



Midwestern Office

April 30, 2009

Frank Moussa  
U.S. Department of Energy,  
OCRWM Office of Logistics Management  
1000 Independence Avenue, SW  
Washington, DC 20585-0001

Dear Mr. Moussa:

On behalf of CSG's Midwestern Radioactive Materials Transportation Committee, we are writing to relay the Midwestern region's comments on OCRWM's National Transportation Plan (DOE/RW-0603, Rev. 0). The attached comments supplement the broad themes that the Midwest expressed in our joint letter with the regional groups in the Northeast and the West, dated April 30, 2009.

The brevity of our comments reflects the level of detail OCRWM included in Rev. 0 of the transportation plan. We intend to provide a much more extensive set of comments in the future when OCRWM produces a truly comprehensive national transportation plan. We look forward to working with you to develop such a plan.

Please contact Lisa Janairo at 920/458-5910 if you have any questions about the Midwest's comments.

Sincerely,

Kevin C. Leuer  
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Materials Transportation Committee

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enclosure

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

Comments on OCRWM's National Transportation Plan (DOE/RW-0603, Rev. 0)

p. 1, footnote 1: In addition to the plans listed, it will be critical for DOE to develop a comprehensive, very detailed communications plan.

pp. 4-5, dedicated train decision: In addition to citing favorable economics and greater flexibility as advantages of dedicated trains, DOE should also address the other benefits identified by the National Academies in its 2006 report *Going the Distance* (e.g., p. 18, "safety, security, communications, planning, programming, and public preference").

p. 5, bullet points on modal choices to supplement rail: DOE needs to communicate with the states very early in the process to determine what mode is appropriate for shipping from sites that do not have direct rail access.

p. 12, Rolling Stock: Currently, the railroads are facing a surplus of equipment. Given the situation and the possibility that such surpluses will continue well into the future, why is DOE not considering leasing rolling stock such as buffer cars instead of purchasing these items? Also, does DOE plan to purchase locomotives or lease them?

p. 16, Assessment of Existing Infrastructure: How is DOE going to handle the spent fuel that has already been put into dry storage casks?

p. 16, Campaign Planning: Managing "shipments according to DOE's disposal contracts with commercial utilities" is incompatible with DOE's goal of providing "efficient" transportation. DOE needs to develop answers to some critical questions of queue before any serious campaign planning can begin. For example, how will DOE handle shutdown, decommissioned reactors such as Big Rock Point, where all that remains is a dry storage facility? Will DOE require the utility in this case to repackage the spent fuel in TADs? Will the spent fuel in dry casks be assigned a place at the end of the shipping queue? Will utilities bear the cost of bringing in the necessary crane to load the waste onto rail cars? And, regardless of who pays for the crane, will the equipment be brought to the site just once to reduce costs and take advantage of the available expertise, or will the waste be removed in small batches over a number of years?

Also, the plan states that "a site campaign plan will be developed annually for each origin site scheduled to ship material to the repository." On p. 17, the last bullet is "Identification of actual routes," and in the final paragraph of this section it speaks about providing such detail "at least two years prior to the initiation of the campaign." This seems inconsistent with the timeframes embodied in the draft Section 180(c) policy of identifying proposed routes 3-4 years ahead of a shipping campaign so that states can conduct their planning training activities. Perhaps these site campaign plans should be developed starting at least 4 years prior to actual shipments, and updated annually thereafter.

p. 17, Inspections: The plan needs to address interim, en route inspections. Reliance on the FRA SCOP is not going to satisfy the needs of the states. In fact, the inspection policy cited in this section was superseded by the SCOP. Also, DOE needs to give more serious thought to establishing a reciprocal rail inspection analogous to what CVSA has developed for truck shipments. The CVSA Level VI inspections were developed with financial and technical assistance from DOE, therefore it is appropriate for DOE to fund and otherwise support the development of a rail inspection program, considering the department's decision to use rail as the preferred mode for shipping commercial spent fuel and high-level waste.

p. 19, Weather and other natural phenomena: the requirement that drivers follow the directions of local law enforcement in the event of bad weather needs to be extended to apply to shipments by all modes, not just truck.

p. 19, Security Planning: DOE's statement about meeting or exceeding NRC requirements for security planning refers solely to 10 CFR Part 73 and, therefore, is too limited. The commitment to meet or exceed security requirements that apply to commercial shipments should include the NRC's additional security measures (currently in orders), and also the DOT 49 CFR rulemakings on security. Also in this section, DOE needs to clarify that the "armed escorts" accompanying all shipment will be military or law enforcement personnel, not security guards for hire. The states have laws about what personnel are authorized to carry weapons.

p. 19, Operational Readiness Reviews: The text should state explicitly that operational readiness reviews will involve "State, Tribal, and local officials" all along the shipping routes, not just at the points of origin and the repository.

p. 20, Benchmarking: This section creates the impression that the May 2007 benchmarking report focused on "transportation service providers," whereas the report actually looked at three federal programs: WIPP, the Naval Nuclear Propulsion Program, and domestic and foreign research reactor spent fuel shipments. Also, the "current benchmarking findings" cited in Rev. 0 of the NTP differ slightly from the ones identified in Table 1 of the May 2007 report. For example, the first bullet under "Stakeholder Relations" in the NTP is "focus on safety and technical operations," whereas this finding in Table 1 is "focus on safety as the basis for relationships." Similarly, "collaborate on shipment planning" in the NTP was originally "make cooperative shipment planning the rule, not the exception" in the May 2007 report. Unless DOE is revising its findings after the fact, the NTP should accurately reflect the preliminary findings identified in Table 1 of the May 2007 report.

p. 20, Operations Development Acquisition Strategy: The first sentence refers to DOE's plans "to contract with private industry to the maximum extent possible to conduct shipments." Is this statement DOE's way of affirming the requirement in Section 137(a)(2) of the NWPA to "utilize by contract private industry to the fullest extent possible in each aspect of ... transportation." If so, it would be good to include more details about the activities that will remain under the purview of DOE personnel, such as the institutional program and route identification. Also, DOE should be aware that, without sufficient funding to keep the regional cooperative agreement groups in place, DOE may not have any "ongoing relationships with States" to manage. The department will have to build these relationships from scratch – a process that took over a decade to achieve the first time around.

p. 22, Local Interactions: DOE needs to coordinate with state organizations whenever there is communication directly between local governments and DOE.

p. 25, Preliminary Suite of National Routes: To avoid confusion, this section should precede the discussion of Truck Routes and Rail Routes. Also, in addition to mentioning the representative routes analyzed in the EIS, this section should cite the work on routing done by the regional groups in the Midwest and the Northeast.