

May 7, 1997

Mr. Lake Barrett, Acting Director
Office of Civilian Radioactive Waste Management
Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Mr. Barrett:

The Midwestern High-Level Radioactive Waste Committee has reviewed OCRWM's draft request for proposals (RFP) entitled, *Acquisition of Waste Acceptance and Transportation Services for the Office of Civilian Radioactive Waste Management*. The comments included in and attached to this letter represent the collective views of the 12 Midwestern states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Nine of the Midwestern states are home to commercial nuclear reactors, and seven are likely to be on the main corridors for shipping spent nuclear fuel to a Western repository. Consequently, we have much at stake in the privatization of the transportation system.

We are grateful to OCRWM for granting a 45-day extension of the comment period. The 90-day extension we requested, however, would have enabled us to feature the draft RFP on the agenda of our spring meeting. In the future, we hope that OCRWM will do everything in its power to give stakeholders an opportunity to provide the most thorough, well-considered comments possible on major policies and documents.

After careful review, the Midwestern states have found the RFP to be wholly unacceptable. Simply on mechanical grounds, we found the document to be clumsy in format and, therefore, extremely difficult to navigate. "Section" refers to both major and minor divisions, appendices are assigned the same letters as sections, and the page numbering is inconsistent. To get a complete picture of a single program requirement, one must consult several different sections of the document. Such a labyrinthine design is, in our opinion, both unnecessary and counter-productive.

Second, the RFP contains far too many items marked "To be determined" to make this draft anywhere near complete. Why, for instance, do the applicable DOE orders have yet to be determined? OCRWM must fill in the numerous blanks that are not contingent upon dates or legislation and release a second draft for comment.

Our greatest concern, though, is that the draft RFP pays mere lip service to what we consider to be a critical component of the Civilian Radioactive Waste Management System, namely the institutional program. We are deeply alarmed at the RFP's lack of attention to institutional issues, which, as you know, have been the focal point for the Midwestern High-Level Radioactive Waste Committee for the past seven years.

As you are also aware, the committee is only one of several groups that have been working with OCRWM over the past decade to identify, prioritize, and attempt to resolve major stakeholder concerns such as routing and emergency response training. The Western Interstate

Energy Board, the Southern States Energy Board, the Council of State Governments' Eastern Regional Conference, and DOE's own Transportation External Coordination Working Group have also devoted a great deal of time and effort to addressing these issues in order to make OCRWM's transportation system responsive to and, therefore, acceptable to the states. Until recently, the program was on the right track. In the last two years, however, we have noticed a disturbing trend in OCRWM's management of the transportation institutional program — one which calls to mind DOE's old “decide-announce-defend” approach of earlier years.

Ironically, this regression is taking place even as other offices within DOE are becoming more open to stakeholder involvement. The Office of Environmental Management, for example, has developed a *Program Manager's Guide to Transportation Planning*, which, presumably, will apply to OCRWM's transportation program. Section III of the guide, entitled “Stakeholder Involvement,” begins with a few choice statements:

Stakeholder involvement in transportation planning is one of the areas that can ensure a program's success. Transportation, particularly of radioactive or other hazardous materials and hazardous wastes, is a highly visible activity that the public and state, tribal, and local authorities want to see safely accomplished. Early and substantive involvement with key stakeholders and the public can minimize public disputes, costly delays, and the potential for litigation (*Program Manager's Guide*, p. 9).

We are dismayed that — after a decade of working with the states and other stakeholders, and with resources such as the *Program Manager's Guide* at its disposal — OCRWM could have produced a draft RFP that fails to provide stakeholders with any semblance of “substantive and early involvement” in the development of the transportation system. We've said it before and — if the draft RFP is an indication of the direction in which OCRWM is heading — we'll say it again: *the success of the entire Civilian Radioactive Waste Management System depends ultimately on OCRWM's commitment to ongoing substantive stakeholder involvement*. The “involvement” proposed in the draft RFP falls far short of the mark. This shortcoming in and of itself makes the draft RFP unacceptable.

We feel it is necessary for OCRWM to prepare a revised draft RFP for comment later this year. We hope that our comments will help OCRWM to prepare a blueprint for privatization that is responsive to the needs of the states. To further assist in this regard, we recommend sponsoring another pre-solicitation conference to discuss the second draft. In addition, OCRWM should provide additional funding to the Midwestern High-Level Radioactive Waste Committee and its counterparts to send two representatives from each region to the conference. To discuss a document that will have an impact on most states in the nation without including those states in a face-to-face dialogue is imprudent, to say the least.

Finally, we would like to respond to Ronald Milner's letter accompanying the draft RFP, in which he stated that, “If state or tribal policy makers believe that there are specific additional requirements beyond those identified in the regulations that are essential for successful spent fuel transportation operations, they should provide the needed justification to support OCRWM in seeking the budget authority necessary to carry out those activities.” We would like to point out the obvious: *it is OCRWM's job, not that of state or tribal policy makers, to compile the institutional activities from the past decade into a compelling argument for extra-regulatory activities*.

Surely OCRWM's transportation institutional specialists and their contractors have kept copious notes covering everything they have said or heard in their dealings with state organizations over the years. It is incredible that representatives of OCRWM could have worked with the states so extensively — diligently sitting through countless meetings, collecting scores of written reports, reviewing reams of comments on *Federal Register* notices and program publications — and yet *not* be prepared to defend a budget request to cover extra-regulatory activities.

Although it is clearly OCRWM's task to defend its own budget request, we are more than willing to assist in this endeavor. We suggest that OCRWM argue along the following lines:

1) As noted in the *Program Manager's Guide to Transportation Planning*, “early and substantive involvement with key stakeholders and the public can minimize public disputes, costly delays, and the potential for litigation.” The repository site-characterization program provides a sobering example of what can happen when stakeholder concerns are not adequately addressed.

It is widely known that a number of environmental activist groups oppose spent nuclear fuel transport. Furthermore, the ability of these groups to influence “mainstream” individuals is well documented in a study commissioned by DOE's Office of Environmental Management.¹ OCRWM should argue, therefore, that a sound institutional program could be the means to avoid potentially costly delays associated with strong, widespread opposition to the transportation system.

2) DOE's other program offices have set precedents which states and other stakeholders now expect OCRWM to follow. The shipping campaigns involving TRU waste, foreign fuels, cesium capsules, even low-specific activity nitric acid all have employed or will employ extra-regulatory measures to enhance safety and, thereby, assuage stakeholder concerns. To hold the shipment of something as relatively innocuous as LSA nitric acid to a higher standard than spent fuel shipments would be to turn transportation safety on its head.

In a letter to our colleagues on the Northeast High-Level Radioactive Waste Transportation Task Force, Ms. Jill Lytle, EM Deputy Assistant Secretary for Nuclear Material and Facility Stabilization, stated DOE's commitment to the (extra-regulatory) inclusion of states in shipment planning for the foreign-fuels shipments:

The Canadian research reactor operators and their transportation carrier(s) are funding and managing these shipments and are ultimately responsible for determining final modal and routing selection. However, since DOE is responsible for the overall [foreign fuels] acceptance program, *DOE requires that transportation carriers participate in a transportation planning process involving regional government organizations, such as the Council of State Governments. . . . DOE will continue to use the regional group process of working with the Council of State Governments–Eastern Regional Conference, in cooperation with the operators/carrier(s), to consider modal, routing, training and emergency preparedness issues during transportation planning discussions and in the development of an actual transportation plan* (emphasis ours).

¹Hank C. Jenkins-Smith, Amy Fromer, and Carol L. Silva, 1996, *Transporting Radioactive Materials: Risks, Issues and Public Perspectives*.

OCRWM must realize (and, therefore, should argue) that, if one of DOE's programs makes such a commitment — a commitment that applies to *foreign* carriers — states will expect other programs, especially those with larger shipping campaigns, to do the same.

The planned WIPP shipments, we believe, have set the standard for all highly visible DOE shipping campaigns involving radioactive materials. For example, page XII-1 of WGA's *WIPP Transportation Safety Program Implementation Guide* describes what we believe is the logical approach to route selection for large-scale shipping campaigns: "*DOE, with cooperation from the states, . . . identified specific Interstate System highway routes for WIPP shipments well before the actual shipments*" (emphasis ours).

The Midwestern High-Level Radioactive Waste Committee expects the transportation program of the Civilian Radioactive Waste Management System to follow standards and procedures that are *at least as strict* as those put in place for the shipment of TRU waste to the WIPP site. We will not accept anything less. OCRWM must, therefore, revise the draft RFP to include extra-regulatory provisions that are similar if not identical to the ones established for the WIPP shipments.

We have attached a detailed set of comments to supplement those expressed in this letter. The committee strongly urges OCRWM to consider our comments carefully before embarking upon a privatization scheme guaranteed to undo the decade or more of work that went into building a solid foundation for the transportation institutional program.

We appreciate the opportunity to comment on the draft RFP, and we look forward to the release of a revised draft for comment. If you have any questions about the committee's comments, please contact Lisa R. Sattler, the committee's lead staff person, at the Council of State Governments' Midwestern Office (630/810-0210).

Sincerely,

David J. Cröse, Director
Technological Hazards, Indiana State
Emergency Management Agency, and
Chair, Midwestern High-Level
Radioactive Waste Committee

**The Council of State Governments
Midwestern High-Level Radioactive Waste Committee**

Comments on DOE's *Acquisition of Waste Acceptance and Transportation Services for the Office of Civilian Radioactive Waste Management*

Section C

p. 1 The draft RFP should address how OCRWM plans to transport the high-level radioactive waste destined for the repository. According to the RFP, "the objective of this procurement is to contract with private industry for the provision of waste acceptance, transportation, and delivery services, and storage equipment for commercial *spent nuclear fuel*" (emphasis ours). No mention is made of how OCRWM will handle these services as they apply to high-level radioactive waste.

The draft RFP should also explain OCRWM's rationale for believing that awarding fixed-price contracts will "foster competition and innovative approaches." The committee is skeptical that this approach will foster *either* competition or innovative approaches. The two–four RSAs that are selected in the first round will spend one year planning, eight years acquiring, and five years shipping. During the five-year shipping period, when they can begin to charge costs to OCRWM, the RSAs will undoubtedly recoup their costs as quickly as possible. Having already received payment for much of their equipment, the existing RSAs will have a clear advantage over new competitors when the time comes to bid on the second round of contracts. As a result, the only competition that can be hoped for will be between the original group of RSAs. Such a system does not seem inclined to foster competition.

The committee would also like to see some indication that OCRWM has considered the full range of costs and benefits associated with its decisions. When OCRWM states that it desires RSAs to "produce results at a best value" for the waste-management program, does it include in this estimate the potential costs of legal challenges to shipments? As noted in DOE's *Program Manager's Guide to Transportation Planning*, "[e]arly and substantive involvement with key stakeholders and the public can minimize public disputes, costly delays, and the potential for litigation." Conversely, by not involving stakeholders, OCRWM will increase the chances of legal action intended to stop or delay shipments. Since such delays would increase the cost of the waste-management system, the committee believes OCRWM should address their impact in the draft RFP.

p. 3 The proposed regional structure would create a system in which corridor states in the Midwest would have to deal with three or four different RSAs for shipments traveling the same routes. Such a system seems needlessly complicated and is bound to create confusion. Dividing the work by transport mode would alleviate this problem, but the states would still have to work with two or more agents.

The most sensible approach would be to have servicing agents work through a central coordination point so that the states would deal primarily with the

coordination point. We believe OCRWM would be the logical choice for the coordination point. This system would reduce duplication of effort, such as compiling information on appropriate state contacts. It would also eliminate the possibility that shipments from the East, for example, would have to meet different standards or follow different procedures than those from the South.

Also, the committee believes OCRWM should amend the draft RFP to require RSAs to use dual-purpose systems whenever possible. If OCRWM is truly interested in securing "the best value" for the program, why not require the use of dual-purpose systems whenever Purchaser capabilities are sufficient for doing so? Very recently, the storage and transportation components of the Civilian Radioactive Waste Management System focused entirely on the use of multi-purpose canisters, in part because of the cost advantages associated with such a system. With the Navy planning to procure dual-purposes canisters to manage its spent naval fuel, it would seem that the market would already be sufficiently well developed to guarantee a reasonable price.

- p. 4 OCRWM needs to provide more detail on the type and scope of interaction it envisions between state and tribal governments and RSAs in the matter of route selection. According to the draft RFP, RSAs "shall determine the transportation routes in accordance with the regulatory requirements of the Department of Transportation. . . . Also, the RSA shall interact with State and Tribal governments as necessary to support selection of the shipping routes." How does OCRWM interpret the phrase "as necessary" in this context? How will this interaction "support the selection of the shipping routes"? As we have stated previously, the committee strongly objects to OCRWM's plan to adhere strictly to DOT regulations and let the carrier select the route. We believe OCRWM should instead follow the example set by other shipping campaigns in which DOE selected the routes, in cooperation with the states, and then enforced the route selection in contracts with its carriers.²

Also, the draft RFP states specifically that, in the event of an emergency, "Emergency response will be provided by local units of government, States, Tribes, or by appropriate Federal agencies, such as the Federal Emergency Management Agency, if requested by the State or Tribal governments." However, there is no provision for emergency response training, or a means for recovering state, tribal, and local government expenses resulting from an accident and the related emergency response efforts. The final RFP should include such provisions.

- p. 9 OCRWM needs to provide additional information regarding the RSAs' "performance of institutional and outreach activities with the public and representatives of local, State and Tribal organizations." What types of activities will OCRWM expect RSAs to perform?

Also, we note that "the selection of routes" will occur during the pre-operational period, a full eight years prior to the first shipments. Requiring RSAs to select

²A prime example would be the WIPP shipping campaign.

routes so far in advance of shipments would seem to be an extra-regulatory requirement for which OCRWM does not provide compelling justification. While the committee has consistently advocated early route selection, we believe eight years is too much lead time. If the routes are chosen that far in advance, they are likely to change in the event of external factors such as road construction.

The third paragraph of this page refers to "the NRC-licensed Federal Facility for canistered SNF." Where is this facility? If it does not yet exist, where does OCRWM plan to locate it?

- p. 10 The committee again requests clarification of what kinds of "public involvement" activities will take place, in this case during Phase C of the contract. Does OCRWM consider states and tribes to be part of the "public"? If not, then the draft RFP should make specific reference to how RSAs will interact with state and tribal governments during Phase C.
- p. 12 OCRWM should provide specific information on the DOE Orders that will apply to the actions described in the RFP.
- pp. 14-15 Quality assurance, environmental impact and monitoring, and radiation protection are all referenced very briefly in the draft RFP. In some subsequent document, each of these items should be addressed in more detail. The committee would like to review any additional information prior to release of the final RFP.
- p. 15 OCRWM needs to describe in detail how "the RSA will communicate with and provide information to the public and local, State, and Tribal organizations." How does OCRWM interpret the phrases "communicate with" and "provide information to?" Will the states be involved in making decisions, or is the "communication" strictly intended to be one-way? If the process is one-way, then how does OCRWM distinguish "communicate with" from "provide information to?"

We are also troubled by the requirement that "[a]ll public information regarding RSA activities shall be reviewed for technical accuracy and policy by OCRWM prior to release by the RSA." We agree with the principle behind this requirement. We are concerned, however, that, in practice, the review process will lead to lengthy delays in getting the information out to stakeholders. We hope that OCRWM will structure its internal review procedures to avoid any delays.

- p. 20 The committee believes that Section 4.2.2.5 (Establish Communications and Coordination) should include states in the group of organizations with whom the RSAs will regularly communicate. This section states that the "RSA shall establish and maintain communications with the other RSAs, the Federal Facility operator and OCRWM for the purpose of ensuring that these organizations are cognizant of the status of the overall program activities and any problems or issues that may affect their operations." We submit that the states, who may choose to inspect shipments and who are ultimately responsible for responding to any emergencies that might arise during the shipment, should also be ap-

prised of the “status of the overall program activities and any problems that may affect their operations.”

This section goes on to state that “the RSA shall participate in quarterly coordination meetings hosted by OCRWM” as part of its activities related to planning and preparing “for any likely incident, emergency or accident condition that might arise during its operations.” No mention is made of states participating in these coordination meetings. The committee believes OCRWM should include states in these meetings to ensure that all potentially affected parties have the same information regarding emergency planning.

Section 4.2.2.6 states that RSAs will be expected to “establish and maintain a technical capability to respond to State, local, and Tribal emergency response personnel requests for expertise and information during accidents or incidents occurring during shipment . . . for those shipments originating from Purchaser sites within the RSA’s region.” We have two concerns with this statement. First, will the RSAs be able to provide actual assistance — in the form, e.g., of personnel or equipment — in responding to accidents rather than just “expertise and information”?

Second, why is this requirement limited to shipments that originate in the RSA’s region? If a shipment originating in Maine, for example, is involved in an accident in Nebraska, would the Nebraska state and local emergency responders have to deal solely with the RSA from Region 1 rather than the one handling Region 4? What would the response time be for an RSA in Region 1 to reach an accident site in Nebraska? How would this compare to the response time for the nearest RSA (presumably the one for Region 3 or 4)? Rather than having RSAs assist with accidents that involve shipments from their regions, it would seem more sensible to require them to assist with accidents that either occur in their regions or to which they are the nearest agent.

Other than the vague “coordination” language referenced above, the draft RFP is silent on the general issue of preplanning. There is no indication that the RSAs (or OCRWM) would have any responsibility for either participating in individual state (shipment campaign) planning, training, or exercise activities, or for conducting planning, training, or exercises in which the states could participate.

Section 4.2.2.8, Establish an Institutional Program, requires RSAs to provide OCRWM with copies of all revisions to the Institutional Plan, but no mention is made of OCRWM reviewing and/or approving those changes. The committee believes OCRWM should take a more active role in developing, approving, and modifying the institutional plans.

Also, this section states that “the RSA shall provide technical support and assistance related to RSA operations in support of OCRWM’s or the Federal Facility’s institutional program.” Would Section 180(c) of the Nuclear Waste Policy Act be considered part of OCRWM’s institutional program? The draft RFP gives no indication of what role, if any, the RSAs will have in implementing Section

180(c). As part of the Nuclear Waste Policy Act, Section 180(c) is an issue of great importance to the Midwestern states. If the RSAs are going to be involved in implementing Section 180(c), then the committee would like to review OCRWM's plans for having them do so.

p. 23 The reference to Section 4.2.2.9 under Section 4.3.4 should be to Section 4.2.2.8. Also, what distinguishes the Institutional Activities of Phase B from those that will occur during Phase C?

p. 28 Part 7.4, Shipping Notification, makes no mention of pre-notification to states. In addition to the required seven-day notification, the Midwestern states would like to receive a courtesy call several hours before a shipment crosses the state border. DOE has followed this procedure successfully in the campaigns to ship LSA nitric acid, cesium capsules, and foreign research reactor spent fuel.

Appendix A The committee strongly urges OCRWM to change the Servicing Regions to match the regions currently served by cooperative agreements with the Council of State Governments, the Southern States Energy Board, and the Western Interstate Energy Board. In the case of the Midwestern region, for example, adding Kansas and Nebraska to Servicing Region 3 would affect only three facilities. The states have already established solid working relationships with each other based on the cooperative-agreement group regions. It would be extremely short-sighted, therefore, for OCRWM to alter the regional groupings at this stage in the process.

Appendix B The second paragraph states that the "allocation to each Purchaser is based on the 1995 Acceptance Priority Ranking with all spent nuclear fuel owned by the Department of Energy deleted." The exclusion of DOE-owned spent fuel needs clarification. Specifically, the committee would like to know whether the quantities of spent fuel in Table 1 of the APR, for which DOE is listed as the Purchaser, are included in the waste acceptance schedule defined in the draft RFP. The quantities of concern to the Midwest are listed below.

Fuel Originator and Type	Assemblies	MTU	Year
Big Rock 1 (BWR)	47	6.4	1
Point Beach 1 (PWR)	3	1.2	1
Big Rock 1 (BWR)	38	5.2	2
Point Beach 1 (PWR)	3	1.2	2
Dresden 1 (BWR)	2	0.3	3
Point Beach 1 (PWR)	3	1.3	10

Source: DOE/OCRWM, *Acceptance Priority Ranking & Annual Capacity Report* (DOE/RW-0457; March 1995), Appendix B.

The draft RFP refers to "an additional breakdown [showing sub-allocations to sites or reactors] . . . [being] available prior to release of the final Request for Proposal." The committee would like to see a copy of that breakdown, ideally in the second draft of the RFP, but certainly well before the final RFP is released so that we can provide additional comments as necessary.

Also, in each of the tables on pages B-3–B-6, the word processing software used to create the draft RFP has converted “1/2” to “½.”

- Appendix C Appendix A of the draft Spent Fuel Management Plan will address “Provisions for DOE-Owned SNF.” As we stated earlier, the committee would like to have more information on what DOE intends to do with the spent nuclear fuel for which the department is listed as the Purchaser. We also wish to be able to comment on the department’s plans prior to the final RFP being released.
- Appendix E The committee would like to comment on the Tracking System Interface Requirements prior to the final RFP being released. OCRWM should, therefore, include these requirements in a second draft of the RFP.
- Appendix F Again, we note that, in both the Purchaser-Site Service Plans and the Regional Servicing Plans, OCRWM will require RSAs to identify “preliminary” or “planned” shipping routes. Both of these documents are deliverables at the end of the one-year planning period, which occurs eight years prior to the start of shipments. Such a long lead time is unnecessary.
- p. F-3 Section 7 of this Appendix heightens our concern that the only role afforded to states in the draft RFP is on the receiving end of “information dissemination.”
- p. F-4 The committee agrees with the proposed provision in Section 9 that offerors be required to submit both a business plan and a finance plan. Such documents, properly prepared and evaluated, might serve to reduce the possibility of RSAs being unable to carry to completion the tasks required of them.

Sections D, E, and F

The committee does not understand why three sections are reserved for “material [that] is covered in Section C Statement of Work.” Is the final RFP going to have additional information in these sections? What information in Section C pertains to Sections D, E, and F? Section H.3.c refers to “Section E, *Inspection and Acceptance*” but the part of Section C which contains this information is not clear.

Section G

The committee would like to review Contract Administration Data after they are determined and prior to the release of the final RFP.

Section H

- p. H-2 As noted earlier, Section H.3, Payments for Completed Work, refers to Section E, *Inspection and Acceptance*, which is not included as a separate section in the draft RFP.
- p. H-4 Part H.6.d refers to the inclusion of a clause “which states that DOE anticipates that it could authorize the Contractor to proceed with the commencement of Phase C work approximately at the end of the third year of Phase B work.” In

other words, OCRWM is planning for the possibility of early shipments. This contingency should be mentioned earlier in the draft RFP, particularly in Part 2 (Scope) and Part 4 (Tasks).

- p. H-10 Part H.19 states that "Title to the SNF accepted by the Contractor from the Purchaser shall vest in DOE at the time of [TBD]." Prior to the release of the final RFP, the committee would like to review OCRWM's decision regarding at what point the federal government will take title to the fuel.
- p. H-21 The committee would like to review the Phase B/C Performance Evaluation Criteria (Part H.21) prior to release of the final RFP.

Section J

- J-1 The committee would like to review Attachments 1-4, 6-8, and 9 prior to release of the final RFP.
- J-4 Attachment 10, Major External RSA Interfaces, demonstrates the draft RFP's lack of attention to institutional matters. The only "products delivered to states/tribes" are "Route Plans"³ and "Pre-shipment Notifications." "As requested," states and tribes can obtain "Emergency Response Support" and "Outreach Support." As we have indicated throughout our comments, the Midwestern states will not accept such a limited role in the transportation system.

With regard to prenotification, we again note that the draft RFP is unclear on the subject. Page 28 of the draft states that ". . . the RSA shall notify OCRWM and the Federal Facility Operator . . . of the shipping dates and expected delivery dates ten working days prior to expected shipment." Nothing whatsoever is said regarding prenotification of the states. We acknowledge that Part 3, Applicable Codes, Standards, and References, includes 10 CFR Part 71, Packaging and Transportation of Radioactive Material. We believe that state prenotification merits a separate, explicit reference in the draft RFP.

Also, "180(c) Implementation" is listed as a service to be "provided [to RSAs] by DOE at no cost." Since the Nuclear Waste Policy Act requires OCRWM to provide Section 180(c) assistance to states and tribes, the committee would like OCRWM to explain why it considers this assistance to be a "service" to RSAs.

We also note that the draft RFP fails to mention in-transit inspections of spent nuclear fuel shipments. Several states in the Midwest plan to inspect OCRWM's shipments routinely. The Illinois Department of Nuclear Safety, in fact, is required by state law to inspect and escort every shipment that crosses the state's borders. Such inspections will constitute a "major external interface" which OCRWM should describe in detail. As part of this discussion, OCRWM should

³It is unclear what the "Route Plans" are. Page F-2 refers to Regional Servicing Plans containing "the routing information and schedules related to the planned campaigns as attachments that can be readily removed . . . for distribution to authorized state, local and tribal officials." Is this information the extent of the "Route Plan"?

state whether it intends to adhere to the Commercial Vehicle Safety Alliance's Enhanced North American Standard Inspection Procedures and Out-of-Service Criteria. Since OCRWM established a cooperative agreement with CVSA to develop these procedures and criteria, the committee and other stakeholders will expect OCRWM to provide compelling justification if it chooses *not* to follow them.

Section L

p. L-8 The committee appreciates the statement that, "To successfully meet the requirements of the Waste Acceptance and Transportation Services Program, the Offeror shall align organizations and commit personnel" with demonstrated expertise in institutional outreach. We suggest, though, that, in addition to having experience in the "preparation and dissemination of information," organizations and/or personnel should be skilled in *working with* state governments and other stakeholders to resolve the issues that concern them.

p. L-13 The draft RFP would require offerors to describe "those key and significant institutional outreach issues related to waste acceptance and SNF transportation operations" and to develop an "approach to mitigation of these issues." Why require offerors to do the work that the cooperative agreement groups (not to mention DOE's own Transportation External Coordination Working Group) have already done? At the January meeting of the TEC/WG, Dwight Shelor commented that this requirement will help OCRWM to evaluate whether the offeror truly understands institutional issues and how to resolve them. To paraphrase Mr. Shelor's answer, OCRWM would not want to contract with an offeror that did not have a good grasp of the issues.

If this is indeed the reason behind the draft RFP's silence on institutional issues, then we strongly disapprove of the approach.⁴ By not providing more guidance on the institutional requirements of the program, OCRWM downplays their significance. As a result, offerors are not likely to expend much time or energy researching institutional matters to prepare a plan that meets the needs of the states and other stakeholders. Our ultimate concern is, of course, that OCRWM will not consider a "poor grasp" of the issues to be sufficient reason to reject an otherwise attractive proposal.

Furthermore, the meager involvement proposed in the draft RFP flies in the face of everything the committee, its counterparts, and the TEC/WG have done during the past ten years to expand the role of stakeholders in transportation planning. It is as if OCRWM has decided to pulling the plug on what we

⁴We say "if" because the same could be said of the offerors' grasp of the technical details, yet the draft RFP provides a plethora of information in this regard. For example, pages 19-20 describe the federal facility interface requirements in exacting detail, including the requirement that nameplates "shall be attached to each specific component or equipment" and that "all exposed metal surfaces shall be painted, plated, or otherwise coated if corrosion resistant materials such as stainless steel are not used." Why is it necessary to screen candidates based on their grasp of institutional requirements but not technical ones?

thought was a good faith effort to address stakeholder concerns. Such a reversal in policy will, we believe, have dire consequences for the entire Civilian Radioactive Waste Management System.

- p. L-24 The committee strongly urges OCRWM to include representatives of state governments in evaluating offers. (We assume “non-Government” in Section L.43 means “non-federal government.”) The selection of the WIPP carrier successfully involved state representatives on the review panel. OCRWM should follow this example in selecting the RSAs for the Civilian Radioactive Waste Management System.