

The Council of State Governments
Midwestern Radioactive Materials Transportation Committee

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Tuesday November 27

Committee Business Session

Mr. Owen called the meeting to order and welcomed everyone to Columbus. He recognized the new committee members, returning legislators, and mentioned that committee members Joe Bell of Indiana and Frank Moussa of Kansas had both left the committee. Mr. Owen asked participants to refrain from using unexplained acronyms during the meeting. He then asked participants to introduce themselves. Mr. Owen then introduced Dr. Alvin Jackson, who would welcome the group to Ohio. He said Dr. Jackson is the Director of the Ohio Department of Health. Dr. Jackson has made it his goal to make quality healthcare accessible to all Ohioans, regardless of income. Dr. Jackson was appointed as Director by Governor Strickland in June.

Dr. Jackson welcomed the group to Ohio and said he never realized there were so many people out there working for the public's safety. He said the public as a whole does not realize how many people are working on radioactive waste transportation. Dr. Jackson said the committee has been involved on many issues on safe transportation of radioactive materials through the Midwestern states, and that it is an excellent forum for developing policy and procedures with the Department of Energy (DOE). He acknowledged that much work has already been done, but much work is yet to be done. The public needs safety as we move radioactive materials from state to state. He said ultimately the policies and the work is about the safety of the citizens. Dr. Jackson recognized the challenges to getting the work done and said in Ohio in particular, funding is tight. He said Mr. Owen had briefed him on the 180(c) funding suggestions the states had made to DOE and he is confident that DOE will take them into consideration. Dr. Jackson thanked the committee for its hard work and welcomed the group to Columbus.

Chair's Report: Mr. Owen then gave the Chair's report. He said he would only give an overview because many of the items in the report will be covered later on in the meeting. He said of particular note since the last meeting is the draft security information matrix that the committee and other regions presented to Earl Easton and the Nuclear Regulatory Commission (NRC). The matrix included what information the states would like to receive from the NRC in regard to radioactive materials packaging vulnerabilities. The matrix was sent to the NRC in March, but the committee has not heard back, so in October, a letter was sent formally submitting the information to Earl Easton. The committee is awaiting a response.

Mr. Owen said the committee also submitted comments on the 180(c) revised policy that was published in the *Federal Register* in July. The committee's comments were sent to DOE in October. One of the comments is that DOE did include many of the suggestions of the 180(c) Topic Group (TG) of the Transportation External Coordination/Working Group's (TEC/WG). Mr. Owen said the comments reflected this positive point, but also included three additional major recommendations. The first was that the funding for 180(c) should cover the same activities and programs as the Waste Isolation Pilot Plant (WIPP) funding. WIPP funding allows states to spend money on inspections, escorts, and other non-training aspects of transportation. The second recommendation is that the policy eventually be made into a rule so as to avoid any potential changes with changes in administration or leadership. The third recommendation is that the policy allows some funding for contingency rerouting. Mr. Owen said many individual states received letters announcing the publication of the revised policy in the *Federal Register* and that several states submitted their own comments in addition to the committee comments.

Mr. Owen said DOE also issued a Yucca Mountain Repository Draft Supplemental Environmental Impact Statement (SEIS) for comment in October. The committee asked DOE to hold a public meeting on the SEIS somewhere in the Midwest, specifically Chicago or Kansas City since those cities will be heavily impacted by shipments. The letter to DOE went out in November and the committee is still awaiting a response. In addition to that letter, Mr. Owen said the committee sent letters to James Rispoli (DOE-EM) and Edward Sproat (DOE-RW) covering the happenings of the last committee meeting and pointing out the major action items for the respective programs as a result of that meeting. The letter to Mr. Rispoli included suggestions that DOE consider producing fact sheets for all campaigns and that DOE use the precedents set by the Foreign Research Reactor (FRR) program when planning the Spent Fuel Transfer (SFT) shipments. Regional group staff also sent a letter to Corinne Macaluso at DOE indicating appreciation for input on the TEC meeting agenda and making recommendations for improvement at the next meeting. Mr. Owen said in addition to all the correspondence, the Routing Topic Group developed routing principles for the national route identification process, the committee provided key dates to avoid for SFT shipments, and a representative of the committee attended DOE's pilot radiation specialist training session that was held in Pennsylvania in October. Mr. Owen said these things would be discussed in more detail later on in the meeting.

Project Update: Mr. Owen then asked Lisa Janairo (CSG) to give the project update. Ms. Janairo said Mr. Owen had covered much of the project update and that there was a written update in the briefing materials, so she was instead going to do a quick summary of radioactive waste transportation for the new members. The summary includes what materials are transported, what programs transport what materials, and why the states should care.

Using a pyramid as a visual aid, Ms. Janairo started with what the materials the committee is concerned with. There are four main types of waste: low-level waste (LLW) is the largest in quantity, with transuranic waste (TRU), high-level waste (HLW), and spent nuclear fuel (SNF) rounding out the pyramid. The stuff at the top of the pyramid (HLW and SNF) will go to a national repository. TRU waste is a result of the nation's defense activities and goes to WIPP in New Mexico, and LLW goes to many different sites across the country.

Ms. Janairo said to assess the quality of the materials, the pyramid needs to be inverted. The radiation levels of SNF and HLW are much higher than TRU and LLW. The greater the radiation, the more safety measures are required for transport: regulations by the Department of Transportation (DOT) and the NRC, DOE orders, Congressional requirements in laws like the Nuclear Waste Policy Act (NWPA), and state laws, rules, and regulations. More requirements mean more people involved to carry out the requirements and more people paying attention to the shipments. Ms. Janairo said while in quantity, SNF is smaller than LLW, the shipments will attract considerably more attention.

Ms. Janairo then went on to explain the "who's who" of radioactive materials transportation. The first program is DOE Office of Civilian Radioactive Waste Management, called OCRWM or RW. The mission of this office is to dispose of SNF and HLW at a national repository, as directed by Congress in the NWPA of 1982. Ms. Janairo said per the NWPA, RW was supposed to start accepting SNF in 1998, but to date they have not accepted any and it looks as though it will be at least another 10 years before a repository is built. Despite this delay, RW recognizes the importance in continued planning because it will probably take more than 10 years to get ready for the shipments. Ms. Janairo said Alex Thrower from RW will speak to the committee tomorrow and will cover topics such as 180(c) assistance, routing, the transportation plan, and the SEIS.

Ms. Janairo said the second program is DOE's Office of Environmental Management, or EM. Ella McNeil from this office will give an overview of the program tomorrow as well. EM's direction is to clean up sites that were formerly used for the manufacturing of nuclear weapons for defense purposes. Ms. Janairo said EM is doing a really good job with this directive. Cleaning up the sites means moving lots of waste, especially LLW and TRU. The Midwest has seen many shipments over the last decade and will continue to see shipments for years to come. The topics Ms. McNeil will cover in her presentation include the SFT shipments, the depleted uranium hexafluoride (DUF6) shipments, which are shipments from the site the committee will visit on Thursday, and the Prospective Shipments Report (PSR).

Ms. Janairo then showed maps of the Midwestern states that have EM sites and states that are affected by EM shipments. She said it is evident that the Midwest is at the crossroads of America. She also showed maps of Midwestern states that have RW sites and states that will be affected by RW shipments. She said every state except North Dakota will be impacted. Ms. Janairo said the states should care about this issue because impact means action. Because the Midwest will bear the impact of such a large number of shipments, the states should be involved in things like establishing the policy on 180(c) financial assistance. We can also develop plans, and one model plan is the FRR program, which was developed with the substantial input from the Midwest, the South and the West. The West also worked very closely with DOE on the WIPP plan. Ms. Janairo said states are involved with emergency planning and preparedness, training, escorting, inspections, monitoring and public outreach in relation to these shipments. States also deal with elected officials within their borders, the public, and the media. The higher the material is on the pyramid, the more interest there is from these groups. As a result, states need good information on the shipments and what actions need to be taken in order to make sure the shipments proceed in an uneventful manner. Ms. Janairo said the committee is the primary way the Midwestern states get the information they need and remain a part of the planning process.

Work Group Updates: Mr. Owen explained that, within the committee, members take the lead on various issues and work in work groups. Sometimes the topics coincide with the TEC/WG Topic Groups. Mr. Owen went through the list of work groups and the tasks of those groups and said the committee would fill in the blank spots later on in the meeting.

Mr. Owen asked Thor Strong (Michigan) to report on the happenings of the **180(c) work group** and Topic Group. Mr. Strong said the blue letter in the briefing materials and the accompanying comments were those the committee sent to DOE in October on the 180(c) *Federal Register* notice (FRN). He said Section 180(c) is the part of the NWPA that provides states with funding and technical assistance for training of first responders and others for shipments to Yucca Mountain. He said the Topic Group began working on developing the framework for the policy in 2004-2005. By late 2005, much of the kinks were ironed out and the Topic Group submitted recommendations to DOE. At the time, DOE had planned to publish the policy at the end of 2005, but it didn't happen until the summer of 2007. Mr. Strong said the Midwest's work group reviewed the notice and prepared draft comments, then the entire committee was able to review the comments, and then the committee submitted the comments to DOE on October 9th. In the meantime, DOE extended the comment period until January 22nd, so individual states still have time to submit their own comments.

Mr. Strong said the FRN did pose a number of questions back to the public about amounts of funding, the timing of funding, etc. In the committee's comments we tried to answer those questions. In addition to answering the questions, the committee's comments covered some of the original recommendations that were not included in the FRN. Mr. Strong said one such area was funding for operational activities. He said the policy itself is intended to cover costs for training of staff, but not for operations such as inspections or escorts, so the committee commented that DOE ought to work toward something like the WIPP program,

which provides operational funding. The committee also asked DOE to promulgate the policy as a rule. The committee also asked DOE to address contingency rerouting. Mr. Strong asked the committee to look over the comments so that we can discuss the policy and the comments with Mr. Thrower tomorrow. He said in particular there is a need for clarity and specificity in many things. Mr. Strong also said the committee mentioned the need for a pilot program to work out the kinks before the actual campaign gets started.

Kevin Leuer (Minnesota) asked if there was any benefit in individual states mirroring the committee's comments. Mr. Strong said he thought there was merit in that suggestion. He said Michigan sent a letter, and the gist of it reiterated the committee's comments and stressed the need for operational funding. Tim Runyon (Illinois) said Illinois also sent a letter and mentioned the need for operational cost funding as well. He said another of Illinois' comments was that in the event that there is not a national repository, it would be necessary for DOE to fund all transportation activities to a Global Nuclear Energy Partnership (GNEP) site and Private Fuel Storage (PFS). Mr. Runyon said a recent Government Accountability Office report puts GNEP into perspective, so that may be a moot point, but it was still a valid comment. Jane Beetem (Missouri) mentioned that the RW website lists all the comments that DOE has received on the FRN. Mr. Thrower said the committee's letter with the level of detail is very helpful and much appreciated.

Mr. Owen asked Ms. Beetem to give an update on routing activities. Ms. Beetem said that in 2004-2005, the committee's **route identification work group** did a route identification project that resulted in recommendations for the Midwest's suggested starting point for the national route selection discussions. The national route selection discussions began in 2006, but very little progress has been made. She said the Routing Topic Group is one of the newer groups and the Midwest's goal is to work to develop routes with flexibility. Ms. Beetem said that several years ago DOE decided shipments will be made primarily by rail, but some plants don't have rail access, so there will be some heavy haul and truck shipments. She said the original timeframe was to make a preliminary selection of routes by the end of this year. That timeframe has been revised, though, since Yucca Mountain is at least 10 years off. Ms. Beetem said the Routing Topic Group has had a couple of meetings and conference calls. The group spent a lot of time defining the term 'suite of routes' and at the last TEC meeting, the definition was finalized. The definition is in the briefing materials. Ms. Beetem said DOE developed a list of routing principles and the Midwest developed an alternative list of principles that the committee needs to discuss.

Mr. Owen asked Mr. Runyon to report on the **Rail Topic Group**. Mr. Runyon said the Midwest does not have a work group for this topic, but members of the committee participate in the Topic Group. In the Topic Group, there are smaller subgroups which discuss specific issues. Mr. Runyon said he is a member of the Inspections subgroup. The Commercial Vehicle Safety Alliance is an organization that developed a standardized inspection process for commercial vehicles that is now accepted and used in most states in the country. The process has been in place for a long time, and DOE supported the Level VI process, which is a more detailed process for inspection vehicles carrying radioactive materials. The goal of the process was to seek reciprocity for inspections between states so that shipments didn't have to stop at every state line. Mr. Runyon said the Rail Topic Group decided that something similar needed to be developed for rail shipments, because currently there is no process for rail. The Inspections subgroup put together the necessary regulations with the help of Pat Edwards (Pennsylvania) and Mel Massaro (FRA), and the result was a compact, easy to use form. Most recently, the form was presented to the Federal Railroad Administration's (FRA) State Participation Program Managers in the hope that the FRA would take up the reins in getting the form standardized. Mr. Massaro said he attended the meeting and tried to convince the states that they need to be active in this process. Once the shipments start up, the FRA state programs will not have enough inspectors, so states need to have reciprocity. Mr. Massaro said the ideal situation would be to get the big states involved. Mr. Runyon said the backbone of the CVSA program is that you have documentation that

gets passed along as the shipment proceeds. A certified inspector has to do the inspection, and the paperwork they complete is valid for a certain period of time. A sticker is attached to the truck that shows that the inspection has been done and for how long it is valid. If the truck does not meet the criteria of the inspection, it doesn't move. Mr. Runyon said a similar program is needed for rail. Mr. Runyon said the main components are documentation and reciprocity. It is state law to do an inspection in Illinois, but if there is a standard that crosses state boundaries, that inspection can be accepted by other states.

Mr. Owen then asked Mr. Runyon to discuss the activities of the Security Topic Group and the Midwest's **security work group**. Mr. Runyon said the Midwest has been working with the NRC on an information sharing initiative. He said security is a pretty broad topic and there are a lot of security standards in place by the NRC for commercial movement. But DOE doesn't have to follow those regulations and standards except for the notification regulation because it is specifically mentioned in the NWPA. Mr. Runyon said with that situation as a backdrop, it has been the Midwest's objective to address the various areas of security with DOE and the NRC, and the Security Topic Group was established at the TEC meeting in Minneapolis in 2004 as the vehicle for these discussions. At the 2005 TEC meeting in Pueblo, Colorado, DOE's security folks came and the Security Topic Group had a good discussion. The group decided DOE needed to develop a classification guide if they weren't going to use the NRC's classification levels. Mr. Runyon said it is important for all the states to understand how to handle the information that DOE provides, and in order for states to know how to handle the information, there needs to be a classification guide to show states what level of protection the information needs. The NRC is very specific about what states can and can't do with information, and DOE now needs to be at that level of specificity. That specificity also needs to show how the levels of information relate to NRC classification levels. Ms. Janairo said committee members will get to see the draft classification guide tomorrow. Mr. Thrower said the document itself is not classified, but it is Official Use Only. Mr. Runyon said in the summer the Security Topic Group received a document called the Information Sharing Protocol, which includes the detail of information that the states are likely to receive on shipments and how they can share that information. The Midwest work group provided comments on this document, which was actually quite disappointing. Mr. Thrower said the purpose of the document changed once the writing began and once it went into concurrence, so it is not as he had originally hoped it would be.

Mr. Runyon asked about the status of the Security Topic Group. Mr. Thrower said DOE is still accountable to the Topic Group for the Information Sharing Protocol, but not for the classification guide. He said he can take the guide around to the regional meetings, but he can't distribute it. DOE felt the TEC wasn't conducive for sharing the information in the classification guide. He said the Topic Group will get a revised version of the Information Sharing Protocol to the Topic Group. Mr. Runyon said questions might arise about the classification guide and the Topic Group may need to be resurrected to discuss those questions. Mr. Thrower said it might be better to get the DOE security folks on the phone than discuss the guide in the Topic Group. He said he would talk to the DOE security people about it.

Mr. Owen then asked Ms. Janairo to comment on the **transportation planning work group**. Ms. Janairo said the work group had two current tasks. The first is to review the draft transportation plan, which RW issued in July. Originally DOE promised a draft plan in 2002, but instead came out with a strategic plan. The July version is more of a transportation plan than the states had ever seen before, but DOE quickly withdrew the version for modification. So the work group's review of the document was put on hold pending the issuance of an updated version. Ms. Janairo said the work group's second task is to comment on the SEIS. She said the work group prepared some draft comments and sent them to the full committee for review on November 21st. The committee will discuss these comments tomorrow with the goal of finalizing them for the January deadline.

Other Meetings: Mr. Owen then asked various members of the committee to comment on other meetings they had attended since the last committee meeting. Ms. Janairo said she would skip reporting about the Wisconsin Radioactive Waste Transportation Work Group because Paul Schmidt (Wisconsin) would report on that group during the state roundtable. Ms. Janairo said she and Sarah Wochos (CSG) attended the *WIPP Road Show* at Argonne National Labs in August. The WIPP people brought the new remote-handled TRU waste cask and truck trailer to Argonne so that Illinois first responders and Argonne staff could see the cask and the trailer. Local government people also attended and there was a good turnout. Rep. Steve Olson (Iowa) commented that he went to the WIPP Road Show when it stopped in Des Moines. He said there was about an hour long presentation and a very good turnout. Melanie Rasmusson (Iowa) said the turnout was surprisingly good given that a power plant exercise was happening on the same day. Ms. Janairo said WIPP might have done a better job coordinating dates and times with the states. She said if the committee feels it is important to arrange another road show closer to the shipping date, we will ask DOE for one. The affected states agreed this was a good idea.

Rep. Dave Niezgodski (Indiana) reported on the *Midwestern Legislative Conference Executive Committee Meeting*. He said Ms. Janairo had asked if he would give a committee recap to the Executive Committee at the Annual Meeting in Traverse City, Michigan, in August. He said it was a good opportunity for the Executive Committee to get acquainted with the work of our committee and vice versa. He said he received a handful of questions. Sen. Patty Birkholz, who is the current MLC Chair, asked if the growing interest in nuclear power was at all affected by not having a good disposal plan for the waste. She also wanted to know the schedule for opening Yucca Mountain. Rep. Niezgodski said several members of the Executive Committee had concerns about moving the repository along faster, but understood that it was a complicated issue. Other members asked who represented the committee from the various states and whether legislators attended the meetings. Rep. Niezgodski said he felt that the Executive Committee was impressed with the work of our committee.

Ms. Wochos reported that she attended the *Western Interstate Energy Board (WIEB) High-Level Waste Working Group and the Western Governors' Association (WGA) WIPP Transportation Advisory Group* meetings in Santa Fe, New Mexico, in September. She said the Western states split the RW and EM activities into two different committees. The WIEB group handles RW activities and the WGA group handles EM activities. They met together in Santa Fe, with one group meeting on the first day, the other on the second, and the third day the group took a tour of Los Alamos National Laboratories. Ms. Wochos said she wouldn't go into much detail because Alex Schroeder from WGA and Jim Williams from WIEB would speak more about the meetings tomorrow, but one important resolution was that the states got confirmation from the NRC that spent fuel shipments can safely be posted on the PSR. Ms. Wochos said DOE had taken spent fuel shipments off the PSR for security reasons, but it turns out those security reasons were not valid. The issue will be discussed with Ms. McNeil tomorrow.

Frank Moussa then joined the meeting via phone. He thanked everyone on the committee for their hard work and friendship and he said in his new capacity at DOE he will continue to work with the committee on a regular basis. He said everyone has known for many years that the Midwest is a leader among the regions, and that has to do with the great staff and the hard work of the members, including the legislators. He said he has been thankful for being a part of it. He also said in the short time he's been working with DOE, he has seen a commitment from the staff that is unparalleled. He said while today is his last committee meeting as a state, in January he'll be back and he looks forward to working with us in the future. Mr. Moussa said he hopes to see as many people as possible at the TEC meeting in San Antonio.

Old Business: Mr. Owen then directed the discussion to old committee business. He started with the *TRANSCOM Users' Group*. TRANSCOM is the satellite tracking system DOE uses for shipments. Carol O'Claire (Ohio) is the official representative on the Users' Group from the Midwest. Ms. O'Claire said she is taking over the position from Mr. Runyon. The next meeting of the Users' Group is March 4th in Albuquerque, NM. She said she is the agency representative in Ohio and that there are many people in the states who are users and a couple of people that are Super Users. Super Users can train other people to be general users. Ms. O'Claire said Sharon Taylor from TRANSCOM sent a recent newsletter, which is included in the briefing packet. Training can be done in Carlsbad or TRANSCOM personnel can come to the regions or states to do training. The South is planning to do a regional training session in Kentucky this year, and Ms. O'Claire said she will pass on the information once she receives it. She also said she will get a list of users in the Midwest and solicit questions and concerns from them prior to the Albuquerque meeting. Ms. Janairo said after the last committee meeting we asked members if there was interest in having a regional training session and there was, but the money isn't currently available. If the money becomes available, the staff will set up a session.

Mr. Runyon then reported on the *EM Event Reporting* activities. He said the states have kicked this idea around for a while. The event reporting criteria are the basis on which DOE will notify states of shipment incidents. The question was, at what point does DOE need to alert the state emergency management agency or the state patrol that something has happened? He said there are a broad variety of materials that are transported and the states need to know about some incidents immediately and others not at all. Obviously the states need to know if an incident might invalidate a CVSA sticker, but states were getting immediate reports for flat tires and hit deer. Mr. Runyon said the states worked on a matrix with DOE and just when we thought the work was done, DOE decided they didn't like the list, so we've been in a holding pattern for awhile. He said the matrix is in the briefing materials and if you read down the different types of incidents, there needs to be a reasonable breaking point. He said initially the process started with an incident a few years ago that was reported in Illinois, but he couldn't get any information on it. Turns out, the incident was actually in Missouri, so it wasn't a notification failure, but for awhile the states were confused. Mr. Runyon said the bottom line on the matrix is that the states are waiting on DOE.

Ms. Janairo reported on DOE's *Prospective Shipments Report (PSR)*. She said recently EM announced that they would stop posting spent fuel shipments on the PSR. The report lists what shipments are coming up in the next 6 months, what states they will pass through, the general timeframe, and the number of shipments. The report also includes the mode of transport, and the name and office in charge of the shipments. She said the states have tried to push DOE to make the PSR more user-friendly. Ms. Janairo said it started when Ms. Beetem asked for something she could send to emergency managers. Due to EM's lack of response to our request, Ms. Janairo said the Midwest decided to make our own version of the PSR. She said the committee needs to talk about the rationale for DOE taking the spent fuel shipments off the PSR because it undermines the usefulness of the document. Ms. Janairo said DOE used the excuse that the information was safeguards information, which is not the case. The information would only be safeguards if there was a specific date and time listed, which the PSR does not provide. Ms. Janairo said the WGA and the Eastern states (CSG-ERC) joined us on a conference call to discuss the issue. At the WGA meeting, an NRC representative said DOE was wrong to use safeguards as the excuse. Mr. Schroeder said the Western states are looking at writing a letter to formally request the shipments be placed on the PSR. Ms. Janairo said if Ms. McNeil can't commit to making the change tomorrow in her presentation, that perhaps the committee should consider signing on to the West's letter.

Ms. Janairo said another issue is that the university shipments are not posted on the PSR. It is a confusing issue because, although the university shipments go to a DOE site, they are not technically DOE shipments.

The University of Michigan was adamant about this fact in the past, and requested that its shipments not be posted on the PSR. Ms. Janairo said the states are eager to see DOE resume the practice of placing university shipments on the PSR as well. Earl Easton (NRC) said to clarify, the university shipments are NRC-regulated shipments, but not necessarily DOE shipments. As long as the information on the PSR is within certain boundaries there is no safeguards violation. If DOE still feels the shipments shouldn't be on the PSR, they should consult with the NRC. Mr. Runyon said there is nothing in the PSR that violates safeguards regulations, so it doesn't make sense. Scotty DeClue (DOE-SRS) said he is planning on putting the SFT shipments on the PSR. He said to be able to plan those shipments, the general information needs to be available to the states on the PSR. Mr. Leuer asked what happened to the fact sheet component of the PSR. Ms. Janairo said the Ms. McNeil will be addressing that during her presentation. She said the committee talked to DOE about producing fact sheets for each campaign, but DOE backed off on that over the years, so we asked DOE to go back and reinstate the practice. Ms. Janairo said the committee conveyed the issue to Mr. Rispoli. Judging from Ms. Janairo's conversation with Ms. McNeil, however, it sounded like DOE didn't have the staff resources to produce the fact sheets.

Ms. Wochos explained the Midwest's version of the PSR. She said for each state there was a cover sheet listing the basics of the campaigns that affect that state, and then an individual sheet for each campaign with additional details. Each campaign would include route and shipment details, contact information, and links to packaging information, campaign information, and campaign fact sheets, if available. Ms. Wochos said these are automatically produced and would change with each new PSR. She asked the committee to look at the prototype before our discussion tomorrow. Ms. Janairo said ideally the states would receive it by email so that the links could be used and it could be easily distributed. She asked that committee members think about the type of information they would want to have on hand to be able to forward to emergency managers, if they choose to do so.

Jon Schwarz (Nebraska) discussed the *IRRIS Pilot Project*. He said the states heard a proposal to investigate the IRRIS satellite tracking system as a potential replacement for TRANSCOM from the Western states. The proposal, which is included in the briefing materials, suggests a one-year subscription to IRRIS that the regional groups would split. He said he, Mr. Runyon, and Ms. Wochos all looked at the proposal and discussed the possibility of the Midwest joining the project. He said originally he thought the system could also be used for emergency management, but after reviewing it, the system really is more for shipment tracking. Mr. Schwarz said in their discussions, he, Mr. Runyon, and Ms. Wochos felt that the price was too high right now for the Midwest to consider. Mr. Runyon said he liked the system as well, but since DOE is reluctant to spend money on upgrading TRANSCOM, it seems unlikely that they will spend the money on IRRIS, so it is unwise for us to spend the money reviewing the system. He said IRRIS has more bells and whistles than TRANSCOM, and can be customized more, but the Midwest has limited shipments, so right now it is unnecessary. Ms. Beetem said she remembered IRRIS provided more detailed maps. She asked if there was a system out there besides IRRIS that could produce those maps. Mr. Thrower said IRRIS is a Department of Defense built system that is now going more commercial. He said he is very impressed by the system, but DOE's opinion is that for now TRANSCOM is fine. Ms. Wochos said the point is that for a one-year license, it is too expensive for us given that we won't have many shipments to test the system with. She said if there were additional shipments happening, it might be more worth it, but for now it is not. Jim Williams (WIEB) said the West is still pursuing the project and that they are also looking at using IRRIS for route mapping. He said it is time consuming to update data for route evaluation, and if IRRIS can do it automatically, it could be very useful. He said they also believe intermodal shipments could be evaluated with the system. Ms. Beetem motioned to accept the recommendation not to pursue the project at this time. Rep. Phil Montgomery (Wisconsin) seconded the motion. The motion passed unanimously. Ms. Wochos said

part of the recommendation is that if DOE comes up with the money so that the regional groups don't have to pay, then the Midwest should participate.

Ms. Wochos explained the revision to the *OCRWM Timeline*. She said at the State Government Officials' tour of Yucca Mountain in the fall of 2005, several legislative participants asked for a general timeline of major accomplishments needed before Yucca Mountain could open. Ms. Janairo and Ms. Wochos produced a timeline as a result of this request and it is updated before every committee meeting. Ms. Wochos said since the last committee meeting three major accomplishments have moved into the 'completed' column: the 180(c) policy was published in the *Federal Register*, the draft transportation plan was issued, and the SEIS was issued. She explained that the dates on the timeline are estimates and many are DOE-announced target dates, so they cannot be held as definite. Mr. Easton said he had some updates to the timeline and would send them to Ms. Wochos.

New Business: Mr. Owen moved the committee into new business. He started with the *DOE Radiation Specialist Training Module Pilot Session*, which Tim Walker (Ohio) attended on behalf of the committee. Mr. Walker said the training session was put together by DOE's Transportation Emergency Preparedness Program (TEPP). It was held the first week of October. Mr. Walker said the intended audience was radiation specialists, who are within the hierarchy of first responders. Hazmat technicians are the highest rung and specialists are a side step of the hazmat technicians. He said they serve as on-site experts while waiting for state or federal resources to arrive. He said since the category already exists, it makes sense to have TEPP training for them, but it is a challenge because depending on the situation, even the radiation specialists may not be the best people to respond to an incident. Of the training, Mr. Walker said it was a 3-day course, with 2 phases each day. The instructors were well qualified and the take home products were really good. The homework and exercises were challenging.

Mr. Walker said there were a couple of problems with the session, however. First, there was a problem of scale. For some of the participants not steeped in radiation knowledge, they needed to know whether the probability of an accident is big or small. The first responders don't want to over or under respond, so they need to know exactly what they're dealing with. He said another problem was theory versus practicality. The first responders are practical people and the binding energy and calculations parts weren't applicable to them. Some participants were struggling with the theoretical information. Another problem was that some of the information was out of sequence. The program discussed reactions before discussing the various types of radiation. He said there were different levels of understanding among participants and when the program went off on tangents, it was more confusing. Mr. Walker said the third day of the program was the best. He said his overall recommendation is that if the session is polished it would be very useful. The training objective is valid, because the states need all the radiation field support they can muster. Mr. Walker said he expected that since this was a pilot effort, it would be polished in future sessions.

Mr. Strong asked if the participants were able to provide feedback to the instructors. Mr. Walker said he provide very detailed comments. Mr. Strong asked if he knew the timeframe for the next phase of the process. Mr. Walker said he did not and Mr. Schroeder said DOE is planning a pilot of Phase 3 in Idaho in spring. Ms. Janairo said if the committee is interested in setting up a pilot in the Midwest we should wait until after that one is finished. Mr. Strong asked how Phase 2 differs from Phase 1 and there was a lot of discussion on the differences, but no consensus on whether Phase 2 was actually different or just a second pilot. Mr. Runyon asked how the module differed from the other modules in the TEPP program. Mr. Walker said he didn't know and it was clear that most of the participants went into the program without any other TEPP training.

Ms. Beetem said a lot of Missouri's rural responders are volunteers so they would have to do the training on their own time. She asked if it could be condensed into a one-day training. Mr. Walker said would be difficult unless the responders were already hazmat technicians. Mr. Leuer asked if the National Fire Protection Association objectives were followed and Mr. Walker said the training does invoke those objectives, but he wasn't sure how closely. Mr. Schwarz said he talked to Tom Clawson (DOE-TEPP) about the session and it was originally set up for health physicists as refresher training. Mr. Owen said he was under the impression that the training would allow first responders to take control of the situation until a health physicist and others could arrive. It perhaps started for health physicists but now DOE wants one guy on each responder team to be the guy to take over the scene. Ms. Beetem said in that case, sense of scale is very important.

Mr. Owen said the committee needs to decide whether or not to pursue training in the Midwest, but there are questions Ms. McNeil needs to answer first. Ms. Beetem said the training sounds valuable as long as we are sure of who to send. Mr. Owen suggested tabling the decision until the questions are answered. Mr. Schwarz suggested that when Ms. McNeil addresses the issue that we make our recommendations in order to help frame the session.

Ms. Janairo said the committee will hold off on the discussion of the *SEIS* until tomorrow. She mentioned that the draft comments were in the briefing materials and she passed out charts containing shipment numbers and maps of potential routes.

Ms. Janairo discussed the *2008 tour of Yucca Mountain*. She said in 2005 the committee took a tour of Yucca Mountain with some committee members and other legislators. The turnout was good but not great. In 2006, CSG took members of a Wisconsin legislative committee on a tour as part of their discussions on the future of nuclear power in the state. Ms. Janairo said in the new cooperative agreement she included a request for funding to take newer committee members and the members of the MLC Energy Committee to Yucca Mountain. The plan is to take eight Energy Committee members and several committee members. The dates are June 8-9, and travel will be on Sunday with a short briefing over dinner. The tour will be on Monday and then participants can go back Monday night or Tuesday morning. Ms. Janairo said she would like to have committee members help set the agenda for the briefing and the discussion after the tour. She said Ms. Beetem is going to participate and the new co-chair will as well. Ms. Janairo said she would like to get some help from the committee's legislators as well.

Mr. Owen moved the discussion on to the *election of a new co-chair*. He said at the end of 2007 he will step down as co-chair and he'll pass the gavel to Ms. Beetem as senior co-chair. Ms. Beetem will run the committee meetings, and the new junior co-chair will be part of the decision-making and correspondence. Mr. Owen asked for nominations. Ms. Rasmusson nominated Mr. Strong and Mr. Strong said he would if no one else wanted to, but he just served as chair prior to Mr. Owen taking over. He said it was a very valuable learning experience and that the staff make it easy with all their preparation and work. Mr. Strong nominated Ms. Rasmusson and she said she would, though she was concerned she didn't have enough experience. Mr. Runyon nominated Mr. Leuer and he said he would be willing unless someone else really wanted to. Rep. Olson motioned to stop the nominations and cast a ballot. Mr. Owen seconded the motion. The only nomination pending was for Mr. Leuer. The ballot was cast and Mr. Leuer was unanimously elected the new co-chair. Ms. Beetem congratulated Mr. Leuer and read a resolution of appreciation for Mr. Owen.

Mr. Owen asked committee members to consider *lead state assignments*. He went through the various tasks and work groups and asked for volunteers. For the route identification work group, Ms. Rasmusson volunteered to fill the empty slot. She also volunteered to be on the information and communications work group. For the state needs and capabilities work group, Ken Woodall (Indiana) volunteered and so did Mr.

Leuer. For the Section 180(c) work group, Rep. Montgomery volunteered. Carla Schreiber (Nebraska) volunteered for both the security work group and the information and communications work groups. For the 2008 Yucca Mountain tour work group, Sen. Amy Koch (Minnesota) volunteered.

Ms. Wochos moved the discussion on to the *next committee meeting*. She thanked committee members for once again submitting input into the calendar request. She said the next state in the rotation to host the meeting was Indiana, but that the committee was asked to consider having the meeting in conjunction with the next MLC Annual Meeting, which will take place in Rapid City, South Dakota, in mid-July. Ms. Wochos said having the meeting at MLC would help bring more legislators into the mix, would educate a wider audience about radioactive waste transportation, and would bring South Dakota into the committee, since they could potentially be affected by shipments. The committee agreed that staff should try to arrange for the meeting to be in conjunction with the MLC Annual Meeting, but also agreed to use Indianapolis during the week of June 16 as a back-up.

Regional Roundtable: Mr. Owen asked the states to report on activities within their borders. He asked that members stick to items related to radioactive materials transportation and legislation.

Minnesota: Mr. Leuer said more HRCQ materials are coming through the state from Canada than ever before. He said Monticello is getting a dry cask storage system and will begin placing fuel in casks next spring. Ms. Rasmusson asked if the state charges fees for HRCQ shipments and Mr. Leuer said not for HRCQ, but yes for SNF and HLW.

Wisconsin: Mr. Schmidt said the Wisconsin Radioactive Waste Transportation Work Group had been in place for a long time, but went into hiatus when Yucca Mountain didn't open on time. The group reactivated to look at shipments on the horizon, including the shipment of the reactor vessel from La Crosse. The event the group is working on now is the shipment of spent fuel from the university. There is some confusion about which federal agency is in charge. Mr. DeClue said Jim Wade of the Office of Nuclear Energy is in charge and he will give Mr. Schmidt the contact information. Mr. Strong asked what agencies are part of the work group. Mr. Schmidt said DOT, FRA, DHS, Emergency Management, utilities, etc. The goal is to put together recommendations for preparedness and then implement those recommendations.

Michigan: Mr. Strong said Michigan is seeing regular shipments of cobalt 60 from Nordion from Ontario, Canada. Most of the Nordion shipments come through Michigan. He said recently the state started a system to inspect all of those shipments. Mr. Runyon said once Michigan gets used to doing regular inspections, Illinois will accept those inspections for any shipments that continue through Illinois. Mr. Strong said about a month ago there was a call for an accident involving a truck carrying 64,000 pounds of radioactive waste from the Palisades plant. Turns out it wasn't radioactive waste at all, but the evacuations and public relations that resulted from the mis-categorization were a good learning experience for the state.

Indiana: Rep. Niezgodski said he had Joe Bell come speak to the Northwest Indiana transportation committee about hazardous waste transportation. He said the meeting included a lot of legislators and went over really well. He said Indiana will look at permitting issues in the near future.

Illinois: Mr. Runyon said several of his people went to the WIPP Road Show at Argonne and that the state is expecting those shipments to start up in the near future. Illinois continues to inspect and escort all spent fuel and Nordion shipments. The state is in the process of restructuring the inspection and escorting system in order to be more streamlined. In addition, the state is implementing a large-scale program called the preventative radiological detection program. As part of this program, radiation detectors will be placed in

every squad car in Illinois and on some overpasses. Mr. Schmidt asked how many detectors that would total and Mr. Runyon said over 20,000.

Nebraska: Mr. Schwarz said the state is working with DOE to do an exercise either with an already planned terrorism exercise in October or separate from it. The exercise would likely be like the one held in Indiana last year.

Iowa: Ms. Rasmusson and Rep. Olson had nothing to report.

Missouri: Ms. Beetem said the state is looking at introducing fee legislation again next term. She also said Ameren is seeking to license a new reactor at the Callaway plant. If licensed, that reactor would be built in 2009. Rep. Montgomery asked what kind of reactor the plant would build and Mr. Easton said the company would use an existing, already approved reactor design.

Ohio: Mr. Owen reported that Rep. Michael Skindell introduced legislation to establish a fee system for shipments of HRCQ and greater. This legislation was introduced several times before but never made it out of committee. He said to date the legislation hasn't made it out of initial hearings.

Mr. Owen ended the meeting for the day.

Wednesday, November 28

Mr. Owen called the meeting to order and asked new participants to introduce themselves.

U.S. Department of Energy, Office of Civilian Radioactive Waste Management Update

Mr. Owen asked Mr. Thrower to give the *Office of Civilian Radioactive Waste Management (OCRWM)* update. Mr. Thrower started by going over the department's overarching objectives. The office was put in place by Congress in 1982 by the NWPA and was given the directive to license, construct, and operate a geologic repository. There are two streams of waste that will go into the repository: spent nuclear fuel from DOE and from commercial plants and HLW from national defense weapons manufacturing. The Office of Logistics Management is split into two sides: the national transportation side will design and put together the national system of logistics from the sites to the repository. The larger and other part of the program is the construction of the rail line from existing lines to Yucca Mountain. Construction of that line is the subject of one of the EIS documents that recently came out. The construction will be a very expensive undertaking and will take several years. Mr. Thrower said it is DOE's belief that the only way to efficiently transport and emplace the waste is to use rail.

Mr. Thrower said the schedule that is published is the best achievable schedule. The schedule is dependent on budgeting, and currently the department is operating on a continuing resolution budget. Mr. Thrower said the project will need much more money in the coming years to meet the best achievable schedule.

Mr. Thrower said DOE has four main objectives for the coming year. The first is to submit a high quality construction license application to the NRC no later than June 30, 2008. DOE is confident that the license submitted will be docketable. The second objective is to shore up staffing. Mr. Thrower said Mr. Sproat wants to create a nuclear culture in DOE. That means hiring people that can produce a licensable organization. He said the NRC licenses organizations, not just buildings, so they will look at people and a whole host of things when considering the license application. Mr. Thrower said Mr. Sproat spent a lot of time on the commercial side of nuclear energy, so he knows what he's doing with licensing. The third objective is to mitigate the

liability litigation. Under the standard contract, DOE was obligated to start accepting fuel in 1998. That date was not met, and as a result there are over 55 lawsuits by utilities. The department is working through it but it does put a damper on some discussions with the utilities. The last objective is the implementation of a comprehensive national transportation plan that incorporates to the greatest extent possible the concerns of the stakeholders. Mr. Thrower said Mr. Sproat has said transportation is a focus. Ten years is not too early to start some of the work.

Mr. Thrower said the schedule envisions completing the repository design for the application in November. The department will then issue final versions of the EIS documents next June and then submit the license. The NRC will complete a 3-month review of the application in order to docket it. After it is docketed, the NRC will start the formal review. Mr. Thrower said the schedule depends on a lot of things. There has been a lot of recent interest including Congressional hearings, litigation, permits, etc. He said Yucca Mountain is one of the most studied and probably one of the most litigated pieces of real estate in the world. Mr. Thrower said the best achievable schedule says that if the NRC grants a construction application in 2011, DOE could complete construction by 2016 and begin receiving waste in 2017.

Mr. Thrower said the President's budget request included \$15 million for transportation. The majority of the money in the budget request is to complete the license application. The majority of the transportation request is to complete the preliminary design work for the rail spur, but essential activities would continue, including institutional planning. Mr. Thrower said in the near future the department will need a substantial increase in funding in order to construct the rail line.

Mr. Thrower said the License Support Network (LSN) is an electronic docket for all the documents needed for the license review. The LSN is a web-based system that the public can access. DOE certified 3.5 million documents in the LSN last month. Mr. Thrower said it is an important part of the license application for all parties to have access to all the documents.

Mr. Thrower said the key deliverable for the transportation division this year is to issue the national transportation plan. They will also finalize the EIS documents and will work on the national suite of routes. Mr. Thrower said there is a significant benchmarking project underway that looked at past DOE campaigns. Now the project will be a bit more formal to find the best parts of successful campaigns. Mr. Thrower said the transportation division is also looking at Transportation, Aging, and Disposal (TAD) packaging logistics. One of the key concepts of the repository design is the TAD. Utilities are expected to use the TADs for dry storage and then DOE will pick them up for disposal. The point is not to handle the fuel at all, if possible.

Mr. Thrower said DOE issued a draft transportation plan before the TEC meeting in Kansas City in July. DOE then pulled back that draft because there were mistakes. The revised draft is going through concurrence. Mr. Thrower said the plan tries to explain in a comprehensive fashion what the system requirements will be, what the system will contain, what the program will need to acquire, stakeholder involvement, what the states are doing now, and what the states' involvement will be once the repository is operational. Mr. Thrower said the Concept of Operations document that was released last year was the initial start of what the system will look like and the transportation plan will be more detailed. The plan estimates 175 shipments per year, so not enough shipments to snarl the highways and railways. The WIPP program has a lot more shipments every year than Yucca Mountain will. Mr. Thrower said anyone can write a transportation plan. The hard part is developing a plan with meaningful input from states, tribes, and other stakeholders.

Mr. Thrower said the Nevada transportation division issued an EIS in October. The public comment period closes on January 10. There were eight hearings in California, Nevada, and Washington, DC. The NEPA

documents relate specifically to the rail line and the corridor in Nevada, so the hearings were limited to those areas. The SEIS is the one that looks at the national transportation impacts. The plan is to issue the final Rail EIS and Repository SEIS in June 2008.

Mr. Thrower discussed the 180(c) FRN. He said the NWPA requires DOE to provide funding and technical assistance to the states and tribes. The statute itself is very short, but DOE and stakeholders have spent years working to develop the policy and procedures for implementation of the statute. Mr. Thrower said the questions to be answered are how soon should grants be provided, should there be multiple kinds of grants, what happens if there is a lapse in shipments, etc. The result of the discussions and negotiations in the Topic Group was the FRN. The tribes will have a supplement to the issued policy. Mr. Thrower said the intention is to get comments, issue a final policy in 2008, and then conduct a pilot program before beginning operations in 2017. After the pilot, DOE will review the policy and issue a final plan.

Mr. Thrower said the national route selection process had been trying. The Routing Topic Group defined 'suite of routes' and has had a number of discussions on conference calls, and it became clear that members were frustrated. He said DOE is embarking on this project in order to better inform the states of potential routes and to inform the 180(c) pilot project. But the bigger reason is that the National Academies of Science produced a report in 2005 on spent fuel transportation in the US, and in it they recommended that DOE develop a suite of routes as soon as possible and with state interaction. Mr. Thrower said DOE needs routing to be settled in order to make effective decisions on allocation of resources, etc. The department may want to reexamine routing later on, but they should get the preliminary analysis done as soon as possible. Mr. Thrower said routing will help negotiations with carriers as well. He said the better we understand how the rail and highway system works, the better customer DOE can be. The next call of the Routing Topic Group will be on the 6th of December and we will work on a "standard problem." Mr. Thrower said he saw value in having groups with different criteria develop different approaches and then bring the results of those approaches together for discussion. The Topic Group includes the involvement of the railroads so that the exercise produces a preliminary set of routes that are useful.

Mr. Thrower said the final draft of the benchmarking project was issued in May 2007. The project looked at some of the DOE shipping campaigns that have largely been viewed as successful and compared these campaigns in a couple of different areas. The project looked at WIPP, FRR, and the Naval Nuclear Propulsion Program (NNPP). The next step is to look at commercial operations both domestic and abroad. Mr. Thrower said DOE hasn't approached commercial entities yet, but has had discussions with Areva, a French company. He said Areva has transported more fuel than DOE ever will, plus they do intermodal shipments, which DOE will have to do as well.

Mr. Thrower said DOE has had a lot of industry interaction recently. DOE requested comments from potential vendors on rail construction. Lots of companies want to help build the rail line. In July, the Request For Proposals was issued for the TAD concept and DOE received designs from potential vendors in August. The designs are currently being evaluated and before moving forward, DOE will engage the commercial sector. Mr. Thrower said the NWPA requires DOE to use the commercial sector to the greatest extent possible.

Mr. Thrower said DOE is moving forward with Yucca Mountain. The project is not dead. DOE is following the direction given them by Congress. He said it will be a spectacular failure if DOE does not work collaboratively with stakeholders. He said DOE needs a system that will merit public confidence. One of the recommendations from the NAS study was to study the considerable societal barriers that need to be overcome. The NAS did not think the project had technical challenges, but the societal challenges are

significant. Mr. Thrower said the public has specific perceptions when it comes to radioactivity in general. Even though hazmat is transported every day, when the public hears the word nuclear, different challenges arise. Mr. Thrower said societal risks can't be overcome with fact sheets. One of the recommendations from the NAS study was to develop a Societal Risk Topic Group in the TEC. He said DOE is looking to revive the Communications Topic Group to look at some of these issues. Mr. Thrower said Hank Jenkins-Smith is coming to the next TEC meeting to provide background on the issue and to provide more detail on the NAS recommendation.

Mr. Thrower said security planning is also moving forward. DOE has a final version of the joint classification guide for SNF and HLW. The document talks about how DOE will protect information during operations. He said the document is the first attempt to address the disjoint in nomenclature between DOE, DOT, DHS, NRC, etc. The document is Official Use Only, but Mr. Thrower said he will be able to show it to committee members after the meeting ends.

Mr. Leuer asked Mr. Thrower to explain the use of the TADs and how it will impact utilities that already have or are planning dry cask storage systems. Mr. Thrower said that is actively debated in the department. When DOE issued the specification, there was a lot of talk about developing something the utilities will use. The question is how to incentivize the utilities. Mr. Thrower said the EIS assumes 90% of shipments will be transported in TADs, maybe 75%. Ms. Janairo said one of the draft comments from the committee is that the assumption of 90% transported in TADs is ambitious. Maybe DOE should look at something more realistic. Mr. Thrower said DOE is having meaningful discussions with utilities. The NEPA process requires DOE to do conservative bounding impacts, so the EIS doesn't require that 90% of shipments will be in TADs, but it gives a reasonable impact for evaluation.

Mr. Strong asked if there should be a Societal Risk Topic Group, with communications and information as a subset. Mr. Thrower said DOE is still discussing the options. The smart first step is to get more implications out of the study, then go to the old members of the Communications Topic Group and see what they think.

Mr. Williams asked Mr. Thrower to explain the link between the repository SEIS and the licensing process. Mr. Thrower said the short answer is that the SEIS supports the license submission. The TAD concept in the SEIS is a substantial difference from the first EIS. Mr. Easton said the safety of transportation is not approved under the Yucca Mountain license. Instead it is approved in the packaging under Titles 49 and 10. He said the NRC will accept the EIS to the extent practicable. The NRC will accept the EIS unless the action is different than that proposed or if there is new information that affects the bottom line. Otherwise the NRC is obligated to accept the SEIS, so it is important that it is accurate. If the SEIS isn't accepted, the NRC would have to do a supplemental EIS. Mr. Easton also said only 1/8 of spent fuel out there is in dry cask storage, so it is conceivable that 90% of shipments could be in TADs. Ms. Janairo asked if the TAD is available to the utilities. Mr. Easton said not yet, and it would take about 18 months for approval. Ms. Beetem asked if the material that is already in dry casks is not acceptable at Yucca Mountain – that is, would utilities have to purchase the TADS and repackage that fuel? Mr. Thrower said the idea is to have the utilities purchase and repackage the fuel. Ms. Beetem said it made more sense for DOE to develop overpacks for current dry storage cask designs.

Mr. Runyon asked if security planning is not covered under the license application. He said it seems that if security is regulated by DOE order, and if DOE wants a particular part to be operated in a different way, all they would have to do is change the order. Mr. Thrower said the only way the system will work is if DOE performs security as an NRC licensee or under equivalent regulations. Mr. Runyon said DOE should just follow NRC regulations, otherwise they will create confusion at the utilities as well. DOE shouldn't have

similar material going out under two different sets of orders. Mr. Thrower said DOE will look and act like a licensee even though they're technically not.

U.S. Department of Energy, Office of Environmental Management Update

Mr. Owen asked Ms. McNeil to provide an update on the activities of the *Office of Environmental Management*. Ms. McNeil said with Dennis Ashworth's departure this summer she is currently the acting director. She said she will not be the permanent director, and the position will be posted in December or early January.

Ms. McNeil said EM is one of the biggest shippers within DOE. Last year EM completed about 7,500 shipments, the year before that there were almost 15,000 shipments. As EM closes sites, the shipment numbers go down. Additionally, Ms. McNeil said shipment numbers have gone down because some it is harder to find a disposition path for some waste streams, there are budget issues, etc. In the Midwest, Ms. McNeil said shipments continue from West Valley. Low-level waste and mixed low-level waste from West Valley is going to EnergySolutions in Clive, Utah. Low-level shipments from Oak Ridge also continue. The Mound facility is on a closure path and shipments from that site are expected to be completed in January. Outside of the Midwest, Ms. McNeil said sodium bonded fuel from Hanford continues to be shipped to Idaho. Three of the nine shipments have been completed. Brookhaven National Labs is ready to start rail shipments to Clive, Utah in the near future. Those shipments will be in general consists and there will be a couple shipments a week at first.

Ms. McNeil said EM hopes to have the DOE Practices Manual done in the very near future. The first round of comments and concurrence happened in April. Then there was a significant rewrite and went out for formal review and comment within the department. There is one more concurrence needed before it will be submitted to the undersecretary for approval. Ms. McNeil said she hoped it would be published in February. Ms. McNeil described the manual. She said it originally came about from the TEC meeting back in 1999 when stakeholders agreed that DOE needed to standardize some practices. A working group put together 14 protocols that addressed operations so that there was a standard framework for transportation. The first manual was issued in 2002 and every DOE program bought into it. The update addresses new security updates and organizational updates.

Ms. McNeil said one of the protocols within the manual addresses advanced planning with the states. The way EM does this is to issue the Prospective Shipments Report, which has origin and destination information, along with other minor planning information. This report is issued twice a year. She said one of the difficulties of making the PSR more accurate is the disconnect between the sites and their waste people, so DOE is considering using the WIMS system to help generate more accurate planning reports. WIMS is updated annually and a data call just went out to sites. Ms. McNeil said EM asked the sites for volume and mode of waste to be shipped in the next two years. Ms. Janairo asked if DOE had reconsidered putting spent fuel shipments back on the PSR. Ms. McNeil said the decision to take spent fuel off the PSR was made because the NRC said DOE was getting close to violating safeguards information. She said DOE made the decision to post the spent fuel shipments on TRANSCOM instead, so anyone with a TRANSCOM account can sign in and look at the upcoming shipments. She said DOE has not done anything as of yet to readdress the issue, but she will go back and talk to the NRC about it. Ms. Janairo said she wonders who at the NRC thought the information came close to being safeguards information. Ms. McNeil said about six months ago DOE received a security directive that most documents had to be pulled from the website. She said the directive was confusing and DOE is still working to figure out which documents can be put back on the website. She said the PSR will never be posted on the website. Mr. Schwarz said it would be helpful if all the

shipments, including spent fuel, were on one document like the PSR. Ms. McNeil asked if it would be acceptable if all the shipments were listed on TRANSCOM. Ms. Janairo said no, because a lot of committee members who need the information for planning purposes do not have access to TRANSCOM. Mr. Schroeder asked if the spent fuel shipments were on WIMS and Ms. McNeil said no. Mr. Schroeder asked if DOE moves over to WIMS if the data will only be refreshed annually. Ms. McNeil said once the system is updated you can pull information at any time. She suggested having a demonstration of the system at a TEC meeting.

Ms. McNeil talked about the event reporting criteria. She said DOE arranged a working group to discuss the issue back in January. The goal was to define 'event', 'incident' and 'accident' to decide which needed to be reported to the states immediately and which could wait. She said DOE has to follow some NRC rules when internally and externally reporting incidents. She said the last conference call was in September, and DOE recognized that really the states are interested in immediate notification of an incident within their states rather than reporting the incident after the fact. She said it is up to the DOE site people and contractors to get the information out to the states. She said everyone agrees that this is something DOE should do, so they are now working on a document that provides a solid outline to contractors about what is expected. DOE will give it to the states for feedback within the next week. After that document is finished, contractors will implement immediate reporting. Ms. McNeil said there are three types of incidents that don't fall under the official reporting requirements, but DOE still tracks them. These are things that DOE generally finds out after the shipment is complete, so they are not dire and do not necessitate a call to the state 24-hour emergency contact.

Ms. McNeil reported that DOE realizes that they need to update the information products that have been around since 1999. DOE completed a low-level waste fact sheet and is working on a spent fuel fact sheet. She said they are also working with FEMA on a radioactive materials booklet. She said some shipment campaigns are unique and therefore will have a separate fact sheet (DUF6, Silo 3 at Fernald), but most can be covered with the general fact sheets. She said within EM there is a mini-reorganization going on, and hopefully once that is completed she will get a couple of new positions that can help out on this project. Ms. Beetem asked if there will be different levels of fact sheets for different audiences. Ms. McNeil said she recognized that was one of the comments from the states, but she felt the fact sheets addressed the different audiences. Ms. Beetem said the nitty gritty of shipments needs to be addresses somewhere, and it shouldn't necessarily be the same fact sheet that goes to the media. Mr. Leuer said his people have asked for a quick, one-page document for first responders. Ms. Janairo said the one-pager for first responders should be accompanied by a one-pager for the general public and the media. The group agreed that a reference to the correct passage in the Emergency Response Guidelines (ERG) would be useful, but there definitely needs to be two different fact sheets. Ms. McNeil said EM is having a meeting with the site managers next week and she said she would bring this up during that discussion.

Ms. McNeil said EM recently sent out the annual customer service survey. This year EM received 81 responses. She said DOE is still reviewing the responses to see what actions to take, but through most of the questions DOE received scores of average to above average.

Ms. McNeil said DOE is moving forward with the draft EIS for the Greater than Class C waste disposition. The DOE contact for this process is Christine Gellis. Ms. McNeil said in 2007, DOE handed out a lot of TEPP materials. 2,700 TEPP manuals, 4,500 CD ROMS, 3,700 brochures, 10,000 guides were distributed throughout the country. She said over 1,400 students were trained in the MERRTT program. Ms. McNeil said the MERRTT program underwent some revisions. Module 13 was rewritten, a video on dress down procedures was added, a couple of modules were merged, and more graphics and pictures were included or updated. In

addition, the program now includes more hands-on exercises. She said a letter was sent to trainers that the new CD with the updated materials was now available.

Ms. McNeil said the Radiation Specialist Training is not entirely a TEPP product. It came about because some individuals wanted more in-depth training for radiation specialists. In particular, Idaho was really interested in it and so they developed a new program with Tom Clawson, who is a contractor for TEPP. DOE has completed Phase I of the pilot program and based on the results from that phase, DOE decided to move on to Phase II, which is another 24-hour block of training. Ms. Wochos asked if Phase II was an addition to Phase I or just a second pilot of Phase I. Ms. McNeil said it is an addition. Mr. Owen asked what the intended scope of the program is. Ms. McNeil said the program is geared towards hazmat specialists so that they can handle an incident until the radiation specialists get to the scene. She said in Pennsylvania there was a large mix of people at the pilot session and DOE hopes to do a better job with picking the audience at the Phase II training. Mr. Leuer asked if the NFPA 472 competencies were included in the program and Ms. McNeil said the course does follow those competencies. Ms. McNeil said DOE would really like to have a common suite of training throughout federal organizations. She said DOE is trying to work with FEMA again and they want to reactivate the Federal Radiation Coordinating Committee, which is made up of 15 agencies. Mr. Runyon said Illinois had two suggestions for the program. One was the addition of some training on the handling of safeguards information, which CVSA is doing now. The other is training on portable isotopic detection devices or spectrometers because they are becoming very common. Ms. McNeil said DOE combined the old Homeland Defense program with MERRTT and it is now sitting on a shelf waiting for Homeland Security to take action. She said DOE is planning on doing an field exercise in Kansas or Nebraska in 2008. Ms. Beetem asked how people would know that the exercises were available and Ms. McNeil said DOE works with the state point of contact and leaves the information distribution up to the state.

Mr. DeClue reported on the upcoming *Spent Fuel Transfer Project* (SFT). He said the SFT will complete the mission of the Atoms for Peace program. The successful end state of the program is to eliminate the need for Savannah River Site (SRS) to have to develop a packaging and storage facility. It will also eliminate the SNF inventory at SRS and will save DOE \$35 million. He said DOE will dispose 4,000 aluminum clad SNF at Idaho instead of at Yucca Mountain, and the recovered viable fissile materials will be sent to the Tennessee Valley Authority.

Mr. DeClue said the transportation will likely begin in 2009 and will take 10 years. There will be about 30 shipments per year, 20 from Idaho to SRS and 10-15 from SRS to Idaho. The curies of the shipments show the radioactivity being transferred is about even. The Foreign Research Reactor and University Research Reactor shipments will also continue. Ms. DeClue said each fuel assembly will be inspected before it is shipped to see how it interacts with the rest of the assemblies. The GE 2000 cask will be used for the Idaho shipments. Some SRS fuel will fit in that cask, but the remainder will need a different cask.

Mr. DeClue said he intends to use the lessons learned from previous shipping campaigns, the practices manual, and the good reputations of the WIPP and FRR programs. In addition, Mr. DeClue said he'd like to coordinate with other programs to see if the impact to the states can be lessened. He said the one requirement for routes is to stay on the interstate system, so there are not an infinite number of routes available. He said so far the planning emphasis has been on safety and risk, and now DOE needs to shift to security. Mr. DeClue said all routes and systems were evaluated, and for one cask shipments, highway was more effective. One day DOE may ship by rail, but for now shipments will be made by truck. He said carriers will be selected from the DOE list of approved carriers. States will be able to track shipments using TRANSCOM and SRS will have 24-hour monitoring in place.

Mr. DeClue said on March 24-26, SRS will hold a transportation summit for the states. The goal will be to finalize as much of the transportation plan as possible. The draft transportation plan will go to states in January and then everyone will get together in March to discuss it. Mr. DeClue said some of the remaining questions are if DOE provides an escort, does that relieve some of the no-ship dates that the states previously reported to DOE? If DOE escorts the shipments, what are the first responder needs in the states? What information needs to go on the PSR? Do we need more route variation, like a main route and a secondary route? How do we manage winter weather or weather delays? How do we manage communication? What can we do better than the FRR program? Other than the governor's designee, who needs information? What do we have to do to make sure the shipment doesn't stop at each state line? Mr. DeClue said DOE would like to answer these questions with the states. Carlisle Smith (Ohio) asked if it would be possible to have the meeting via the web as well as in person and Mr. DeClue said DOE could revisit the dates for maximum participation if it seems there are a lot of conflicts.

Mr. DeClue said DOE has a good history of safety and shipping SNF is a validated capability. He said with this project, DOE wants to see if it can be done better, and the way to do that is with integrated planning and effective communication. Ms. Beetem asked why DOE was moving the fuel to and from Idaho and SRS. Mr. DeClue said there is an Idaho settlement agreement that says Idaho will only accept fuel if the same amount (in curies) is removed. Ms. Janairo asked if the fuel being transferred to SRS would be made into mixed oxide fuel. Mr. DeClue said SRS will recover the uranium that is still viable and will make it into mixed oxide fuel. The resulting high-level waste will eventually go into Yucca Mountain. Ms. Janairo said explanation would be good to include in the fact sheet.

Mr. Owen asked John Shine (DOE-Portsmouth) to discuss the *Depleted Uranium Hexafluoride Conversion Project (DUF6)*. Mr. Shine said this project was a Congressional line item project. DOE was directed to build facilities to convert DUF6, the byproduct of enrichment for defense and reactor purposes, into a more stable form. There is 700,000 metric tons of DUF6 at Portsmouth in 45,000 cylinders. He said while DUF6 in the cylinders does not create a hazard, it is not a stable form and will react if exposed to air or water. The purpose of the project is to convert the DUF6 to the more stable uranium oxide for disposal. Because the uranium oxide has no beneficial use at this time, it will head to disposal.

Mr. Shine said the United States will continue to enrich uranium for reactor fuel, so there will always be DUF6 byproduct. But with the conversion facilities, that byproduct will no longer accumulate on pads. The contractor for the project is Uranium Disposition Services (UDS), which is owned by Areva, Earns and Rowe, and EnergySolutions. UDS will design, build and operate the facilities. Mr. Shine said the technology is owned by Areva. There will be about 160 employees at each plant. The facility at Portsmouth is about 96% complete, and since success comes with standardization, the plant at Paducah will be identical to the Portsmouth plant.

Mr. Shine said the uranium oxide will be shipped and disposed of in the same cylinders it is being stored in. The two potential sites for disposition are the Nevada Test Site and EnergySolutions in Clive, Utah. He said there is no technological risk in the conversion process because the technology is already in use. The two sites together will process about 3,000 cylinders a year: 1,100 at Portsmouth and 1,900 at Paducah. The inventory at Portsmouth will be converted in 18 years. Mr. Shine said the external dose on the cylinders will be 1 mrem/yr at 1 meter.

Mr. Shine said the draft fact sheet is available online at www.uds-llc.com and DOE is working on the transportation plan. DOE will incorporate the two sensitivities, responder and media, into fact sheets from this point forward. The transportation plan is moving forward and will be completed soon. He said the

cylinders are DOT compliant and DOE will reuse the Fernald gondola cars for these shipments. The cars will be shipped in unit trains and about 5-7 will go out each week. He said the routes for shipments will be evaluated once the site is chosen. The potentially affected states are Ohio, Indiana, Illinois, Kansas, Nebraska and Missouri.

Mr. Shine said from a nuclear standpoint the facility is a benign site, but it is considered a DOE nuclear site, so all appropriate procedures and safeguards will be followed. The facility is very robust and can handle all sorts of phenomenon. There is an on-site response procedure and it is an NRC licensee, so there is NRC and DOE oversight.

Federal Railroad Administration Update

Mr. Owen asked Mel Massaro (FRA) to give an update on the *Federal Railroad Administration's Short Line Rail Study*. Mr. Massaro said the study started about a year and a half ago. There are 28 short line railroads that could be used as the initial carriers for spent fuel shipments from commercial reactors to Yucca Mountain. Short line railroads are a unique bunch because they often do not have enough money to make upgrades, so infrastructure is a concern. Mr. Massaro said the goal of the project was to identify the railroads, establish contact, do a field review of the infrastructure, qualify the operational status of the lines against an acceptable standard, and then potentially make any necessary upgrades to the lines. He said they contacted 18 of the 28 lines and received feedback from 6. They did one visit of the Winchester & Western Railroad, which is an excepted track. At the site visit they filled out a physical and operational infrastructure survey. Mr. Massaro showed the group a series of photos from the site visit and explained the infrastructure components the FRA surveyed during the visit. He said one concern about short lines is that the lower class the track, the lower speed of the train. He also said some of the short lines are in such bad shape that spent fuel shipments could not be made on the lines.

Mr. Thrower said during the site visit he learned a lot. He said it was a smart way for DOE to update the site infrastructure information. Mr. Massaro said if a railroad is identified as needing an upgrade, it would require at least 2-5 years for that upgrade to be completed. Mr. Thrower said DOE will not give the short lines money for upgrades, but there are state and federal appropriations available. Rep. Montgomery asked if the FRA is doing a cost benefit analysis to see if it wouldn't be more cost effective to heavy haul the shipments to the nearest mainline. Mr. Massaro said that is part of the analysis.

Nuclear Regulatory Commission Update

Mr. Owen asked Mr. Easton to report on the activities of the *Nuclear Regulatory Commission*. Mr. Easton said he would give the committee an overview of transportation packages and the NRC's role in regulating these packages. He said the NRC does not regulate casks, but rather packages. Packages are the shipping containers, and they are approved to carry certain contents. A cask is a heavily shielded package. Mr. Easton said there are different types of packaging, and the grading of these different types is based on the type or quantity of radioactive materials that the packaging can hold. Low radioactivity means less requirements. The requirements are pegged to the quantity of the radioactive materials being shipped. He said Type A packages and below generally are self-regulated by the shippers. These types of packages are based on health physics models that say what level of radioactivity a first responder can be exposed to.

Mr. Easton said Type B packaging means that the package as to be approved by a regulatory authority to be accident resistant. The authority is either the NRC, DOE or DOT. Generally the NRC approves packages for its licensees' materials. He said DOE can approve its own packages from its facilities. However, Section 180(a) of the Nuclear Waste Policy Act says that shipments to Yucca Mountain must be made in NRC

certified packages. This is also required in the WIPP Land Withdrawal Act. Mr. Easton said as a result, the NRC will certify the package, but not the shipments.

Mr. Easton said the spent fuel has been shipped for 40 years. In the 1960s, the International Atomic Energy Agency put international standards in place, and so just about every country has the same requirements for Type B packaging and shipments. The IAEA meets periodically to review the standards and the NRC also reviews their own standards. He said the NRC recently put out a *Federal Register* notice to change the U.S. regulations to be more compatible with recent changes made to the IAEA regulations. Mr. Easton said cask approvals are published annually and are always available on the NRC website. On the certificate of compliance there is the description of the cask, the contents it is approved for, the conditions of its use, the expiration date (the certificate is never good for longer than 5 years) and references.

Mr. Easton said a rail cask weighs about 125 metric tons. It carries 6-12 tons (or more) of spent fuel, so the packaging weighs about 10 times more than the contents. A truck cask weighs 25 tons and carries about 1.8 tons of spent fuel. Only 1-4 assemblies can fit in a truck cask while a rail cask can hold up to 30. He said the NRC licensed dual purpose casks that are currently begin used for dry cask storage. The dual purpose cask can hold a lot more assemblies, but if the TAD is accepted, utilities will have to figure out what to do with the fuel in the dry storage.

Mr. Strong asked where RAM quantities of concern (RAM QC) fit into packaging regulations. Mr. Easton said RAM QC is based on dispersion rates for bombs, so it is not easy to say. The regulations are all radionuclide specific, so it changes. Mr. Strong asked what in the NRC regulations was being revised. Mr. Easton said there were no significant changes, but some value changes and other minor things. Mr. Schmidt asked if research reactor fuel packaging differs from other spent fuel packaging. Mr. Easton said there was no real difference. He said the NRC licenses the research reactors so they have to use NRC certified packaging. For the Foreign Research Reactors shipments, the licensing authority is the DOT, so the DOT has to revalidate a foreign country's certificate. The DOT, however, has an MOU with the NRC that says the NRC will evaluate the certificate and recommend to the DOT whether or not to recertify the package.

Ms. Janairo asked how many dual purpose casks exist. Mr. Easton said there are really not many transportation casks that are currently certified. The dual purpose cask is certified for both storage and transportation, and in fact vendors can't sell the dual purpose cask to a utilities unless it is guaranteed to be certified for transportation. So even if the transportation part of the cask isn't built, the design is certified and the storage cask is certified.

La Crosse Boiling Water Reactor Shipment Update

Mr. Owen asked Dan Tesar (Dairyland Power Cooperative) to update the committee on the recent ***La Crosse Boiling Water Reactor Shipment***. Mr. Tesar said is part of the decommissioning, Dairyland Power made a determination to remove all Class B and C waste off site, including any that could go to the Barnwell site before it closed to the public. He said the reactor shipment complied with all NRC and DOT requirements.

Mr. Tesar said the La Crosse reactor started in 1969. It was a demonstration reactor and was sold to Dairyland Power Cooperative for \$1. It was permanently shut down in 1987 and has been in SafeStore mode ever since. The spent fuel is in the pool but Dairyland is moving forward with dray cask storage.

Mr. Tesar said the reactor vessel shipment started on May 30th and arrived at Barnwell on June 4th. The shipment was made entirely by rail in an NRC and DOT approved container. The transportation project was

started two years prior to the shipment. He said Dairyland received a special package authorization from the NRC because of the size of the shipment. He said the emergency response plan came mainly from the ERG, Section 163 with a few ramp-ups. The shipment was a RAM QC, so it had additional requirements, including a transportation security plan, authentication and duress codes. He said the requirements caused a bit of confusion at Dairyland because organizers didn't know exactly which requirements applied to the shipment.

Mr. Tesar said they looked at the routes and the rail lines to make sure the lines could handle the additional weight of the shipment. The packaging was a one-time use package, and basically the reactor vessel was filled with low density concrete. When planning the heavy haul to the rail head, the planners had to consider underground utilities, overhead structure, and they had to do some remediation to rebuild the haul path. In addition some upgrade was done to the rail spur. Mr. Tesar said a lot of coordination between BNSF and CSX rail lines was needed. The governor's designees of the affected states were notified, as well as some emergency management and local law enforcement. He said Dairyland created a compliance matrix to make sure all the requirements were met. He said train riders were required to sign waivers of liability and required to wear protective equipment at all times. Anyone involved had to have a background check and pass a security screening.

Mr. Tesar said during the shipment, both BNSF and CSX tracked the shipment, but Dairyland wasn't confident with the accuracy, so they used a GPS system and Google Earth to also track it. There was a reroute because of a clearance problem, so the NRC and Barnwell were notified as required. Mr. Tesar said upon arriving there was a transfer of custody issue with Barnwell because where the rail line comes into the facility is not the burial site, and Barnwell didn't want the personnel on the train to come into the site. The result was that Barnwell took custody at the rail spur and they were included in the security plan.

Mr. Tesar said the specific route and time was safeguards information, but the governor's designees did receive that information. It was up to the states as to how they notified their emergency responders. He said there was a planned inspection in Tennessee that became a complication because the shipment went much quicker than anticipated. It took only 4 days when they had anticipated 9 days. He said another minor complication was that the shipment lost phone communication in some remote areas. Mr. Tesar said despite the minor complications the shipment went well. The one area where things could have been better was the communication between stakeholders. Someone asked what happened when the shipment lost phone communication and Mr. Tesar said the shipment always had satellite service. The satellite was for emergency use only. The NRC requires constant communication capabilities, which the shipment always had, but there was an emergency procedure for loss of communication if that had happened.

Mr. Runyon asked if it was necessary to contact the states if the shipment was within 6 hours of the scheduled time. Mr. Tesar said originally Dairyland thought the shipment would take 8 or 9 days, based on what the railroads had provided, but the railroads then deemed it a high priority shipment, so they pushed it through. Mr. Owen asked why the railroads labeled the shipment a priority shipment and Mr. Tesar said he wasn't sure why, but all the shipping delays disappeared when that determination was made. It did, however, create challenges to communications with stakeholders.

Cooperative Agreement Group Updates

Mr. Owen next asked the regional groups to give the *Cooperative Agreement Group Updates*. CSG-ERC: Melissa Bailey (CSG-ERC) reported that the Eastern states helped plan and host the short line railroad evaluation meeting that Mr. Massaro had mentioned. During that meeting, participants spent the better part of a day learning about railroads and short lines. They also looked at a barge slip at the Salem and

Hope Creek nuclear plant. Ms. Bailey said the Eastern states' rail routing committee is reevaluating their route identification work and is considering a barge study with the Southern states. She said the Eastern states also helped plan the radiation specialist training pilot session that was recently held in Pennsylvania. She said the task force had meeting in conjunction with PATRAM meeting in Miami in October. The next meeting will be in Pittsburgh some time in the first week of June, though the exact dates have not been determined. Ms. Bailey said the task force continues to participate in the TEC groups and is leading the radiation monitoring subgroup and the intermodal subgroup within the Rail Topic Group. The intermodal subgroup has had several calls and Ms. Bailey said she recently circulated a work plan for that group. She said if anyone is interested in participating in the group to please pass on contact information on to her. She said the Eastern states submitted comments on the 180(c) notice in October. Finally, Ms. Bailey said the task force launched a new website www.csgeast.org/radwaste, released a brochure, and the staff co-authored an article with the Midwestern staff.

WGA: Mr. Schroeder explained that the WGA is the EM arm of the Western states and WIEB is the RW arm. He said the WGA has 19 member states and WIEB has 11 member states (those that are part of the electricity grid). The WGA WIPP Transportation Advisory Group works under the guidance of policy resolutions passed by the governors. These resolutions are reviewed and renewed every three years. He said the WIEB committee is more active in the TEC groups because of the recent TEC focus on Yucca Mountain. Mr. Schroeder said the two groups had a joint meeting in Santa Fe, NM in September. The WGA side looked at changes to the PSR and incident reporting. In addition, they also heard about an errant drum that had been shipped to WIPP from Idaho. That drum was improperly characterized and shipments to WIPP were stalled for a bit. WIPP was fined for the incident. He said WGA held a WIPP training exercise in Texas in October. During the exercise, the participants realized that along much of the WIPP routes, the community is rural and the responders are volunteers. These volunteers are unsure of the equipment and the appropriate response. He said this is an issue that the states will have to address. Mr. Schroeder said the WGA group is in the process of revising the WIPP Program Implementation Guide as well.

Committee Business, resumed

Draft SEIS Comments: Mr. Owen moved the committee into discussion of outstanding business. He started with the draft comments on the SEIS. Ms. Beetem thanked Ms. Janairo for putting the comments together. She said one of the things she wanted to stress in the comments was the responsibility of the states to notify local authorities and the funding available to cover these activities. She also said she has a problem with the lack of equity in the representative routes. She said Missouri realizes it will be a major hub, but not every shipment needs to come through, and especially not through both St. Louis and Kansas City. Mr. Thrower said that was an excellent point. He said the notification of local authorities is the responsibility of the state, but it is not a requirement but rather at the state's discretion. He said the in regard to routing, the SEIS is not the final word, but rather the first word. Mr. Owen said he was happy to hear that because the one route that goes from Southern Ohio to Northern Ohio is problematic. Ms. Wochos explained that that route probably came to be because DOE wanted to maintain the shipment on the originating carrier for as long as possible. Mr. Thrower agreed and said the premise is a good one and Ms. Wochos agreed but said it could make routes longer.

Ms. Beetem said the comments include DOE's assumption that 3 casks will be shipped out of every plant every time. She asked if that was something the transportation plan would address. Mr. Thrower said the limiting factor in determining the number of casks from each plant will likely be the ability to unload casks at the repository. If the repository can't unload three casks at a time, it doesn't make sense to have all three come from the same place. He said to make dedicated trains cost effective you need to reduce the time the

train and casks are sitting empty. Ms. Beetem said one thing that may impact the bounding numbers in the SEIS is if there is a marshalling yard. She said if there is an inspection at the marshalling yard, it should be considered an origination point. She added that dose rates for those workers should be considered as well.

Mr. Strong asked why the shipments from the Cook plant went from rail shipments in the EIS to all truck shipments in the SEIS. Ms. Wochos added that La Crosse also went from rail to truck. Mr. Thrower said he was unsure, but it probably had something to do with the information DOE received from the utilities on the Data Information Sheets. He said information is incomplete, however. Ms. Janairo asked about the model DOE had planned to use to estimate casks and railcars and other infrastructure. Mr. Thrower said the money for the project ran dry. Ms. Janairo said the SEIS assumes that every state would conduct an inspection, which is very wrong. Mr. Thrower said either that statement is a mistake or it is a bounding number to get the NEPA maximum exposure rates. Ms. Janairo said if DOE wants maximum exposure rates they should add the dose rates for state inspectors. She added that a lot of the data is either missing or hard to tease out. She said one of the committee's comments would be that the data should be available for state review. Mr. Owen said the committee should review the comments and provide any additional comments or revisions to Ms. Janairo in two weeks.

Prospective shipments report: Ms. Janairo said the Ms. McNeil took an action item to talk to the NRC about putting spent fuel shipments back on the PSR. She asked Ms. McNeil to inquire about the university shipments as well. Ms. McNeil said the university shipments are a different office, but she will look into it. Mr. DeClue said the sensitivity is that those are not DOE shipments. Mr. Schroeder asked if DOE contracts the transportation for those shipments and Mr. DeClue said no. Ms. Janairo said the University of Wisconsin said university personnel have to load the cask, but after that DOE will take over. She said this could be different because the Wisconsin shipment is part of the fuel conversion process and not a regular research reactor shipment. Mr. Easton said if DOE is taking title of the shipment at the site, then it is a DOE shipment and if title is taken at Idaho, then it is an NRC licensee shipment. Ms. Janairo asked if there would be an objection by the NRC to having these shipments on the PSR and Mr. Easton said as long as the information is within certain bounds it should be fine. He suggested someone contact the NSIR to get the answer. Ms. Janairo said it would be nice to have a full list of things that are going to be shipped, even if DOE isn't the shipper. Roland Lickus (NRC) said NRC will have to look to see if putting that information on the PSR is violates Official Use Only policy or some other designation. Ms. Wochos asked committee members to review the content of the PSR and get comments back in one month. Ms. McNeil said she did not think it would be appropriate to post this information on CSG's website. Ms. Wochos said the intention was to email the information, not post it on the web.

Incident Reporting Matrix: Ms. Janairo said the path forward was that she will distribute the revised matrix once she receives it from DOE. Then the working group will review it and provide comments.

Spent Fuel Transfer Project Meeting: Ms. Beetem asked who should attend the meeting and Mr. DeClue said the meeting was less a briefing than a meeting to get recommendations. So those in charge of transportation planning should attend. Mr. Runyon asked if DOE would fund the travel and Mr. DeClue said he didn't have the money at the time. Ms. McNeil said DOE talked about discussing this at the TEC meeting through the EM Topic Group. She suggested that DOE establish the EM Topic Group at the next meeting and then work on the Spent Fuel Transfer Project planning at the summer TEC meeting.

Draft Transportation Plan for Uranium Oxide Shipments: Ms. Janairo asked if DOE was looking at forming a review group for the plan. Ms. McNeil said DOE will probably have a draft plan ready to go about February, and they will decide then if a review group is necessary. Ms. Janairo asked if the routes will be identified in

the draft plan. Ms. McNeil said DOE will do a draft plan with both disposition sites in mind. The route to Clive is pretty well known, while the route to NTS is not because the transload facility hasn't been identified. She said when Portsmouth starts the conversion they don't want to have to stockpile at the site, so if they don't have a disposal site when they start converting, they will ship to Clive. Mr. Owen asked if the committee wanted to form a review group. Mr. Runyon said Illinois, Missouri, Ohio and Indiana will definitely be affected, and Kansas, Iowa and Nebraska maybe. He said he would volunteer, and Ms. Beetem and Mr. Woodall also volunteered.

TEC/WG Meeting and Topic Groups: Mr. Owen said the committee should consider offering comments on the draft agenda. Ms. Janairo said Corinne Macaluso organizes the meeting and she sent the draft agenda to the regional staff to review. The staff had a conference call to discuss the agenda. She said as currently arranged the first day has plenary sessions and the second day has Topic Group meetings. Ms. Janairo said when TEC was first started there were breakout sessions instead of Topic Group meetings, but the stakeholders agreed that there were issues that needed more involvement. So Topic Groups were formed and it became clear the work was getting done in the Topic Groups. As of late, however, the Topic Groups are at a crossroads. She said the Topic Groups haven't accomplished much, but with Mr. Moussa coming on board at DOE and the EM program coming back as a participant, the TEC has an opportunity to critically evaluate itself. She said TEC should ask what the members want out of the group and how to accomplish that. Ms. Janairo said she is proposing that the TEC scrap the Topic Group meetings at this meeting and go back to a breakout format. She said the Topic Groups wouldn't go away altogether, but they would be evaluated. She suggested DOE keep some of the plenary sessions and add three breakouts at the same time, in smaller rooms, where everyone is expected to talk. Participants would be split up into groups and would consecutively attend all the breakouts. Then after the TEC the regional group members could get together and assess the meeting and put together our expectations of DOE and TEC. Ms. Bailey said the Northeast agrees that TEC needs to be evaluated, but she said they'd like to see the Topic Groups meet anyway. She said she didn't want to miss an opportunity to meet in person.

Ms. Janairo asked what the committee would like to send to DOE. Mr. Owen asked if the Topic Groups would only be suspended for one meeting. Ms. Janairo said the TEC would reorganize after the meeting and decide what the critical mass of issues was for right now and then reorganize the Topic Groups. She said the TEC has a larger membership than just the states, so it would be good to get more reaction and activity out of the other members. Mr. Owen asked if there was a way to combine the Topic Group meetings as well. Ms. Janairo said we could take out the post-TEC regional caucus. Ms. Janairo asked what issues would be covered in the 180(c) and Routing Topic Groups. Mr. Thrower said the 180(c) Topic Group would probably cover the comments received on the *Federal Register* notice. He added that it would be good to have the Routing Topic Group meet so that it can get started on the standard problem. He said he thought the Routing Topic Group could be focused. After some discussion about rearranging the timing and length of sessions, Mr. Owen said our comments should try to accommodate the Topic Groups. He thought it would be stronger to go to DOE with the regional groups in agreement. The committee agreed and Ms. Janairo said she would make the changes to our comments and would send it to DOE.

Mr. Owen asked the committee if they had any final items to discuss. Ms. Janairo and Ms. Wochos then read through the action items. Mr. Owen adjourned the meeting at 4:30.

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