislators, then October would not be good because it is right before an election. Ms. Wochos asked Rep. Elgin if legislators would be willing to travel right after the election. Rep. Elgin said he felt they would. Mr. Strong said that something to keep in mind is that the tour and meeting and travel will take a significant amount of the week. Rep. Elgin suggested doing what we did at this meeting: having the tour and then a half day meeting at the facility. That way we would only need two days and then travel days. Ms. Wochos said that she and Ms. Janairo would work on getting the logistics planned for Carlsbad.

### ***Committee Business Session, Continued***

**State Roundtable:** After lunch, Mr. Owen asked members to report on activities in their state.

**Illinois:** Mr. Runyon said that Illinois has been actively involved in committee work over the last 6 months. He said that he was the impetus behind the letter to the NRC and Illinois has openly expressed displeasure in S.2589. He said that the state is still escorting all shipments of greater than HRCQ. Illinois also entered into an agreement to inspect special quantities of radioactive materials. There is also an information discussion with the NRC to inspect the shipper, not just the carrier. Mr. Runyon said that CVSA is doing a peer review in Illinois next week on the inspection qualifications and the inspection program itself. He felt Illinois had a pretty active program that inspects 60-75 trucks per year, so he felt Illinois should do well in the review.

**Indiana:** Sen. Riegsecker said that Indiana has decided to lease the I80/I90 toll road to a Spanish/Australian consortium. The transaction is in front of the Indiana Supreme Court right now. He said the question for him is if the lease will affect radioactive materials transportation. He said that he met with Joe Bell (IN) and they decided that the lease shouldn't affect radioactive waste transportation, but Sen. Riegsecker warned that other committee members may want to look into transportation leasing in their own states.

**Iowa:** Mr. Flater said that the Iowa fee system now applies to all radioactive materials, not just waste. The change was initiated back in the fall. He said that in addition, the fees for both high-level and low-level waste were increased. No one in the legislature had any comments about the increase, nor have they heard any complaints from rail and trucking companies. Mr. Flater said the state will earn about \$105,000 in LLW fees and \$60,000-\$150,000 for other stuff. Mr. Flater handed out a list of materials that the fee applies to and noted

a list of quantities of concern. He also showed the committee how much it would cost to traverse Iowa via different routes. Mr. Flater said that the Iowa Department of Public Health (DPH) has a good relationship with the Iowa DOT. The DOT issues the permits but transfers all the money back to the DPH. Mr. Flater said that he will be retiring on the 30<sup>th</sup> of November and he hopes the position on the committee will be filled shortly after that.

Mr. Owen asked if the Iowa fee includes medical shipments. Mr. Flater said that it does not. Mr. Dahlin added that it does include industrial radiographers, etc. Mr. Owen asked if the fees were designed to cover all of the operational costs. Mr. Flater said that it covers all the costs that are not covered by another source. He said if his department gets a flat amount of money like the WIPP money then they do not levy the fees on the shipments. Ms. Beetem asked if the fee only applied to waste before the change. Mr. Flater said yes.

Kansas: Mr. Moussa said that Wolf Creek recently had a very successful exercise. He was very pleased with how the state handled the exercise. He said he is looking to purchase some newer equipment for the host county because they are still using civil defense equipment. He said the fee from the plant would cover those costs. Mr. Moussa said that Kansas decided to wait to introduce a fee bill until after the election. He said he is looking to pursue a dedicated fund to pay for radioactive waste transportation activities. He said that he has been visiting the top 40 chemical industry sites to review them both for physical security and process safety management practices.

Michigan: Mr. Strong said that Michigan is seeing 2 Nordion shipments a week. The state does not charge a fee, inspects only a sampling, and escorts none. He said that the state finished a pathway ingestion exercise at Fermi the week before. Mr. Strong said that Michigan is trying to become an NRC agreement state. The process is currently on hold while they deal with organizational issues. Finally, Mr. Strong said he recently purchased some radiation portal monitors for use at the state's power plants.

Minnesota: Mr. Leuer said that Prairie Island already has a dry cask storage system in place and will soon be receiving cask number 21. They are licensed to hold 29 casks. Monticello is seeking dry cask storage licenses. The certificate of need was submitted and it will come to the legislature in November. Mr. Leuer said that he did not anticipate any major objections to the project, so it will likely be in place within 3 years. There was some concern about the Diablo Canyon decision. Nuclear Management Company fears they will have to address the Homeland Security issue for the dry cask storage. Mr. Leuer said that Prairie Island will be having a drill in July. He also said that the Minnesota is looking at legislative changes for their fee, but probably won't get any changes made until the year after next. Mr. Leuer said that he has witnessed a new willingness from the counties to be involved in emergency response planning. The counties want to write their own plans and then have the state review them. Finally, Mr. Leuer said that in February the state will start pre-distribution of KI to the EPZ around Prairie Island and Monticello.

Ms. Beetem asked why Minnesota decided to distribute KI. Mr. Leuer said there has been a lot of debate on that subject. The biggest issue was the cost, but when a local pharmacy chain agreed to distribute it for no cost, the last barrier was removed. From the administration's perspective there is a potential benefit for the public. In the post-Katrina world the state wanted to demonstrate its ability to be prepared and protect the public. Pre-distribution means that people have to have it ahead of time and the state will issue an emergency notification to take the KI. Ms. Beetem asked how the state got around needing doctors' orders. Mr. Leuer said that KI is an over the counter drug and the pharmacy is taking on the responsibility of distributing it. Mr. Moussa asked if the KI was NRC purchased and if so, how will the state replace it in 5 years. Mr. Leuer said that Minnesota will build the replacement into the plant fee in 5 years. Mr. Flater asked how the state will train parents to give the correct dose to children under 1. Mr. Leuer said that if an individual wants to

purchase the liquid form for young kids, that's fine, but the state will only distribute the tablets. Part of the reason for distributing it through the pharmacies is so that trained people can answer questions. Allergic information is being given out with the KI and it is a personal responsibility to decide to take it. Ms. Strong asked if there has been a reaction from the public. Mr. Leuer said that the state hasn't done a mass education for the population yet. It will be distributed to the schools before the next school year begins. The school boards were given an option and most have decided to take the KI. Ms. Beetem asked if the program is coordinated with parents so that kids don't get two doses, etc. Mr. Leuer said that parents are required to sign a form and if it is ever administered, the children are marked once they've taken it. Mr. Leuer did say that Wisconsin has decided not to distribute KI in their state.

Missouri: Ms. Beetem said that her department started working with partner agencies on the fee bill this year. The Highway Patrol, Department of Health, and DOT were all involved. The sponsor of the bill was the majority floor leader. He did an excellent job handling the bill. There were hearings in both the Senate and the House and it passed in both with no negative comments. All the agencies were supportive. The most concern came with low-level waste. Ms. Beetem said they struggled on how to phrase the language so that medical wasn't included. She said that through the process a lot of people were educated about radioactive waste, but ultimately they just ran out of time to get the bill passed. The bill will be reintroduced next year. Ms. Beetem said that she will approach the lead sponsor about the WIPP tour and how to bring other legislators into the discussion. She said one of the things that raised awareness in the state was the Fernald shipments. There were over 2400 shipments from Fernald, so it was a visible campaign. One thing the state learned is that local emergency management really does want information on the shipments that come through the area, especially the shipments that are not escorted.

Mr. Buntin said that one of the issues that got the attention of the Senator from St. Louis was that the local FOX station started contacting local responders to ask about the shipments and they didn't know anything about it. One of the functions of the fee, then, would be training and information distribution. The high-level fee part is solely cost-recovery for inspections, etc. Ms. Beetem added that the state learned that we need to work with DOE about communication. Who is responsible to notify the local responders, etc.? Ms. Beetem said that at the end of the campaign there was a pretty bad accident. The Fernald driver was injured. The state contacts were not notified for 3 hours. She said they learned that incident and accident notifications need time frames. It is also necessary to define what an incident is. Since no one was admitted to the hospital, is it an incident? Ms. Beetem said the press did an article on it and an article on the wrap-up of the campaign. She said that article was how the state found out about the end of the campaign. She said she felt there should be a lessons learned process for the campaign.

Mr. Strong asked if Missouri is going to establish a fee for both low-level and high-level waste. Ms. Beetem said she worked with both Illinois and Iowa and yes, the fee does cover both, and both waste and product as well. Mr. Owen asked if Missouri had an issue with how the Fernald incident was defined. Ms. Beetem said that the practices manual talks about incidents but doesn't define them. Bill Spurgeon (DOE-EM) said that an incident is anything that is damaged, anything that slowed progress, etc. He said there was an incident in Idaho about a brake light where the only problem was that the driver didn't report that he had a problem with the brake light, but it was considered an incident.

Nebraska: Jon Schwarz said that next week Cooper will have a dress rehearsal for an ingestion pathway exercise. The actual exercise will take place in July. Fort Calhoun also will have an exercise in the near future. Mr. Schwarz also said that Nebraska used to buy equipment kits for \$350 and calibrate them annually. Now the calibration fee is \$705, so they've invested in calibration equipment to avoid that fee.

Ohio: Mr. Owen said that the state is involved in an ingestion pathway exercise in Pennsylvania. They already had the dry run and will conduct the exercise at the end of June. He said there were two bills introduced this year. One calls for a study commission to look at the impact of radioactive waste transportation on the state and what the state needs to do to address the safety issues related to the transportation. The other bill establishes fees. The fees would be used for training, inspections, etc. The two bills had an initial hearing in committee. The study bill had a third hearing, but the fees bill only had the first hearing. Mr. Owen said that he didn't expect them to pass. Mr. Owen also said that Ohio participates in an agreement with the NRC to inspect facilities to make sure they comply with regulations. That agreement was recently amended to include transportation requirements. As for KI, Mr. Owen said that Ohio will distribute it within the 10 mile EPZ. The initial batch of KI was paid for by the NRC but there is no funding for the second batch. The state is considering moving the EPZ to 20 miles, but Mr. Owen said he is not in favor of that move. Finally, Mr. Owen said that the state will not distribute liquid KI because it is difficult to administer an accurate dose.

### *Federal Updates*

**Office of Environmental Management (EM)**: Mr. Owen asked Mr. Spurgeon to tell the committee about recent EM activities. Mr. Spurgeon said that EM is committed to safely cleaning up the legacy of the country's nuclear weapons program. He said that scope over the lifetime of the project will include over 130,000 cubic meters of transuranic waste and over 1.3 million cubic meters of low-level waste. Mr. Spurgeon said that EM strives to be the leader in transportation safety and uses best practices and lessons learned to guide the program. He said the Office of Transportation (OT) is now under the purview of safety. The office will stay the same, they just now report to a different Director. The critical focus for OT is risk reduction and outreach. EM does this by measuring accidents and incidents and then executing lessons learned and best practices to keep from repeating mistakes, and by including states and tribes in the planning and follow-up activities.

Mr. Spurgeon said that in 2005, EM made over 20,000 shipments of various kinds of waste. He said that 2005 was probably the most active year and that shipments will reduce from here on out. In 2006 EM expects to make about 15,000 shipments, of which 1,000 will be TRU shipments and 12,000 will be low-level waste shipments. The shipments for the upcoming time period are distributed to affected states and tribes on the prospective shipment module (PSM). The PSM is updated and distributed every 6 months.

Mr. Spurgeon said that a majority of the shipments from previous years were wastes from Rocky Flats. Since Rocky Flats is now completed, EM has to fill in the void with shipments from other facilities. He said that Fernald has completed shipments from Silos 1, 2, & 3, and from the soil pile. Oak Ridge continues to ship depleted uranium hexafluoride to Ohio, with a slated finish date of May 2007. The bigger cylinders have all been shipped and now they are finishing up the smaller cylinders. Low-level waste from Oak Ridge to Energy Solutions and the Nevada Test Site (NTS) continue. Mr. Spurgeon said that another reason the shipment numbers are lower in 2006 than 2005 is because Oak Ridge finished a haul road near the facility, which is government owned, so any shipments made on it are not considered commercial shipments and are not included in the total.

Mr. Spurgeon said that West Valley has restarted its low-level waste shipments to NTS and Energy Solutions. Those shipments are made by both truck and train. Brookhaven is currently on hiatus but will resume low-level waste shipments to Energy Solutions in 2007. Mound is still on track to close in 2006. The TRU shipments to Savannah River Site (SRS) are completed, and only 300-350 low-level waste train shipments to Energy Solutions remain. Battelle is also on track for closure in 2006 and completed all planned truck and intermodal shipments to Energy Solutions. The low-level waste at Paducah has been moving to both NTS and

Energy Solutions. About 80 truck and 15 rail shipments remain for 2006. Portsmouth also has about 150 low-level waste truck shipments to NTS and Energy Solutions remaining for 2006.

Mr. Spurgeon said that the majority of TRU shipments this year have come from Idaho National Laboratories (INL). Since Rocky Flats has finished, INL has picked up the empty shipment slots. INL is on track to complete over 1,000 shipments this year. The other sites that will ship TRU waste to WIPP this year are Los Alamos, SRS, Oak Ridge, NTS, and Hanford.

Mr. Spurgeon said that the emergency preparedness program used by EM-OT is the TEPP program, which is a module-based training program. TEPP trained over 1,000 people in 2005 and plans to continue the pace in 2006. Another outreach program from the department is the TransCAER program, which is a public outreach and community awareness program. Finally, Mr. Spurgeon said that another outreach effort by the department has been the commodity flow studies, where EM will count all placarded trucks passing through a particular corridor for 24 hours to get a sense of what materials are on the road. The program did a study in Arizona in 2005, in Texas in 2006, and will do another in Tennessee in the near future.

Mr. Spurgeon said that EM-OT is committed to recording all accidents and incidents and learning from them so they don't happen again. An incident is any release of material, any injury, any damage, any fines or violations, etc. When there is an incident, the department makes a complete report on the situation and makes any necessary changes to practices. In 2005 EM achieved a 30% reduction in transportation incidents. In 2006 there have already been 12 incidents. Some of them are minor, like a missing telephone number on the shipping papers, but others are more serious, like an accident with a passenger car. Mr. Spurgeon said that they strive to make sure the incidents due to human error, like the shipping papers incident or not following procedures, are not repeated. The most recent incidents were a waste drum being sent to Energy Solutions instead of WIPP and an accident with a Fernald truck near St. Louis. A WIPP truck was also recently rear-ended in Idaho, but there was no damage to the package, only damage to the trailer. Mr. Spurgeon reiterated that eliminating human error is the key to reducing the number of incidents.

Mr. Spurgeon then went on to describe the commodity flow study that was recently completed on the Texas/Louisiana state border. He said the purpose was to get an accurate measure of the hazardous materials that are on the road during any given 24-hour period. The Texas/Louisiana commodity flow study saw almost 500 hazardous materials vehicles. The majority of those vehicles were type 3, and less than 1% was type 7. The most common commodity was paint and the top commodity by weight was jet fuel. Mr. Spurgeon said that the next study will take place in Tennessee sometime in the summer.

Ms. Beetem asked if there was a formal coordination with the states after an incident is recorded. Mr. Spurgeon said that anyone can get a copy of the incident report, but the office does not make a point of sending the reports out to the states. Ms. Beetem asked for a copy of the Fernald incident report. Sen. Riegsecker asked if it was EM's responsibility to notify the states about the Oak Ridge and other low-level waste campaigns. Mr. Spurgeon said that for the small shipments, the department doesn't notify the states. All shipments are listed in the PSM, but for the bigger campaigns, the department does notify the states as a courtesy. Mr. Buntin said that one of the things Missouri heard from the emergency responders was that they want to know about all of the shipments going through the state. In some circumstances if the state doesn't know something is coming through, then we won't know if there was an incident. Mr. Spurgeon said that not every individual shipment gets notification. Ms. Beetem said the Fluor Fernald provided a weekly update that was very helpful. Mr. Buntin said that some sort better coordination is needed. Mr. Flater said that he is aware of the shipments through Iowa because each has to apply for a permit. If there is stuff that is going through that is not applying for permits, then if the state police pull the shipment over, it will sit until things

get straightened out. Mr. Flater suggested that EM provide a more accurate and updated PSM through Ms. Wochos and Ms. Janairo, who could then send it out to the states. Mr. Runyon added that the states need to know when a shipment ends as well.

**Federal Railroad Administration (FRA):** Mr. Owen then asked Mr. Blackwell and Mr. Massaro to inform the committee of recent FRA activities. Mr. Massaro said that he is conducting a short line survey for nuclear power plants. He said 28 nuclear power plants are served by short line railroads. The rest either don't have rail access or are on a mainline. He has sent out a survey to each one of them to find out the Class I connection, the status of the infrastructure, the class of the track, what weight the track can handle, etc. The goal is to use some federal and state money to upgrade the short lines so that they are prepared to make spent fuel shipments. Mr. Massaro said that he is also asking questions about the operator, whether there are any equipment restrictions, if there are any grade crossings, weight restrictions or clearance restrictions. Mr. Flater asked if Mr. Massaro was having any trouble getting the information from the short lines. Mr. Massaro said that so far he has not had any trouble. Mr. Flater suggested that if there is some reluctance from the short line, that Mr. Massaro contact the state, because the state DOT may be able to help.

Mr. Blackwell said that the Safety Compliance Oversight Plan update is still on track to come out as a revision for review at the end of the fiscal year. He will keep the committee updated on the status of that revision. Also, the dedicated train technical report is coming back from the Volpe center in the near future. Volpe is just cleaning up minor editorial information and as soon as they get that done, it will be on the FRA website. Mr. Blackwell said that he hoped that would be available by the end of the month or perhaps next month. Mr. Blackwell also said that based on the dedicated train study, FRA is considering a rule making. He said s2043 will figure into it and they are looking to put the rule in the 49 CFR 200 series, not in HMTAA.

**Office of Civilian Radioactive Waste Management (RW):** After the break, Mr. Owen asked Mr. Jones to give an update on RW activities. Mr. Jones said that he would go over the reorganization, budget, program pieces, and some of the newer developments during his presentation. Mr. Jones said that a new director for the program, Ward Sproat, was recently confirmed. Mr. Jones said that Mr. Sproat comes from industry, so he will give the program a new perspective. Paul Golan is now the Deputy Director of the program and Gary Lanthrum is still heading up the transportation project, though now the office is called the Office of Logistics Management. There is also a Waste Management Office headed up by Chris Kouts which is concentrating on repository design and construction, and a Disposal Operations Office, which will be filled once the repository is ready to receive shipments. The set-up under Mr. Lanthrum is pretty much the same as before the reorganization. Mr. Jones said that the program has been consistently under funded by Congress. In 2006, the program requested \$651 million and received only a little over \$500 million, with only \$20 million going to transportation. For 2007, the program requested \$545 million, but the budget has not yet been approved, so the actual amount could very well change. The request for 2007 includes \$67.7 million for transportation and \$355 million for Yucca Mountain. Mr. Jones said he has heard rumors that the program will not get what it has asked for, but he stressed that funding the State Regional Groups remains a priority for his office.

Mr. Jones said that the priorities for the coming year are preparing the repository license application, developing the transportation infrastructure, improving site infrastructure at the mountain and building a nuclear culture. He said that there was some uproar last year about some emails that hinted at falsified data. In response, the program is trying to be as open as possible, and to address misconceptions about the program with stakeholders and other interested parties.

Mr. Jones then went over the new canistered approach to the repository (TAD). He said the concept was to provide a simplified process so that waste doesn't have to be opened and repackaged at the site. This would

simplify the surface facilities at the site and the process. He said the waste will be delivered in sealed packages and those packages will be placed on aging pads until they are ready to be emplaced underground. Mr. Blackwell asked if Mr. Jones knew if the weight of the TAD and its over pack would be greater than the weight analyzed in the EIS. Mr. Jones said that he didn't know for sure, but he presumed it would be less than the casks analyzed in the EIS.

Mr. Jones said the transportation activities going on right now are focusing on the Nevada rail line, fleet acquisition, and operational and institutional planning. He said in July 2005 the department announced its decision to use dedicated train service for the usual transport of fuel to Yucca Mountain. Then in December, the Department of the Interior gave DOE a land withdrawal along the Caliente corridor so that the department could study and prepare an EIS for the rail line. The initial technical data has been completed for the EIS. Mr. Jones said that another priority for the program is publishing the 180(c) draft *Federal Register* notice. The document is currently going through the concurrence process and the new director has to review it before it can be published. Finally, Mr. Jones said that this year the program will begin looking at fleet acquisition. The modeling for the rail car is finished, so design specifications can be started.

In 2006, the program priorities were to focus on completing the rail alignment EIS, develop options for an accelerated transportation schedule should interim storage or reprocessing facilities come online before Yucca is available, working with stakeholders, and developing a 180(c) policy with the tribes. Mr. Jones said that the rail development is in full swing. The initial draft EIS will be issued in September, then DOE will hold public hearings, and will issue the final a year later. After the final EIS is issued, DOE will issue a record of decision and construction can begin. In rolling stock acquisition DOE is focusing on design specifications for the cars and whether they will buy or lease the locomotives. They will then issue a request for proposals for designs for the cask, buffer, and escort cars in the near future. Mr. Jones said that he doesn't really need to cover the benefits of dedicated train service to the group, since we are all well aware, but he did want to point out that the decision has been uniformly agreed upon by industry, government and stakeholders.

Institutional activities for the program include the 180(c) *Federal Register* notice, working with stakeholders to develop a suite of routes, meeting with individual tribes, and updating the practices manual. Mr. Jones said that the program waited to begin the national route selection process on request of the State Regional Groups so that regional projects could be finished first. Now that the Midwest is finished and the Northeast is nearing the completion of their project, the national route selection process can begin. The routing process as DOE sees it is to develop criteria with stakeholders and then use the criteria to analyze potential routes. He said the department wants to develop a suite of routes for several reasons. First, there is the security of having a non-predictable routing scheme. Second, the program will need alternate routes in the case of inclement weather or construction. Finally, in case of an emergency rerouting, the program would like to have already identified routes in place.

Mr. Jones showed the group a diagram of the route selection process. He said that the national routing criteria and the regional suites of routes will both be factors in deciding the final suite of routes. Some of the principles for RW routes are that they are safe, compliant, flexible, efficient, and practical. He said that the criteria development will use experience from previous campaigns and even previous routes. The program will prepare draft routing criteria, factors and requirements. They will incorporate the regional routes, collaborate with stakeholders to prioritize the criteria and factors, engage the industry and railroads, and then produce a final set of criteria.

In operational planning, Mr. Jones said that the program will continue to support TRAGIS and RADTRAN for route analysis. The program is also working with the NRC to examine sabotage and fuel performance,



and Alex Thrower is conducting a benchmarking and lessons-learned analysis of the various DOE programs. Finally, RW is a co-sponsor of the PATRAM 2007 conference. Mr. Jones said that he would not spend time going over the 180(c) policy because the group was familiar with it. He did say that DOE is using a similar process to develop the 180(c) process with the tribes. The tribes will likely not end up with a formula based approach like the states did, but rather a needs based approach.

Mr. Jones said that the key points from the National Academies (NAS) study that affects DOE are that there are no fundamental technical barriers to the safe transport of spent fuel in the United States, and that current regulations are adequate to ensure package containment. He said the program was pleased to hear that the NAS study endorsed DOE's decision to use dedicated trains. He said that the study conclusion that social risks still exist is important to the program, and they are committed to informing the public and working with stakeholders.

Mr. Jones said that he won't really cover the proposed legislation or GNEP because it was discussed yesterday, except to say that DOE sees GNEP as only one piece of the overall spent fuel management program. Yucca Mountain is still needed, so preparation and planning for Yucca is necessary. Mr. Jones said that the country is at a critical point for spent fuel management and that DOE is committed to Yucca Mountain, and the collaborative planning process is integral to program success and public confidence.

Mr. Strong asked if other options such as the Mina rail line are preferable to the Caliente corridor. Mr. Jones said that initially the department looked at dozens of routes and narrowed it down to only a few. If it is advisable to look at the Mina route, then DOE would have to add that route to the EIS, have public hearings and reissue a final EIS and record of decision. Ms. Beetem asked if there would be a supplemental EIS for the Mina route. Mr. Jones said he believed it would be included in the Caliente EIS.

### ***Roundtable of Other Organizations***

**Western Interstate Energy Board (WIEB):** Mr. Field said that WIEB and WGA had a joint meeting in Salt Lake City on May 3-4. His committee had a good discussion about the NAS study and PFS. He said John Parkyn gave a lot more detail on what PFS plans to do when operational. There were a lot of questions John couldn't answer because of proprietary reasons, but he was less vague than at previous meetings. Mr. Field said his committee is pursuing a lot of the same issues that the Midwest is, including comments on the various documents and a letter to Congress on S.2589. He said that the Western Governors' Association readopted two resolutions at their recent meeting. The first is on WIPP and TRU waste and says that WIPP is essential for the cleanup of defense sites and that the Western states expect DOE to follow the agreements and MOUs they have with the Western states. This has become a sticking point with the Western states because a TRU shipment was sent to Energy Solutions instead of WIPP, and when it was sent back, it was not in a TRUPACT, which was a violation of an agreement DOE had with the West. DOE had agreed to make all TRU shipments in the same manner as those going to WIPP. The other resolution addresses any private fuel storage facility. It reiterates the support for deep geologic disposal, but that the NRC should not issue a license to a private site without the Governor's approval. WGA supports leaving the fuel onsite until a permanent disposal site is available. The resolution also says that DOE should include shipments to PFS in their planning process, that the federal government has the responsibility of reimbursing the states for expenses due to PFS, and that the existing regulatory framework is adequate and should be followed. Mr. Field said that the WGA WIPP group is going to write a letter to the NRC asking them to conduct a full-scale burn test of the TRUPACT III. Also, there is a research reactor shipment coming from Texas A&M University

to INL that nobody knew about. They claim they don't have to notify or include states in the process, so there is some concern about what protocols domestic research reactor shipments should follow.

**Council of State Governments – Eastern Regional Conference (CSG-ERC):** Mr. Richardson said the Northeast High-Level Radioactive Waste Transportation Task Force held its spring meeting in Atlantic City about a month ago. During the meeting the group visited the Oyster Creek power plant. Oyster Creek is an old BWR plant, very similar to Duane Arnold, including a small ISFSI. The task force is busy with some of the same issues that the Midwest committee is busy with, including the TEC working groups and reacting to recent developments. The task force is also going through some reorganization. A lot of records were lost during 9/11 so they have to somewhat start from scratch and they are looking to the Midwest as an example, especially since the Midwest is a sister CSG organization. Primarily the task force is looking to expand membership to legislators but is trying to decide whether they will be voting or non-voting members. In addition, the task force is working on a rail route identification project, with the help of the FRA and the states. Mr. Richardson said they plan to update their regional planning guide and address the issue of shipping fees. The region has not had a lot of shipments, so the experience isn't there. The task force is considering having their fall meeting at Yucca Mountain, similar to what the Midwest did last fall. Mr. Strong asked if the route identification project will include barge. Mr. Richardson said that they are looking at barge but are focusing on rail. There are a number of sites in the Northeast that are difficult to connect with, so looking at barge is a necessity. Mr. Jones asked if there was a timeframe for the end product of the study. Mr. Richardson said he would like to make a lot of progress by the fall meeting. Mr. Blackwell said that if the Northeast needs help with routing by barge, he would be willing to help connect them with people in the Coast Guard who could participate in the discussions.

**National Conference of State Legislatures (NCSL):** Christina Nelson said that she started with NCSL in October, so many of the attendees may not recognize her. Linda Sikkema, who used to attend the Midwest's meetings, has been promoted. Ms. Nelson said that there is overlap between what her organization is trying to do and what the committee is trying to do, and she has had interest from legislators to get more involved in waste issues. Her high-level waste working group has 60 legislators from 30 states. The goal is to inform the group about onsite storage and disposal. There are 8 members from Nevada who testified to the committee about Yucca Mountain. Their next executive committee meeting is at the end of June in Denver. It will be just a one-day session, with a full group meeting at a later date. The last full group meeting was at Savannah River Site, where the group created a work plan. A big goal in the work plan is to reach out to the regional groups. To that end, NCSL and the Southern States Energy Board (SSEB) have created a formal partnership. They will have joint meetings and will send joint letters when appropriate. Ms. Nelson said her group is looking at establishing more partnerships. The other project is to create a basic CD ROM for legislators about waste. It would include the very basics and information about state and tribal MOUs for emergency response, etc. Ms. Nelson said her organization also has a spent fuel transportation primer, which is a guide for legislators, which they are currently revising and will be expanded to include a background section for new legislators.

Ms. Nelson said that NCSL also has an environmental management group, which had a GNEP briefing this spring. Legislators are supposed to focus on waste, but they are interested in the long-term energy mix at the federal level. They want to look at the demand and the optimal breakdown between various energy sources. To satisfy this request, at the NCSL annual meeting there will be a pre-conference energy policy summit, which everyone is welcome to attend.

Ms. Nelson said that NCSL also staffs three tribal groups. The Caucus of Native American State Legislators has 58 legislators participating. The State Tribal Relations Group allows tribal leaders and state leaders to

meet on various issues. And the State and Tribal Government Working Group focuses on EM sites and transportation. The last meeting of that group was at Hanford and focused on long term stewardship. Ms. Nelson said that NCSL also recently updated the website and it includes two legislation databases which are very useful. The website is [www.ncsl.org](http://www.ncsl.org) and the radioactive waste transportation pages are under the environmental protection group.

**Private Fuel Storage (PFS):** Mr. Rude explained that he doesn't work for PFS, but his employer, Dairyland Cooperative, is a founding member. Dairyland has a shutdown reactor and has spent the last 19 years babysitting the spent fuel. The member owners of the cooperative are paying the cost for that. Mr. Rude said that there four main points he wanted to make about PFS. The first is that the technical license was granted in September of 2005 and was in hand in February of 2006. The most recent effort has been to update the final safety analysis report, which was submitted in May. The Bureau of Land Management is reviewing the transportation approaches to the PFS site right now. Recent federal legislation made the area into the Cedar Mountain Wilderness Area, which will make construction of a rail line a little more difficult, but not impossible. Mr. Rude said he was unsure when BLM would make a decision on the rail line. Utah has also filed a suit against the license, claiming the regulatory process wasn't followed correctly.

Mr. Rude said the second topic he'll cover is funding and timetables. The critical element at this point is finding if there are customers to pay for getting the facility built. The dynamics and needs of the original investors have changed, since many have already gone to dry cask storage. However the facility could be operational 24-36 months after getting the critical funding. The third topic is politics. Mr. Rude said that Utah has been very active in trying to stop PFS. Sen. Hatch is the incoming chair of the Senate Finance Committee, so he is forceful with the utilities. There have been some positive developments, though. There has been a lot of discussion in various circles on the need for interim storage, and PFS has been mentioned as one option. Construction of the facility would cost about \$168 million and that is a lot cheaper than other options. If PFS does open, DOE might find a way to resolve the lawsuit liability they are now facing. Interim storage is especially prevalent in the House. The House appropriated \$30 million to look at interim storage, either public or private. Finally, Mr. Rude said that he wanted to comment on the route identification. He said Mr. Parkyn had been in contact with Ms. Wochos and Ms. Janairo on the Midwest's route identification project, and when the time comes to get routes identified, PFS is committed to involving the states. Mr. Strong asked if the Cedar Mountain Wilderness designation would wipe out all chances of rail access. Mr. Rude said that it would make it very difficult, but it could still happen. There is also road access. Mr. Blackwell pointed out that to use the access road PFS would need an intermodal site to transfer the casks to heavy haul trucks.

### ***National Academies' Report***

Mr. Owen then asked Mr. Crowley to give his presentation on the NAS report on spent fuel transportation. Mr. Crowley said that the study was initiated by NAS. The goal was to assess the risk of transporting spent fuel and high-level waste, identify the key technical and societal concerns for the transport of spent fuel and high-level waste, both now and in the future, and recommend steps to address these concerns. The scope was expanded after 9/11 to combine another Congressional mandate to look at the manner in which DOE selects routes for research reactor spent fuel shipments. The study was sponsored by DOE, NRC, NAS, DOT, the National Cooperative Highway Research Program and the Electric Power Research Institute. Mr. Crowley said that it was helpful to have all of these organizations as sponsors, because information was more forthcoming.

Mr. Crowley said the committee was a carefully selected group of academics and industry professionals, all who had experience in spent fuel transportation. They had a wide range of experience, and sometimes it was difficult reconciling the science people with the social science people. He said the bottom line message from the study is that they could identify no fundamental technical barriers to the safe transportation of spent fuel and high-level waste in the United States. However, there are social and institutional challenges for large-scale shipping programs. Mr. Crowley said malevolent acts were a major technical and societal concern, and the committee was unable to conduct an in-depth analysis of these issues due to information constraints. Some of the committee members did not have the appropriate clearances to get access to the information, so they were unable to draw a conclusion. Therefore, the committee recommends that an independent examination of transportation security be carried out prior to the initiation of a large-scale shipping campaign. Mr. Crowley noted that a large-scale shipping campaign means anything over 10,000 MTU, so PFS would be included.

Mr. Crowley said that for package performance, the committee found that current standards and regulations were adequate, but there may be a very small number of extreme accident conditions involving very long duration fires that may compromise the integrity of the packaging. The committee recommends that the NRC should do additional analyses on long-duration fire scenarios that bound real world accident conditions, and then put into place any operational controls as a result of those studies. He said the committee endorses full-scale testing for packaging as part of the testing program and full-scale testing to failure is not necessary. Mr. Crowley stressed that full-scale testing is only one part of an integrated package test.

Mr. Crowley said that while the technical risks to transportation are well-known and low, the societal risks pose important challenges. Using social science to change perspectives has had limited effectiveness in the past. So the committee recommends managing social risk instead of changing perspectives. The committee recommends taking early, proactive steps to gather information about social risks and their management. They advise DOE to create an advisory group to work on the issue and involve stakeholders in the planning. Mr. Crowley said that the final report contains quantitative comparisons of the radiological risks for various things, including the risk to populations along the route, repository workers, taking a cross-country plane ride, and having a medical x-ray done. The committee could find no activity involving radioactivity that had a lower dose risk than living along a Yucca Mountain transportation route. Additionally, when comparing risk for hazardous materials accidents, there is no substance with less risk for fatalities than spent fuel, based on accident data.

Mr. Crowley said that the committee felt that the routing procedures used by the research reactors program were adequate and reasonable. The DOT regulations for routing are satisfactory for assuring safety, as long as shippers actively consult states and tribes along the route and follow state designated alternate routes. Mr. Crowley said that the committee fully supports DOE's decision to use mostly rail and dedicated trains, and they strongly encourage DOE to fully implement these decisions before commencing a large-scale campaign, so as to reduce the need for truck shipments. The committee also recommends that DOE release its suite of routes as soon as practicable, and follow the foreign research reactor program model of consulting with states and tribes.

Mr. Crowley said that the committee thought that the current queuing process was unworkable, and that DOE should work with the utilities to ensure that older fuel is shipped first. If the negotiations fail, then Congress should consider legislative changes to the NWPA. The committee also recommended that DOE should pilot the program before starting the full campaign.

The committee also recommends that emergency responder preparedness should start as soon as possible, and that the federal government should disclose criteria for protecting sensitive information about the shipments to those with a need to know. Non-sensitive material should also be made available. Finally, Mr. Crowley said that the committee recommends three options for a reorganization and management of the spent fuel transport program. The first is quasi-independent DOE organization, the second is a quasi-government organization, and the third is a fully commercial enterprise. The three options are not ranked and do not reflect on the high quality of the DOE staff. Mr. Crowley said that the full report would be available shortly and that he would send copies to Ms. Wochos for distribution to the states.

Mr. Owen asked what the feedback on the study has been. Mr. Crowley said that they only received one negative comment. The federal agencies and the state of Nevada both agree with most of the recommendations. Mr. Easton said that the NRC also agrees with most of the report. He said the NRC's responsibility in the recommendations is the shipping cask. For regular NRC regulated shipments the NRC adds additional physical security, but Yucca shipments are not NRC regulated. Mr. Easton said that for the independent security review, what the NRC usually does is have a real design of spent fuel casks, analyze the casks, develop threat scenarios with other agencies and come up with consequences or no consequences, and then if there is a consequence they convene an expert panel to determine if there was a penetration, what would get out. Anyone can learn two of the three pieces of information needed to do this type of analysis without having clearance, but getting all three pieces of information together requires the highest clearance. Mr. Easton said that the NRC is thinking of putting together a smaller group of cleared individuals to look at the information as a solution to the request the Midwest states made to the NRC. He said he will work with Ms. Wochos to set that up if the commission approves it.

Mr. Easton also said that the NRC is committed to doing a package performance study, but the commissioners have decided to wait until DOE comes out with the TAD design and then they will conduct a full-scale test. It is not a regulatory required test, but a demonstration to mimic a severe accident. Mr. Crowley asked if there was any thought to adding a 30 minute fire as part of that test. Mr. Easton said not at this time. He said long duration fires have already been examined in the Baltimore Tunnel Fire study and the British tunnel study. Modeling of long-duration, fully-engulfing fires is adequate. The NRC used FRA statistics to determine that the chance of an accident occurring that would result in a fully-engulfing fire is very rare. The spacing requirement from the DOT is effective. Most accidents involving a fire involve flammable liquids, so the NRC has approached the AAR to change OT-55 to put a prohibition in effect that would not allow flammable liquids and spent fuel to pass in a tunnel. Mr. Blackwell said that the AAR has put that prohibition in OT-55 and now their members are reviewing it.

Mr. Strong asked if the report recommends any changes to current regulations. Mr. Crowley said that NAS refrains from making those kinds of policy decisions. Mr. Easton added that the recommendations are voluntary, so other agencies don't have to follow them. The recommendation for an independent review was made not because the committee found a glaring problem, but because there were not enough cleared members. Mr. Crowley added that the original scope of the study was safety, and security was added later after 9/11. Mr. Easton said that the NRC briefed as many people as they could. The commission feels the subject has been studied, so now it is just a matter of getting the information to the people that need it and starting the dialogue. Mr. Crowley said an independent review would provide more public confidence.

Ms. Wochos asked Mr. Jones what DOE plans to do with the recommendations. Mr. Jones said that DOE agrees and is satisfied with most of the study's findings. Some of the recommendations even validate what DOE is already doing, like involving stakeholders. The social risks are also a DOE concern. When the EIS was put out, DOE did look at the social risks. The department is reviewing the recommendations to see what else

can be done. Educating the public is an important part of the program, as is involving the states and tribes. Stakeholder input will be part of the route identification process. As for the recommendation on the contracts, Mr. Jones said he would have to defer to the standard contracts people as to whether they will follow that one or not. Mr. Field added that you know that it is a good report when all the federal agencies and the state of Nevada agree on most of the content. We tend to focus on the bad things, but we should take the time to look at the good things too. Mr. Crowley said that he would like to develop a 4-page summary for specific audiences, like state officials, the public, emergency responders, etc. He also said that NAS is getting ready to do a study on medical isotope transportation and there are plans in the House to request a NAS study on GNEP. Mr. Leuer said that the biggest issue for public perception is on the truck side. It is not the integrity of the cask but the possibility of hostile force. Mr. Crowley said that they heard similar concerns during the review and it is addressed in the report.

Mr. Owen then asked the committee to turn back to the Planning Guide revision. Ms. Wochos pointed out that Mr. Strong had wanted to change the last sentence in the assistance to states section to say some states will levy fees, because not all states will charge fees. The group agreed that this was a good change. Ms. Wochos asked if there were any additional changes. Mr. Flater made a motion to accept the changes as revised. Mr. Schwarz seconded the motion. Mr. Owen called for a vote and the motion passed unanimously.

Ms. Wochos read through the action items. Mr. Owen adjourned the meeting at 5:30.

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