

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

**Proceedings of the Spring 2007 Meeting**

**Jefferson City, Missouri ✧ June 27-28, 2007**

**Wednesday June 27**

***Committee Business Session***

Bob Owen (Ohio) called the meeting to order. He welcomed everyone to Jefferson City and asked the participants to introduce themselves. Mr. Owen gave a special welcome to the legislators in attendance, including Rep. Steve Olson (Iowa) and Sen. Carolyn McGinn (Kansas) who both attended the last meeting in Carlsbad, NM, and Rep. David Niezgodski (Indiana), who was attending for the first time. Mr. Owen also acknowledged Melanie Rasmusson (Iowa) as a first-time attendee and replacement for the retired Don Flater, and Johnnie Smith (Wisconsin) who was attending for the first time as well. Mr. Owen then announced the changes to the schedule.

Mr. Owen asked Floyd Gilzow (Missouri) to introduce Rep. Edward Robb (Missouri). Mr. Gilzow said that Rep. Robb was first elected in 2004 and represents the 24<sup>th</sup> district, which is just north of the river. Rep. Robb was recognized early in his career for his leadership and this year will chair the house budget committee. Rep. Robb has a PhD in economics from Michigan State University, is a small business owner, and is a leader at the University of Missouri. Of particular interest to him is securing access to education for residents. Rep. Robb was the sponsor of the radioactive waste transportation fee legislation this past session, which aimed to recoup costs incurred by the state. Mr. Gilzow then asked the committee to welcome Rep. Robb.

Rep. Robb thanked the group for having him, and on behalf of the legislature and the governor welcomed the group to Missouri and Jefferson City. He said he worked for the budget office in Michigan before moving to Missouri, so he is a Midwesterner through and through. Rep. Robb said it was his pleasure to carry the radioactive waste transportation fee bill to the legislature the last two years, and he is certain that next year it would go through. Unfortunately the legislature got involved in other things, so there was not enough time to debate the bill this session.

Rep. Robb said that the committee should take note of the building facilities. The Lewis and Clark building, where the meeting was held, is environmentally correct and is known around town as the "green building." The city is also within 25 miles of two nuclear reactors: Callaway is just south of Jefferson City, and the University of Missouri research reactor is just to the north. The state just received news from Ameren, the utility that owns Callaway, that they have submitted early paperwork to build a second reactor at the Callaway site. The reactor could be built as early as next year. Rep. Robb said that the radioactive waste transportation fee legislation looks a lot like other bills in other Midwestern states. In particular, it borrowed heavily from the Iowa fee laws. Iowa will certainly carry its share of waste and so will Missouri. Rep. Robb said that he felt the nation needed to increase our reliance on nuclear energy. Solar and wind energy are great alternatives, but cannot produce the base energy that nuclear can. Rep. Robb thanked the committee for coming to Missouri.

**Report from the Co-Chairs:** Mr. Owen then went on to give the report from the co-chairs. He said that he would cover the activities from the last meeting, some of which will be discussed in more detail later in the meeting. Mr. Owen said that everyone is likely familiar with the "Fix Yucca" bill written by the Department

of Energy (DOE). That bill was sent to Congress from Secretary Bodman on March 6, 2007, with the purpose of moving Yucca Mountain forward. Unfortunately included in the draft legislation was Section 7, which was a problem for the states in legislation from the last Congress. Last year a number of organizations, including CSG, passed resolutions against Section 7, which called for preemption of state transportation laws. The Conference of Radiation Control Program Directors (CRCPD) also passed a resolution. At the last meeting, the committee decided that they needed to at least inform the Midwestern governors about the legislation, so a letter was sent outlining the details of the bill and the problems the committee had with Section 7.

Mr. Owen said that since the last meeting DOE's Office of Civilian Radioactive Waste Management (RW) introduced the outline for the national transportation plan. The committee provided comments on this outline. The principal comment was that, judging from the outline, it looked as if the plan would be more strategic in nature than an actual transportation plan. The comments also suggested RW use existing plans in the development of its own plan. The committee also suggested DOE follow guidance documents like the Midwest's *Planning Guide* as it develops its transportation plan.

Mr. Owen said that in addition to the transportation plan outline, DOE also developed a benchmarking report. The committee also provided comments on this document. The benchmarking report tried to identify what worked in past shipping campaigns and what didn't, so best practices. The report did a good job of compiling best practices, but now DOE needs to take an active role in developing future actions. The report covered only Waste Isolation Pilot Plant (WIPP), Naval Nuclear Propulsion Program (NNPP) and Foreign Research Reactor (FRR) shipments. The committee commented that DOE should strive to go beyond the exemplary procedures of WIPP. The committee also commented that the security requirements best practice referenced the NNPP, but it wasn't clear if DOE would strive to be equal or less stringent to those practices with RW shipments. The committee also commented that the compliance monitoring for casks needs to be clarified to include who is responsible, either the manufacturer or the shipper. Additionally, the committee mentioned that DOE should follow Nuclear Regulatory Commission (NRC) regulations. Jay Jones (DOE-RW) said that he would cover some of these items in his RW update presentation.

Mr. Owen mentioned that the final copy of the state security survey summary was available in the briefing packet. This survey was done last spring through the four state regional groups. It asked about state experience with handling and training to handle classified and safeguards information. It also asked what information the states required for Yucca Mountain shipments and the states' capabilities relative to shipment security. Ten out of ten Midwestern states surveyed responded, and the other regions had good response rates as well.

Finally, Mr. Owen said that the committee wrote a letter to RW Director Ward Sproat back in January inquiring about the status of the *Federal Register* notice for the draft 180(c) implementation policy and procedures. The committee was involved in drafting recommendations on the policy and procedure, which was presented to DOE in December 2005. DOE indicated that it would publish the notice in the *Federal Register* by the end of 2005, but to date the states were still waiting. The delay in the publication prompted the committee to write the letter, which notes that the committee and other regional groups spent considerable time and effort to develop the recommendations, so the project should move forward.

**Project Update:** Mr. Owen then asked Lisa Janairo (CSG) to give the project update. Ms. Janairo referred to her written report. The renewal of CSG's cooperative agreement with RW has been finalized. In addition to the regular tasks, Ms. Janairo said that she included a budget request for another tour of Yucca Mountain or another site, similar to the tour the committee did two years ago. The agreement on the EM side of DOE is

transitioning from DOE's Chicago office to the Cincinnati office. Ms. Janairo said she did not know the status of that renewal, but assumes it will be fine. The region will get money from WIPP because of the remote-handled waste that will be shipped from Argonne within the next year. Illinois and Iowa will get that money, and Nebraska will get money through the West's agreement.

Ms. Janairo said that all the gubernatorial appointments to the committee are confirmed. There are six confirmed legislative appointments, three of whom are attending the meeting. The committee received the Illinois appointment a week ago, and appointments were still being sought for Minnesota, Ohio, and Missouri. Ms. Janairo said the staff had started sending a biweekly electronic newsletter to committee members. There are usually three topics per newsletter, and if members had any topic suggestions, they should let the staff know. Originally the newsletter was intended to be solely for committee members, but in the last couple of weeks the distribution has been opened up to others.

Ms. Janairo said that another project the Midwest has been working on is the EM incident reporting criteria. Ms. Janairo and Tim Runyon (Illinois) are participating in this project, working with representatives of the Northeast, the West, and DOE. A draft matrix and supporting documents were in the briefing materials. The goal was to standardize the way DOE reports the number of incidents and accidents by categorizing and defining what constitutes an incident or accident. Another project that the committee has undertaken is the review of the Commercial Vehicle Safety Alliance inspection (CVSA) data. Sarah Wochos (CSG) obtained the data and analyzed and she will report on it later in the meeting.

Ms. Janairo said that the committee put out its new brochure in January. The focus of this year's brochure was the national route selection project because at the time of the printing DOE was still planning to finish the project in 2007. DOE has since moved back that date, so the date in the brochure is incorrect. The committee website now contains a new page to track federal and Midwestern state legislation pertaining to radioactive waste transportation. Ms. Janairo said the staff may one day add legislation from outside the Midwest.

Included on the new page was information on several bills that were the result of the Wisconsin Joint Legislative Council's Special Committee on Nuclear Power. CSG participated in this committee by organizing a tour of Yucca Mountain for the members. The committee was organized after the first State Government Officials tour of Yucca Mountain back in 2005. Rep. Mike Huebsch from Wisconsin attended the tour and had been considering introducing legislation to remove the moratorium on building new nuclear power plants in the state. After that tour, the Wisconsin Joint Legislative Council created the special committee to look into the future of nuclear power. CSG took the members of the special committee on a tour and recently the committee introduced three bills in the assembly as a result. It was a good opportunity for the CSG transportation project to help decision makers get the information they needed to shape public policy. Ms. Janairo said that if other states know of something similar happening in their states, the committee would welcome the opportunity to be involved and help out.

**Committee workgroups:** Mr. Owen asked Mr. Runyon to report on the happenings of the Transportation External Coordination Working Group (TEC) *Rail Topic Group*. Mr. Runyon had not attended the last TEC meeting, so he looked to others to help fill in the details. One of the objectives of the Rail Topic Group was to come up with a rail inspection format that would 'mirror' the CVSA inspection format for trucks, or at least achieve the same thing. Conceptually, the program would have a thorough inspection both at point of origin and en route. The draft inspection forms are in the briefing materials. Mr. Runyon said Pat Edwards (Pennsylvania) and Mel Massaro (FRA) deserved the credit for bringing together all the information for the forms, and Ms. Wochos put it all into a coherent form. Mr. Runyon said he felt the TEC had taken the forms

as far as possible and now it was time for someone else to pick it up and bring it forward. Mr. Runyon said the railroads and the entire TEC membership had already provided comments, and continuing to nitpick the document through TEC is not productive. He said the organization that should pick up the reins is the Federal Railroad Administration's (FRA) State Participation Program. It would be helpful if the state programs could sponsor the continuance of the process. Ms. Wochos added that someone will present the forms and the concept to the managers of the State Participation Program at their annual meeting in August. Mr. Runyon said the TEC has been going back and forth on this for about a year and a half now, so progress in TEC has stalled.

Mr. Runyon said he thought that as inspection guidance goes, the document is pretty functional. He thought the CVSA program was a great program. It has brought together states across the Midwest and the country to standardize inspection formats and to develop a very effective program for highway carriers. One of the really good things is that all the inspections personnel and the carriers are familiar and comfortable with the program. Kevin Blackwell (FRA) asked if the intent of going to the state program managers is to get a buy-off on the document and then move on to application. Mr. Runyon said that getting buy off is probably step one. Step two is to go to the people that are actually going to do the inspections and do some field testing. He said he didn't want 10 years to go by and have someone come up with the exact same idea – rather it should go into the records and move forward today, and the FRA is the program to do that. Mr. Owen asked if this was something that Carlisle Smith (Ohio) might want to take on. Mr. Runyon said that Mr. Smith was involved in the process, and has provided history and guidance, but he mostly deals with truck. Ms. Janairo said that Ohio has the largest state participation program, though, so they should definitely be involved and if Mr. Edwards can't attend the FRA meeting, maybe someone from Ohio could. Mr. Owen said that to move from step one to step two it would be helpful to have a formal group like the FRA endorse it. Ms. Janairo said that she wasn't sure if the FRA had a radioactive materials subgroup like CVSA does.

Mr. Owen asked Jane Beetem (Missouri) about the lessons learned document from the Rail Topic Group. Ms. Beetem said that the lessons learned document she put together focused on Yucca Mountain shipments, but then she wrote a paper on the Fernald shipping campaign and was asked to include those lessons learned. Ms. Beetem said Alex Thrower (RW) had said the document would be combined with a DOE lessons learned document, but she had not heard a status update. Mr. Jones was unaware of the status. Mr. Runyon speculated that the TEC document and the DOE document probably don't overlap much. Ms. Beetem thought it would be nice to have one definitive document. Mr. Runyon agreed but said he would want to review the document because, in the West Valley lessons learned process, DOE rejected some of the states' lessons. Ms. Beetem said the TEC group had discussed the fact that there were areas of disagreement. Ms. Janairo added that the report should show the areas of agreement and disagreement. Mr. Runyon said DOE and the states had identified similar problems but came up with different solutions, and he didn't want DOE to produce a document that looks like the states bought into it when it has the solutions the states don't want.

Mr. Owen asked Frank Moussa (Kansas) to report on the *Security Topic Group*. Mr. Moussa said the Midwest's security group had been working with the other regions to determine who needs what information and when. To this end, the regional groups surveyed the states on their information and security needs and the summary of the results was in the briefing materials. The NRC had then asked the states to develop a matrix of needed information, partially based on the results of the surveys, and include what information is needed, how would it be processed, who would get it, etc. Some of the states involved have experience with shipments, especially the West Valley shipment, so the input was very valuable, especially about what information can be passed down to the locals. Mr. Moussa said that when Kansas did town hall meetings relative to the West Valley shipment, it proved to be very effective to brief the local elected officials as opposed to keeping it all within the state agency. Another important area that the states need to resolve is

the handoff between states. Mr. Moussa said the matrix is not in the briefing materials because it is not finalized. He added that the process has been more or less one-sided. The NRC asked the states what information they need to know and then will decide whether or not to provide it. Mr. Moussa stressed that the states were not after technical information, but rather on specific things. The first is experience in training of handling sensitive and classified information. The second is reporting procedures and more specifically what kind of report will the states receive and when. West Valley was scheduled a year in advance but when it got down to the shipment, the notification was off. The third thing is escorting. The states have the right to escort or shadow shipments. Mr. Moussa said the next step for the matrix is for the NRC to tell the states what information they can provide, but he did not know if there was a specific timeline. Ray Wharton (NRC) said that the NRC received the matrix, but he was unaware of the status.

Mr. Owen then asked Ms. Beetem to report on the *Routing Topic Group*. Ms. Beetem said this Topic Group is relatively new, but most of the states have been anxious to get working on the issue. The group has had three conference calls and one meeting at the TEC meeting in Atlanta. There is an established task plan and the first activity is to define the term 'suite of routes.' Ms. Beetem said that DOE has been using the term for a long time, so the group felt a specific definition would be a good first step. The goal is to make sure the definition isn't too restricted and provides for flexibility. Ms. Beetem said that there has been conflict because DOE has said that it wants more than one route available from each plant, but as the Northeast has pointed out, many plants have only one option at the very beginning. It is after the initial leg of the journey that the route choices appear. Another question the group will have to address is how the suite of routes will work with scarce 180(c) money. Ms. Beetem said that the regional groups worked together to come up with a definition, and DOE offered its own definition, so the goal is to settle on a definition at the TEC meeting in July. She asked for input from the committee. Ms. Janairo asked that the committee review the definition, the task plan, and a list of routing principles tonight in preparation for the committee discussion on Thursday. Ms. Beetem added that the principles were written by DOE and Mr. Jones said the principles weren't the official DOE principles, but rather a document for background and support.

Mr. Owen then asked Thor Strong (Michigan) to report on the *180(c) Topic Group*. Mr. Strong said the status of the policy was already reported. Section 180(c) requires DOE to provide funding to states and tribes training in connection with shipments. A work group comprised of Midwestern committee members and other states had worked with DOE for several years to devise a funding proposal. The group also looked at timing, the structure of the grants, eligible activities, and how to allocate the funds. As the group went through the process, other issues came up. Mr. Strong said that by mid-2005 there was consensus on many issues, and so the Topic Group made a recommendation to DOE. There were still some unresolved issues, including the allocation strategy. The formula proposed by the Midwest, which became known as the "Minneapolis proposal," was adopted by three of the four regional groups. Mr. Strong said that in 2005, DOE was suggesting that the *Federal Register* notice would be out by the end of the year, but to date the states were still waiting. At the last committee meeting in Carlsbad, the committee decided to write a letter inquiring about the status of the policy. DOE had not responded yet to the letter, but the word on the street was that the *Federal Register* notice was imminent. Mr. Strong said he hoped to see the notice before the TEC meeting, and more importantly, he hoped the notice would be similar to what the Topic Group recommended in 2005.

**Other Meetings:** Mr. Owen asked members of the committee to comment on meetings they attended recently.

Mr. Moussa had attended the *CSG Midwestern Legislative Conference Executive Committee meeting* in Phoenix in early December. He said thought building the link between the executive and legislative branches of government is critical. Mr. Moussa told the MLC Executive Committee that the committee's work is

important on both the local and the national level, and it is important to disseminate information on all levels. Mr. Moussa commented that Kansas does not have a fee program, but perhaps in the future the state will want one. In order to implement one, a partnership with the legislators is necessary. Mike McCabe (CSG) added that any opportunity for the committee to communicate with the other legislators is important. He said Mr. Moussa did a wonderful job at the Executive Committee meeting, and hopefully that dialog will continue. This committee among the four regions has always placed importance on legislative relations. Sen. McGinn said that from her perspective, Kansas has always had great interest in transportation issues, but some states are not as interested. So when states are not involved in the issue all the time, it is good to have the committee to keep us together and up-to-date.

Ms. Janairo then commented that she already reported on the *Wisconsin Joint Legislative Conference Special Committee on Nuclear Power* meetings. Paul Schmidt (WI) added that the committee has representation from utilities, the public, state agencies, and the legislature. He added that the group had interesting opinions, but did come to consensus that the moratorium should be overturned. The committee hasn't heard back from legislature yet on the proposed legislation.

Ms. Janairo reported on the *CSG/ERC Northeast High-Level Radioactive Waste Transportation Task Force* meeting in Las Vegas on December 6-7. She said the meeting included a tour of Yucca Mountain, similar to the state government officials' tour that the Midwest did the year before. The Northeast invited guest legislators to attend the meeting and then go on the tour. She said the meeting broke the Midwest's record for the longest meeting in one day, but it was so well done that everyone stayed and was attentive.

Ms. Beetem commented on her attendance of the *Waste Management Symposium*. She said she was encouraged to write a paper about the lessons-learned from the Fernald shipment campaign. Originally the lessons-learned went to DOE, but she felt she learned so much from the campaign that it really would be useful to share with a larger audience. Waste Management is a really large conference, but transportation topics were all put together. Ms. Beetem said she felt it was well worth going, and the conference is now looking for papers for the 2008 conference, so she encouraged committee members to write an abstract if they were interested in attending. Ms. Janairo added that the meeting would be in Phoenix this year and that she was thinking of co-authoring a paper with Ken Niles of Oregon.

Mr. Runyon reported on the *NRC Regulatory Information Conference (RIC)*. Mr. Runyon reminded the committee of the findings of the National Academies study of radioactive waste transportation. The NAS said that malevolent acts against shipments is a major societal concern but the NAS committee was unable to perform an in depth analysis because members didn't have the necessary clearance to view the information. Mr. Runyon said the Midwest concluded that it might be useful for the NAS to conduct a study focusing on security, but first the NRC should release the information on cask vulnerability in a public format. The committee sent a letter to the NRC to such a request. The committee did get a reply to that letter and shortly afterwards Mr. Runyon was invited to speak at the 2006 RIC on states' information needs. Mr. Runyon said the response letter from the NRC had asked about the information states wanted to receive, who would get it, and how it would be used. The regional groups got together to develop the matrix that Mr. Moussa reported on earlier and submitted the matrix to the NRC in 2007. At the 2007 RIC meeting, Mr. Runyon had reported on the matrix as well as the results of the regions' security survey.

Ms. Janairo reported on the *Wisconsin Radioactive Waste Transportation Work Group* meeting. She said that the group held a meeting in Milwaukee in April. The group was originally re-organized after a long hiatus because of the possibility of Private Fuel Storage (PFS) shipments. Wisconsin would be one of the first states to ship to PFS. Once it appeared that PFS was not as imminent as originally thought, the group moved

on to talk about the La Crosse boiling water reactor vessel shipment. In April, the group was still preparing for the vessel reactor shipment, but it has since taken place and the reactor vessel is now buried at Barnwell in South Carolina. In addition to the La Crosse shipment, in April the work group also heard a presentation on Operation Grizzly from DOE's Joe DiMatteo. The next meeting will be in July at Argonne National Laboratory. Mr. Schmidt said the group discussed using the reactor vessel shipment as a mechanism for what the state might need to do for a high level waste shipment. Ultimately the group decided not to do that. Mr. Schmidt also commented on the low level of interest exhibited by the media, with the only coverage coming from the local paper. There was some anti-nuclear interest, but nothing major. Ms. Janairo observed that, in the plans leading up to the shipment, there were people in positions that did not have the information they needed. She said that this reinforced the need to start planning way in advance. Mr. Runyon said he thought the plant operators did not know what they were supposed to do in terms of planning and information sharing. Ms. Janairo agreed and said the term "safeguards" was thrown around a lot, but not necessarily used in the right context. Mr. Moussa said it seems the word safeguards has both a legislative definition and a DOE definition. Ms. Janairo agreed and said that one of the first things the Security Topic Group set out to do was develop a classification guide to clear up that problem. Mr. Jones added that the classification guide was going through the internal DOE concurrence process right now.

Ms. Wochos commented on the *Western Interstate Energy Board High-Level Waste Committee/Western Governors' Association WIPP Technical Advisory Group* meeting. She said the West splits their activities between RW and EM, hence the need for two separate committees. The WGA committee covers EM activities and during this day of the meeting, the committee talked about WIPP shipments. The West is experiencing a lot of WIPP shipments and as a result they update the WIPP Program Implementation Guide every two years. Ms. Wochos said that among other issues, the WGA committee also discussed the incident tracking matrix. The RW activities are discussed in the WIEB committee, and during this day of the meeting, the committee had a routing panel and discussed other issues. During the routing panel, Bob Halstead (Nevada) presented some very interesting concerns that the Routing Topic Group will eventually have to address.

Mr. Runyon reported on the *TRANSCOM Users' Group* meeting. He said he didn't attend the meeting last year, but the next meeting is scheduled for September 27th. He reminded DOE that most states need 30-60 days notice to get travel approved, so the longer beforehand the meeting is planned the better. Mr. Runyon said he had several conversations on the Users' Group proposals. All the significant changes were based on improving the overall speed of TRANSCOM, and one thing the Users' Group was looking at was updating all the lines and reducing the activity on the maps. Mr. Runyon said that in Illinois, when there are a lot of shipments, it is hard to keep up with the tracking if there aren't enough people trained on TRANSCOM. The state coordinator has to update the user information and Carlsbad sends out new passwords every 6 months. Bill Mackie (DOE-CBFO) said he would cover the TRANSCOM upgrades in his presentation. He also said that the next Users' Group meeting may be postponed until early 2008 because many of the things the group had identified as problems had not yet been corrected. Mr. Runyon asked if TRANSCOM would be continuing with Oracle. Mr. Mackie said that Carlsbad will do a cost benefit analysis on switching over to SQL and then will decide which platform to use. Mr. Runyon said if DOE decides to stay with Oracle, it needs to be updated and Mr. Mackie replied that that has already been done. Mr. Runyon asked if moving platforms would mean DOE would have to rebuild the system from the ground up. Mr. Mackie said no, there would be some building, but DOE is doing that now so if they do transition to SQL, the system will be all ready. Mr. Runyon added that users should be getting new passwords every six months and if you're not, you need to notify TRANSCOM. Mr. Owen noted that because of Mr. Runyon's tentative position on the committee, Carol O'Claire from Ohio will be taking Mr. Runyon's place on this group.

**New Business:** Ms. Janairo then asked the committee to take a look at the *EM incident tracking matrix*. She reminded the committee that an ad hoc working group had been set up by EM, and the regional groups were asked to participate. Unfortunately the one physical meeting of this group was the same time as the last TEC meeting, so no Midwestern representatives attended.

The ad hoc working group held a few conference calls, after which the regional representatives proceeded to develop their feedback on a matrix DOE had presented to the working group in January. The intent was to bring harmony to the reporting that DOE has to do to the states when there is an accident, what they report to the public, what they have to report by regulation, and what they have to report through their own internal reporting process. Ms. Janairo has taken the matrix and, on May 4, circulated a marked up version among the regional representatives. Ms. Janairo explained that the column headings are "significance categories," which came from DOE. The row headings come from DOE's Offsite Transportation Incident Notification document. Ms. Janairo said the regional work group members suggested where to place the various types of events within this matrix. Ms. Janairo felt a visual presentation bringing many different documents together was quite a feat. She said the regional work group had passed comments on to DOE and was waiting for feedback. Ms. Janairo called attention to the second page of her handout, which listed the FY04 transportation incidents that DOE reported at WGA meeting. The work group took these examples and tried to identify where they would fall in the matrix. Ms. Janairo asked the committee to review the matrix and provide feedback during the closing business session on Thursday. She added that right now this matrix is proposed for EM shipments, but the regional group hoped that it would apply to RW shipments, as well.

Mr. Runyon had the sense that an incident in an "ORPS" category was a lot more severe than other incidents. Mr. Mackie said that ORPS is what DOE uses, and they are generally afraid to make any incident a category 5. To do so requires official notification to headquarters within 30 minutes, among other things. Mr. Mackie said he is also a part of the larger working group and that there will hopefully be a conference call at the beginning of next month. He said that he will recommend that DOE not use ORPS categories. He would also recommend that notification be made the next working day of an incident. The states that are affected are notified immediately, but those states not affected can be notified the next business day. He said he'd received complaints about policy people not being notified, but DOE only notifies the number on the emergency contact information. It is up to the state to continue the chain. Alex Schroeder (WGA) asked if DOE could notify the SRGs via email and Mr. Mackie he could do that provided it is a reasonable time and a computer is available.

Going back to the matrix, Mr. Mackie said he thinks DOE will take ORPS out of it. Jon Schwarz (Nebraska) asked if the whole project was a result of the changes Dennis Ashworth was trying to implement. Mr. Mackie said the project comes from the need to provide states with all the information, whether it's relevant or not. He said DOE used to call some incidents off normal or unusual occurrences, but DOE got the feeling that states want to know about those incidents, too. An example of this is a routing deviation. Mr. Mackie said DOE wants to provide enough information about events, but not litter the safety database with incidents that have no safety implication. Mr. Runyon reminded Mr. Mackie that the states play two roles. On the one hand, states respond to emergencies. The other role is to prevent an unnecessary response or overreaction. The state agency has to be in the middle of the governor and locals to make sure people know when something is a non-event. Mr. Mackie agreed and said he was talking about both "notification" and "reporting." If any incident occurs, the affected state would be notified immediately. If the incident is something that doesn't directly affect the state, DOE would notify the SRGs the next day, and the SRG staff would pass along the information.

In the interest of time, other new business was deferred until the next day.

**Regional Roundtable:**

Illinois: Mr. Runyon said this might be his last meeting because he has accepted another position within the state. His director wants him to stay on the committee, but the department is reorganizing, so that may change. Mr. Runyon said Illinois continues to do inspections on all HRCQ movements. The state is seeing routine spent fuel movements and will probably have remote-handled TRU waste move out of Argonne in the near future. Illinois recently partnered with TEPP in a number of training programs throughout the state. Mr. Runyon said that Kelly Horn has been the person working on that training and that it went very well. Mr. Horn also participated in the Commercial Vehicle Safety Alliance (CVSA) peer review program.

Indiana: Joseph Bell (Indiana) reported that Indiana recently did an exercise called Operation Grizzly. The state billed the exercise as a terrorism event so that DHS would provide some funding, but DOE was also included in the exercise. DOE brought a RAP team to the exercise. Mr. Bell said that Indiana had been concerned about a response team from Argonne National Lab coming to Indiana in the case of an event. The RAP team from Argonne, however, came in and the state was able to ask some questions to mitigate any concerns. Indiana has also bought radiation meters for all inspectors in the state.

Mr. Bell said that Indiana recently held a large exercise called Ardent Sentry. It was the largest exercise in United States to date. The situation was billed as a nuclear accident at an interstate crossing. It was held May 11-18 and took months of preplanning. Mr. Bell showed the committee a presentation on the planning and execution of the exercise. Someone asked if the state staged fatalities, and if so, was the medical examiner involved in the exercise. Mr. Bell said that there were staged fatalities, but the teams primarily looked for contamination in the staging area, not in remains.

Iowa: Ms. Rasmusson said that she was excited to be attending her first meeting, and as such did not have much to report from Iowa. Rep. Olson concurred and said he and Ms. Rasmusson would be learning the ropes together over the next few months.

Kansas: Mr. Moussa said that Kansas recently held an exercise and received very positive feedback, but it also identified some needs for responders and equipment. The state used the Kansas City racetrack as the spot for the incident. Mr. Moussa said that Wolf Creek will have a graded exercise on November 6-7. This exercise was scheduled two years ago. Mr. Moussa said that Kansas is also working on a renewal grant for the HMEP program and that the calibration shop in the state may move to a different location. Sen. McGinn added that the utility has been working to extend the life of Wolf Creek. She said that Kansas is probably ahead of the curve on emergency response, but the state will continue to work and improve.

Michigan: Mr. Strong said that Michigan has not had a lot of transportation issues as of late. The state is seeing lots of Nordion shipments out of Canada, and Mr. Strong said he got a notice about a month ago indicating that the motor carrier division would start doing inspections on all Nordion shipments. He did not know if that has started yet. Mr. Strong said Michigan is trying to become an NRC agreement state and they are modeling the process on Wisconsin's successful efforts from a few years ago. He said Mr. Schmidt shared his experiences with the state, which was very helpful. Ms. Janairo asked why the motor carrier division was going to inspect all Nordion shipments. Mr. Strong said it was a matter of increased security issues at the border. Scott Field (WIEB) asked if Michigan had singled out only Nordion shipments for inspections, and Mr. Strong said he thought that was the case. Mr. Runyon added that he received a call from Nordion asking if Illinois would stop Level VI inspections now that Michigan will be inspecting. Mr. Runyon said at the outset, Illinois will not stop inspections, but once Michigan is up to speed, Illinois would honor the Michigan inspection.

Minnesota: Kevin Leuer (Minnesota) said the utility is seeking a license extension for Prairie Island. The Monticello plant received approval for dry cask storage, and that facility is currently under construction. He anticipates that Monticello will start filling the casks next summer. In addition, Prairie Island has two more casks on order that will be filled this fall. Mr. Leuer said Minnesota had an interesting legislative session involving the nuclear plants. In the last few years there have been no relevant bills, but in the last session there have been four. One bill was seeking state support for Yucca Mountain. This bill did not get additional hearings, but portions of it got transferred into an omnibus law that says as soon as there is another storage facility available, the material in the dry casks must be shipped first. Another bill dealt with lifting the moratorium of building new nuclear plants. Again, this bill did not get a hearing. Another competing bill wanted to extend the state's moratorium on building new plants. Finally, another bill would impose strict controls on shipments of high-level waste from the plants. No hearing has been set for this bill, but Mr. Leuer said he anticipates hearings in the next session. The bill would require transportation corridors to be as prepared as plants for high-level waste shipments. In other words, current regulations on plants would be transferred onto corridors so that everything that is required for the emergency planning zone would be required for the corridor. Mr. Leuer said he would work with the legislature on a compromise.

Missouri: Ms. Beetem said the committee already heard about the legislative proposal from Rep. Robb, so she would let some of the other departments report on activities. Someone reported that the state will conduct a dress rehearsal for the Callaway graded exercise. This is also the off-year for Cooper exercises, but Missouri usually participates in those as well because Cooper is so close to the border. In addition, the state has been doing statewide drills and installed a radiation detector at the port of St. Louis. Robert Geller (MO DNR) added that the cleanup of sites around the state is progressing. Missouri is dealing with DOE at weapons sites, superfund sites, etc. The cleanup of Weldon Springs is nearly completed. DOE will be maintaining some waste on site at that location. A site in St. Louis will move 1.5 million cubic yards to commercial sites in Utah and Idaho. There is also a nuclear fuels fabrication site outside of town that is being cleaned up. Finally, the Westlake landfill was found to have radioactive contamination, which will have to be mitigated. Larry Erickson (MO DNR) added that Missouri has a good working relationship with the NRC folks on these sites and Mr. Geller added that his department is looking forward to classifications being standardized or at least made comparable between departments.

Nebraska: Mr. Schwarz said that the state had a negative experience doing a comprehensive review of Cooper. In fact, Nebraska told DHS that they had to clean up their act or Nebraska wouldn't participate anymore. In comparison, Mr. Schwarz said the review of Fort Calhoun was a much more positive experience. They found the same gaps probably as everyone else did, particularly in equipment and credentialing. Mr. Schwarz said that in December, Fort Calhoun did the largest upgrade in the country's history. The plant replaced the steam generators, reactor head, and other parts. Mr. Schwarz said the utility has submitted an extension for Fort Calhoun, and a license extension for Cooper is likely in the near future. Fort Calhoun will also have an ingestion pathway exercise in November. Mr. Schwarz said Nebraska is also doing a terrorism preparedness exercise soon. The state had a RAP visit recently to discuss explosions. At first the discussion started with the example of two bombs detonating one block from the capitol, but participants quickly realized that in such a situation, the bombs would take out the continuity of government so there would be no responders left. Finally, Mr. Schwarz said that the calibration lab has been granted permission to charge for calibrations. This will help keep the cost down for volunteer fire stations.

Ohio: Mr. Owen said Portsmouth is one of the 11 Global Nuclear Energy Partnership (GNEP) sites DOE is considering to host reprocessing facilities. In addition, on the DOE Prospective Shipments Report (PSR), Miamisburg is listed as having upcoming shipments. There will be approximately 560 railcars of waste. Mr. Owen said the Davis-Besse plant had recently had some issues. The utility noticed a potential hole in the

reactor vessel and eventually fixed the problem before it became too serious. However, when the utility tried to recoup the money from their insurance company, the report they submitted said that the hole took only a few weeks to appear. This was a discrepancy in reports they sent to the NRC on the problem, and as a result the NRC threatened to revoke the utility's licenses. First Energy finally admitted that their consultants were wrong on the insurance reports. First Energy then provided the NRC with the correct information.

Wisconsin: Mr. Smith said he is currently in learning mode so he will defer to Mr. Schmidt. Mr. Schmidt said Wisconsin, from a response standpoint, has its own internal response mechanism. But a year ago, a civil support team was developed and now they are working on how that team would interact with the internal response team. Mr. Schmidt said the state has chemical, biological, and radiological response capabilities, but radiological is the least strong. The state recently held an exercise and asked the internal response team to design a radiological scenario. The internal response team designed a field based scenario, and the state found that from the standpoint of surveys, everyone was well versed. From the standpoint of sampling, however, the internal response team was poorly trained and equipped. The state is now working to rectify that problem. Mr. Bell commented that Indiana's civil response team has been around a long time, so the state asked them to help the internal response team get trained and get the right equipment, and now Indiana's internal response team is well versed and well prepared.

### ***U.S. Department of Energy, Environmental Management Update***

Bill Spurgeon (DOE-EM) gave the committee an update on *EM program activities*. The Office of Transportation will be getting a new director now that Dennis Ashworth is retiring. Mr. Spurgeon said EM has had a lot of shipments over the years. The department is in a slow mode at present, but shipments will again be picking up. The department completed three site cleanups last year, and this year EM hoped to close another four sites, plus four more the following year. In the end, 114 sites will close. Mr. Spurgeon said the big sites still left are the Savannah River Site, Hanford, and Idaho National Laboratories. Mr. Spurgeon said shipments are reported to states on the PSR, and an updated version would be sent around in the near future. As new campaigns are announced, EM adds those shipments into the PSR. Mr. Spurgeon said that, because a lot of the shipments are on the horizon and because the department is on a continuing resolution budget, the PSR is a little vague. If Congress passes a budget bill, the PSR will more accurately reflect what is being shipped.

Mr. Spurgeon highlighted three big campaigns. The first is shipments from the Mound site. Shipments have already started, and 126 railcars had already been sent to EnergySolutions using the Fernald gondola cars. This represents about 75,000 tons of material. West Valley is also shipping to the Nevada Test Site. Shipments from this site began in March, and 140 total shipments will go to NTS, and another 160 will go to EnergySolutions. The last campaign Mr. Spurgeon highlighted was the Fast Flux Test Facility (FFTF) clean-up at the Hanford site. The FFTF was an experimental reactor and is high-level waste. That waste is going to Los Alamos and all shipments are highway shipments. Mr. Spurgeon said EM is also shipping MOX and sodium bonded fuel from Hanford to Idaho National Labs (INL).

The DUF<sub>6</sub> conversion project at Portsmouth and Paducah is also progressing. Mr. Spurgeon said Congress gave DOE the authority to build facilities to convert depleted uranium hexafluoride into the less noxious uranium oxide, and then dispose of it. Portsmouth and Paducah were chosen as the sites, and construction on the conversion facilities is progressing. DOE is hoping to begin shipping by next June. Tammy Stapleton (DOE-Portsmouth) added that the Portsmouth facility will be completed and operational by the end of November. About 700,000 cubic meters of material will be converted. DOE will ship about eleven railcars a week for 20-25 years. Mr. Strong asked what form the uranium oxide is in. Mr. Spurgeon said it is similar to

yellow cake, so it is depleted and has no weapons capability. Ms. Janairo asked if the final fact sheet was completed. Ms. Stapleton said DOE did revise the fact sheet based on comments received and provided copies at the WGA meeting. Ms. Janairo asked for hard copies for the Midwestern states, plus a link to an electronic version. Mr. Gilzow asked where the uranium oxide will be shipped and Mr. Spurgeon said that DOE is still deciding. Ms. Stapleton said that NTS is the most likely candidate, with EnergySolutions as the backup. Kevin Blackwell (FRA) asked that DOE notify the FRA once the site is chosen. Ms. Janairo asked if the eleven rail cars will all be together in one shipment and Ms. Stapleton said that the rail cars will leave the facility together, but because they are going general freight, they may not stay together. Mr. Schwarz asked who the first carrier will be and said he would like to know the route. Mr. Blackwell responded that the railroads are likely to use one route but he will talk to the carriers about it. Ms. Stapleton added that DOE and the railroads will establish the route next year.

Mr. Field asked about the radiological characteristics of the material and Mr. Spurgeon said that it is primarily an alpha emitter. Someone asked why DOE didn't consider using unit trains and Ms. Stapleton responded that the material is not that dangerous and the campaign is very long term, so it would be impossible to get unit trains for that period of time. Ms. Janairo asked if the transportation plan will include the routes and Ms. Stapleton said that since the routes won't be established until January, and the transportation plan will be developed in fall, the routes will not be included. Mr. Schwarz asked when DOE plans to begin shipments and Ms. Stapleton said next August. Mr. Schwarz asked how much notice the states will receive and Ms. Stapleton said as soon as the routes are identified, the states will be notified. Mr. Schwarz asked for as much advance notice as possible. Mr. Spurgeon added that this campaign will use the same containers that were used to move the DUF<sub>6</sub> to Portsmouth and Paducah.

Mr. Spurgeon declined to comment on the spent nuclear fuel transfer project that DOE will undertake in the near future. He said DOE is in a declining mode, largely because of the closure of large sites. The shipment numbers will never be as high as they were in 2005. Mr. Spurgeon said that in addition to shipments, DOE is working hard on revisions to the practices manual. The technical comments have all been resolved and General Counsel's office is reviewing the document. Mr. Spurgeon said performance metrics are "near and dear" to the Office of Transportation. DOE is trying to look closely at incidents, with incidents defined as those that have safety consequences. He added that the reporting criteria matrix is also a big priority and the goal is to get the stakeholders all the information they desire, up to a point. Mr. Spurgeon showed a list of incidents over the last few years. He said this year incidents are lower, but the shipment numbers are also lower. EM is logging and analyzing all the data on the seven events so far this year.

Mr. Bell asked Mr. Spurgeon to go back to the map and asked where all the shipments from West Valley and Mound are going. Mr. Spurgeon said those shipments go to EnergySolutions in Utah and 126 shipments have already been made. Mr. Runyon asked what happened to the comments the Midwest submitted on the PSR. Ms. Janairo said the committee had submitted comments on the PSR several months ago. Some of the comments were to include links to fact sheets, update contact information, and provide more accurate route details. Mr. Runyon added that having links to campaigns that don't have fact sheets doesn't have much value, so DOE needs fact sheets on all these campaigns.

Ms. Janairo said she is considering creating state specific PSRs along the lines of the mock-up she had presented at a 2005 committee meeting in Michigan. The committee agreed this was a good idea. The members also discussed the value they derive from shipment-specific fact sheets, as well as the more generic fact sheets produced by the former National Transportation Program. Mr. Runyon said the fact sheets should provide specific response guidance for each campaign. Ms. Janairo said she has twice asked if there was more information on specific campaigns, specifically if there were fact sheets available, and twice she was

told there were not. She said Ella McNeil had said DOE didn't want to get into the habit of making fact sheets for every campaign. Ms. Janairo thought that that was unacceptable – if the states had a use for the information, they should be able to get fact sheets. She took an action item to follow up with Ms. O'Neil regarding the states' desire to receive fact sheets.

Mr. Mackie gave an update on activities related to DOE's *Waste Isolation Pilot Plant (WIPP)*. The WIPP facility had accepted its first shipment in March 1999, and as of June 12<sup>th</sup>, had received 5,848 shipments. Of those shipments, only 28 were remote-handled (RH). All of the RH shipments were made in 72B casks and all came from INL. Mr. Mackie said Argonne National Laboratory would likely begin shipping RH waste in November. Money has been approved for affected states and should be available by the first of July. Mr. Mackie said DOE plans to ship two RH shipments a month in November and then will increase a bit in 2009. DOE will come to Illinois, Iowa, and Nebraska as part of a "road show" in the fall. The purpose of the road show is to let inspectors climb on the truck, look at the tie downs, and get a feel for the cask.

DOE had awarded a new carrier contract to CAST in June. CAST has ramped up from 11 to 15 tractor teams, all of which will have electronic data transmitters. The other small business contract is still pending, so until that is settled, Tri-State will continue making shipments. There will also be a 90-day transition period between Tri-State and whoever is awarded the contract. As for training, Mr. Mackie said the states should not have to buy any new equipment or do additional training for RF shipments. MERRTT modules are appropriate for RH and all CH equipment can be used for RH shipments.

Mr. Mackie said the TRANSCOM Control Center (TCC) is working like crazy to get contingency plans, equipment failure/power failure and continuity of operations plans all developed. All the critical equipment is now equipped with uninterrupted power sources. If the TCC goes down, however, DOE will operate under procedures in the WIPP PIG. DOE will telephone or fax information to each state every two hours. Mr. Mackie said the TCC is also working on a continuity of operations plan. They are working to complete a backup for the server and monitoring site, which will not be in Carlsbad. Mr. Mackie said that if states are interested in Superuser training, DOE and TRANSCOM control center staff can provide this training. Once the state has a Superuser, that person is authorized to train General Users within the state. Mr. Mackie said the training is provided as needed and as funds are available. He suggested that the Midwest consider holding a Superuser training session in the region. In the meantime, however, DOE conducts training on a routine basis in Carlsbad.

TRANSCOM is tracking fewer and fewer shipments. As of February, TRANSCOM had tracked over 11,000 shipments. In 2006, 1% of tracked shipments were spent fuel and FRR shipments. Since the beginning of FY07, spent fuel and FRR shipments represent 2% of tracked shipments. The percentage will continue to increase.

The TRANSCOM Users' Group had identified a need for a long term continuity of operations plan for the communications center and servers. TCC is working on that. Mr. Mackie said the TCC had also made increased training a priority and developing a cost benefit analysis to decide whether to switch from Oracle to SQL. Mr. Mackie said, as discussed earlier, that TRANSCOM upgraded to Oracle 10G, but was still thinking about migrating to Microsoft SQL. The TCC had completed all of the tasks identified at the September 2006 Users' Group meeting. In addition, the TCC is now in dialog with the NRC to track NRC-regulated shipments.

Mr. Mackie said some of the new TRANSCOM features are an alternate screen option for fast access to information, and a new map including the bill of lading and any carrier messages. Another feature is a less

detailed map option to increase updating speed. This option shows where the shipment is, but it has less functionality. Mr. Mackie said that rapid shipment status on a PDA is also now available.

Mr. Mackie told the committee about the TRUCPACT III. The cask is 12.7 feet long, 8.2 feet wide, and 8.7 feet high. The cask was drop tested and had some problems, so in November the vendor did certification testing at Sandia and then computer modeling of fire and submergence tests. After the drop test there was a post-test examination, and some of the bolts were loose, but the welded structure was leak tight. They cleaned the O-rings and tightened it down and it passed additional tests. Mr. Mackie said the payload sections of the application were put into final review and on June 21<sup>st</sup> the vendor submitted the safety analysis report for packaging and a request for certification. The NRC has nine months to approve the cask and the vendor anticipates approval by March of next year. Finally, Mr. Mackie said the public outreach team from Carlsbad was available at any time if the states had questions about shipments.

Mr. Schroeder asked if the vendor would be doing testing on the new TRUPACT III design. Mr. Mackie said they would not unless the NRC asks them to. Mr. Wharton added that, according to the NRC project manager, the NRC has not received the application. In terms of the testing, depending on the review, the NRC will require more testing if necessary. Mr. Runyon asked what route the shipments from Argonne will take. Mr. Mackie said all the shipments will take I80 through the Midwest. Mr. Owen asked about the status of TRU waste at West Valley. Mr. Mackie said that there are discussions between DOE and New York to move the waste, but until that is settled, West Valley doesn't have the right to ship the waste to WIPP. Ms. Janairo asked Mr. Spurgeon if there will be a FRR shipment this year and Mr. Spurgeon said that he was not aware of one.

Ken Keaton gave an update on DOE's *Transportation Emergency Preparedness Program (TEPP)*. He said the purpose of coming to the regional meetings was to make sure that stakeholders know what's going on throughout the country and the program. He said the TEPP website has recently gone through a revision, and it now has tools, link to the state points of contact and other information. The contact information is updated every six months, and the next one will occur in July. Mr. Keaton said that the program has also had some revisions that are now in the final phase of design development. In particular, DOE rewrote module 13, which deals with decontamination. Mr. Keaton said the module did a good job of explaining contamination and why decontamination is necessary, but didn't show the responder how to do it. So DOE added in some information on how to control contamination and how to decontaminate. He said several of the training modules also now have video segments, including the new decontamination section. Finally, DOE moved the terms and definitions back into the module that contains labels and levels.

Mr. Keaton said, through agency cooperation, some states are able to have an annual refresher. Some other states want refresher training to be self-study, and so FEMA is making that available. DOE is also working with FEMA on hospital training, including handling patients in a hospital environment. This module is complete and will be available in July. Mr. Keaton said that the National Firefighter Association asked DOE to provide some competency basis for firefighters. In addition, DHS created an overall awareness program that included elements of MERRTT. The reason behind using MERRTT in DHS training is that the worst case would be if a responder went to DHS training on radiological materials and found the information to contradict what is in the MERRTT modules.

Mr. Keaton said that DOE has developed another level of training for radiation specialists. This training goes above and beyond the basic MERRTT training. The first phase of the specialist training module is at the development point and will be piloted this fall in Idaho and Pennsylvania. Mr. Bell asked if it was for operations level people or for those higher up. Mr. Keaton said the target student would be a radiation

specialist or someone who has radiological authority. Mr. Strong asked if there will be an opportunity for states to review or preview the materials. Mr. Keaton said stakeholders can come to the pilot meetings. He mentioned that the curriculum for phase one is in the handouts. Mr. Schwarz asked whether the states or DOE would do the training and Mr. Keaton responded that it depended on who the sponsoring agency is, but there would be train-the-trainer sessions first.

Mr. Keaton said MERRTT has had 85 training sessions so far this year. There are two exercises planned in Arkansas and New Mexico. He added that, if the states have recommendations on improving the TEPP program at all, please let DOE know. He also added that DOE is working with the Brotherhood of Locomotive and Engineering Trainmen to develop a rail training module. Mr. Keaton said there are four scheduled MERRTT train-the-trainer sessions in the Midwest, three of which have already occurred and there was a hazmat conference in Kansas. Mr. Keaton then briefly went over the Kansas exercise and the Indiana exercise, as reported on by both Mr. Moussa and Mr. Bell. Finally, Mr. Keaton said the majority of the Midwest is served by TEPP Region 5, and the DOE contact for that region is Joe DiMatteo.

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

Mr. Jones said that in obvious contrast to EM, RW is not shipping waste yet, but the program still hopes to submit a license application in June of 2008 to build the repository. The earliest possible shipping date would be 10 years from now. Mr. Jones said that Judith Holm is retiring in the July/August timeframe and that he will be moving into the RW international program office, so this will be his last Midwest meeting. Mr. Jones then asked Greg Williams (DOE-RW) to give a short update about his new position in RW and his plans for the future. Mr. Williams said he is now the senior policy advisor for federal and state relations for the RW program. His job is to help the program move forward by establishing relationships with state and local officials and non-government organizations. Mr. Williams reviewed the provisions of the administration's proposed bill, called the Nuclear Waste Disposal Act. He said the majority of the provisions were "niceties," but a necessary provision was funding reform. On May 24<sup>th</sup>, the House gave RW the full recommended funding of \$495 million. The Senate appropriated \$445 million, so the two houses will have to go into a joint conference committee to work out the details. Mr. Williams said he hopes Congress will wind up supporting the President's request. Mr. Williams said another legislative proposal, S.37, is making its way through Congress. This bill, introduced by Sen. Domenici, has some similarities to the administration's bill. Mr. Williams said he is also responsible for outreach to organizations such as the National Governors' Association, the Council of State Governments, and the National Conference of State Legislatures. He said DOE needs to reach out to decision makers and legislators outside the beltway. He emphasized that the waste disposal is not a state issue, but a national issue, and the administration is committed to solving the problem.

Mr. Jones then went on to talk about the RW program and its recent activities. He said DOE is being proactive in meeting with the state governments. One of the program priorities is to get the license application submitted. Another program priority is to develop the national transportation plan and yet another is to deal with the impending liability questions stemming from the utilities' lawsuits against DOE. Mr. Jones then went over some of the milestones for the program. The supplemental rail alignment EIS will include the Mina route even though the route is no longer in consideration. The RW program has been operating on a continuing resolution budget. As Mr. Williams had noted, the administration requested \$494 million for FY08 and the House appropriated the full amount and the Senate just \$50 million less. The transportation part of the budget is \$15 million but it might get bumped up a bit more.

Mr. Jones said the legislation proposed by the administration is the same as last year. The major provisions are the land withdrawal and the funding revision. Another important provision is lifting the capacity limit. Mr. Jones said Section 7 is still in the legislation, but Ward Sproat thinks that it doesn't have much of a chance of moving this year. Charles Pray (ME) asked if DOE is still trying to explain Section 7 as an administrative clarification and Mr. Jones said yes. He added that the point of the section is to prevent one state from stopping the entire transportation program, but very few states here would do that. Ms. Janairo added that probably none of the people in the room want that section in the legislation. Mr. Jones said DOE had received the message loud and clear.

Mr. Jones went on to say that the near-term goals of the program are the design of the repository and the rail line, and the development of the transportation system. One of Ward Sproat's goals is to build a nuclear culture within DOE, which means getting the right people in the national office to build human capital. The final near-term goal is to complete the license application.

Priorities for the Office of Logistics Management (OLM) are to develop the national transportation plan and to finish the rail alignment EIS. Mr. Jones said OLM is also trying to publish the 180(c) policy in the *Federal Register* and finish the benchmarking report. The draft supplemental EIS will be out in October and the final will be out in May. Mr. Jones said the benchmarking report looked at best practices in the DOE transportation programs. The results of the report identified best practices and recommendations for the business model, contract management, stakeholder relations, and continuity of operations, among other areas.

Mr. Jones said the original EIS analyzed five routes through Nevada and eventually DOE chose the Caliente route. Last year, the Walker River Piute tribe, who owns the right of way to the Mina line, removed their opposition to DOE using the line. The tribe reversed this decision a few months ago, essentially taking the Mina route out of consideration. It will still be included in the supplemental EIS, however, just in case. Mr. Jones said that according to DOE milestones, the rail line will be operational by 2014.

Mr. Jones said it will be challenging to build consensus among stakeholders on route selection. Alex Thrower (DOE-RW) will be taking over the Routing Topic Group after Mr. Jones leaves. One reason behind developing the routes now is so that states will know where to focus their 180(c) money. In addition, the NAS report recommended that DOE identify the routes as soon as practicable. The process will look at previous campaigns to get good information. Mr. Jones said DOE will have to look at regulations, develop principles and criteria, and use the regional studies as input.

Mr. Jones said DOE hopes to publish the 180(c) policy in the *Federal Register* in early July. The Office of Management and Budget (OMB) had to review it and RW recently got it back with OMB's revisions. DOE will have a session on the draft at the TEC meeting.

Mr. Jones said DOE held a tribal workshop in Denver in April. The meeting was for tribal representatives only, and was intended to get additional tribes involved in the program. Thirty-nine tribes have reservations along the routes in the EIS, and many are unfamiliar with the program.

The upcoming TEC meeting will have plenary sessions on the first day. James Rispoli and Ward Sproat will be there and there will also be a panel on intermodal operations and the National Transportation Plan. On the second day the Topic Groups will meet. Mr. Jones said the point of the TEC meetings is to enhance stakeholder interaction. Ms. Janairo said DOE had done a good job of responding to the SRG comments on the draft agenda.

Mr. Pray asked if Mr. Jones could expand on the liability question. Mr. Jones said Mr. Sproat had four main objectives, one of which is to mitigate the liability situation. DOE is being sued by several utilities because of its inability to start picking up fuel in 1998. One of Mr. Sproat's main goals is to settle those lawsuits. Mr. Pray said Maine Yankee is one of the utilities that sued and they received a \$174 million settlement. He added that he would hate to see DOE move the target opening date back even farther and get sued by more utilities. Mr. Jones said Mr. Sproat's intent is to resolve those lawsuits as soon as possible and Mr. Pray said the best way to avoid the liability is to meet the contract.

Regarding RW's forthcoming transportation plan, Mr. Jones said the transportation strategic plan from a few years ago didn't have much substance, so DOE decided to do another one. In the spring, DOE gave the SRGs a generic outline and feedback on that will help DOE prepare a more detailed draft before the TEC meeting. He said DOE will release the document in early July and get initial comments back at TEC. By September, DOE will get more comments. Some of the sections are related to assessment and system development, while others are operations related. He said one area of stakeholder interaction will be assessments of local infrastructure. States can also help with training, state-tribal relations, routing, operations (inspections, notification, tracking), and identifying unresolved issues. Mr. Jones said DOE will be looking to the states for information in those areas. Ms. Janairo asked if the plan will be a strategic plan rather than a true transportation plan. Mr. Jones said that the plan will be pretty broad, and won't yet be as detailed as other transportation plans.

Ms. Janairo asked about the status of the list of DOE's transportation related documents that the Midwest had requested. Mr. Jones said he did not remember that request but he would check on it. Mr. Runyon said that this plan sounds like the strategic plan that the states went to DC to hear about three years ago. Mr. Jones said the plan is different because Mr. Sproat wants more information on operational components and capital assets. The document will summarize where DOE is right now, where the gaps are, and how DOE intends to fill in the gaps.

### *State Discussion on Shipment Fees*

Ms. Beetem began the discussion by saying she thought it would be interesting to hear from states that have a fee program so other states can have that information if, like Missouri, they had an interest in enacting a fee. Ms. Beetem referred to the handout for the session, which included detailed summary information on the fees in the Midwest. Mr. Leuer said Minnesota had an early fee because of some initial transportation to and from the facilities. The state wanted to escort shipments and provide additional security and there was a cost to that, so the state enacted a fee to recover that cost. Mr. Runyon said the original impetus for Illinois was the shipments to GE Morris. Those shipments happened over a period of several years and came to hundreds of shipments. So the state developed a special program, and because there were no training dollars, the state decided to inspect and escort instead. Mr. Runyon said the fee is only for cost recovery, and that is the only way other states should do it, too. He said the original fee was \$1,000 and it went up to \$2,500 in the early 1990s because costs went up. Mr. Runyon said a consortium of utilities took Illinois to court to challenge the fee on the grounds it violated the interstate commerce restriction clause. The court upheld the fee.

Mr. Runyon commented that the key to fee programs is that the money does not go into a general fund, but rather is used to recover costs from actual physical work being done. Ms. Beetem said as long as the fee is used to recover costs for the actual shipment, states should be in good shape when it comes to challenges. Mr. Runyon agreed, and he encouraged any state thinking about enacting a fee to assess the actual costs of whatever safety measures the state requires.

Mr. Moussa said Kansas had drafted fee legislation based on the Iowa and Illinois fee programs but it didn't pass. There was a lot of misunderstanding because legislators thought it would hurt the trucking business. He warned that states do have to do some initial legwork with the governor's office first. Mr. Schwarz said that, in Nebraska, the governor has a transportation working group. A long time ago the group talked about fees, but decided that the truckers and the unions would go against it. But when the fee actually came out, the sponsor brought together some departments and utilities and showed the proposal. The sponsor worked together with all interested parties and the legislation passed.

Mr. Bell said Indiana started looking at enacting a fee on high-level shipments primarily to get ready for Yucca Mountain. As the legislation was getting ready, however, the state looked at other programs that were helping the state get ready for other shipments. When those other programs stopped committing funds, the state felt it had to do something to continue the training. Mr. Bell said Indiana's fee is the lowest in the region, but the state can at least maintain the program. The money is only used to train people along transportation routes. Mr. Bell said Indiana has had some problems recently with DOE based on the legislation's definition of waste. He reiterated that the state does not use the fee to make money. But if the state doesn't have money, it can't buy equipment or do training. Indiana is a small state when it comes to generating radioactive waste, but it will be a large corridor for shipments, so without the fee, the program can't exist.

Ms. Beetem said that, in Missouri, the fee bill's sponsor and the DNR were asked to do a fiscal report and estimate how many shipments would come through. Mr. Bell said DOE puts out the PSR and in Indiana, originally the legislators saw a lot of shipments and estimated a lot of money, but the shipments on the PSR are only for the current year and each year varies drastically, so the actual amount taken in is not as high as the estimate.

Mr. Moussa asked if anyone had the sense that the fee programs will be preempted when Yucca Mountain opens. Ms. Beetem said that is one of the questions that have come up in Missouri. She had reminded the legislators that 180(c) money is only for training, and not for escorts or inspections. Mr. Runyon added that DOE needs to reinterpret 180(c) or come up with another funding source. As long as DOE won't pay for operations, the fees will be necessary. Ms. Beetem added that the impact and associated fees are not just from Yucca Mountain shipments, but other HRCQ shipments that also come through.

Mr. Runyon said Illinois does not have a low-level waste fee. The state averages 70 or so high-level waste shipments a year, so about \$175,000. Ms. Rasmusson said Iowa used to have a lot of low-level waste shipments but they have been declining. Mr. Schwarz said Nebraska has seen only five casks of spent fuel in three shipments the last couple of years.

Ms. Beetem asked the states how they collect the fees. Ms. Rasmusson said her department is notified of the need for the permit and they in turn notify the agency that collects the fee. Mr. Leuer asked if the shipper or the carrier pays the fee. Mr. Runyon said he sends the bill to the shipper, but when it is DOE they tell him he needs to bill the carrier, and then the carrier builds that fee into their bill to DOE. Mr. Bell said the bill is sent to the shipper, so it is the contractor that pays. Ms. Beetem asked if the contractor then builds that into their bid for the contract. Mr. Bell said most of the shipments are really small, so usually someone sends \$100 and he sends the permit.

Ms. Beetem asked how the states inform shippers about the fee. Mr. Runyon said Illinois does not have that problem because there is no low-level fee. So every shipment subject to the fee also requires an inspection. Mr. Runyon said that, on a monthly basis, he puts everything together and sends it to the fiscal office, which

then does the billing. He added that the original fee law says the shipper will pay in advance, but the state has never operated that way because it may be hard for shippers or carriers to generate the money ahead of time. Mr. Bell said he asked the health department to provide a list of carriers authorized to carry radioactive waste through the state and then he sent a letter to each. He said shippers are supposed to send the money in advance, but some don't send it until later. Mr. Runyon asked Mr. Bell if he thought the \$100 was worth it. Mr. Bell said it is a small amount, and often doesn't cover the state's administrative costs. Ms. Beetem asked if the other states would be willing to share information on shippers with other states. Mr. Bell said he could easily provide a list of people that have shipped through Indiana.

Mr. Strong asked why Indiana charges for low-level waste but not HRCQ shipments. He said he was specifically thinking of Nordion shipments. Mr. Bell said that at some point Indiana could charge for HRCQ but currently that is not included. Dru Buntin (MO-DNR) asked what Indiana's definition is of low-level waste and what the exemptions are. He said Missouri ran into problems with medical shipments. Mr. Bell said that was the hardest part. He did not have the definition of low-level waste with him. He said Iowa's fee is really the best example. Mr. Runyon agreed and said if Illinois ever decided to include low-level waste, he would model the language after Iowa's.

Ms. Beetem asked the states to share any benefits or drawbacks they experienced from fee programs. Mr. Bell said Indiana doesn't escort, so any fee money is used for training. The law has a provision that if the local community wanted to escort they could go to the shipper for reimbursement, but the state just uses the money for equipment, training and whatnot. Mr. Bell said it keeps the fee lower. Mr. Moussa said one drawback he could see for Kansas if a fee program is enacted would be the necessity for someone to administer the training. If there wasn't an administrator, then the only way it would work is if the state passed the money through to the locals. And if the state does pass through the money, when locals are already getting lots of money from DHS, it doesn't make sense to charge the fee. It would look really bad to have the money just sitting there. Sen. McGinn asked Mr. Moussa if Kansas' attempt to enact a fee was truly hijacked because of politics. She warned that if you don't have the answers in place on how you'll use the money or pass it through, the motor carrier lobbyists will kill the legislation. Ms. Beetem said that when Missouri changed the payee from the shipper to the carrier a lot of those questions were answered. Mr. Gilzow added that in the legislative session in Missouri, it was a House-Senate fight. Ms. Beetem added that the legislation didn't get to the floor in time. It was not that the bill had opposition, but that the legislature was dealing with lots of other issues.

Mr. Leuer said Minnesota has a fee program for hazmat which funds hazmat teams. The DOT collects the fees and issues the permits and the state DHS pays them the administrative costs. Mr. Owen said Ohio is not pursuing a fee because the state does not think it would generate significant funding for what is needed. He said Ohio would rather pursue other sources of funding. He added that if Ohio took the highest fee of any of the states and applied it to the shipments that passed through, it would not amount to a lot of money.

Brad Levine (DOE-RW) said he would like to clear up a common misconception. He said DOE will pay all reasonable fees and has never failed to pay and never argues against paying. DOE may have argued that a fee was not applicable. He asked Mr. Runyon more about the utilities' lawsuit against Illinois. Mr. Runyon said the only way to get to Point Beach nuclear plant (in Wisconsin) from New York was to go through Chicago, so Illinois had to inspect every shipment. The state is still owed money for that shipping campaign. Mr. Levine asked if DOE was involved in the shipments. Mr. Runyon said none of the fuel was DOE fuel. It was Point Beach fuel so it had to go back to Point Beach. Ms. Janairo said that, as mentioned before, DOE needs to either change 180(c) to pay for operational costs or come up with another funding mechanism. That is something the four SRGs agreed on and recommended to DOE. Mr. Levine said the issue is addressed in

the upcoming draft 180(c) policy. There are a couple of topics on which DOE asks a specific question, and operational costs is one of those areas [Editor's note: the draft policy and procedures was published on July 23 without any questions specifically about the costs stemming from operations]. Ms. Janairo asked if the states thought DOE would challenge the fees once shipments to Yucca Mountain started. Mr. Runyon said he felt it was a strong possibility. But he added that, although the states might be awash with DHS funds right now, eventually that money will go away and they'll need to find the funds somehow. He added that with WIPP money, Illinois always subtracts the fee revenue off the top of the eligible amount of WIPP money so that DOE doesn't pay twice. Ms. Beetem asked if WIPP money can be used for operations and Mr. Runyon said that it can be used for anything related to the WIPP shipment.

## **Thursday June 28**

### ***Cooperative Agreement Updates***

WGA: Mr. Schroeder said this was his first Midwest meeting. The West is seeing about 800 WIPP shipments a year, and states are monitoring some miscellaneous shipments, too. Some of the issues that the Western states are most concerned with are the PSR not having enough or accurate information, and the incident reporting matrix. He said the Western states have been working closely with the Midwest on that issue. Mr. Schroeder said that last meeting of the WIPP TAG group was held in April in San Antonio and the next meeting will be in Santa Fe, New Mexico, in September. The group will be working on updating the PIG, which is the compilation of protocols for WIPP shipments. Mr. Schroeder said he had just received an email saying that the TRANSCOM Users' Group meeting in September had officially been cancelled.

NCSL: Christina Nelson (NCSL) said her committee is a group of state legislators that look at high-level waste issues. There is also a group that looks at EM issues. The high-level waste working group has 70 legislators from 40 states, and NCSL is still working on getting some appointments filled. The group will hold its next meeting sometime in August with a one day meeting and a one day tour. NCSL's annual meeting will be held in Boston the first week in August. Ms. Nelson said the high-level waste group's most recent completed project was to revise its radioactive waste policy, which represents the consensus of the states and will be used to lobby the federal government. The revised policy will be good for 2-3 years. Ms. Nelson said the group has three main interests: GNEP, Yucca Mountain, and interim storage. The group will look more at the policy side of those three issues than the day-to-day operations. Ms. Nelson said anyone can get information on the group on NCSL's website, and there is a section on radioactive waste legislation in the states. She said Pennsylvania recently introduced a bill on reactor and transportation fees. Ms. Nelson said NCSL is also working with the Southern States Energy Board (SSEB) on a CD ROM that will be a tool for legislators about speaking to constituents about radioactive waste transportation. Finally, she said the group also has an EM roundtable and a state-tribal working group.

WIEB: Mr. Field said WIEB is the energy arm of the WGA. He explained that things were slightly different in the West compared to the other regions, with RW issues being handled by WIEB and EM issues handled by WGA. The last WIEB committee meeting was in April in San Antonio, and the fall meeting will be in Santa Fe in September. Mr. Field said at the San Antonio meeting the committee had similar discussions to those at this meeting, including a discussion on GNEP and a panel on routing. WIEB had recently redesigned the project's website. In addition, Mr. Field was about half-way through updating WIEB's radioactive waste transportation primer and getting it online. He said the committee submitted or will submit comments on the Supplemental EIS, the rail EIS, the GNEP PEIS, the TEC agenda, and other documents. One project for the committee in the upcoming year is a scoping exercise on how to conduct a needs assessment. The goal of this project is to be ready for the 180(c) pilot project. Mr. Field said the committee is also considering a

project with the IRRIS system for tracking shipments. Originally they planned to create a database of information with a visual map overlay. The map overlay would come from IRRIS. He said that the original plan was to do an 18-month demo and then consider whether to continue, but the annual fee for using IRRIS is \$30,000, so the committee can't afford it. He said the committee is looking at other options including partnering with other regions on a larger project.

CSG-ERC: Melissa Bailey (CSG-ERC) said Conrad Smith retired in March and Cort Richardson took over as director of the project. Ms. Bailey said she was hired about two months ago. The Northeast is working hard to get replacements for some retired committee members, as well as alternates and legislative liaisons. The task force had its last meeting in Rhode Island at the beginning of June. The focus of the meeting was rail transportation and both the FRA and the BLET made presentations. The meeting also included a tour of the Millstone power station, including the dry storage facility. Ms. Bailey said the task force's next meeting will be in Miami in October to coincide with the PATRAM meeting. She said Mr. Richardson is also working on finalizing the rail routing report and they are updating the website. Ms. Bailey said Ed Wilds of Connecticut and Marty Vyenielo of Pennsylvania co-chair the Northeast task force. Mr. Jones asked if the rail routing project will have a final report and Ms. Bailey said she didn't know.

### ***Federal Railroad Administration Update***

Mr. Blackwell then gave the committee an update on activities at the Federal Railroad Administration (FRA). He said the most pressing issue is the potential rule change, which includes a section on rail routing. The DOT proposed rule is intended to enhance existing regulations by adding new security provisions. The rule primarily addresses explosives and bulk inhalation materials, but also includes HRCQ RAM. Mr. Blackwell said the routing section will now require carriers to collect data to analyze the safety and security of each route and the next commercially practicable route. There are 27 risk factors for choosing the safest route, and it must be done annually, with a review of the system every five years. Mr. Blackwell said this rulemaking, if enacted, could affect the Routing Topic Group and its attempt to develop a suite of routes for RW shipments. He said DOT did receive comments, but none of them required a drastic rewrite or "stopped the presses."

Ms. Janairo asked where the 27 risk factors came from, and Mr. Runyon asked whether the factors overlapped with 49 CFR 397.101. Mr. Blackwell said the factors are in an appendix to the proposed rule and he didn't know where they came from. He said he would find out. He suggested that at least some of the factors do not overlap with the highway routing criteria because they are rail specific. Mr. Leuer said there was a survey that came through DHS requesting feedback on criteria. Mr. Blackwell said the criteria are the minimum and carriers can add on if they want to. Mr. Runyon wondered whether this would lead to parallel work by the TEC. Ms. Janairo speculated that might be why Gary Lanthrum (DOE-RW) wanted to slow down the schedule for the Routing Topic Group.

Mr. Blackwell said that, in addition to the routing criteria, the rule also calls for an expansion of inspections, in particular a required security inspection in conjunction with safety inspection. He said this proposed rule came out in December, DOT had public meetings in the winter, and the comment period closed in February. DOT plans to issue the rule in September in conjunction with the TSA rule. TSA has said their rule will come out by the end of the federal fiscal year.

Mr. Blackwell said the TSA rule is very confusing. It applies to all rail carriers, and establishes the TSA as the inspection authority for passenger, freight, hazmat, etc. He said this rule pretty much is trying to clarify TSA's scope of inspection authority. The rule requires each carrier to have a rail security coordinator and to relay information to DHS. If asked by DHS, the carrier has one hour to provide information on any car in

transit. For hazmat, TSA is looking at changing that to five minutes. Mr. Runyon asked if that was the responsibility of the carrier. Mr. Blackwell said the rule applies to the carrier, the shipper or the receiver. Ms. Janairo asked if the NRC's requirements were less stringent than this rule. Mr. Wharton observed that having regulations by two different government entities could be a problem if they don't mesh.

Mr. Runyon asked if TSA would be the entity making the request and Mr. Blackwell said yes. Ms. Janairo asked if the timeframe for reporting information back to TSA was achievable. Mr. Blackwell said it *could* be achievable if TSA calls the rail safety coordinator about a particular car, which the carrier would have to be able to locate under this rule, and that person gets the information right away to TSA. But another situation is that TSA could ask for information on all tank cars in the whole system. To get that information in 30 or 60 minutes is probably not doable. Ms. Beetem asked if the rail lines track these shipments already. Mr. Blackwell said yes, the carriers do know where the cars are. He reiterated that, for one car, it would not be hard to get information, but for the whole system, 30 minutes is not a lot of time. Ms. Janairo asked if TRANSCOM were capable of doing this same type of data collection on shipments. Mr. Mackie said TRANSCOM could provide an update every four minutes. Mr. Bell asked if TSA was proposing these measures only when the threat level is elevated. Mr. Blackwell said that would be a logical situation. Mr. Wharton asked whether the NRC had commented on the rule and if the comments were available. Mr. Blackwell did not know if there was a comment document available.

In response to a question from Mr. Runyon, Mr. Blackwell said he did not know why the rule doesn't cover RAM quantities of concern. He said the rule does address custody and control. It also requires a security inspection in high threat areas both coming in and going out. The rule defines who has to do what and when. Carriers have to have custody documented both in and out of high threat urban areas. Mr. Blackwell said the comment period on this rule closed at the same time as the DOT rule and it will be published by end of fiscal year.

Mr. Blackwell said the FRA found some problems with the TSA rule. TSA seems to interchange the word railcar and tank car in the rules. They also define what a hazmat shipper and receiver is in a very wide sense. Mr. Schwarz asked if the FRA submitted comments and Mr. Blackwell said he was not sure. He said TSA and DOT worked together to write these rules, even though they didn't always agree. Mr. Jones said he was willing to put this on the Routing Topic Group agenda at TEC.

On other topics, Mr. Blackwell said the Safety Compliance Oversight Plan (SCOP) would not be updated this year. The FRA has other priority projects and lacks the resources, so revising the SCOP will have to be delayed. Mr. Blackwell said he had been asked by management what was the urgency in getting the SCOP out now and he had responded that it needs to be updated. He said management thinks it is low priority. Ms. Janairo recalled that the impetus originally was 9/11 and it was security related. Mr. Blackwell said that is true, but security rules change so fast the FRA can't keep up with them in the SCOP. Ms. Beetem asked Mr. Blackwell to explain what the SCOP is for the newcomers. Mr. Blackwell said it is a document that guides FRA's activities in connection with high-level waste and spent nuclear fuel shipments. It contains the steps the FRA will take including inspections, route examination, etc. A lot of the steps are regulatory but there are some extra regulatory steps as well. Mr. Blackwell said the issue is whether or not the FRA will be able to meet the provisions in the SCOP when shipments ramp up to Yucca Mountain or PFS. Mr. Blackwell explained that PFS is a potential interim storage site in Utah that has a NRC license but has to solve some other issues before it can be built. It is owned by a consortium of utilities.

Mr. Blackwell said that Mel Massaro (FRA) has been working on a survey of short lines that operate to or near nuclear power plants. He is collecting information on speed, class, weight limit, and other attributes.

Mr. Blackwell then spoke a bit about the proposed rail safety legislation. The DOT general counsel had sent a letter to Rep. Oberstar's office on the bill. Mr. Blackwell said DOT is supporting some provisions and rejecting others. Ms. Janairo asked what the top two or three things in this act are for the purposes of the committee. Mr. Blackwell said the provisions on hours of service, employee fatigue, the authority to monitor radio communications, grade crossing aspects, and improvement of the overall safety strategy are probably of most concern to the committee. In addition, there is a provision for a new safety risk reduction program that FRA is supposed to undertake. That study will try to address the root causes of accidents.

### *Nuclear Regulatory Commission Update*

Mr. Wharton gave the committee an update on NRC activities. Mr. Wharton commented first on the TRUPACT III, which the committee had briefly discussed the previous day. He said multiple drops are not a requirement, regulation wise. The regulations only require a single drop. DOE proposed a correction to the design to add a debris shield in the hopes of satisfying the reviewers. Mr. Wharton said DOE made a presentation to the NRC staff in March, and the structural experts had concern over the bent bolts and the plastic deformation. Mr. Wharton said he assumed both issues were addressed in the application. The application may have recently been submitted and if so, the NRC will set up a review schedule.

Mr. Wharton said there are now 30 states with operating ISFSIs, or "independent spent fuel storage installations" that plants use to hold fuel after it has cooled in the pool. Mr. Jones added that when the reactor runs out of space in the pool they put in dry cask storage casks on a concrete pad. Mr. Wharton said that, at the Diablo Canyon plant in California, several groups challenged whether the ISFSI was safe from terrorist attack. The ninth circuit court overturned the challenge and allowed the license to stand. Mr. Wharton said the decision only affects states in the 9<sup>th</sup> district, but the NRC ordered the staff to address terrorism in environmental assessments at other plants. The bottom line is that the affects of terrorism are looked at under the NEPA license renewal provisions.

Mr. Leuer said the re-licensing process does not address terrorism, but the states would like to see the plants address that. He said in Minnesota the PUC asked the plant to do that. Ms. Beetem said that, following the NEPA process, the "needs" section is required to address public impact. She wondered if there wasn't somewhere in the licensing application where public impacts could be addressed. Mr. Wharton said it is in the license renewal. When the NRC extends a license, the applicant has to guarantee that the environmental impacts have not changed. The NRC thinks that a terrorism attack would be covered by the severe accident analysis. Ms. Beetem clarified that the plant needs to make sure the extension of the license doesn't affect people any more than already operating the reactor. She added that the 9<sup>th</sup> circuit court has been overturned so many times, the NRC doesn't think the Diablo Canyon decision will hold up in other regions or the Supreme Court. Mr. Buntin said Ameren, the utility that owns the Callaway plant, has said it would include terrorism threat analysis in the license extension application.

Mr. Wharton said the NRC has a new reactor licensing process that combines some aspects of licensing to streamline the process. Mr. Pray asked if the NRC has removed the requirement for "waste confidence" and Mr. Wharton said he didn't know that there was a direct correlation. Mr. Pray explained "waste confidence as meaning that, even though there isn't a permanent repository now, the NRC has confidence that the federal government will take it in the future. Without it, the NRC could prohibit licenses in the future. Mr. Wharton then showed a map of the proposed new plants, which are mainly in the Southeast.

Mr. Wharton briefly discussed the timeline for the process of licensing RW's TADs, which will require both a Part 71 and Part 73 license.

Mr. Wharton then showed a series of pictures about the MacArthur Maze accident. At the end of April, there was a significant accident on the San Francisco freeway ramp. A gasoline tanker caught on fire while it was carrying 8,600 gallons of gas. The paper reported that the heat melted the highway, and postulated that the steel actually melted. Mr. Wharton said the accident gave the NRC an opportunity to look at a real-time accident, which would provide information to feed into the regulations. He said the transportation regulations were written based on the worst credible accident, but the information from this accident might change those parameters.

The fire was caught on video tape so the NRC was able to see how the structure collapsed. Mr. Wharton said that, at about 1,000 to 1,200 degrees Fahrenheit, steel softens and loses its load-bearing capacity. The fire, therefore, did not get up to 3,000 degrees, but perhaps 1,400 degrees. He said if the fire had burned hotter than the regulations' design fires, the NRC would have to go back and redo the design studies. Ms. Beetem asked if this will change how the NRC looks at how fire will affect a cask inside a tunnel. Mr. Wharton said the temperature is the most important because it shows whether the worst case scenarios are good ones. Mr. Blackwell added that tunnel fires have always been worst case scenarios but the suspicion is that if the temperature at this accident was higher than what the NRC used in the tunnel analysis, then there is a problem. Mr. Mackie said, after this accident, he got a call from the newspaper wanting to know whether TRUPACT II testing fires were this hot. The reporter wanted to know what would happen to nuclear waste. Mr. Mackie said the TRUPACT II was tested at 1,475 degrees, so it was probably hot enough to be equal to the San Francisco fire.

Someone asked if the NRC regularly inspects ISFSIs. Mr. Wharton said there is a dry run inspection when a utility is getting ready to load a new cask. After that, inspections are done on a periodic basis, but they are probably done regularly by the plant's resident inspector. Mr. Wharton guessed that an inspection is done every 18 months. He said surveillances need to be done on a monthly basis, at minimum, to make sure the ISFSI is in accordance with technical regulations. Mr. Blackwell asked if all plants have a resident inspector and Mr. Wharton said all plants have at least one, sometimes two.

Committee Business/Next Meeting: Mr. Owen asked Ms. Janairo and Ms. Wochos to briefly discuss the date and time of the next committee meeting. Ms. Janairo said DOE had invited the committee to hold its fall meeting near the Savannah River Site (South Carolina) in October. That way, DOE and the region could have a planning meeting for the upcoming spent fuel transfer campaign and the committee members could tour the site. DOE had asked the other affected regions to do this, as well. Unfortunately, the West had already set the date of their meeting and the South was not interested. With the Midwest being the only potential participant, and with not all of the Midwestern states affected by the transfers, Ms. Janairo suggested that the committee consider having the next meeting in Columbus instead, as it will be Mr. Owen's last meeting as co-chair. She said states affected by the spent fuel transfer campaign will have a chance to meet with DOE and tour Savannah River at a later date. The committee agreed that this was a good plan. Ms. Wochos thanked committee members for providing their schedules and said this was the highest response she'd ever gotten from this request. The committee discussed several options for the next meeting and decided that the last week of November is the first choice, with the last week in October as a back-up.

### ***Global Nuclear Energy Partnership (GNEP) Update***

James Bresee works for the Office of Nuclear Energy. He said he worked on the Yucca Mountain project for 14 years and then for the last couple of years he has been working on transmutation. Last year, he began working for GNEP. Mr. Bresee said he would like to emphasize the last word of the name GNEP – that being “Partnership” – because, of all the reasons for GNEP, the most important is for nuclear power countries to

minimize proliferation. Mr. Bresee said that there has been huge growth and thus a huge requirement for energy in non-industrialized countries. The big growth in the future will be in developing countries, in particular China and India. Under various incentives, more countries will choose nuclear as part of their energy mix. He showed a map of interest worldwide and a chart of the potential growth in Asia. He said the U.S. has not seen a new nuclear plant in many years, though Brown's Ferry Unit 1 was just put back online.

DOE launched GNEP last February, with the main interest being to secure the growth of nuclear energy. Mr. Bresee would like to see more countries in need of energy supply that need with non-greenhouse gas sources. Wind power and sugarcane ethanol can provide some energy, but not enough. Mr. Bresee said the administration asked for \$250 million for the current year and Congress appropriated \$167 million. For FY08, the administration asked for over \$400 million and the House marked it down to \$120 million and the Senate \$240 million. He said that shows a slowing of the initial hope for GNEP, but not an end to it. Mr. Bresee said that, because the program is for the expansion of nuclear power worldwide, it does impact the repository program down the line. In particular, he said the 70,000 metric ton limit on Yucca Mountain will be taken up by mostly spent fuel in existence now. If the country ever gets to reprocess spent fuel, there may be a time that the spent fuel in Yucca Mountain is retrieved for its potential value. He said the future of GNEP is in the hands of the President and Congress. The next year is important because in June 2008 the Secretary will decide what the near term activities of GNEP will be.

On a world scale, the U.S. would like to help countries build appropriately sized plants. Mr. Bresee said the right size is an important part of the picture, because operation of the reactors needs to be safe, so design may have to be a good deal more cautious. The bulk of the nuclear engineering capabilities are in developed countries, so licensing for developing countries could be a challenge. Mr. Bresee said recycling fuel requires building fast reactors. The first fast reactor was in Los Alamos in 1946. It didn't produce power, but it did operate. The FFTF in Hanford operated until the mid-1990s. So fast reactors are not new, but designing them for recycled fuel is new.

Mr. Bresee said the GNEP program includes the State Department, the NNSA, the National Labs, and other organizations. The separation technology in the process would not produce pure plutonium, in contrast to the PUREX process used by other countries. A mechanical mixing process produces uranium and a uranium/plutonium mixture. PUREX was developed in the United States for weapons production. He said that now the U.S. is developing alternative recycling programs that don't create plutonium. Whether or not there is a reliable international fuel supply is under debate.

Mr. Bresee said another reason for GNEP is to encourage nuclear power. The Energy Bill of 2005 provided incentives to the first six new reactors. It also provides for developing new separations processes, and developing fast plutonium-burning reactors. Mr. Bresee said DOE is interested in getting industrial input into the process. He emphasized that the government will not own the plants or the recycling plants – industry will have to play a big role. He said DOE has gotten a lot of expression of interest worldwide. DOE hopes to have several companies work on a conceptual design. DOE had just recently received initial responses to a notice of funding opportunity, and they will award contracts by September.

Mr. Bresee said DOE is working on the programmatic EIS for GNEP, which will be based on information from the potential sites. He said the once-through fuel cycle requires multiple repositories. If the United States continues with this cycle, the total nuclear waste generated this century (assuming 20% of power from nuclear) will be multiple times the 70,000 metric ton limit on Yucca Mountain. In fact, it could be 300,000-400,000 metric tons. Mr. Bresee said that, according to the Nuclear Waste Policy Act, a second repository site needs to be identified by 2010. Recycling will reduce the quantity of waste in terms of volume and the

hazard. Mr. Bresee said putting the major responsibility for the recycling facilities on the industry is supported by the government. The amount of energy taken from uranium ore is 1% of what could be taken, but fast reactors help recover that energy. The potential sites have finished their scoping studies. Mr. Bresee said that the earliest the U.S. could achieve commercial separation is 2020-2025. That is about the same timeframe that a commercial fast reactor would need to fiscally compete with a light water reactor. Mr. Bresee said several universities are also working on this issue.

The total cost and schedule for GNEP will not be available to the Secretary in time for him to make his 2008 decision. He will have enough information for a decision on the path forward, but not total costs of the project. Mr. Bresee said DOE has been active in the international arena in the last couple months. Secretary Bodman recently hosted a meeting with his counterparts in France, Russia, China, and Japan. The United Kingdom was also there, but the UK's participation in the project at this time is unknown. All of the countries that attended are interested in GNEP and, at the end of the meeting, the participants made a joint statement endorsing GNEP as a concept and promising to work cooperatively. Mr. Bresee said a large number of other countries have also expressed interest, including Brazil and South Africa.

Mr. Bresee said that GNEP has a lot of potential if implemented. It could be one of the most important non-proliferation activities for the U.S. Mr. Buntin asked what the timeline is for the EIS. Mr. Bresee said the PEIS will be out in November and the Record of Decision next spring. If a site is selected, then a site-specific EIS will be done as well.

Ms. Janairo asked to what extent DOE will consult the governors or legislatures in siting. Mr. Bresee said the original sites were mostly endorsed by the governors. In the original NWPA, there was a nuclear waste negotiator that went looking for sites for a monitored retrievable storage site. Every site that showed interest at the local level for the monitored site was subsequently vetoed by the governor, so gubernatorial support is extremely important. Mr. Strong said a final repository will be required even if GNEP goes forward, so what will be GNEP's impact on Yucca Mountain from a budgetary standpoint. Mr. Bresee said he hopes GNEP has no budgetary affect on Yucca Mountain because the most important thing for the future of nuclear power is getting the repository open. He said the program is covered by the annual appropriations process and that process always includes playoffs. The impact on budget has been modest at best so far.

### ***U.S. Transport Council Update***

David Bennett (Tri-State Motor Company) said the U.S. Transport Council (USTC) has been in existence since 2002. It is a non-government, private industry council made up of several different areas of industry. There are 29 members and a list is on the organization's website. In 2002 there were only four members. Mr. Bennett said those four original members saw that the public was not aware of how safe it is to transport radioactive materials, so they decided to form a group to educate the public. They planned to do this by working with leaders to encourage them to say that the transporters know what they are doing.

Mr. Bennett said the USTC meets several times a year and has a summit in DC once a year to develop policy. The organization awards a service award each year to someone who supports safe nuclear power and this year the award went to Sen. Pete Domenici of New Mexico. He said the members are all competitors in the private sector, but they are united in this effort. There is no commercial agenda when the organization gets together. Mr. Bennett said the first four members helped legislators to understand and eventually vote for Yucca Mountain. David Blee is the Executive Director of USTC and his is the only paid position. In addition to addition to their own meetings, the members routinely participate in other meetings.

Mr. Bennett said the private companies in the organization have moved nuclear materials around the world for years. Tri-State even produces its own employee training book, copies of which were available to meeting attendees. The book is updated every two to three years and it is also distributed to first responders. Mr. Bennett said the members of the USTC have a deep belief in GNEP and nuclear energy. Ms. Janairo asked how people can get on the distribution list for meeting information. Mr. Bennett suggested people contact Elizabeth Brozozog DeMoss to get on the list. He added that the summit has excellent discussions and a summary is available on the website.

### *Yucca Mountain Task Force Update*

Mr. Pray said the Yucca Mountain Task Force is a group of state utility commission people. It was created as a nonpartisan initiative in order to make the government meet its statutory requirement for moving spent fuel to a national repository. The task force has five objectives: solve the funding solution, get the new EPA radiation standards out, get DOE to submit a quality license application, ensure that the repository is judged against exemplary standards, and facilitate a national transportation system.

Mr. Pray reviewed what he called DOE's programmatic problems. The program has always had insufficient funding, even though there is more than enough money in the Nuclear Waste Fund. The current administration had projected that \$1.2 billion would need to be spent in the current year but the administration requested only \$495 million. Mr. Pray said the hold up is political. Nevada is powerful and vocal, and the repository is not a top priority for any other state. Mr. Pray said Nevada fights the repository every day, yet in both 2000 and 2004 Nevadans chose a presidential candidate that was pro-Yucca Mountain. Mr. Pray said that, when asked, Nevadans say Yucca Mountain is issue number 12-14 in terms of priority.

Mr. Pray said the repository program needs to meet the highest standards for all Americans and all states. The officials at DOE and state officials agree on this goal. Nevada agrees that geologic repository is the best solution, but they don't want it in Nevada. Mr. Pray said all states need to be heard. This issue is not just about Nevada because if nothing moves, then spent fuel stays where it is generated. He said the governors, attorneys general, legislative leaders, and local entities all need to get involved. Toward that end, the Yucca Mountain task force has participated in USTC meetings, Nevada meetings, and other meetings. Mr. Pray said Nye County, Nevada, supports the repository, but that is rarely reported. The Task Force will be participating in the National Governors' Association meeting this year. The goal is to have lots of communication, between lots of people, and to participate in any relevant forum to get the issue out there.

Mr. Pray said the priority for the task force this year is to solve the funding situation and get the license application submitted. If DOE can solve the funding problem then the license application will get done. Mr. Pray felt the June target for submitting the license application is problematic because it is right before the November election. Mr. Jones said that is why Mr. Sproat wants the application submitted in June. Mr. Pray responded that the submission won't be Mr. Sproat's decision. Ms. Janairo noted that the 2007 agenda for the Yucca Mountain Task Force was in the briefing packet for the meeting. She asked if the task force was doing anything to eliminate sections in the administration's proposed legislation that might derail an otherwise good legislative package. Mr. Pray said the task force wrote a letter on Section 7. They are also concerned about the waste confidence section. Mr. Gilzow asked if the task force has a position on the capacity limit. Mr. Pray said the task force feels the limit should be lifted. He added that he'd like to see everyone work to get their legislators on board with the issue. He said if the issue isn't advanced now it will continue to slip.

### ***Commercial Vehicle Safety Alliance Update***

Ms. Wochos reported on her review of the Commercial Vehicle Safety Alliance (CVSA) data, which she had completed in the spring. The Midwest has always been interested in finding out whether a shipment that is found to have an en route inspection violation was more or less likely to have had a violation at the point of origin, and vice versa. Additionally, the Midwest wanted to know if shorter shipments are more or less likely to have violations than longer shipments. In order to answer those questions, Ms. Wochos had asked CVSA for inspection data, which they happily provided. Another reason for the data analysis was to see what kind of information will be necessary to collect once Yucca Mountain shipments get going.

Ms. Wochos said the first thing she concluded was that the data was insufficient to truly answer the questions posed by the Midwest. In many cases, the shipment number was not provided so she had to guess whether the inspections were on the same or different shipments. And it was nearly impossible to tell which tractor and trailer were used on each shipment. Ms. Wochos said she did an analysis regardless of these data pitfalls and found that there was a very low incidence of shipments having en route violations after having violations at the point of origin. That means the inspections are working and the violations are being rectified.

Ms. Wochos said she and Ms. Janairo provided the CVSA with a list of recommendations on the data. The recommendations were not for the annual summary that CVSA provides, but for the data actually collected. Ms. Wochos said CVSA responded to the recommendations. The response was that CVSA does collect all the data that the Midwest recommended collecting, but CVSA hadn't provided it to Ms. Wochos for the analysis. CVSA also said they are upgrading their data submission site so that states will be able to download data to do their own analyses. Mr. Runyon asked whether, with complete data, Ms. Wochos could do an accurate analysis and Ms. Wochos responded that she would be able to do so. He also asked if she had tried to obtain the additional data and she said she contacted Lieut. Dahlke in Nebraska and he referred her to someone in the State Patrol office that does the data collection. The staff person said she would be able to download the information without any problem.

Carlisle Smith (OH) then joined the conference by phone and gave the committee an update on the CVSA Peer Review project. He said the project was originally designed to let states check over each other's programs in order to make sure there is some continuity and that the system is working. Each state does things a little differently, but overall the goal should be the same. He said in their review of the inspection strategy, it appeared there was no benefit to doing the inspection at the final destination. Mr. Smith emphasized the importance of public outreach for communicating to people about the measures states take to ensure the safety of shipments. During the peer review, it was frequently noted that, if information from the inspections goes into a national database, why is CVSA also collecting it? Mr. Smith said that, with improvements to the national database, there might not be a continuing need to duplicate the collection of data. The improvements are supposed to be online as of September 1. Mr. Smith will keep the committee posted on the status. In response to a question, Mr. Smith said CVSA would do another peer review in a couple of years if DOE makes the request.

### ***Committee Business, continued***

The committee resumed its business session to discuss several topics, starting with the *lead state assignments*. Ms. Janairo said the committee does a lot of its work in work groups that are tied to tasks in the cooperative agreement. She explained that the listing of lead state assignments describes the task and the responsibilities of the work group members. At every meeting, the committee revises the document. Ms. Janairo then went through the tasks and asked for volunteers.

- For route identification, Ms. Janairo said that, if Mr. Runyon has to leave the committee, the work group would need another member. Sen. McGinn volunteered to be the alternate member of the routing work group in the event Mr. Runyon departs.
- For state needs and capabilities, Ms. Janairo said that, if the Section 180(c) pilot project proceeds this year, the members of the work group would have first dibs on being the pilot states. All current members of the work group agreed to stay on and Rep. Niezgodski was added to the list.
- For 180(c), Ms. Janairo explained that the work group is waiting for the imminent release of the *Federal Register* notice, after which the group will be very busy reviewing the draft. She said the group used to have four people, but two have retired, so at least one more person for this group would be ideal. Sen. McGinn volunteered.
- Ms. Janairo explained that the transportation planning work group will review the transportation plan, the benchmarking report, and other pertinent planning documents. Some members of this group also serve on the Rail Topic Group. Ms. Rasmusson volunteered to join this work group.
- The transportation manual work group does not need any additional members because the group finished a review of DOE's revised transportation protocols.
- The information and communication work group reviews fact sheets and other communication materials. Ms. Janairo said that, if DOE takes our recommendation to create fact sheets for all of their campaigns, this group would review those materials. Ms. Rasmusson and Mr. Smith volunteered to join this group.
- Finally, Ms. Janairo said the security work group will work on the NRC cask vulnerability matrix, DOE's information sharing protocol, and other security-related issues. She said this group currently has enough members.

Mr. Owen asked the committee to turn to the outline of the *draft transportation plan*. Ms. Janairo said the committee will need to review the draft and submit comments when it comes out. She said it would be helpful if the committee could get a list of how all of DOE's documents relate to one another so that the states could better understand the purpose of the new plan. Mr. Jones said the plan will discuss the transportation system as envisioned, the status of the system, the steps to bring the system to operation, how stakeholders will be involved, and needs from other organizations. He said the document will not be very detailed right away, but it will be updated on a regular basis. In response to questions from Ms. Janairo, Mr. Jones said the draft would be out before the TEC meeting and there would be a breakout session on it at the meeting.

Mr. Owen asked the committee to turn to the *definition of "suite of routes."* Ms. Beetem explained that the definition was intended as a way to define what the Routing Topic Group was supposed to accomplish. She said the committee needs to generate feedback for her to bring up during the topic group's meeting in Kansas City. Mr. Schwarz asked who came up with the definition. Ms. Janairo explained that it was a joint effort between the Northeast, the Midwest, and West, but the main author was Conrad Smith from the Northeast. She said that the regional groups did not seek DOE input on this definition yet. She said writing a definition is the first product on the Routing Topic Group task plan.

Ms. Janairo explained that the routes from the Midwest's route identification project were not necessarily the routes that DOE would use. The idea was that those routes were all comparable using the Midwest's criteria, but not all of them would be used because it would be too hard to train and prepare along all of them. That is one reason why the Routing Topic Group is trying to define a suite of routes. Whatever the Topic Group

recommends depends on whether every route in the suite will be used or just some of them. Mr. Strong asked if the definition should include up to three alternatives for each route. Ms. Janairo said it would make sense to have between one and three non-initial routes. Ms. Beetem added that the FRR route map is the best example because there are three routes to pick from and they notify the states in advance. The beginnings of those routes are all the same and as they move across the country they split and then come back together.

Cort Richardson (CSG-ERC) said that, for rail, the short lines and spurs funnel to intermediate lines, and those intermediate lines funnel into main lines. The initial legs are the short lines and the spurs and sometimes the intermediate. Ms. Beetem said that is the reality of the railroad system. She wondered if the level of detail in the "legs" part of the definition was necessary for what the Routing Topic Group is trying to accomplish. Ms. Janairo said she thought the rail system reality should not be in the definition because this definition should apply to highway as well. Mr. Leuer asked if the route choice wasn't up to the carrier. Ms. Janairo said DOE had indicated it would identify the routes for highway shipments as well as rail shipments.

Mr. Levine then drew a diagram of what DOE had envisioned as a suite of routes. He said the suite would include set a set of major routes, and then an ancillary set of routes for each plant to get to those major routes. Ms. Beetem said that is how Judith Holm had described the concept at the last TEC meeting. Mr. Levine added that the idea is to have only a couple of major routes, and that each plant has a way of connecting to the major route. Ms. Janairo said the diagram makes it look like the northern plants would only use the northern route. Mr. Levine said the diagram was just a simplification, and while a northern plant would normally use the northern route, if it isn't feasible then it would use the other routes. Mr. Jones added that the initial definition was that the suite would be one or more national routes. He suggested the Routing Topic Group keep the explanation out of the definition but include it in the process. Mr. Schwarz asked why a simple definition wouldn't suffice. Ms. Janairo said the "initial leg" language was in the definition because of the reality of the situation. Mr. Schwarz said his concern was not about the initial legs. He added that the definition shouldn't include the initial leg because there's nothing the states or the Routing Topic Group can do about them.

Ms. Beetem asked the committee if they felt the Routing Topic Group needed to define some sort of limitation on the number of national routes. Mr. Jones said in reality the maximum would probably be something like five routes. Ms. Beetem said the states were worried because it was so open. Mr. Johnnie Smith said his understanding is that the suite would be the whole national picture, not a suite from each individual plant.

Mr. Strong said perhaps the committee was getting too bogged down in the definition. He thought there couldn't possibly be five distinct routes from each plant. Ms. Janairo said that is true. She explained that the Routing Topic Group had gotten off to a rough start because the group at first intended to define the criteria for selecting routes. After the last TEC meeting, however, the group revamped the approach, with the Midwest suggesting that the group start by looking at the routes that the regional groups and the railroads had already identified as possibilities. She said there was support for that concept, but DOE has said they don't want to take that approach. DOE would like to look at criteria. Mr. Strong said transit time is going to be key, and that will dictate the use of key routes. Mr. Schwarz asked whether the rail options were limited because DOE will use dedicated trains and high-quality track. Mr. Blackwell said track class is dynamic and changes frequently. The shipments are far in the future, so the routes may change, but the railroads will make sure the shipments use tracks that are of the appropriate class.

Mr. Bell asked if the committee couldn't pull some knowledge from the lessons learned from the West Valley shipment. Ms. Janairo said one thing the states learned was that there are more options than anyone had thought. She said there were over 20 proposed rail routes for West Valley compared to four initial routes for

the foreign fuels shipments, which travel by truck. Mr. Jones said Ms. Beetem had previously mentioned looking at other shipping campaigns for direction. Ms. Janairo suggested the Topic Group start the discussion with the maps Ms. Wochos had put together specifically for the group. Those maps include the Midwest's work, the Northeast's work, the railroads' preferences, and some logical choices from the South. Mr. Jones said DOE thought criteria would work best because the regions may have different opinions about what is important. Ms. Wochos said that is exactly why the Midwest and the Northeast already developed regional criteria. Mr. Jones said DOE and the other regions might not agree with the committee's criteria. Ms. Beetem said the Midwest's criteria came mostly from the DOT rules. Mr. Blackwell said those regulations may change. Ms. Janairo said this whole discussion reinforces why the Topic Group should start the discussion with the maps Ms. Wochos developed.

Going back to the definition, Ms. Beetem said she thought the committee felt a simpler definition was better. She added that if the Topic Group can put a number of national routes in the definition, the states would be happier. She said a good compromise would be for DOE to add a qualifier as to the maximum number of routes and use the regional projects as a starting point. She suggested the Topic Group start by looking at successful routes and regional projects. Mr. Runyon agreed that the simplest process is probably the best. He added that the Midwest's regional project was valuable, but the states probably could have come up with the same routes using a map and a marker, not a numeric value. Ms. Beetem said some of the factors the railroads have come up with may not come out in numeric value, so those will have to be identified on a map. Ms. Janairo said she agreed with Mr. Runyon, but added that the numeric analysis provides defense for the decision. The group discussed the need to use both common sense and quantifiable documentation. Ms. Janairo said it sounds as if the consensus is not to develop national criteria. She said that will be the committee's recommendation to the Topic Group, but she warned that Mr. Sproat has said he wants to use criteria. Mr. Jones clarified that Mr. Sproat's recommendation is to go through a thoughtful process to come up with routes.

Mr. Owen then asked the committee to turn to the *RW timeline*. Ms. Wochos said the timeline was originally developed after the State Government Officials' tour of Yucca Mountain. Several participants on that tour asked for a timeline of major steps before Yucca Mountain could open, and DOE did not have any such timeline, so Ms. Janairo created one. Ms. Wochos added that, before each committee meeting, she and Ms. Janairo update the timeline with accomplished tasks, new target dates, or new steps. Ms. Janairo added that the new EPA standard for Yucca Mountain should be out soon, but there has been no official announcement. She also added that the timeline will change when the transportation plan and the 180(c) notice come out. She said Ms. Wochos will send the timeline out again after those documents come out. Mr. Blackwell asked if there was a timeline for developing the suite of routes. Mr. Jones said the preliminary suite should be done by the end of 2008 or early 2009.

Mr. Owen said committee needed to discuss who would attend the upcoming *TEC meeting* and who will help develop questions for the SRGs' breakfast meeting with Mr. Sproat. Ms. Janairo said she and Ms. Wochos would be attending. Mr. Bell said he would attend with a member of the Indiana State Police. Lieut. Dahlke, Mr. Moussa, and Ms. Beetem also said they would attend. Ms. Janairo said the SRGs were scheduled to have a breakfast meeting with Mr. Sproat. Mr. Jones said the staff and the chairs/co-chairs of the regional groups were invited. Ms. Janairo asked if Mr. Sproat's plenary session would include time for questions and Mr. Jones said it would. Ms. Janairo asked the committee to pass along any pertinent questions to her or Ms. Wochos.

Mr. Owen then asked the committee to turn to the *EM incident reporting matrix*. Ms. Janairo asked if the matrix helped members understand when DOE has to notify the states. Mr. Runyon said the matrix was an

easily understandable guide. In response to a question from Mr. Schwarz, Ms. Janairo said the matrix would not identify actual incidents but that she had included some in the draft to provide examples. Mr. Schwarz said his concern is that if something happens to a shipment, all the states should get to see the information at some point. Ms. Janairo asked how soon a non-affected state would need to know about an incident. Mr. Schwarz said that he doesn't care when – he just needs to know at some point. An annual report would be fine. Ms. Beetem said that, if a state is likely to get media calls, then she would like to know as soon as possible. Mr. Schwarz added that he wants to hear about everything, not just DOT reportable incidents.

Ms. Janairo asked the committee about some future activities. She asked if members were interested in *TRANSCOM Superuser training*. Mr. Schwarz said he would send one or two people. Mr. Runyon suggested that Illinois host the session and Mr. Bell said he would send someone or Indiana could also host. Ms. Janairo asked if the session could be piggybacked on to a committee meeting. Ms. Beetem said it would probably be a different set of people, so it should be separate. Ms. Janairo said she will look at dates and locations and will speak with the TRANSCOM people about scheduling a session.

Ms. Janairo asked if anyone was interested in participating in the *Radiation Specialist training pilot*. Mr. Schwarz said Nebraska had an interest. Ms. Beetem asked if the states could poll their people and see if anyone is interested. The committee then discussed who the training was intended for. Ms. Janairo reminded the group that this training was still in the pilot stage. She asked if anyone would be willing to host a pilot training. Minnesota, Iowa, Kansas, Michigan, Ohio, and Nebraska all volunteered.

Ms. Janairo then mentioned that the staff always does a detailed meeting summary for committee meetings. However, recently she has been toying with the idea of also sending *follow-up letters* to the directors of the RW and EM programs highlighting the major issues or things that were addressed at the meeting, particularly those that were not addressed to the committee's satisfaction. The committee agreed that this was a good idea and Ms. Janairo said she would draft the letters for the committee's review.

Ms. Janairo then said that the committee has had ongoing *communication with the Midwestern Legislative Conference and the Midwestern Governors Association (MGA)*. She said the committee had sent a letter to the MGA after DOE proposed its 2007 legislation. The committee also regularly sends a member to the MLC Executive Committee meetings to give an update. The committee does have the ability to correspond directly with these groups, so Ms. Janairo asked committee members to let her know if they ever identify an that they feel the governors or legislatures should know about. She suggested that perhaps the committee could even do a six month update letter. She asked the committee members to think about this idea for future discussion.

Ms. Janairo asked the committee members whether they appreciated or objected to the giant packet of *briefing materials* that was sent prior to the meeting. Many members said they found the packets to be useful. Ms. Janairo asked if paper or electronic format was preferred. Some members wanted paper, some electronic. It was decided that important documents would be sent on paper prior to the meeting, and that they would be three-hole punched. Secondary materials can be sent electronically.

Ms. Janairo asked the committee to consider a special *interregional tracking project* that Mr. Field has mentioned in his update. The project would collect information about shipment routes through the region and the states could conceivably use the system to track future shipments. She said the downside of the project is that it is expensive. The only way to go forward would be for the West to do the pilot project and then all four regions kick in money for the future years. Mr. Runyon and Mr. Schwarz agreed that if the pilot

goes forward, they would consider being part of the pilot committee. Ms. Janairo said she will get more information and will send a link to IRRIS to Mr. Runyon and Mr. Schwarz.

Ms. Janairo asked the committee to consider *future security related tasks*. She said the regional groups surveyed the states a year ago on security issues and the summary of that document identified some possible tasks. She suggested Ms. Wochos could survey the committee on the potential tasks. Mr. Leuer noted that the summary did not include a task about getting committee members the appropriate DOE clearance. He thought all committee members or governors' designees should have safeguards access. Ms. Janairo said she would add that task to the list of ideas.

Finally, Ms. Janairo asked the states if it would be useful for the staff to put together a *list of radioactive materials shippers* and make that information available to everyone. The states agreed that would be helpful. Mr. Bell, Ms. Rasmusson, and Mr. Schwarz agreed to share the contact information for shippers they have previously billed.

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.