

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

Proceedings of the Spring 2008 Meeting

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Wednesday June 18

Jane Beetem, the committee's senior co-chair from Missouri, convened the meeting at 8 a.m. After introductions, she introduced Rep. David Niezgodski, who welcomed everyone to Indiana. He commented that, due to the excessive rainfall and flooding over the past few weeks, Governor Daniels had declared 44 counties out of 92 to be disaster areas. The flooding had caused three Hoosier deaths. A high note for the recent legislative session was that the legislature had passed and the governor had signed the Great Lakes compact. Rep. Niezgodski added that Indiana had been the first state to ratify the compact and was the first to modify state laws to enforce it.

Ms. Beetem gave the *report from the co-chairs*. She said she had approached this meeting with excitement, sadness, but also hope. She was excited because DOE's Office of Civilian Radioactive Waste Management (OCRWM) had submitted its license application for constructing Yucca Mountain. She was also excited to hear about Wisconsin's planning for the University of Wisconsin's research reactor shipments. Ms. Beetem was sad, however, because this would be her first meeting without Sarah Wochos, who had left the CSG Midwest staff at the end of May. Ms. Beetem announced that DOE had cut the project budget, but the committee would maintain two meetings as a priority. It was important to maintain the meeting frequency because of retirements and new members joining the committee. Ms. Beetem welcomed Jennifer Clark as the new member from Kansas.

Ms. Beetem was hopeful about the continuing partnership with DOE. She was eager to see OCRWM's national transportation plan, and suggested if OCRWM does not release the plan soon, perhaps the committee should take up its own project to outline elements of an acceptable plan. Ms. Beetem added that OCRWM had several environmental documents in process and she would like to see what comes out in those documents. Finally, she noted that, if the Office of Environmental Management (EM) goes forward with the spent fuel transfers, there would be a lot of planning to do. Even without these shipments, there were several campaigns that would affect the Midwest, as demonstrated by the new state-specific prospective shipment reports that CSG Midwest had recently unveiled.

Lisa Janairo (CSG Midwest) gave the *project update*. She referred to her written project update in the briefing packets and called attention to a few items. She agreed with Ms. Beetem that Ms. Wochos leaving the project had been a great personal and professional loss, but the project would carry on. Ms. Janairo outlined the priorities she had identified for the project with committee input. In addition to the priorities Ms. Beetem had mentioned, the project would continue to participate in DOE's Transportation External Coordination Working Group (TEC/WG) and would publish a new edition of the *Planning Guide for Shipments of Radioactive Materials through the Midwestern States*. Ms. Janairo also hoped to continue information and communications activities such as the e-newsletters and occasional presentations. She mentioned that she would be speaking at the upcoming meeting of the Midwestern Legislative Conference (MLC) Energy Committee in July, and later this year she would prepare a "Trends Issue Brief" on nuclear energy and waste for CSG's national office in Lexington. Ms. Janairo also hoped to co-chair a stakeholder panel at the 2009 Waste Management conference in Phoenix.

On the topic of security, Ms. Janairo mentioned that she and Alex Schroeder (WGA) had received a response from the Nuclear Regulatory Commission (NRC) to their letter inquiring as to whether information in DOE's prospective shipments report (PSR) could be considered a violation of the NRC's safeguards requirements. The NRC had said the information, if presented by a licensee, would not be considered safeguards but would be deemed "official use only." Not being a licensee, however, DOE was free to determine how to protect shipment information. Ms. Janairo said the response was what she and Mr. Schroeder had expected.

Regarding the budget cut, Tim Runyon (Illinois) asked whether CSG Midwest could use unexpended state funding from WIPP to cover project activities that OCRWM had previously supported. Bill Mackie (DOE-Carlsbad Field Office) said that was not possible. Ms. Janairo agreed.

Kelly Horn (Illinois) reported on the activities of the *Commercial Vehicle Safety Alliance Radioactive Materials Subcommittee*. He introduced himself as the CSG representative on the subcommittee. Mr. Horn said CVSA had identified a need for training in the area of safeguarding information, so had developed a training module to incorporate into the CVSA Level VI training for state inspectors of truck shipments. Within the next year or so, when Level VI training starts its rotation again, inspectors will be trained using the new module. Mr. Horn said he had talked to Larry Stern (CVSA) last week, and Mr. Stern was still waiting to get feedback from OCRWM and WIPP on the new safeguards training module.

Mr. Horn said the subcommittee was working on the revised ANSI standard right now. Carlisle Smith (Ohio) and Mr. Stern are both on the review committee, which is trying to create a uniform survey standard for spent fuel and high-level waste shipping containers.

Mr. Horn reported that, in January 2005, 49 CFR 385.415 began requiring a Level VI point-of-origin inspection for all highway route controlled quantity shipments. The Level VI committee was working with DOT's Pipeline and Hazardous Materials Safety Administration to fund this provision, because right now it was an unfunded mandate. The hope is to put funds into the Motor Carrier Safety Assistance Program to train more Level VI inspectors to carry out this requirement. Mr. Horn mentioned that CVSA Level VI training was going on this week in Columbus. He said if anyone wanted training, they should get in touch with Mr. Stern. He added that people can audit the program, too.

Mr. Horn said Duane Sammons is the Level VI public outreach program coordinator. Mr. Sammons had attended the international conference on packaging and transportation of radioactive materials. At the conference, he had spoken with some Canadian officials who are hoping to start their own Level VI program. Mr. Horn and others would be working with them to get it started.

Mr. Horn reported on the CVSA Ad Hoc RAM/Security/IT Committee. The committee had made some site visits to California to observe border inspections, and to Joplin, Missouri, to tour Tri-State Motor Transit's facilities. Future visits were planned for industrial sites and government laboratories.

The committee had held a meeting in March in Denver to look at emerging technologies. Related to this, the Department of Transportation (DOT) had awarded to Battelle a contract to prepare the "HM04 Emerging Technologies study." The study will catalog near-term (<5 years) and long-term (5-10 years) technologies, addressing all hazards and all modes. The CVSA Ad Hoc Committee will have representation on the HM04 External Peer Review Committee. This report is due out in late 2009 or early 2010. The CVSA Ad Hoc committee will submit its interim report to DOE in the fall of 2008. Then, after

the HM04 report is done, the committee will use that as the backbone for its final report to DOE in 2009/2010.

Mr. Horn concluded with a report on the CVSA Peer Review Committee, which was set up in 2005 to review all the Level VI programs and identify best practices. He said this was one of the best committees he's been on in quite some time. The committee had visited seven states, including Illinois. Mr. Horn said CVSA would like to continue the peer reviews, but funding is an issue. He said this was very important work that affects individuals on the street, helping them to ensure safe and secure transport.

Melanie Rasmusson (Iowa) asked how many states currently performed Level VI inspections. Mr. Horn said 38. Tom Breckenridge (Ohio) asked about the review process Mr. Horn mentioned for safeguards information and the changes coming up for the ANSI 1436 standard for contamination limits. He wondered whether it would require changes to federal regulations. Mr. Horn said DOT participates on the review committee for the ANSI standard. Ella McNeil (DOE-EM) said EM is leading this effort. She explained that the new standard would go through the whole ANSI process. She added that 21 people served on the review committee.

Ms. Beetem asked about the emerging technologies and Battelle report. She said one of the topics that come up at the TEC meeting was radiation monitoring and continuous monitoring, which would presumably lead to less of a need for inspections. She asked whether that was something this report might address. Mr. Horn did not know. He mentioned John Allen of Battelle was in charge of the report.

Ms. McNeil said EM's UNLV study had looked at various technologies (like RFIDs). Mr. Allen had a copy of that report. EM's packaging and certification group did an RFID demonstration in which they placed the device on a special nuclear material package. They tracked it, but the real intent was to monitor the material while in storage. Mr. Runyon said it sounded like three organizations were working on the same thing. Ms. McNeil agreed and said it would be good if they coordinated. Ms. Janairo suggested that Mr. Allen might be a good speaker to have either at a Midwestern committee meeting or a TEC meeting, since he often participates in TEC.

Thor Strong (Michigan) asked about the Canadian program. Mr. Horn said right now it was in the discussion phase between the RAM Subcommittee and some of their Canadian counterparts. Mr. Runyon said he was confident Nordion, as a shipper, was very interested in having inspections done by Canadian officers at their facility. The company had contacted Mr. Runyon to know whether Illinois would forego its Level VI inspection if Canadian inspectors performed one at the point of origin. Mr. Horn added that Illinois had offered to train Canadian inspectors, but so far no one had accepted the offer. He agreed with Mr. Runyon that, because Nordion wanted it done, it would happen eventually.

Kevin Leuer, co-chair from Minnesota, commented that it was good for CVSA to fold in a safeguards training module. He said his agency had encountered problems in the past with handling safeguards information.

Ms. Beetem reported on the *Nuclear Energy Institute (NEI) Dry Storage Forum* in Bonita Springs, Florida, in May. She said the committee does not normally attend this conference, but interest had developed at the TEC meeting because the Intermodal Subgroup had a lot of questions. Earl Easton (NRC) thought the group needed to meet with the industry, so he sought agreement to focus one session on intermodal transport. The subgroup developed a list of questions to ask, and Melissa Bailey (CSG/ERC) and Sandra Threat (South Carolina) had worked on incorporating those questions as they developed their

presentations. Bob Halstead from Nevada had started off with a summary of a paper that outlined some rail issues, such as Yucca Mountain and several nuclear power plants not having rail access. Ed Wilds from Connecticut had talked about the state's experience with a barge shipment to move the steam generator and reactor pressure vessel from Connecticut Yankee in 2003. The state had spent years planning for this shipment, working very closely with different agencies, including three different law enforcement agencies. Their experience was that the shipment went very smoothly, but part of that was because they had developed good relationships with the people and everyone felt comfortable with one another. They also had a large public relations campaign and reached out to media early on. Of course, they could do this because the shipment didn't involve spent fuel.

Ms. Beetem said the main message from Mark Lewis with Energy Solutions was that they can engineer pretty much any shipment that does not originate in a swamp. It had been hard for Ms. Beetem to visualize, but Mr. Lewis had showed how to bring in a gantry crane, assemble it, then move everything. Charlie Pennington with NAC had given an overview of NAC's experience shipping spent fuel in the U.S. and 26 other countries. The company had shipped 401 spent fuel casks, with 58% requiring intermodal transport. If they are shipping 4-5 casks, they go with rail; fewer than that, they go with truck. One Chinese shipment traveled 4,000 kilometers on a truck that had 12 axles.

Ms. Threatt had reported that South Carolina has received 38 intermodal shipments, including the barge shipment from Connecticut Yankee. South Carolina had experienced a number of problems with that shipment – mostly simple things that could have been addressed by planning, such as moving on Christmas Day when it was hard to arrange for all the appropriate law enforcement staff.

Kevin Philips, Mayor of Caliente (Nevada), had a different take than Nevada on intermodal transport. He was in favor of locating an intermodal transfer facility in Caliente. In all, the speakers had answered a number of the questions raised in the TEC intermodal discussion. The plan for the subgroup is to have a conference call in late June or early July. Ms. Beetem thanked Mr. Easton for putting together the panel and she thanked Rod McCullum (NEI) for letting Mr. Easton do it. Mr. McCullum said the intermodal panel was widely regarded as one of the better sessions at the conference and he was glad Mr. Easton brought it to NEI's attention. He said NEI had another conference planned in May 2009 in the same location, and he suggested the states should let him know if there are any pressing issues they would like to see on the agenda.

Ms. Beetem asked Mr. Leuer to kick off the *regional roundtable*.

Minnesota: Mr. Leuer's agency had made a commitment to update plans and procedures over the course of this next year in preparation for possible shipments. While there were no definite shipments planned, some were on the radar. His agency had questions about how they would do community outreach, who were the stakeholders that need to be involved, and other things.

On the utility side, the Monticello plant had completed its dry cask storage facility and would soon be putting spent fuel in casks. Prairie Island continues to move fuel into their dry cask storage facility. The Prairie Island plant is looking for license extension and is also hoping to expand its dry cask storage capabilities. The site has a big enough pad, but needs permission to place new casks.

Sen. Amy Koch said she represents the Monticello area, and it was interesting to see the casks put up. She said there is a moratorium on nuclear in Minnesota, and for the first time in her legislative career she is starting to see more discussion about will or even *when* will the state lift the ban. Julie Offner (DOE-

OCRWM) commented that in 1994, when Northern States Power had applied to build a storage pad, the proposal was met with quite a bit of opposition. She asked if there had been a sea change. Sen. Koch said yes, and added that her predecessor had been very involved in the 1994 debate and had had a security escort follow him around for his safety. In contrast, the Monticello dry storage went off with very little public interest.

Indiana: Rep. Niezgodski said Indiana had one of the lower fee structures. In light of what was happening with DOE's low-level waste shipments coming through the state, he would be working with the Department of Homeland Security to see about changing the legislation to increase the fees to cover new state activities. Laura Dresen reported that she was currently working for the Indiana Department of Health as a health physicist, but in two weeks she would be moving over to DHS working with Ken Woodall. Mr. Woodall added that Ms. Dresen would likely be the new Indiana appointee to the committee.

Illinois: Mr. Runyon said Mr. Horn was managing the transportation program day to day. Commenting on the CVSA safeguards module, he said he thought DOE's Transportation Emergency Preparedness Program (TEPP) should have a similar module. He said Illinois was seeing seasonal shipments of research reactor fuel, and added his agency had a good relationship with the people at the Missouri University Research Reactor (MURR).

Illinois was considering a change in its escort program to put all the officers into one vehicle instead of two. Doing so would take some of the pressure off the Illinois State Patrol (ISP) districts and would reduce fuel costs. The proposal on the table with the ISP would be to use a two-man team that would be cross-trained. He had hoped to make the transition in May, but it was taking more time than originally expected. He added that some of the up-front costs would include equipping vehicles. The ISP had a lot of expensive communication equipment that Mr. Runyon's agency did not have. For example, the ISP vehicles had broadband, which would make it possible to run TRANSCOM.

Mr. Horn added that, since Michigan's Level VI program was up to speed now, Illinois was starting to scale back on en route Level VI inspections. The state would still do a full radiological inspection, but the ISP inspectors were doing Level II walkaround inspections. Mr. Horn commended the Michigan inspectors for doing a good job. He said the same practice was in place for the MURR shipments, since Missouri's inspectors were doing a good job with the point-of-origin Level VI inspections.

Ms. McNeil commented on Mr. Runyon's suggestion to have a TEPP safeguards module. She said there was a module on the Office of Secure Transportation – was that what Mr. Runyon was looking for? Mr. Runyon explained he was more interested in an information handling module. Ms. McNeil said EM would look at that when the program did its 2009 updates. Mr. Horn said he would send Ms. McNeil the safeguards training module that Illinois was using.

Ms. Rasmusson asked whether DOE or the NRC should do the safeguards training – or were the agencies coordinating? Ms. McNeil said the two agencies were trying to coordinate. Mr. Runyon added that the states had seen DOE's safeguards classification guide at the fall meeting in Columbus. He observed that it was much more convoluted than the states had thought it would be.

Iowa: Ms. Rasmusson said Duane Arnold, owned by Florida Power and Light, was the state's only nuclear plant. With the recent flooding Duane Arnold had to close its south entrance and had additional NRC monitoring. The site had been under an "unusual event" state for awhile, but that had been lifted.

Ms. Rasmusson was still working to build relationships with people at Duane Arnold and with Iowa DOT. The state was not having many shipments right now, possibly because of the state's fees. Ms. Rasmusson predicted that, once all the surrounding states started to charge fees, there would be more of a level playing field.

Rep. Steve Olson added that the flooding and storms had caused 13 deaths in Iowa and the state was facing very economically challenging times. There was talk of the legislature going into special session. The President was coming to the state on Thursday, June 19, and the Federal Emergency Management Agency was there already. DNR officials had said there were about 3,000 homes that would need to be destroyed. Portions of I-80 were closed down with a 120-mile detour.

Rep. Olson added that, in his ten years in the legislature, this was the first time he had heard the word "nuclear" brought up in the session. The state has just the one facility, Duane Arnold, at Palo, plus one across the Mississippi River in Cordova (Quad Cities). He was interested to see what would happen in the future with nuclear power in the state.

Kansas: Ms. Clark reported that her agency (Emergency Management) had a meeting with other state agencies to discuss increasing fees. The Highway Patrol has the Level VI program, but they were not getting notifications that shipments were coming through. The patrol had some trouble with funding and was about to suspend the program, but then they discovered they actually had a lot of HRCQ shipments coming through. The inspectors are well trained, but they do not have much in the way of equipment. As a result, the agencies were now in discussion about fees.

Two tornadoes had recently passed through Kansas, and the Kansas research reactor building had sustained significant damage. Four of the eight walls caved in, and the roof was torn off, but there was no damage to the reactor itself. The NRC resident inspector from Wolf Creek had come to the site but did not find any problems. The local news, however, was reporting that the reactor was exposed – true, technically, because the roof *was* missing, but the situation was not as bad as the news report made it sound.

Ohio: Mr. Breckenridge reported that Ohio had about 12-15 shipments of radioactive materials in quantities of concern (RAM QC) through the year, many of which came from Nordion in Canada. Shipments from the University of Michigan were taking place right now. The state was preparing for shipments from the Piketon facility which will go through southern Ohio out through Indiana. In addition, the state was getting ready for the planned shipments from the new conversion facility at Piketon. The waste stream of uranium oxide at that site would result in shipments for 18 years heading out west. Mr. Breckenridge said he had not seen the draft transportation plan, but was eager to review it.

Ohio had been looking at possible routes for the transuranic waste shipments from Pennsylvania and New York. Robert Owen (Department and Health), Mr. Smith, and the Ohio Emergency Management Agency had reviewed the initial set of routes Ms. Janairo had shared and had selected their first, second, and third choices. Ohio's goal, as was the goal in other states, was to minimize the impact on the state. Mr. Breckenridge said he had also been working on the CVSA contamination survey standards with Mr. Smith.

For the third year, Ohio was trying to revise the portion of the Ohio Code that covered the radiation protection program. Mr. Breckenridge said he and his colleagues really appreciated CSG Midwest's

effort to put together the state-specific shipment reports. He said the new reports were a powerful tool to help states identify where they needed to be targeting their preparedness efforts.

Wisconsin: Paul Schmidt said that Wisconsin had also been impacted by the bad weather and flooding. There were multiple interstate closings, which was pretty substantial and would definitely have an impact on future shipment route planning. The state was looking at the infrastructure damage from the floods. For example, the state had imposed speed limit reductions because the water was receding very slowly in some areas. The temporary speed limit reduction would help to limit the damage of truck traffic on soggy roads.

In response to a question from Ms. Janairo, Mr. Schmidt reported that no progress had been made on the bill to lift the nuclear moratorium in Wisconsin.

Nebraska: Mr. Schwarz said he had lost a planner/trainer and another had been sick, so Ms. McNeil had stepped in and had one of her trainers help with training in Nebraska. There would be a TEPP exercise in North Platte in August, as well as other emergency preparedness exercises throughout the state. Ms. Rasmusson brought up an issue with local training. She said Story County in Iowa had told her someone from DOE came directly to the county to offer training. Mr. Mackie and Ms. McNeil said they did not think it was DOE, but Mr. Breckenridge suggested perhaps it was the National Nuclear Security Administration. Ms. Rasmusson said she would follow up with Mr. Mackie and Ms. McNeil.

Michigan: Mr. Strong said the shipments from Nordion continue, and Michigan inspects them all – most of them in Port Huron. The state had not yet addressed the issue of funding for these inspections. The state did not currently charge any fees, but because of this extra work effort, that might change. He added that the decommissioning of the university research reactor was resulting in shipments heading out of the state.

A few weeks ago, people from Mr. Strong's department had met with Detroit Edison, which operates the Fermi 2 plant. The company was in the early stages of considering Fermi 3. The meeting had addressed all the permitting requirements for building a new reactor at the Fermi site. The utility had not made a firm decision to pursue the new plant, but they were tentatively interested in tapping the incentives provided by the Energy Policy Act. Mr. Strong said he would like to see Fermi 3 move forward, but doubted it would happen within his professional career.

The big issue in Michigan right now was actually an Ontario issue. Ontario Power, operator of 20 nuclear plants in Ontario, was considering the development of a deep geologic repository for low and intermediate level waste (what in the U.S. would be considered low-level waste). The proposed site was just across Lake Huron from Michigan's eastern shore. The facility would be quite similar to DOE's Waste Isolation Pilot Plant (WIPP), but would be located over 2,000 feet below ground in limestone, not salt. The early site review was going on now and was generating a fair amount of concern. Some of the counties had passed resolutions in opposition, wanting more say-so for people on the U.S. side of the border. The Michigan Department of Environmental Quality had not yet taken a position, and Mr. Strong was hoping the department would not have to do so.

Christopher Wells (SSEB) asked what the timeframe was for the Ontario site beginning operations. Mr. Strong said he did not know. He added that he had met with a county executive who was concerned that, if the site were to be used for low and intermediate level waste, perhaps it would be used for spent fuel, too.

Missouri: Ms. Beetem announced that the state was about to kick off the process of becoming an NRC agreement state, and she welcomed advice from her fellow states that had already gone through the process. Missouri had sent a letter to the NRC commenting on the EnergySolutions proposal to import low-level waste from Italy. Ms. Beetem said the comments were limited strictly to the transportation aspect of the proposal.

For the third year in a row, fee legislation had been introduced in Missouri but did not pass. This bill was part of a large transportation bill that had a number of issues, and the legislature had been unable to pass it. Ms. Beetem said the state had seen some rather strange routes used to avoid Iowa, where the fee was \$125 for low-level waste shipments. She said there were a high number of Nordion shipments passing through. Missouri did not provide escorts for these shipments, but perhaps they would if the state charged a fee. Ms. Beetem added that there were many RAM QC shipments passing through – mostly taking used nuclear power plant parts to Barnwell, South Carolina.

Ms. Beetem said she had been shocked to see the road closure barriers in the West on her vacation this month. Winter closures were not common in Missouri, so she was able to get a different view of how the interstate system works in other states.

Ameren was looking into building another reactor at Callaway. The proposal had not yet generated a lot of discussion, but that could be because the utility had not yet taken much action.

Mr. Runyon said he forgot to mention that Exelon had announced publicly that they would be decommissioning Zion in Illinois. He thought this effort would be significant. The utility was planning to use dry cask storage, but Mr. Runyon said he would not be surprised to see the spent fuel moved to another Illinois plant owned by Exelon. Ms. Beetem said the issue of shipments between sites had come up at the NEI conference because the shut-down sites were really eager to get rid of the waste.

Mr. Schmidt presented information on *Wisconsin's planning for research reactor shipments* from the University of Wisconsin. He began by sharing a handout from the NRC website with background information on the nation's research reactors. He explained that UW was planning these shipments as a result of a federal initiative to replace research reactor highly enriched uranium with low-enriched uranium fuel. This was a nonproliferation effort that had begun with foreign reactors, but those reactor operators had pointed out that the U.S. was not converting its own reactors to low-enriched uranium. The U.S. eventually decided to convert domestic reactors as well.

Mr. Schmidt said many states had prior experience with research reactor shipments, but Wisconsin was only now beginning to prepare. One of the big issues for the state was that it is not a corridor state, so the infrastructure was lacking. Fees, escorts, inspections, existing relationships – Wisconsin had none of that. The state does have a very good relationship with response agencies around the power plants, but not with route communities. Wisconsin is a strong home rule state, so the counties really run the show.

Wisconsin does have a Radioactive Waste Transportation Work Group, however. This group was established by Wisconsin Emergency Management in the 1990s to plan for shipments to Yucca Mountain. It was reconvened in 2005 to address a planned reactor vessel shipment from La Crosse as well as other issues. Now the group is planning for UW shipments in 2009-10, which does not leave much time. The group includes members from Wisconsin Emergency Management, Department of Health and Family Services, the Federal Railroad Administration, U.S. Department of Transportation, Wisconsin State Patrol,

DOE, and CSG Midwest. Mr. Schmidt mentioned that the help Ms. Janairo and Ms. Wochos had provided was very valuable.

The focal point for the group now is planning discussions about the research reactor shipments. The group was trying to decide who to train and whether to escort the shipments, among other things. The state needs answers and is having trouble getting them all, so Mr. Schmidt had decided to throw out some questions to his colleagues on the committee and try to get some answers or ideas.

Regarding inspections, Mr. Schmidt asked whether the state should conduct health physics inspections prior to shipment. He said there would be the normal transportation/CVSA inspections, but is it worthwhile to do a radiological inspection – for example, to know what the normal levels are and what the levels should look like in case there's an accident that causes changes? Mr. Horn said the CVSA Level VI program requires a radiological component, but contamination is not part of it. Weeping, for example, or contamination during loading – if Mr. Schmidt was worried about this, Wisconsin should do smears and its own radiological survey to get baseline data.

Mr. Strong said the Michigan radiological inspection program did inspect the University of Michigan shipments. The university had done wipe testing before the Michigan inspectors showed up, but the state inspectors wanted to do their own inspections to get the experience. Ms. Dresen said Purdue University had their fuel changed last year. The Indiana Department of Health observed as fuel was loaded, then they did an inspection. Ms. Dresen was able to walk through and observe that inspection. She said there had not been a health physics component to the escort, and she had not been involved in planning. But it had been beneficial to the state to inspect the shipment. Ms. Beetem added that Missouri does inspect the MURR shipments.

Mr. Schmidt asked whether there should be a health physics component to the security escort. He reiterated that the state patrol would definitely accompany the shipment. Mr. Horn thought it was always a good idea to have an expert on radiological emergency response accompany the shipment. Mr. Strong agreed and said Michigan provided a state police and health physics escort for the 30-mile trip out of the state. Ms. Beetem said Missouri did not have health physicists accompany the shipment, but she thought it was a good idea.

Mr. Schmidt asked if there were any particular issues he should be aware of with regard to route planning and selection. Mr. Leuer asked about the status of route selection, because Wisconsin's choice of route might have an impact on Minnesota. Mr. Schmidt said his group had met with the transportation contractors. Only the state patrol was working with them right now, then the patrol would bring their input to the full group for discussion. Until the floods were over, no one would know what the impact on the roads would be. The condition of the interstates would factor into route planning, so it would be a number of months before the route could be decided. Mr. Leuer asked if Mr. Schmidt knew when the contractors would reach out to the other states that would be impacted? Mr. Schmidt did not know when, but he said the contractors definitely would reach out to those states.

Mr. Strong said Michigan did certify a state route as opposed to sticking to the interstates. Ms. Beetem said the route for MURR shipments was easy because the facility is right by I-70.

On the topic of security, Mr. Schmidt asked whether state radiological control program personnel are required to have criminal history or background checks in order to participate in an inspection or escort. Mr. Horn said state police, government officials, and Mr. Schmidt's staff would be exempt from the NRC

requirement. Mr. Easton concurred. Mr. Horn said it was written right into the 10 CFR regulations, and Ms. Rasmusson agreed. Mr. Horn said he would send Ms. Janairo the citation. Mr. Strong said all Michigan's shipments took place prior to 9/11, so the state did not have to wrestle with all the security issues Wisconsin would be facing.

Mr. Schmidt asked whether route plans could be shared with the Work Group. Mr. Horn said because routing is not safeguards information, it could be shared. The dates and times cannot. Mr. Horn added that Illinois tries to keep routes on a need-to-know basis.

Mr. Schmidt asked how information should be shared with state/local jurisdictions. Mr. Horn said it was always good to train to the fullest but not necessarily share all the shipment-specific information. He said Illinois trains local responders, but the state does not tell the counties the dates and times because of security issues. Mr. Schmidt said he wanted to provide something to the counties on how the safeguards information needs to be handled. He had seen some generic material, but nothing specific to these shipments. He had talked to Mr. Easton about whether the NRC could produce some informational materials, and Mr. Easton had said he could. He added that, years ago, the NRC used to publish routes in an attempt to be open. That activity was suspended after 9/11, but Mr. Easton had noticed the NRC is once again producing that document. Mr. Easton said the states should pose some questions and then the NRC could put out some questions and answers.

Ms. Beetem said Missouri had a problem with low-level waste shipments and the media because the press would call the local communities who often had no idea the shipments were taking place. She recommended getting information out to people to say there would be a shipment and here is what is being done to protect the public. Ms. McNeil said states could borrow from the spent fuel fact sheet that DOE had prepared. The NRC might have some fact sheets, too.

Mr. Breckenridge said, in its planning process, Wisconsin should use the TRAGIS model to identify possible impacts of shipping routes. Mr. Schmidt said CSG Midwest had provided TRAGIS output to the state patrol.

Citing the NRC fact sheet Mr. Schmidt had handed out, Mr. Schwarz said the VA hospital in Omaha had shipped their spent fuel. After 9/11, the hospital had contacted the national guard to guard the reactor, but the hospital would not pay for the service. DOE managed to move the Omaha VA hospital waste pretty quickly. He said the shipment did not have a health physics escort, but rather just state patrol through Omaha to Lincoln, then west. The state notified the local governments just to let them know something was coming, but not when. The instructions to the local governments were, in the event of an accident, to secure the area and then call the state.

Mr. Schmidt concluded by saying the state had no money for this activity. His agency had applied for Homeland Security funding and did receive some to prepare people for radiological response in non-nuclear counties. He would tap this funding as a way to train responders along the route.

Ms. Offner gave the *update on the OCRWM program*. Ms. Offner began by saying Frank Moussa, former committee member from Kansas, sends his regards. Mr. Moussa now works for OCRWM's transportation program.

Ms. Offner explained that OCRWM is the DOE program responsible for developing a national nuclear waste repository. She said her division, transportation, could have for its motto, "Build it and we will deliver the waste."

Ms. Offner reviewed the key milestones OCRWM recently passed. First, on June 16, OCRWM finalized several documents required as part of the NEPA process, including the supplemental environmental impact statement on the repository. OCRWM had submitted its license application to the NRC for permission to construct the repository at Yucca Mountain. This week, in fact, OCRWM was having a two-day meeting with the NRC to brief the staff on the license application. After the NRC docket the application, OCRWM will begin defending it and respond to additional requests for information.

Ms. Offner said OCRWM considered the agreements with the state regional groups and the other groups a "must have" in the transportation budget. She acknowledged that the state regional group budgets had been reduced by 40%, but the overall program had experienced a 70% reduction.

The Office of Logistics Management (OLM) had several priority activities for the coming year. First, the office hoped to issue its long-awaited draft national transportation plan. Ms. Offner said that document probably would not be issued until the record of decision had been issued for the Nevada railroad. She said the plan would provide the current status of system development and activities to bring the system to an operational state, but detailed implementation plans (e.g., operations, institutional) would be presented as annexes as needed. She understands there is some disagreement on the level of detail for the national transportation plan, but she hoped that providing the annexes would help mitigate that disagreement. OCRWM has already committed to preparing a comment-response document, and the program might consider having a TEC/WG topic group review the plan.

Another priority for OLM is to continue the dialogue on routing. Ms. Offner acknowledged that the Routing Topic Group had been a frustrating experience, but she was hopeful that it is moving forward with Alex Thrower leading the effort. She said the group was working on a "standard problem" which, it was hoped, would lead to cooperative development of a routing process that is reasonable and defensible. The standard problem involved looking at routes from 12 different sites.

Section 180(c) was another priority for OLM. The comment period on the *Federal Register* notice had closed January 23. OLM was now analyzing the comments and in the final stages of preparing a new *Federal Register* notice addressing the process for allocating funding to the tribes. When that comment period is over, OLM will do a comment-response document for both notices, but the policy will not be finalized until after the 180(c) pilot is complete. OLM was still planning to do the pilot when and if funding becomes available. Ms. Offner added that Mr. Moussa was in charge of Section 180(c) now.

OLM also planned to continue transportation planning efforts. Ms. Offner acknowledged that OCRWM was years away from shipping anything, so the focus would remain on advancing planning efforts to build a collaborative process, incorporate lessons learned, and develop a best-in-class transportation system. Toward that end, OLM was performing regulatory analyses and developing requirements, and also collaborating with the FRA on a shortline infrastructure study.

OLM was expanding its benchmarking activities, having recently published a report on the findings from an AREVA site visit. Ms. Offner said OCRWM staff was working with counterparts at WIPP, the foreign research reactor program, and the private sector. As part of an ongoing effort to build the nuclear culture, Ward Sproat, OCRWM Director, had made all the senior managers visit nuclear plants. The

visits were helping the managers get a better understanding of how nuclear plants work and how the management works. Gary Lanthrum, director of the OLM, had come back from the trip and restructured his staff meetings, which had made them more succinct and meaningful. Mr. McCullum added that, on the field trip, the DOE managers were not just "tourists." Mr. Sproat had a specific plan with well-defined objectives, so it was not surprising that the management was doing things differently after the trip. Because Mr. Sproat is a political appointee and will not stay in his post much longer, he placed a high priority on trying to build the skills and infrastructure that will be necessary to move the program forward under the next administration. Ms. Offner said Mr. Sproat was doing a great job with that objective.

Ms. Offner deferred the discussion of the TEC/WG because there would be a specific session on this topic at the end of the day. In summary, she said OCRWM soldiers on despite diminishing budgets. Transportation planning was still a priority, and collaboration with key stakeholders continued to be the cornerstone of transportation system development.

Ms. Beetem asked Ms. Offner about her ideas for future projects for the regions. Ms. Offner said it seemed reasonable for the regions to work on what they would like to see in the transportation operations plan. She said the OCRWM staff has talked internally about the operations plan, and they feel those should be prepared much closer to the time of shipment, with campaign plans being the last report containing every kind of detail. Mr. Runyon asked whether the national transportation plan had been released. Ms. Offner said technically it had not, although the draft put out last summer was still on the Nevada web site. Mr. Runyon asked whether DOE had guidance on transportation plans, and Ms. McNeil said it was in the DOE Transportation Practices Manual.

Ms. Janairo said she could see no reason for OCRWM to delay publication of a transportation operations plan. She reviewed the history of then Secretary of Energy Abraham promising to provide a plan to Congress within a year of the Yucca Mountain site approval in 2002, followed by OCRWM releasing a transportation strategic plan in November 2003 in response to that promise. OCRWM had, indeed, published a national transportation plan for comment last summer, but promptly withdrew it – and no one has seen it since. Ms. Janairo said she understood why it might be difficult to identify routes at this time, because the routes could change, but the basics of moving waste should not change much over the next 10 years.

Ms. Offner asked Ms. McNeil how far in advance EM programs prepare their transportation plans. Ms. McNeil said there were lots of plans prepared in the 2002-2003 time frame. Oak Ridge, the FRR program, and West Valley all had different plans. Ms. McNeil said the plans were prepared 18 months out, approximately. The DOE guidance now says that within three months before the shipments, the final plan should be issued. Ms. Offner strongly encouraged the Midwest to articulate its opinion on the timing of the plan in the region's comments on the national transportation plan when it comes out.

Ms. Beetem asked, while the NRC is looking at the license application, what is OCRWM going to be doing and is there anything the regional groups do in connection with the license application? Ms. Offner said the region would have to ask the NRC. Ms. Janairo asked whether the license application had anything to do with transportation. Mr. Easton said it does, Ms. Offner said it did not, and Mr. McCullum said that was an open question. He said transportation is part of the environmental impact statement that supports the license application, but how it would bring transportation stakeholders into the hearing process is something the NEI might petition to clarify.

Mr. Eason explained that there are two parts to the NRC's review. First, the NRC has to prepare a safety evaluation report based on 10 CFR Part 63. The NRC would tell the administrative law judges that transportation safety is not regulated under 10 CFR 63 but under 10 CFR 71 and title 49 for DOT, and possibly under 10 CFR 73 if it turns out the utilities would make the shipments (not DOE). Therefore, all the contentions filed related to transportation safety would be treated as inadmissible, just like they had been for the Private Fuel Storage hearings.

Second, when it comes to adopting DOE's environmental impact statement, transportation *is* in bounds. It has been hinted that Nevada will file 200-300 contentions just on transportation. The NRC will have to explain why it will adopt DOE's environmental impact statement or not. If the NRC follows the Congressionally mandated schedule, staff will have to decide within 30 days whether those contentions should be admitted. That means the NRC transportation staff has 15 days to figure out whether these contentions should be admitted.

Ms. Beetem asked about the requirement to adopt DOE's environmental impact statement. Mr. Easton explained the basis on which that determination will be made. He said the NRC had anticipated that, at the time they got the environmental impact statements from DOE, they would be in final form, having already been challenged and successfully defended as a result of Nevada litigation. That would leave the NRC with a "clean adoption process." What the NRC did not anticipate was that, in the process of litigating, the court would rule that it was not ripe to sue DOE because the NRC hadn't decided whether to adopt the environmental impact statement. So now it looks like the NRC might be faced with deciding whether to defend all the work DOE did.

Mr. McCullum confirmed that NEI is going to intervene as a supporter of Yucca Mountain, which will be somewhat unusual. NEI will file contentions to point out potential problems with the license application.

Ms. Janairo asked Ms. Offner about OCRWM's report on the need for a second repository. Ms. Offner said the report was being done in house and would be out this summer. The department's position is that there is no need for a second repository. Instead, legislation should raise the cap of 70,000 metric ton of uranium (MTU) imposed on Yucca Mountain. The second repository report was a Congressionally mandated report, which Ms. Offner thinks will buttress the contention that the repository cap be lifted. Mr. McCullum added that, given the existing thermal design constraints, DOE could get 560,000 MTU of spent fuel in Yucca Mountain.

Ms. Beetem mentioned that the briefing packet included testimony from Mr. Sproat and a press release regarding the award of contracts to develop the transportation, aging, and disposal (TAD) canisters. Mr. McCullum explained that there had been four bidders, and Holtec was one of the two that lost. The company claimed they lost because they proposed a more expensive concept that is necessary to meet the unique design concept. Holtec's criticism wasn't aimed at Yucca Mountain but at the aging pad concept. The company said that, to withstand a 3G earthquake, the storage must be developed in-ground. Two other companies said they could meet that requirement without going into the ground, which made their proposals less costly. Mr. McCullum concluded by saying competition is a good thing. He added that, following the press coverage of Holtec's first press release, the company has issued another, more conciliatory one.

Mr. McCullum then provided an *update on NEI's activities*. He began by discussing the reasons behind the "nuclear renaissance." The long-term trend with public opinion is toward support for building new plants, particularly because of global warming and increasing fuel costs. Where local communities have

grown used to it, there is even more support. Mr. McCullum commented that India and China want to be like the U.S., and our nation cannot compete with China for coal and other resources. Wind and solar are very small energy sources that do not contribute to greenhouse gases. He said the nuclear industry had kept its share of electricity production in the U.S. at 20% even without adding new infrastructure.

License extensions are taking more plants beyond 40 years to 60 years, and some people talk about extending beyond 60 years. Mr. McCullum showed a list of new power plants that are on the drawing board. Options in Michigan, Missouri, and Illinois are further back on the drawing board than in the Southern states, because the latter had been very aggressive in promoting nuclear. Mr. McCullum said there was a lot of support in Congress for loan guarantees to help build new plans. He said the question isn't "will we build," but rather "how many and how fast?" In fact, the uncertainty over where to find the necessary workers and where to buy large components was one reason why it was so important to have loan guarantees.

Regarding used nuclear fuel storage, Mr. McCullum said the current inventory was 60,000 MTU, 13,000 of which was in dry storage at 960 casks at 40 sites. He said the industry had demonstrated a record of success to the communities that have dry storage. The industry is estimating the addition of 25,300 MTU to storage by 2020. To deal with all that material, the industry has laid out a three-pronged approach.

First, the plants will turn to interim storage. A key reason for interim storage is because of the need to take the waste from the shut down plants, as articulated by the House Appropriations committee. Also, some people are not that confident that Yucca Mountain will be available. The second prong is closing the nuclear fuel cycle. Mr. McCullum said interest in advanced recycling technologies could mean that committing to interim storage will result in positive economic development for communities. The industry does support advanced recycling, although it is considered a far future development. Mr. McCullum said he thought we would see more interest in interim storage, especially in certain communities.

Ms. Janairo asked whether DOE's upcoming interim storage report was going to be the department's reaction to the House Appropriations Committee proposal, or would it detail how DOE would carry out the committee's charge. Mr. McCullum said it would likely be the former.

The third prong is permanent disposal. Mr. McCullum congratulated DOE on completing the license application. He commented that Barack Obama has said the science hasn't convinced the people of Nevada that Yucca Mountain would be safe. John McCain, on the other hand, is for Yucca Mountain.

Mr. McCullum showed the licensing timeline for Yucca Mountain. He suggested the states should talk to NEI if they had any issues with the license application related to the nuclear sites in their jurisdictions – perhaps NEI would be interested in working the issue into the industry's own contentions.

Mr. McCullum discussed DOE's proposal to use transportation, aging, and disposal (TAD) canisters. He said TADs were a great idea, but they will lead to higher cost, lower capacity casks. Ms. Beetem asked, since we already have so much spent fuel in dry storage, what was the incentive for utilities to use TADs? Mr. McCullum responded that utilities will deploy TADs only if the casks are a smart business decision. In other words, DOE needs to provide incentives that compensate for the increased cost of the TADs. He said once Yucca Mountain is available or there is interim storage, DOE-provided TADs capable of being loaded for direct shipment would be welcome.

Once loaded, TADs never need to be unloaded. Mr. McCullum thought that TADs would bring confidence to communities that the TAD is going to be removed, whereas the dual-purpose canisters did not provide that level of comfort. He cited the TAD timeline as a demonstration of what DOE can do if it tried. He said DOE presented the TAD concept to industry in November 2005 and by August 2007, four vendors were submitting proposals.

Mr. McCullum made a few more points about TADs. He said DOE could only put 70,000 MTU of waste in Yucca Mountain, and 63,000 MTU of those would be commercial spent fuel. In the license application, DOE said it would accept 90% of the fuel in TADs, the remainder in other containers. The industry was projecting that 54,000 MTU would be in storage pools by the time the repository opens and utilities will want to empty those pools first. That waste could go right into the TADs first. Beyond that, the industry would need a more integrated approach, including a bigger capacity for Yucca Mountain or a reprocessing facility.

Mr. McCullum added that TADs would require approximately 50% more casks to be shipped but that would not necessarily translate into more shipments because DOE would ship more casks per train. Ms. Beetem observed that there would be no "truckable" TADs, but 28 sites do not have rail access. Mr. McCullum said many of those sites could use heavy haul or barge, and some might need to upgrade cranes. Besides, he said, no utilities were loading truck casks anyway – all sites were using storage casks designed for rail. Because the safety of transportation was very well established, Mr. McCullum said more shipments with TADs would not be a big deal.

Turning to the Global Nuclear Energy Partnership (GNEP), Mr. McCullum said that, while NEI does endorse advanced fuel recycling facilities, it will take time to figure out which technology to use. DOE was supposed to issue a draft environmental impact statement on GNEP, but has not because the department is still trying to figure out the concept.

Regarding legislation, Mr. McCullum said nothing was moving, and that assessment was not limited to nuclear-related legislation. He said next year the topics most likely to be addressed by Congress would include waste confidence (which was last updated in 1999), reform of the Nuclear Waste Fund, interim storage, reprocessing/recycling, Yucca capacity and land withdrawal. In closing, Mr. McCullum said the U.S. could see at least a few more plants, hopefully more than a few, but waste continues to be one of the big uncertainties. The industry was very interested in maintaining an integrated portfolio of options, including Yucca Mountain.

Mr. Mackie presented his update on the *activities of DOE's WIPP program*. The remote-handled shipments from Argonne National Laboratory (ANL-E) near Chicago would start in early August at a rate of one per week. In September, ANL-E would ramp up to two shipments per week, continuing through October and November. Ms. Janairo asked whether the frequency from ANL-E would increase if DOE did not get approval to ship remote-handled waste from some of the other sites. Mr. Mackie said that could happen, but he was optimistic that DOE would get approval to ship from the others.

DOE planned to finish shipping from ANL-E in early to mid-2009 depending on weather and the availability of waste ready to ship. DOE would send 14-day notification letters in mid-July to the governors, WIPP coordinators of corridor states, emergency management agencies, and motor vehicle enforcement. The letters would indicate that, if there were any changes to the dates, the notification would be made through the eight week rolling schedule. He added that the states should be getting the

schedule this week with the first ANL-E shipment posted. He reminded the states that distribution of the eight-week schedule was on a need-to-know basis.

All WIPP shipments would be tracked by TRANSCOM. Regarding training on TRANSCOM, Mr. Mackie said DOE would come to the states for training if there were enough people, but the department would prefer people go to a TRANSCOM Superuser training session. He added that, if a superuser planned to train others, DOE would set up a fake shipment for use during the training session.

Mr. Mackie addressed DOE's recent announcement that it would be making intersite shipments of transuranic waste to Idaho National Laboratory (INL). The announcement was made in an amended record of decision issued on March 7, 2008. DOE intends to send the contact-handled and remote-handled transuranic waste to INL where it would be characterized and certified before going to WIPP. The receipt of waste would be in accordance with the Idaho Settlement Agreement, the Idaho Waste Acceptance Criteria, and the Site Treatment Plan. The settlement agreement allows waste to come in for treatment as long as it is treated within six months of receipt. After that, DOE has six more months before having to move the waste to WIPP. DOE would also continue to move the waste that would regularly be moving from INL.

Regarding the intersite shipping schedule, Mr. Mackie said DOE was planning to shut WIPP down in November and December for maintenance. During that period, the WIPP drivers would go to Hanford to move as much waste as possible to INL. After that, shipments from the Nevada Test Site would begin, then DOE would empty out the three California sites. Then, if needed, DOE would have the opportunity to go back to ANL-E and do a second campaign. New York, Paducah, Knolls in Tennessee, Bettis in Pennsylvania, and finally Sandia in New Mexico would complete the intersite shipments.

In all, DOE would make 2,067 contact-handled and 188 remote-handled shipments into INL, with 795 and 621 coming out, respectively. The reason more remote-handled shipments would leave INL is that incoming shipments will use the 10-160B casks, which hold nine 55-gallon drums of waste in an overweight shipment. When leaving INL, the waste would be packaged in RH-72B casks, which hold only three drums. Contact-handled waste would move in TRUPACT II or Halfpack containers. Mr. Mackie emphasized that *all* shipments moving as part of this intersite campaign would be in accordance with the WIPP transportation plan, plus all the regional group guides. Mr. Mackie added that Dr. Moody, the Carlsbad Field Office director, would like to move waste from one of the East Coast sites earlier than currently planned. Mr. Mackie did not know which site that would be, but would let the states know as soon as he found out.

Mr. Schroeder asked if DOE would use the TRUPACT III for any of these shipments. Mr. Mackie said DOE could if the cask were approved.

Mr. Mackie said DOE is interested in using routes that would maximize travel on WIPP-approved routes to take advantage of the training that has already been done. Mr. Breckenridge said training in Ohio, for example, had been done years ago, and Mr. Mackie's comment on routes seemed to assume all those responders were still there. Mr. Mackie said if WIPP had to come back and train, they will. Mr. Mackie said he would like to see the routes from the east use I-80. Route discussions will be initiated when a firm transportation schedule has been developed. In the meantime, he encouraged the states to work together with the staff to develop preliminary feedback on the routes from the Midwest.

Mr. Mackie said every corridor state would get the basic funding of \$150,000 per year. If shipments started before the end of FY09, they would get a pro-rated share, otherwise in 2010 the states would get full funding that whole year.

Mr. Mackie explained to the states DOE's new method for shipping remote-handled waste: shielded containers. He said the package was presently at the NRC for certification. The concept involves a shielded 55-gallon drum-sized container, inside of which is a 30-gallon drum of remote-handled waste. The drums would be transported in a three-pack configuration inside a Halfpack container. The shielding would make the waste emit no more than what a contact-handled cask does. This way, DOE can ship nine drums under 80,000 lbs. rather than doing an overweight shipment. He noted that DOE uses a boring machine to drill holes into the walls of WIPP for emplacing remote-handled waste, but the shielded drums would not be disposed of in the same manner.

Mr. Mackie also explained that the TRUPACT III, another new cask, would be used mainly for large box waste to eliminate the need to repackage. Approximately 25% of DOE's transuranic waste is in large boxes and almost all of that is at the Nevada Test Site. The NRC is currently reviewing DOE's application for a certificate for the TRUPACT III.

DOE is still working on its decision as to whether the transuranic waste at the West Valley Demonstration Project is defense related. If it is, and therefore is eligible to be shipped to WIPP, DOE would send a mobile characterization unit to West Valley to process and package the waste to come down to the WIPP site. It is anticipated that movement of waste would be along the currently planned route, but that could change. It might, for example, be cheaper to go across the Midwest and then down to WIPP.

Draft A of the WIPP Transportation Plan has been completed and is under review by the CBFO and its contractors. Part of this review process is to make sure the regional group guides are incorporated into the document. Each region would have a chance to review the draft plan prior to DOE putting it in final form.

Mr. Mackie said his office had not yet had any experience with the new reporting procedure developed by DOE and the regions. He anticipated that WIPP reporting would follow the new procedures. That is, EM-63 (Ella McNeil) would report all incidents and the CBFO would continue to make the notifications. CBFO will report all operational contingencies that may interrupt normal operations. With that said, Mr. Mackie reported on several incidents involving WIPP trucks, including one in which a driver had a coughing fit and ran off the road. There was no damage to the truck or the cargo, and the containers did not come off the trailer.

Finally, Mr. Mackie said there had been a second errant drum shipped to WIPP. The CBFO had identified the drum and pulled it out, rather than waiting for the New Mexico Environment Department to make a determination as to whether it should be removed. DOE waited the first time there was an errant drum and wound up being fined as a result.

Ms. Janairo said she planned to convene the states on conference calls to discuss potential routes for the small-quantity site shipments. Mr. Mackie supported that idea and reiterated that he hoped to see the shipments stay on the interstates. Ms. Janairo asked if Mr. Mackie would prefer the routes hook up with the one used for shipments from Battelle in Columbus. He said that was not necessary, but he would like the routes to use I-80.

Ms. Janairo asked the corridor states if they felt it necessary to have another WIPP "road show" given the amount of time that had elapsed since the last one (August 2007). The states said that would not be necessary.

Ms. McNeil reported on the *activities of the DOE EM Office of Packaging and Transportation*. Ms. McNeil works for Dae Chung, who is the Deputy Assistant Secretary for Safety Management and Operations within the EM program. The position of director for the Office of Packaging and Transportation is vacant and has been for the past year. In January, Mr. Chung rolled DOE's packaging certification program into the transportation division. Ms. McNeil added that Christine Gelles works under the Mr. Chung, too. Ms. Gelles's program identifies disposal sites for all the waste streams from the various sites that need a disposal path.

For the past year, Ms. McNeil has been the acting director of the transportation office, but that recently changed to Eric Huang because of restrictions on the duration of "acting" positions. There were four applicants for the job of director and a selection has been made. Ms. McNeil speculated we would know within four weeks who the new director is.

EM's shipment numbers continue to decline. Ms. McNeil noted that FY06 was the peak year because of Rocky Flats and Fernald making so many shipments on their way to closure. In terms of shipments that are either underway or planned, DOE has completed 11 shipments of spent fuel from the fast flux test reactor, going from Hanford to Idaho. Depleted uranium oxide at Savannah River Site will be heading to EnergySolutions in Utah in one unit train, carrying 52 cars, scheduled to go in July.

The spent fuel transfers have been delayed until 2010 or later. DOE is planning to make about 30 shipments per year for 10 years once those shipments begin. DOE has not identified the funding in Idaho to make those shipments happen. Even after the funding has been arranged, it will be at least 18 months before DOE starts shipping because of the need for a crane upgrade. Ms. McNeil said a more realistic date for beginning would be 2012.

Shipments of uranium oxide from Portsmouth and Paducah are also delayed. DOE had planned to start those shipments late in this calendar year, but funding and contract issues are causing delays. There currently is no projected date for those shipments. Ms. Janairo asked whether the states would still see a transportation plan for the uranium oxide shipments, and Ms. McNeil said they would. The preferred alternative for the disposal site is the Nevada Test Site, but the Attorney General of Nevada did not believe that waste was acceptable at the site. The backup plan is to use EnergySolutions. When contract and funding issues are resolved, DOE will go forward with the transportation plan. Ms. McNeil explained that DOE is doing a transportation plan for this campaign because it is a 25-year program. Normally, the DOE manual does not require a transportation plan for this type of material.

Ms. McNeil said planning for the summer 2008 foreign research reactor shipment is underway. The spent fuel will come over from Romania in two NAC-LWT casks. Ms. McNeil said she would soon sign off on the transportation plan, which the states have already reviewed. Ms. McNeil said DOE had some waste in storage at INL that needed to be returned to SRS. This waste was originally identified for the spent fuel transfer project. She said DOE would prepare an addendum to the transportation plan for shipping that waste. She emphasized this shipment would not be the kick off for the spent fuel transfers. DOE was simply trying to take advantage of having an empty cask available.

Ms. McNeil handed out the new guidance on event notification. She said the sites were incorporating the new guidance into their procedures. Regarding transportation events, Ms. McNeil commented on some Mound railcars losing their fiberglass lids. These were the same cars that were used for Fernald shipments, and they never lost those lids while in transit. So DOE investigated the matter and found that the rail cars, which travel in general consist, were experiencing movement in the rail yard that sheared the clamps off the lids. To solve the problem, DOE's vendor redesigned the clamps. A similar situation came up with shipments from Brookhaven in New York. A couple of rail cars arrived at EnergySolutions without the tarps on top. In all cases, this was nonregulated waste. It has been a little harder to figure out why the cars lost the tarps.

Ms. McNeil said the revised DOE Radioactive Material Transportation Practices Manual was issued on June 4. She explained that the DOE TEC/WG had started working on transportation protocols in 1999 through a topic group. The reason for the effort was that the stakeholder community had commented that DOE wears too many hats and doesn't speak with one voice. What DOE tried to do was come together as a department and put together a standard set of transportation practices that addressed radioactive materials transportation in as consistent manner as possible. Ms. McNeil said this was a collaborative effort between the states, DOE, and other stakeholders. The original manual was issued in 2002, and now the update largely covered security changes and changes from an OCRWM perspective.

On the subject of fact sheets, Ms. McNeil said EM-63 was currently working on updating a suite of fact sheets. The project would include reviewing the need for existing fact sheets, identifying any new topics, and then sharing whatever drafts come out of that review with the regions. EM-63 would also revise and expand its website. Ms. McNeil said if there are things the states would like to see on the web site, they should let her know.

Mr. Runyon said most of the old National Transportation Program fact sheets addressed specific shipping packaging. He asked whether the changes would address waste streams as opposed to packaging. Ms. McNeil said DOE would have both. She said her office was going through all the old "quick fact" sheets on packaging. She thought it was good to have something specific to the packaging, but some of the packages in those fact sheets are out of use. She also thought it would be good to add waste streams.

Ms. Beetem asked about fact sheets for different audiences. She said Missouri uses the fact sheets when training local responders, but also sends them out to media. She asked how DOE would address the different audiences. Ms. McNeil said the fact sheets were intended to be for a generic audience. If we have a waste stream such as the ones out of Portsmouth, DOE would develop a new fact sheet when the need arose rather than creating generic fact sheets on waste streams in advance.

Ms. McNeil reported on DOE's program to address greater-than-class-C (GTCC) waste. She explained that this waste category includes activated metals, sealed sources, or other waste. DOE has been assigned the responsibility for the disposal of GTCC waste, with the Office of Waste Disposal in charge. That office is right now working on the schedule for completing the environmental impact process. The environmental impact statement will look at disposal alternatives for commercially generated GTCC low-level radioactive waste as well as DOE low-level waste and transuranic waste with characteristics similar to GTCC low-level waste. The environmental impact statement would also address other potential waste streams like the one that could result from GNEP. The target date for releasing the draft environmental

impact statement was mid-2009, with a final to follow one year later. Under the Energy Policy Act of 2005, DOE is required to report to Congress on the alternatives before it issues a record of decision.

Ms. McNeil said she had passed out the results of the customer satisfaction survey in November. She said the comments were overall very positive, but there did appear to be a need to beef up communications. Some staff issues had prevented Ms. McNeil's office from pursuing that goal for now, but Ms. McNeil hoped to remedy that situation soon with some new hires.

Ms. Beetem asked whether DOE had reconsidered posting spent fuel shipments on the PSR. Ms. McNeil said the department was waiting to see the NRC's response to the letter Ms. Janairo and Mr. Schroeder had sent inquiring about safeguards information. Ms. McNeil said she would show the response to the DOE security people, who would then make a decision. Ms. Beetem commented that she didn't want anyone to think the foreign research reactor shipment was not going this year, since it did not appear on the draft PSR that Ms. McNeil had handed out. Ms. McNeil reminded everyone that the schedule for spent fuel shipments is posted on TRANSCOM. Some members said they are not TRANSCOM users. Mr. Schroeder asked whether TRANSCOM users needed to have shipments in their states in order to see spent fuel shipments posted on TRANSCOM. Ms. McNeil said the users could not track shipments without having a need to know, but the schedule was available for all TRANSCOM users to see.

Ms. McNeil reported on DOE's Waste Information Management System. She explained that the system contains information on what all DOE sites plan to do as far as the various waste streams for the next year. EM approached the WIMS people and asked them to work in some transportation information into the system. This was the first year they did that. The data call went out in November, and all the transportation information had come in during January and February. Ms. McNeil cautioned that everyone realized, pretty early on, that what the sites projected is not really what is going to happen in terms of shipments. DOE experienced a budget cut, and the money will go where the biggest need is. She said that, *if* additional funding is identified, DOE will make additional shipments. Ms. McNeil and Ms. Gelles were working together to fix the disconnect between the waste people and the transportation people within DOE. Ms. Gelles had started a Low-Level Waste Corporate Board within DOE to identify issues related to low-level waste across the complex. Ms. McNeil has a seat on the board.

Ms. Janairo asked if Ms. McNeil had any comments or feedback on the Midwest's revamping of the PSR to make it more comprehensive and state specific. Ms. McNeil had not received the briefing packet and so had not had a chance to look over the report. She would do so before Thursday morning.

Mr. Runyon reported on the NRC's public meeting on the *transport of radioactive materials in quantities of concern (RAM QC)*. He said Mr. Horn had attended this meeting in Lisle, Illinois. Illinois has been following the NRC's actions with regard to post-9/11 additional security measures (ASMs). The NRC had even subcontracted with Illinois to conduct ASM inspections at Illinois licensees' facilities.

Mr. Runyon explained that RAM QC is what the NRC determined in the post-9/11 world to be quantities of concern for 16 specific radionuclides. They are quantities of specific isotopes that the NRC and the International Atomic Energy Agency (IAEA) felt could be used for illicit purposes and cause some damage. Mr. Easton suggested people look at the NRC's slides from the public meetings, which listed the 16 materials and the quantities of concern.

Mr. Runyon explained that the purpose of the January meeting was to discuss with the public the NRC's desire to convert from orders to rules. He said Illinois had followed up with a letter to the NRC to

address concerns that the state has had over the structure of the ASMs and some of the subtle problems with them. Mr. Runyon said that the first and foremost issue Illinois has with the ASMs and with a rule is the fact that they only apply to domestic shipments. He said if a shipment originates in Canada and is going to Pakistan and it goes through a state, that state has no jurisdiction. Unless a licensee voluntarily provides notification, the state would never know.

Mr. Easton explained that the NRC only has authority over materials that it regulates, and it does not regulate foreign shippers – DOT has that authority. Mr. Easton admitted that the RAM QC rules would not apply to trans-shipments, but the commission staff tried very hard to make sure the shippers voluntarily comply. Mr. Easton was interested in feedback from the states to find out how they feel about voluntary compliance. Mr. Runyon agreed that Nordion has done a good job, but he does not like “voluntary compliance.” He worried that, as soon as anyone made a subtle change, the volunteering could go away. Mr. Runyon said Illinois’s recommendation to the NRC for dealing with this issue in a roundabout way is to generally license all the carriers. Mr. Easton said the NRC had a long-standing relationship with the DOT (through a memorandum of understanding), and the commission many decades ago decided not to regulate carriers because that is a duplication of DOT authority.

Ms. Beetem asked, given this background, what was the purpose of the January meeting? Mr. Runyon said the NRC presented what the commission will propose as rules, and then posted some specific questions to the audience. He said Illinois answered all these questions and some that the NRC hadn’t asked (like about the trans-shipment issue). Mr. Easton added that the NRC could be coming out with a rulemaking this fall or early next year putting the security measures into regulations, and the NRC needs to have a pretty significant technical justification. The idea was to go out to the NRC’s “co-regulators” for their input to help develop the technical basis. The states will have another opportunity to comment on the actual rulemaking.

Mr. Runyon said Illinois had also suggested removing ambiguous phrasing from any rule. For example, a licensee would be required to provide states with position information “if requested and practical.” Mr. Runyon did not like that phrasing, because who would determine what was practical and what wasn’t? Another item for comment was the need for clarification on the use of the terms “safe haven” and “safe parking.” Ms. McNeil said her office was told that “safe haven” is a term reserved for the secure shipments. That is why EM generally uses “safe parking” for its shipments.

Ms. Janairo reported on her attendance of the *Waste Management 2008 conference* in Phoenix in February. She said she had co-authored a paper with Ken Niles from Oregon. The paper was well received. She quickly recapped the paper, saying that the purpose had been to evaluate DOE’s use in public information materials of what she and Mr. Niles considered “good” messages on transportation, and contrast that with the appearance of “bad” messages. She explained that sometimes DOE used potentially good messages, but in the wrong way. For example, DOE often states near the beginning of fact sheets that its shipments have a proven record of safety. Making such a claim at the start implied that the people are wrong to have concerns about shipments. Instead, Ms. Janairo thought DOE should acknowledge that there are risks, explain what DOE does to mitigate those risks, and then conclude by saying the result of all these measures was a proven record of safety. Ms. Janairo said her experience with the paper had been so positive that she and Mr. Niles would like to co-chair a panel at *Waste Management 2009*. The panel would consist of transportation-related papers written by non-DOE authors. Ms. Janairo encouraged the committee members to think about contributing a paper to the panel. The committee would discuss the matter more during the business session on Thursday.

Ms. Beetem reported on the committee's *route identification work group*. She said the group was supposed to help provide DOE with input on routes as the OCRWM program develops a suite of routes. She noted that the group had wrestled with the definition of "suite" but everyone agreed that a suite should give DOE flexibility in making plans. She said the TEC Routing Topic Group has been active for a couple of years. The topic group was somewhat hampered by the length of time between now and the start of shipments, and had not accomplished much to date.

Ms. Beetem said that, before the topic group's last meeting, Alex Thrower, the DOE lead, had proposed the "standard problem" – how to get to Yucca Mountain from 12 specific sites. The goal was for several work groups to approach this problem, then compare their results to see whether there are any differences. The Midwest had already looked at routes from the states in the region. Recruitment of additional work groups was ongoing. At the last meeting, Mr. Runyon had suggested letting the railroads take a stab at the exercise first. They have their own methodology and their own preferences, so let's see what they come up with. If the topic group were to accept what the railroads contribute, that would be great. But it seemed like, despite Mr. Runyon's suggestion, the standard problem was still in play, and Ms. Beetem was not sure what to make of that.

Ms. Beetem added that there was lots of discussion on the last topic group call about the comments DOT received on the PHMSA rulemaking. Mr. Runyon explained that the PHMSA rule is a routing rule for rail, which has never existed before. The railroads will produce their routes outside the structure of the new PHMSA routing rule, and that will give everyone a starting point. Then it would take a year or more to develop the rest of the tools to develop another set of routes that will fit into the new routing structure.

Ms. Janairo asked Ms. Beetem and Mr. Runyon, if the railroads' input was the first step, what did they think the second step should be? Mr. Runyon said PHMSA routes. He thought the topic group should review the railroads' input and walk through how they did it. He said it would be a waste of everybody's time to pick rail routes when we don't know the details of their traffic, for example.

Mr. Runyon reported on the *committee's rail work group*. He reminded everyone that he had worked with Ms. Wochos, Pat Edwards (Pennsylvania), and Mel Massaro (FRA) on CVSA-like rail inspection procedures. They developed a documentation form for a hazardous materials survey along with other motive power and equipment-type inspections. Mr. Edwards and Mr. Massaro were very well versed in this type of inspection, and were able to pull out of Association of American Railroads (AAR) circulars and FRA requirements all the important points. Ms. Wochos had done an extremely good job of organizing it all. Mr. Edwards and Mr. Massaro then followed up and went to the State Participation Program annual meeting. At that point, the documentation started shrinking down to about a page that included very little detail. The other issue the FRA and state program inspectors had was that they did not want to sign anything documenting their inspections. Mr. Runyon said he was not sure where to go from here on this issue. He wondered, having been in the inspection business for 30 years, how an organization could conduct inspections and not sign anything.

Terry Gilmore (FRA) explained that, when the FRA does inspections, the inspectors are looking for the exception. The FRA does have a deficiency form, but not a checklist. Mr. Runyon clarified that his subgroup had spent two years developing the checklist so that people downstream, instead of inspecting, could see the documentation and let the shipment go through. Ms. Janairo and Ms. Beetem pointed out that the rationale for this effort was something the FRA supported – to keep the shipments moving.

Mr. Gilmore asked what would happen if the FRA signed off on a shipment inspection in Pennsylvania and then the shipment showed a problem in Missouri? Mr. Runyon said that was the life of an inspector. He added that the program was so good for that reason – if something wrong turns up three states away, we have a name. We can find out whether something happened en route or the person who did the previous inspection did a less than thorough job. Mr. Gilmore said the FRA does prepare deficiency reports, but they would not be of much help to others because they do not identify what things the inspector looked at that were not deficient. He suggested that perhaps the FRA could do something different for DOE's spent fuel shipments because there would be so few.

Ms. Janairo added that the purpose of this subgroup had been to reduce the need for extra inspections in the same way that the CVSA program did for truck. Ms. Beetem said the states, DOE, and the FRA clearly need to have more discussion on this topic. Mr. Leuer said maybe the states will have to do this on their own. He added that Minnesota would not be content with rail shipments if the state inspectors didn't have any idea of what happened at the point of origin. Mr. Runyon said it would not make sense to the public if CVSA inspections are required for truck shipments but nothing similar were required for train shipments. Ms. Janairo added that would be particularly unacceptable because most of the waste will travel by train.

Mr. Strong reported on the *Section 180(c) work group*. He said the group had commented on the *Federal Register* notice that had come out last summer. The group is awaiting DOE's review of all the comments received on the notice. He asked Ms. Offner about the pilot. Ms. Offner said the plan was to have a pilot to test all aspects of the policy. After the test, DOE would publish the policy as final. DOE would prepare a comment-response document on the two notices. A notice regarding the tribal 180(c) awards would come out before the end of the current fiscal year.

Mr. Strong asked what DOE saw as the region's role in crafting the pilot program. Ms. Offner suggested the conduct of exercises, how to get a representative number of states, how to design a program, how the applications should be reviewed, and the criteria, as examples. Ms. Beetem asked what the timeframe was for completing the comment-response document. Ms. Offner said, hypothetically, if OCRWM were to publish the notice in September, there would be at least 90 days for comments and generally OCRWM always extends that. Ms. Offner said late spring would be a good target, considering Mr. Moussa had made this a real priority. Regarding the pilot, Ms. Offner said OCRWM needs to start the pilot nine years in advance of the first shipments. Ms. Janairo asked about the idea of piloting the procedures on existing shipments, such as the spent fuel transfers or even WIPP shipments. Ms. Offner said that might be possible.

Ms. Beetem moved on to the topic of *future directions and priorities for the TEC*. Ms. Janairo explained that the regional staff had worked together to develop comments on the draft agenda for the winter TEC meeting. One of the suggestions that DOE accepted was to include a breakout session to get feedback from members on what works with the TEC and what doesn't. After the winter meeting, DOE proposed several changes to the TEC based on feedback obtained during the breakout session. The regional staff then worked together to review the proposals and develop a consolidated set of comments from all four regions. The committee would need to review and discuss those ideas so that the regional staff could pass the comments on to DOE.

Ms. Offner asked for clarification about the regional staff's idea for topics rather than topic groups. Ms. Janairo explained that the staff felt like the TEC should not have "standing committees" and so instead

suggested grouping task-oriented topic groups under broad headings like "Transportation Planning." They felt this approach was better than having task-oriented subgroups serving under a Transportation Planning standing committee, for example. Ms. Offner said she thought TEC was capable of being whatever people wanted it to be. The idea of topic groups was to pull people together to address specific issues whenever the need arises.

Ms. Offner noted that DOE had received feedback that it should have a subgroup on highway shipments. Ms. Beetem asked whether that issue was ripe – did the TEC need a topic group on highway? None of the committee members thought highway needed its own topic group at this time.

Ms. McNeil said she agreed with what the states were suggesting. She said the intent of topic groups was to focus on a specific issue that had an end. She commented that, despite the regions advocating for a bigger role for EM on the TEC, the only place EM showed up in the revised topic group list was in the communications group. Ms. Janairo said that was a good observation. Ms. Beetem asked where Ms. McNeil thought EM could best be worked in. Ms. Janairo suggested an EM representative could participate on the 180(c) topic group when that group turns to the issue of the pilot. Ms. McNeil said it was difficult to figure out where to involve EM in the topic groups because that program is shipping, whereas OCRWM is not.

Mr. Runyon said some of the TEC's historical products, listed in the revised topic group matrix, were good, but others were bad. The rail routing paper, for example – Mr. Runyon felt that paper was derogatory toward state programs. For the topic groups, Mr. Runyon felt that the groups need a realistic target and they need to get the right people to the table. That included getting the industry interested in participating.

As for what the next steps would be for revamping the TEC, Ms. Offner said she was working on the revised charter now. She suggested that she finish working on that, then get feedback from the members. The committee thought that sounded like a reasonable approach. The consensus was that DOE should nail down whatever changes it would be making soon, especially if there might be a TEC meeting in February.

Thursday, June 19

Mr. Easton gave an overview of the *NRC's process of reviewing the license application for Yucca Mountain*. He explained that DOE first has to have a license to construct the repository, then it will need a license to receive and possess nuclear material at the site. Nuclear reactors also used to have a two-stage licensing process, but not anymore. Mr. Easton said the NRC's process for licensing anything – whether a reactor or the repository – was very formal, very transparent.

The decision on the Yucca Mountain license application would come down to the five commissioners. Mr. Easton said that, because of the length of terms, by the time the commission would be ready to decide, there could be five totally new people on the commission.

The first step of the three-year review is to conduct a 90-day acceptance review to make sure DOE covered all the required topics. That review would not evaluate at all whether DOE did a good job addressing the required topics. If the application does, indeed, cover all the required topics, the NRC would docket the application. After docketing, the NRC staff will do a safety evaluation review. There will be public hearings, and there will be multiple boards reviewing different parts of the application.

Mr. Easton said that, because of budget cuts, the NRC might not be able to locate the hearings in the new court room that it had established in Nevada. The hearings might need to move to Washington, DC.

By April 30, 2009, the NRC will submit 80% of the requests for additional information to DOE. By September 30 of the same year, 100% of the requests will be in. DOE will then have one month to answer all of those. Then, on March 30, 2010, the NRC will issue the safety evaluation report. So even though the review will take three years, the staff will really decide whether the application deserves a license within 18 months. The rest of the time will be spent defending the decision.

All petitions to intervene are due by October 30, 2008. The NRC will answer those petitions by November 24, 2008. Petitioners then have an opportunity to respond to the NRC until December 1. Hearings will begin on September 11, 2010, and end on December 15, 2010. The NRC will issue an initial decision on May 6, 2011, followed by a final decision on October 28 of the same year.

Mr. Easton said it is possible for an applicant to withdraw the license application. This happens quite often, actually. He said the NRC seldom rejects an application – they're almost always withdrawn by the applicant because it looks better from a business standpoint.

Regarding the challenges that the NRC faces, Mr. Easton highlighted the final EPA standard, the TAD canister design specifications, and aircraft crash frequency screening. These are the topics that the OCRWM people thought going into the application could be the big issues. Mr. Easton said DOE and the NRC were conducting a public walk through of the license application this very day in Washington. After this, there would be public quarterly status meetings, public technical meetings, and formal hearings. The NRC also has a public outreach program for the Yucca Mountain license application review.

The NRC intends to complete its licensing review in accordance with the statutory requirements provided the NRC receives sufficient resources from Congress. Mr. Easton explained that, when Congress cut DOE's budget, it also affected the NRC. Despite the cut, the NRC would conduct its regulatory functions in accordance with its strategic goals of safety and security of the public and protection of the environment and organizational excellence objectives. Mr. Easton added that the NRC is committed to a fair and open regulatory process.

Mr. Schmidt asked whether the legal decision was an advisory recommendation from the law judges to the commission. That is, could the commission override whatever the law judges say? Mr. Easton said the judges make a recommendation to the commission, and the commission can say no.

Ms. Beetem asked Mr. Easton to talk about the time frame and status of the RAM QC rulemaking. Mr. Easton said the technical basis for the proposed rule was supposed to be finalized in June. Then the staff would have to get commission approval to publish it in the *Federal Register*. That would probably happen later this year or early next year.

Ms. Beetem asked about the status of security information sharing between the NRC and the states. Mr. Easton said there had not been as much progress as he would have hoped. The NRC still had not found a way to brief the vendors on the commission's security studies. But there is progress being made on what requirements the NRC staff would like to see state people have to get access to that information.

Ms. Beetem turned the floor over to Tye Rogers, who provided a briefing on *EnergySolutions' application to import 20,000 tons of low-level waste* from Italy for processing and disposal in the United States. Mr. Rogers said the largest application prior to this effort had been to import 6,000 tons of material. He acknowledged that 20,000 tons seemed like a lot of material, but the actual amount to be disposed would be very small. Most of the waste would be recycled in the U.S.

Mr. Rogers explained that EnergySolutions is a conglomerate of several different companies with experience in environmental restorations, remediation, and waste disposition. EnergySolutions employs 5,000 employees, 2,500 of which are outside the U.S. The company has won numerous safety awards. Mr. Rogers emphasized that EnergySolutions specializes in a highly regulated industry, with audits by State, federal, regulatory, and commercial entities.

Mr. Rogers said the imported waste would be processed in Tennessee at one of two metal melting facilities in the world. The melted recycled metal would be used to make blocks for use in nuclear plants. The material coming from Italy would be similar to what EnergySolutions had handled before.

The public comment period for the license application had ended on June 10, 2008. A few hearings have been requested – one from the State of Utah, another from the Nuclear Information and Resource Service. Mr. Rogers said EnergySolutions already has all the necessary licenses and permits to do the work – the company just needs the import/export license from the NRC.

Mr. Rogers addressed news reports that EnergySolutions does not know what is actually in the waste coming from Italy. He said that was true, in part, but the application was written to envelope the range of materials that *could be* in the waste. Plus, the company would do very extensive characterization in Italy to make sure they know what they're receiving. All the waste would go to Tennessee first, where the first step would be another verification to make sure the waste meets the waste acceptance criteria. In the worst case scenario of all the checks and balances failing, EnergySolutions would still be able to ship the waste back to Italy. In other words, no "orphaned" foreign waste would be stranded in the U.S.

All shipments would comply with the requirements of the IAEA's TSR-1 and DOT regulations. The waste would come over from Italy in 20-foot ISO cargo containers (Sealand). The transport work in Italy is being planned through Edlow. The ISO containers would be transported by truck in Italy to a port, then travel on exclusive-use ship for ocean voyage to the U.S. The ship would enter either Charleston, SC, or New Orleans, then the containers would be trucked into the Tennessee facility (Bear Creek in Oak Ridge). In addition to the melt facility, Bear Creek has compaction and incineration capabilities, as well.

Hittman Transport will do the transport work in the U.S. After all the treating and processing, only 1,600 tons of the waste would be disposed of at the EnergySolutions facility in Utah. Mr. Rogers said the trend for low-level waste volumes being disposed was on its way down. The imported waste would be an insignificant part of the total remaining capacity at the Clive, Utah, facility, which is 150 million cubic feet. Mr. Rogers said 99% of all the comments that have come into the NRC deal with capacity issues, but EnergySolutions did not feel this was an issue.

Mr. Schwarz asked about liquids. Mr. Rogers said EnergySolutions would incinerate any liquids in Tennessee. Mr. Strong asked what the source of the waste was. Mr. Rogers said most of it was waste from decommissioning, but some was operating waste.

Mr. Strong commented that he had always thought there was a tenuous relationship between Envirocare and the Northwest low-level radioactive waste compact. He always thought eventually there would come an issue that would strain the relationship as to the Northwest compact insisting they really do have a regulatory role over the facility in Clive. He asked Mr. Rogers to comment on this relationship.

Mr. Rogers said the Northwest Compact has a disposal facility that was licensed under the Compact in Richland, Washington. None of the waste that is generated in Utah, e.g., can go to EnergySolutions. Under the Compact system, it has to go to Richland. EnergySolutions started receiving waste in 1988. The facility was not licensed under the compact and had no involvement with the compact until 1991. In that year, the state of Utah requested that the Northwest Compact do a resolution and order to allow the facility, then Envirocare, to take waste. EnergySolutions has always maintained that the Compact has no authority over the facility. But it never was really ripe to argue, because it wasn't hurting the company to go along with the Compact's action. Legal opinions since 1991 have said the compact does not have authority over the facility. Indeed, EnergySolutions never signed on to the resolution and order.

Mr. Rogers said EnergySolutions is a private company and feels that the Compact has no authority over the facility. The Northwest Compact met in May, though, and decided the current resolution and order did not allow EnergySolutions to import foreign waste. EnergySolutions petitioned for a declaratory judgment from the court that the compact has no authority. Mr. Rogers expected a decision by the end of the year. He said it was up in the air whether the NRC would issue the import/export license before the court had issued its decision. He said the NRC has distinct criteria regarding the basis for license approval, and none of those is that a company would need compact approval.

Mr. Runyon asked whether the waste was primarily surface contaminated metals. Mr. Rogers said mostly, but some will be activated. The waste that would be recycled is just surface contaminated. The majority of the metal would come from the support buildings, not the containment.

Ms. Beetem said that, as Midwestern states, the committee was interested in the impact of transportation. Mr. Rogers said the whole project would produce 5-6 railcars per year for five years. By comparison, EnergySolutions accepts about 1,600 shipments per year right now. The waste would travel by rail because that is the most economical way. Most of the waste would be ash. Metal melt and recycling will produce slag. Some of the resins will be incinerated, but some resin beads will have to go to EnergySolutions. The waste would be packaged in individual containers inside the rail cars – the ash in 55-gallon drums, for example. There would be liners inside the rail cars.

In response to a question from Mr. Schwarz, Mr. Rogers said the waste would be classified as LSA I. He clarified that the final classification would depend on the shipment and activity, but the company thought it would all be LSA I. EnergySolutions can only take Class A waste.

Mr. Rogers said the NRC fact sheet was a great resource. Ms. Beetem added that the public comments are available on the NRC web site. Mr. Rogers said the EnergySolutions web site also has information on the proposal.

Mr. Schroeder provided a report on the *Western region's activities*. The WIPP Transportation Advisory Group (TAG) had met in Tempe in April, and the WGA annual meeting was coming up the following weekend in Jackson Hole, Wyoming. The governors will be considering several policy resolutions that were sunseting after three years. One resolution addressed cleanup of DOE facilities and another

pertained to transportation. Mr. Schroeder anticipated that the governors would renew both resolutions, which guide the work of the WGA committee.

On the subject of the NRC's RAM QC rulemaking, WGA had sent in comments in support of consistent treatment of all shipments through the states. The West also recommended that the NRC establish its rule as part of the NRC's public health and safety mission instead of security.

Mr. Schroeder handed out WGA's new brochure on transportation, which highlighted the WIPP protocols and what DOE has in place for shipments. The brochure is available on the WGA web site. Mr. Schroeder said WGA might do a new fact sheet on the small-quantity site shipments.

WGA is revising the WIPP Transportation Safety Program Implementation Guide (PIG). Mr. Schroeder explained that the WIPP PIG is the set of protocols negotiated between DOE and WGA for the conduct of WIPP shipments. One outstanding issue with the revision has to do with state involvement in selection of the carriers. Mr. Schroeder explained that the PIG defines a role for the states in selecting the carriers, which has happened in the past. During the latest contract review, however, DOE's new procurement office took over the review from the CBFO and left the states out. Mr. Schroeder said this was the last unresolved issue and the states and DOE hoped to work it out soon.

The WIPP TAG had written to Tennessee to encourage the state to conduct inspections of the new carrier (Visionary Solutions), which is part of the WIPP PIG. Colorado, for example, conducts the inspection of the other carrier (Cast).

And finally, Mr. Schroeder reported on the radiation specialist training that was happening in Idaho Falls this very week. The training is the pilot of phases 1 and 2. Tom Clawson plans to offer another class in the future. Mr. Schroeder said he would pass information on to Ms. Janairo as soon as that course was scheduled.

Mr. Wells reported on the *Southern states' activities*. The SSEB committees had met in Lexington, Kentucky, at the end of May. The meeting included a one-day TEPP meeting, for which Mr. Wells thanked Ms. McNeil. Regarding the WIPP carrier audit, Mr. Wells said there was interest within Tennessee to make those happen.

Mr. Wells mentioned that he had recruited CSX to be on the agenda at the SSEB meeting after hearing that CSX had a memorandum of agreement with a locality in Maryland to share information on when trains were coming through. The CSX speaker had mentioned a pilot program in New Jersey and another state where they were testing this procedure.

With regard to the cut in DOE funding, Mr. Wells said he intended to keep trying to meet twice per year. He would also be trying to update the region's radioactive waste transportation handbook.

There were several transportation-related exercises coming up in the South. Mr. Wells said his office would be videotaping an upcoming exercise because he felt it would be a good public outreach tool. The new video will include footage from the hospital portion of the training. Mr. Wells added that DOE had contacted Georgia about doing a commodity flow study in the state.

Finally, Mr. Wells reported on an interesting project his office is undertaking with the Department of Homeland Security's Office of Domestic Nuclear Detection. This office is placing radiation monitors at weigh stations to detect weapons of mass destruction. The pilot project involves most of the southern

states, which all belong to the Southern Mutual Radiation Assistance Program, so it made sense for DHS to contact Mr. Wells about the project. Mr. Wells said he thought the activity would present a good set of lessons learned for future things that could occur with the 180c program.

The members briefly discussed EM's commodity flow studies. Ms. Beetem said it appeared the purpose of the reports was to show how small DOE's contribution was to the number of hazardous materials shipments passing through the states. Ms. McNeil said the reports did have merit, and noted that DOE had received an award for the studies. Ms. Janairo said the question was not the value of the commodity flow studies – it's whether EM should be funding them. Ms. McNeil acknowledged that DOT grants were available to the states to do week-long commodity flow studies.

Ms. Offner added to her OCRWM update, saying that the program had six more fact sheets in the works and wanted input from the state regional groups. She would leave it up to each group as to how they want to review it. Ms. Offner added that she anticipated convening the Communications Topic Group in October or November but would like to conduct the fact sheet review before then.

The committee then *resumed the business session*. The first item of business was to review the proposed changes to the text of the *Planning Guide*. Mr. Mackie raised an issue regarding the states' desire to review and comment on the draft carrier management plans. The committee agreed to a wording change that would make it the shipper's responsibility, not the carrier's, to provide the states with the draft plan. The states also agreed that the WIPP contract's scope of work would be an acceptable substitute for the carrier management plan. Mr. Schroeder will e-mail Ms. Janairo a PDF of the most recent scope of work. Committee members also placed their orders for copies of the printed *Planning Guide*.

After some discussion of the existing key issues regarding the OCRWM program, the committee decided to organize an ad hoc working group to identify new issues and prioritize the issues, which would then help to focus the committee's activities in the coming years. Ms. Beetem, Mr. Leuer, and Mr. Runyon will serve on the working group. Ms. Janairo will set up a conference call of the working group in July.

Ms. Janairo sought the committee's feedback on the customized prospective shipments reports. The states were universal in their support for continuing to produce the reports and to beef up their content. Ms. McNeil said that she, too, liked what CSG Midwest had done and hoped to work with Ms. Janairo and Julia Phifer on the EM staff to further develop the reports.

Ms. Janairo read through her list of priorities for FY09 and once again made a plug for a committee member or two to write papers for presentation at the Waste Management conference.

The committee reviewed the lead state assignments. Ms. Dresen will replace Mr. Woodall on the work group addressing state capabilities. In response to a suggestion from Ms. Offner, Ms. Janairo will expand the scope of the transportation planning work group to include participating in benchmarking activities instead of just reviewing and commenting on benchmarking reports.

Ms. Janairo pointed out the changes that would be necessary to bring the committee's OCRWM project timeline up to date. She asked for ideas as to the best way to publicize the timeline. The committee agreed that the OCRWM issues ad hoc working group should brainstorm about ideas for distributing the timeline.

Minnesota was next in the rotation for committee meetings. In light of the budget cut, however, as well as the prospect of cold weather in December, the committee agreed to hold the meeting in the Chicago area – perhaps near CSG Midwest’s office in Lombard. The meeting is tentatively set for December 16-17. The spring 2009 meeting will take place in Minnesota.

Ms. Janairo mentioned that, with the MLC annual meeting taking place in July, the committee had an opportunity to bring to the attention of the MLC whatever issues it felt were important. After some discussion, the committee agreed to let the new ad hoc work group identify potential issues to address in a resolution or in correspondence with the MLC.

Ms. Beetem asked if there were any other issues the states would like to discuss. Ms. Rasmusson commented on a media release in Nebraska that had resulted in inquiries in Iowa. She thought it might be good for the states to band together on the issue of communications. That is, if any state issues a media release or receives an inquiry, the committee member from that state should let Ms. Janairo know so that she can alert the other states.

Ms. Janairo agreed to send the meeting action items via e-mail. Ms. Beetem thanked everyone for coming and adjourned the meeting at noon.