

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

Proceedings of the Spring 2004 Meeting

June 15-17, 2004 ❖ Topeka, Kansas

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**Tuesday, June 15**

**Committee Business Session**

Thor Strong (Michigan) called the meeting to order at 2 p.m. Gene Krause (Kansas) said a few words of welcome to the committee. Referring to the morning's exercise with the U.S. Department of Energy's (DOE) Naval Nuclear Propulsion Program, Mr. Krause observed that it would be increasingly important for federal, state, and local agencies to understand each other's procedures in the event of an emergency involving radioactive waste shipments.

Chair's report: Mr. Strong noted that he joined the committee 10 years ago in 1994, when the committee's focus was on the eventual shipments of spent fuel to Yucca Mountain. At the time, Mr. Strong did not put much stock in the 1998 date, which proved prescient considering that, ten years later, there is still some uncertainty regarding the date upon which DOE will open the repository. Nonetheless, Mr. Strong observed that DOE is cranking into very serious and aggressive development of the transportation program. He said the committee would have a lot of work to do over the next several years, even if DOE does not ultimately meet the 2010 deadline.

Referring back to his November meeting with then Under Secretary Robert Card, Mr. Strong said he was gratified that the regional groups are seen and identified as DOE's "anchors" in the efforts to collaborate with the states. He said the committee – the staff, past chairs, and the committee as a whole – deserve a lot of credit for OCRWM seeing the regional groups as serving an important role, and for OCRWM taking a regional approach to transportation planning.

Mr. Strong observed that, 10 years ago, it seemed the states were working in the ethereal, conceptual realm – for example, spending time defining terms such as "technical assistance." In contrast, now the committee would be taking on "some real world stuff," and so it would need to find a new way of working that would involve everyone, but not overwhelm anyone. Later, the committee would be discussing a lead state concept as one potential approach.

Mr. Strong said there would be the potential for conflicts and differences of opinion between the states, as well as between the regions. He said the committee will need to redouble its efforts to work with legislators, governors, and utilities, but the group will also have to collaborate and cooperate with the other regions. His goal is for the committee to identify some real core interests and needs, and not get bogged down in parochial interests. At the same time, the states need to recognize that this is a political process, as well.

Mr. Strong observed that DOE's Office of Civilian Radioactive Waste Management (OCRWM) will be the committee's primary focus, but he said he does not want to let DOE's Environmental Management Program (EM) off the hook. The Waste Isolation Pilot Plant (WIPP) still has waste to ship through the Midwest, and DOE has some specific obligations in connection with those shipments. In addition, there are still some shipments of spent fuel from foreign research reactors, which will continue for a number of

years. Mr. Strong feels it is important for the committee and EM to continue the partnership they have maintained over the past six years.

Mr. Strong discussed some of his own limitations and strengths. On the former, he acknowledged that he is not a health physicist and Michigan has not been on the corridor for any DOE shipments. As a result, he will rely on the other committee members to remind him what it is like to be a corridor state.

Paraphrasing Frank Moussa's (Kansas) remarks from years back, Mr. Strong said he hopes to be the "best-damned chairperson from a non-corridor state" that the committee has ever had.

With regard to his strengths, Mr. Strong said he tends to be a "big-picture thinker" who has a philosophic consistency in his attitudes towards transportation. He will strive for agreement and compromise, seeking to find common ground on issues. He described himself as not the kind of guy who would mount "a pre-emptive strike." He considers himself to be a social liberal, but a fiscal conservative. He is not particularly fond of spending money – even if it is somebody else's money – unless there is some clear benefit. Lastly, he hates being late for things, so he will try to keep the committee on schedule in a way that is not too confrontational.

Mr. Strong said he had lately given two presentations in which he described the committee as being stuck between DOE and the utilities on the one hand, and between a skeptical and uninformed public and government officials on the other. He thought the committee's role should be to balance out those two competing interests. He observed that radioactive materials were just another class of hazardous materials. There were all kinds of things on the highways and the railways daily that posed a much greater hazard than radioactive materials. Nonetheless, the public and its elected officials viewed the situation very differently and it would take some time before the public would come to view radioactive materials shipments as routine.

Mr. Strong said the committee would need to be mindful of and responsive to the fact that radioactive materials held a special aura for the public. He thought the states should do more to nudge the public perception towards a view that was based more on science and on the experiences the states have had to date with shipments. He did not have any specific proposals at this point, but he looked forward to discussing this matter with the states over his two years as chair.

Project update: Lisa Sattler (CSG Midwest) highlighted some of the key points from her written project update, which was included in the briefing materials. First, given the significant increase in both the workload associated with OCRWM's transportation program and the funding to the cooperative agreement, CSG Midwest will be hiring a new staff person to assist Ms. Sattler with the transportation project. The new funding will also be sufficient to add three new legislative members to the committee so that all 10 of the major corridor states can be represented by a legislator as well as a governor's appointee. The committee would be voting later on a rule change to add the new members.

Ms. Sattler added that there is a new requirement for committee members to prepare trip reports for travel that is funded through the Midwestern cooperative agreement. The requirement does not apply to committee meetings or TEC/WG meetings, since complete summaries are available for those meetings. The purpose of the trip report is to log action items and highlights from the meetings that committee members attend as representatives of the region. Ms. Sattler prepared a template for the reports. At the states' request, Ms. Sattler said she would post the trip report template on the CSG Midwest Web site.

Ms. Sattler noted that CSG Midwest had cutback its public information activities in 1998 when OCRWM stopped supporting the cooperative agreement. Now that the program is again providing support, public information activities will increase. Ms. Sattler had already issued a brochure on the

transportation project in February 2004. In August, CSG Midwest will produce a new edition of the *Planning Guide for Shipments of Radioactive Materials through the Midwestern States*. Finally, in December, the transportation project would issue a *Handbook on Radioactive Waste Transportation*, which would be directed to all legislators in the Midwestern states.

Dave Crose (Indiana) asked if the states will receive any of the new OCRWM funding. Ms. Sattler explained that the OCRWM cooperative agreement had never been a source of direct funding for the states, nor would it be this year. She speculated that OCRWM *might* consider using the cooperative agreements to provide Section 180(c) money to the states, but the policy for implementing Section 180(c) has not yet been finalized.

Other meetings: Mr. Strong reported on his attendance at a recent meeting of the **Nuclear Waste Technical Review Board** (NWTRB). This Congressionally chartered group is charged with repository oversight. Mr. Strong attended the NWTRB's first meeting to focus on transportation issues, with an emphasis on the viewpoints of state groups and other stakeholders. Mr. Strong had presented information on behalf of the corridor states.

Mr. Strong also attended a Chicago meeting of the **National Academies of Sciences' (NAS) Committee on Transportation of Radioactive Waste**. The NAS established this committee to look at a host of issues, both technical and social. Mr. Strong was there, and Tim Runyon (Illinois) presented information on emergency response at the meeting. Mr. Strong spoke on behalf of the region, including the key regional issues (particularly barge and winter shipments).

Mr. Runyon explained that the NAS committee gathers together 12-14 individuals who are experts in various fields related to transportation. He gave the same presentation to the NAS and the **National Conference of State Legislatures'** (NCSL) committee. He described what the states' roles are and why they are concerned about shipments. Mr. Runyon used Ohio and Iowa as examples of how different states approach the same problem. He said states do not follow a "one-size-fits-all" approach to shipments, so it does not make sense to take a one-size-fits-all approach to meeting the states' needs.

Mr. Runyon said he received a number of good questions at both the NAS and NCSL meetings. He had been surprised, however, that the NAS committee members asked some of the questions that they did, implying that the questions seemed to show a lack of understanding of some "real world" concepts. Ms. Sattler agreed. Mr. Strong reminded the committee that it had recommended Mr. Runyon to be a member of the NAS committee, but the NAS did not accept the recommendation.

Ms. Sattler said the NAS report was due out in the spring. She also reported she had heard the group's next meeting would be in July in Albuquerque, with a final meeting tentatively planned for September in France.

Rep. Jeff Elgin (Iowa), Mr. Runyon, and Ms. Sattler reported on the meeting of the NCSL High-Level Radioactive Waste Committee. Rep. Elgin said the meeting had been the second one of the group since it resumed its activities. The meeting consisted of a tour of the repository site. He felt the most important part of this particular meeting was the interaction that the group had with the representatives of the counties and the cities affected by the proposed repository.

Rep. Elgin said that, previously, he had thought the entire state was opposed to the Yucca Mountain project. The local panel, however, indicated that there was some support, with most speakers resigned to the idea that the repository is inevitable. Rep. Elgin said Mr. Runyon and Ms. Sattler contributed a lot of expertise and credence to the meeting, and their presentations were very well received. He said the only people who were not at the table were the Congressional delegations from the states. He suggested the

NCSL committee and the regional committee should get these members of Congress more involved with regard to what the groups are doing, the issues they are trying to address, and the deadlines they are facing.

Rep. Elgin said the next meeting would probably be in Washington, DC. The members would attempt to get their Congressional delegations involved in the meeting. His concern over the NAS committee was that they might come out with recommendations that are inconsistent with what the states have experienced. For example, at the NCSL meeting, Rep. Elgin had heard for the first time about the Nevada officials' desire to see cask testing done to failure. He wondered if such testing would have to be the standard in the future, and would it delay what the federal and state governments were currently trying to do with the Yucca Mountain project.

The committee discussed the NAS committee and its recommendations. Mr. Runyon mentioned that he has been at two NAS meetings and has twice delivered the same message. He said he is concerned about the impression made by a very confusing presentation delivered by the Department of Homeland Security at the group's meeting in Chicago. Major Bryan Tuma (Nebraska) asked if the DHS person had provided any information regarding departmental actions related to spent fuel shipments, and Mr. Runyon said he had not.

Rep. Elgin also commented that the NCSL meeting appeared to be focused on the site rather than transportation. He suggested the Midwestern committee strive to influence decisions and funding so that Congress and DOE do not focus on the site at the expense of transportation.

Mr. Runyon had presented information on emergency response. Ms. Sattler said she had provided the NCSL group with an overview of the CSG Midwest transportation project, including a review of the states' role in transportation planning.

Mr. Crose reported on the May meeting of the Southern States Energy Board's meeting of its two regional committees. Mr. Crose explained that Indiana is not a member of SSEB, but it does have a seat on its Transuranic Waste Transportation Working Group.

Mr. Crose said the Southern states had expressed support for DOE funding coming through the regional groups. The South hopes to conduct a barge study, working with the Northeast group. He said the "rail-to-WIPP" concept was dead. Mr. Crose said he had brought up the idea of the four regional groups having a joint meeting in 2005, to which the Southern states had reacted favorably.

Mr. Strong asked if the South and the Northeast would collaborate on one barge study, or would each region do its own study? Ms. Sattler said they will conduct independent studies, but they will coordinate with each other. Mr. Crose asked about the position of the Midwest and the West with regard to barge. Mr. Strong said the Midwest had so far taken a position against shipping by barge specifically on the Great Lakes, largely due to the concerns of the member states of Michigan and Wisconsin. The committee would be discussing barge shipments as one of its key issues later in the day.

Ms. Sattler asked Mr. Crose if the Southern states had discussed the idea of the South and the Midwest co-locating their fall meetings so as to reduce the travel burden on the DOE and regional staff. Mr. Crose said they had not.

Ms. Sattler briefly reported on her attendance at the U.S. Transport Council's second Capitol Hill Summit. The meeting had brought together representatives of the transportation industry to discuss the outlook for the OCRWM transportation program. Congressman Hobson from Ohio had presented information on the budget situation facing OCRWM, which looked dire. The group was adamant about the need for

Congress and DOE to continue to fund transportation, and not focus exclusively on the Yucca Mountain site. Ms. Sattler said she hopes the group will invite a speaker from the regional groups to attend a future summit.

TRANSCOM Steering Group Report: Mr. Runyon reported that there were no real problems with the TRANSCOM system, and likewise no recent big advancements. He said users should have heard through the mail that the firewall passwords were changing. Mr. Runyon said if any Midwestern users had any questions to please let him know.

Next Meeting: After some discussion, the committee agreed to hold its next meeting in Cincinnati on November 9-10. The committee directed Ms. Sattler to reach out to SSEB to inquire as to whether the group wanted to co-locate their meeting in Cincinnati. (Editor's note: Following the meeting, SSEB declined the offer to co-locate the fall meetings. As a result, the Midwestern committee will hold its fall meeting in Columbus, not Cincinnati.)

Planning Guide Discussion: Mr. Strong started the discussion of the *Planning Guide* revisions, which Ms. Sattler had distributed in draft form prior to the meeting. Mr. Crose said he had not read the document and was not prepared to comment. He said he would want the State Emergency Management Agency counsel to see the draft before voting.

John Kerr (Minnesota) asked about the proposed change making the courtesy call "a minimum" of two hours prior to a shipment reaching a state's border. He asked whether shippers would be willing to make such a call. Mr. Runyon said, in his experience, shippers were willing. Major Tuma agreed.

For the benefit of the committee, Ms. Sattler reviewed the proposed changes. She said the most significant changes related to the addition of highway route-controlled quantity (HRCQ) shipments to the list of materials covered by the *Planning Guide*. The suggestion had been made during a conference call involving the corridor states for DOE shipments over the previous two years. Mr. Runyon added that the new language did a good job summarizing the key points in the NRC's interim compensatory measures (ICMs) without revealing any information that might be considered safeguards.

Mr. Runyon added that Illinois was facing numerous requests for escorts for HRCQ shipments. He observed that, like Illinois, a number of other states were providing escorts. Because the ICMs were safeguarded, the *Planning Guide* should reference the ICMs, not outline them explicitly. He said any carrier or shipper of HRCQ materials would know what the requirements and guidance were, because they would have copies of the ICMs. He said the purpose of adding these materials to the *Planning Guide* was to let carriers and shippers know that the states were interested in these shipments in terms of planning and/or in terms of inspections and escorts. Mr. Runyon added that last year was the biggest year in a decade for HRCQ shipments through the state. This year, the state had already surpassed last year's total.

Robert Owen (Ohio) asked whether, by inserting HRCQ into the *Planning Guide*, the committee would be bringing in the commercial side of transportation. Someone observed that the *Planning Guide* already offers recommendations for private shippers. Mr. Owen said that now the document would cover suppliers of necessary sources – he doubted whether it would be possible to put shipments on hold during winter, as called for in the *Planning Guide*.

Judith Holm (DOE-OCRWM) said DOE could not avoid shipping in winter. Ms. Sattler observed that DOE's Fernald site uses northern and southern routes on a seasonal basis. Jon Schwarz (Nebraska) said it is important for states not to have to "babysit" shipments that get diverted due to bad weather cropping up.

Mr. Strong asked whether HRCQ shipments are being tracked. Mr. Runyon said they are not – they do not even have satellite tracking. Ed Gray (Missouri) said the Missouri agencies are in the habit of getting the drivers' names and cell phone numbers from the shipper. Mr. Runyon said Illinois, as a policy, avoids calling the drivers so as not to interfere with their driving.

Mr. Runyon said his experience with HRCQ shipments from Nordion in Canada has helped him learn a lot about IAEA regulations for international dangerous goods shipments, as well as the compatibility with 49 CFR regulations. Nordion ships by IAEA regulations, and Illinois has several times written up shipments for violations of 49 CFR regulations.

Don Flater (Iowa) said he would not ask his counsel to review the *Planning Guide* because he did not think it necessary to do so. He said the *Planning Guide* simply lays out the things that have worked, many of which shippers already seem to be using. Mr. Flater worried a review by counsel would turn into a "word game," to the detriment of the *Planning Guide*. The Nebraska representatives said they had already had input into the suggested changes.

Tom Breckenridge (Ohio) said his agency might have some input. He added that two house bills were in the wings, one of which might change how Ohio did business with regard to shipments. He noted that the *Planning Guide* is just that – a guide.

Mr. Strong agreed, but said because the *Planning Guide* was being issued as a guide of the entire committee, it should reflect as closely as possible the states' preferences. Rep. Elgin suggested giving Mr. Crose and other committee members time to read the document, then bring up the *Planning Guide* for a ye or nay vote on Thursday.

Mr. Owen asked how the committee would get this information out to the shippers. Ms. Sattler said CSG Midwest would handle the initial distribution. She suggested the states could provide her with information – such as Iowa's mailing list for information on the state fee. Major Tuma suggested asking CVSA to help compile a distribution list through its hazardous materials committee. Mr. Runyon said he did not feel compelled to tell the shippers, since they already had to do 90% of the recommendations anyway. He said carriers often call, ask what they need to do, and then Mr. Runyon sends them a guide and tells them to call if they have any questions. Mr. Flater agreed to share his billing list with Ms. Sattler.

Ms. Sattler reminded the committee to provide her with updated state information by July 9, and to provide her with their requests for the number of copies they would like. She also asked the states to feel free to provide a contact specifically for radiological health. Currently, Nebraska was the one state that has such a contact identified.

The committee agreed to defer the vote on the *Planning Guide* until Thursday.

Key Issues: Mr. Strong introduced the discussion of key issues. He said the issues should not be new to anyone, since they were compiled from letters to OCRWM and other committee discussions. The purpose of this session was to see whether the committee agreed that the list adequately captured the issues, and to work on the wording of those key issues. At the same time, the committee would be discussing which states might wish to lead the projects associated with particular issues.

Mr. Runyon asked what Mr. Strong meant by "lead state." Would this be an agency, a state, or an individual? Mr. Strong said he thought there would be a lead state, but one single state would not be responsible for the entire project. The hope was that two or three states would volunteer for each working group. If the states found it necessary to attend meetings, including those of the DOE

Transportation External Coordination Working Group (TEC/WG), funding would be available through CSG Midwest. Ms. Sattler added that trip reports would be required in that case.

Mr. Strong read through the list of issues and/or projects:

1. NRC regulation of transportation: The question was to what extent the committee wanted OCRWM's shipments to follow NRC regulations. Kevin Blackwell (FRA) raised the issue of DOT versus NRC regulation. Ms. Sattler said DOE had to follow DOT regulations, but not being an NRC licensee, the department did not have to follow NRC regulations. For that reason, the issue was limited to just the NRC's regulations. Mr. Runyon said he thought DOE should either follow NRC regulations or take the references to these regulations out of its public information documents. Ms. Holm said DOE's lawyers are looking at this issue. She said resolving the issue will require discussions between DOE and the NRC. Mr. Runyon said he thought the NRC does not want to regulate DOE's shipments. Ms. Holm added that DOE cannot compel NRC to enforce its regulations. Mr. Runyon suggested the states can.

The committee modified the wording of the key issue.

2. Rail Shipments: Although this was an issue, there was no need for a state lead because the cooperative agreement does not currently have an associated project. The committee discussed the idea of DOE's Rail Topic Group transitioning over to being a routing topic group.
3. Routing: Routing was not only a key issue but also a key focus for the region, with an associated task in the regional scope of work. Major Tuma volunteered himself and Captain Bill Hobbs. Ms. Sattler thanked them, and said she would confirm with John Erickson (Nebraska) that he approved their participation. Mr. Owen also volunteered.
4. Section 180(c): The issue for the committee at this point was that DOE should not wait to finalize the policy. Mr. Crose, Mr. Strong, Mr. Moussa, and Mr. Flater volunteered to lead this issue. Jay Jones (DOE-OCRWM) said the draft policy would be reissued in the *Federal Register* in early 2005. Mr. Strong asked what kind of input, if any, the states would have prior to issuance of the draft policy in the *Federal Register* notice. Mr. Jones said he would have to talk to Corinne Macaluso, who is leading the Section 180(c) effort for DOE. He said there had been strong proposals from the TEC/WG meeting participants for DOE to form a topic group on Section 180(c). DOE is waiting for the final minutes of TEC/WG meeting to come out. After that, Ms. Macaluso will seek representatives to serve on the topic group. Ms. Holm added that the TEC/WG members should be getting a notice through e-mail in the next week that the summary is on the web. That message would also solicit volunteers for the topic groups.

Rep. Elgin asked a general question about the language of the key issues. He asked whether it would be better to say "the states recommend" instead of "the states believe." He said, if the committee were to vote on the issues, they should make them "recommendations" and have it stated clearly in the meeting minutes that the states approve these recommendations. Ms. Sattler said she could make the change to the draft by Thursday, at which time the committee would resume its discussion of the specific wording.

5. Emergency preparedness and inspection capabilities: Mr. Strong said this issue had a specific task associated with it. The task was to conduct a survey of state emergency response capabilities, starting with a pilot test in one state. Ms. Sattler suggested that it might be good to work with the National Emergency Management Agency on this task, at least to the extent of identifying a single instrument that the four regions could all use for their assessments. Mr. Kerr

observed that the Emergency Management Accreditation Program (EMAP) was a common assessment tool. Mr. Moussa and Mr. Schwarz volunteered to lead this task.

Mr. Owen asked about the inspections capabilities. Ms. Sattler said the intent was to focus first on emergency preparedness, and look at inspection capabilities later.

6. Transportation Planning: Mr. Strong explained that transportation planning would involve discussions of operational and logistical concerns. He suggested it would be a good idea for the committee to have at least one state with shipment experience representing the region. He volunteered to serve, as did Mr. Flater and Mr. Crose.
7. Public information: Ms. Sattler explained that this task would involve helping with public information materials, as well as possible additional meetings. For one, she had requested funding from OCRWM to conduct a local workshop. The idea of reaching out to locals was reinforced at the NCSL meeting, when a representative of one of the affected units of local government had strongly suggested that the state regional groups not overlook the local governments. Another "special project" could involve taking a delegation of state legislators on a tour of Yucca Mountain. Mr. Kerr volunteered to help with this task. Mr. Crose volunteered to recruit the public information officer from his agency to help out, as well.

Because the committee was running short on time, Mr. Strong asked whether there were any additional comments on the four remaining issues. He suggested one issue that needed further discussion was the issue of barge shipments on the Missouri River. Major Tuma said he would need to check with Mr. Erickson regarding Nebraska's position on barge shipments.

The committee decided to defer additional discussion of the issues until Thursday.

NNPP Exercise Review: Mr. Moussa said all the Kansas participants felt they had learned a great deal from the exercise. He said he and his state and local partners appreciated the opportunity to work with the Naval Nuclear Propulsion Program on the exercise. He thought people made the proper notifications, and there had not been too many communication issues. If he had his way, he would have extended the exercise a little longer and perhaps test the public information capability. He thought it might be useful to have things like pre-scripted messages for public information officers. He would also have liked to operate the state's emergency operations center.

Alan Gunn (DOE-NNPP) agreed that the exercise had gone well. John Mueller (DOE-NNPP) agreed with Mr. Moussa's comment on the public information officers and the need for pre-scripted messages. He said everyone needed to coordinate well on this type of exercise, especially since the Department of Homeland Security was going to be getting involved. Mr. Mueller added that perhaps they would have a press conference at the next exercise, which would take place in two years.

Mr. Strong asked whether the NNPP had a next exercise planned. Mr. Gunn said not yet. Mr. Strong asked whether they were seeking volunteers. Mr. Gunn said he would welcome all volunteers, but he would probably be talking to the Western Governors' Association about holding the exercise in either Washington or Oregon.

Rule change: Ms. Sattler explained that there would now be sufficient funding to have 10 legislative members on the committee instead of seven. The proposed rule change would expand membership to 22 members, 10 of which would be legislators. Rep. Elgin asked why the committee did not normally have participation from North and South Dakota. Ms. Sattler explained that it was because those states were not likely to be affected by any shipments. The committee discussed whether to include just 10



legislators, or if it would be better to have “up to 12” legislators on the committee. Ms. Sattler said she would make the proposed change to the draft rules, which the committee would discuss and vote on Thursday.

### **Wednesday, June 16, 2004**

Mr. Strong called the meeting to order at 8:30 and turned the floor over to Rep. Joann Freeborn (Kansas) for some welcoming remarks. Rep. Freeborn commented on the exercise the day before, noting that an article had appeared in the local paper. The article did not contain much information, but the coverage was fair. Rep. Freeborn singled out Mr. Moussa’s efforts for praise.

### **Regional Roundtable**

Iowa: Mr. Flater said the state fee had been raised to \$100 per truck or train for low-level radioactive waste last year. He said the state had not taken action to change the fee on spent fuel or high-level radioactive waste, but such a change might be on the horizon.

With regard to shipments taking place in the winter, Mr. Flater said cost was the big issue if an accident were to occur. He said his agency is considering a rule to bill all costs associated with weather-related delays to the shipper. He said there are several ways such a change could take place – such as by doubling fees during winter months. Mr. Flater observed that sometimes the only way to get people’s attention is through their pocket books.

Mr. Flater reported his state is continuing with training for first responders along the WIPP route. He added that, the previous week, a truck hauling medical sources had been hit by a semi. It was impossible to open the truck, but fortunately the isotopes had a maximum half life of six hours. As a result, the state was able to just leave the truck for awhile until the radiation had dissipated.

Kansas: Mr. Moussa reported that Kansas had conducted a drill with the Wolf Creek nuclear power plant. Kansas had also invested a lot of federal funding into hazardous materials training, including radiological monitoring and response. Some of this funding came through the DOT’s Hazardous Materials Emergency Planning (HMEP) grant to the state, but the state was also picking up some of the expense. A total of 450 responders had been trained to the technician level. Mr. Moussa said the curriculum was good but very expensive.

Mr. Moussa said Kansas had not been successful in buying radiological equipment through the Office of Domestic Preparedness (ODP) funding. He said that program’s emphasis is on interoperability instead of actually purchasing equipment. Kansas is looking at the overall management of the homeland security function within the state.

Mr. Moussa said Kansas did not have a fee, but there might be some action on the table next year.

Ohio: Mr. Owen reported that, with homeland security funds, the state had enhanced its radiological response capability. The majority of the new funds for the Ohio Department of Health came from the Centers for Disease Control and Prevention. The funding would help the state bring emergency response levels up to responding to a worst-case scenario. The Department of Health was purchasing a vehicle built to their specifications. A special team of five people had received training in the health physics arena, which raised Ohio several levels above what its prior capability had been.

Ohio had participated in the HRSA grant, which allowed the state to provide hospital training for handling radiologically contaminated patients. Mr. Owen said his agency had targeted all acute-care hospitals in Ohio. He acknowledged that his office would not be able to get to everybody, but it would repeat the training with the ensuing grant in order to get everyone trained. In addition, the Department of Health was also providing radiation survey instrumentation to the hospitals.

Mr. Owen commented that Fernald had three silos of waste that did not qualify for acceptance at Envirocare, so DOE was proposing to ship the waste to the Nevada Test Site. The Nevada attorney general, however, was threatening to sue DOE. Mr. Strong said Gary Deleon would report on the Fernald shipping plans later in the morning.

Mr. Owen added that Mound would have another shipment of transuranic waste, while the shipments from Battelle were still on hold pending the resolution of the state of Washington's lawsuit against DOE.

In the Ohio House, Rep. Skindell had introduced two bills (490 and 491). Mr. Owen said the West Valley shipment had sparked public interest, so Rep. Skindell had asked for a meeting with the state agencies. The agencies presented information to Rep. Skindell on the shipment and the Midwestern committee, and they tried to assure him that the state had experience in shipping radioactive waste. If passed, one of the bills would establish a state commission to report within eight months of its formation on what the state was doing or should do.

The other bill would establish a fee for three categories of waste being shipped through the state. Mr. Owen said his primary issue with that bill was that the purpose of the fee did not capture the totality of activities in the state. It did address emergency response at the local level, but did not capture the state activities that the Department of Health was involved in. Mr. Owen was also concerned with how the bill would impact Ohio's receipt of Section 180(c) money. One of the bills had a first hearing, but now the house was in summer recess.

Mr. Breckenridge added that DOE was shipping depleted uranium hexafluoride from Oak Ridge, Tennessee, to a Piketon, Ohio, where the department was building a conversion facility. The Ohio Emergency Management Agency had developed a draft list of recommended equipment for county-level response groups. He added that the state was also dealing with Fernald issues and a higher-than-normal amount of HRCQ shipments.

Nebraska: Major Tuma said he and Captain Hobbs would be retiring from the State Patrol next year. He introduced Captain Julie Maaske, who was in training to take over some of their responsibilities.

Major Tuma said the State Patrol had spent an extensive amount of time conducting in-service training for officers specifically on spent nuclear fuel shipments through Nebraska. He said the patrol had never done such training en masse before. He acknowledged the assistance of Mr. Schwarz, who did radiological training in connection with the State Patrol's training. Major Tuma said he felt everyone was currently up to speed in Nebraska.

Major Tuma added that Nebraska is doing a statewide exercise for all state agencies. This exercise is the result of the governor's desire to test the capabilities of all agencies, which he announced right after 9/11. The statewide exercise, called Terrorist 2004, will involve a radiological scenario and will take place on November 3.

Major Tuma said he had been invited to a homeland security meeting at CIA headquarters, and one topic would be radiological materials transportation. One of the things law enforcement was hearing from

DHS was that the department was concerned with an event occurring between now and the election. The emphasis seemed to be on hazardous materials transportation.

Major Tuma added that I-80 was under construction again this summer near Omaha. He said the state would prefer not to take any shipments on the route under repair. Instead, the alternative route of Highway 2 through Nebraska City would be in effect.

Mr. Schwarz commented that the State Patrol training was intensive. He added that the state would be conducting an exercise with the Cooper Station in August or September. Mr. Schwarz was currently reviewing the state transportation annex.

Illinois: Mr. Runyon said the major impact on his program has been the increase in the number of HRCQ shipments. Truck traffic is increasing because Nordion has not been using rail shipments through the Midwest since they cannot comply with the tracking requirements. Previously, Illinois had been providing an escort and inspecting HRCQ shipments only under the threat level of Orange. In January, the state's policy got quite a bit of attention because Nordion wanted to ship on New Year's Day, and the U.S. was at Orange. Mr. Runyon had a number of discussions with Nordion and told them what they would need to do to ship through Illinois. Nordion's interpretation was that Illinois had prohibited the shipment. Instead, the company wound up shipping straight across Canada. Because the issue attracted the attention of the Illinois Homeland Security agency, Illinois now has a policy to inspect and escort during Yellow, as well as during Orange. Mr. Runyon commented that the state has inspected more shipments during the current year than they had during the entire previous year.

Mr. Runyon said Illinois is asking HRCQ shippers to pay the fee that the state would charge on spent fuel and transuranic waste shipments, and shippers have voluntarily complied with the request. Soon, however, legislation would add HRCQ to the state's existing fee law. A bill had passed both houses and was now awaiting the governor's signature.

Mr. Runyon commented that he had done some research on HRCQ shipments and found that Nordion carries all the tools they needed on the truck. Furthermore, these shipments are different from commercial spent fuel shipments because the containers do not require specialized tools to open them – all necessary tools are commercially available. In addition, some of the tools for remote handling actually travel with the shipment. All these factors make these shipments a little more susceptible to intervention by terrorists.

Mr. Flater asked if Mr. Runyon had talked to the NRC to find out whether the large number of HRCQ shipments might be an aberration. He said the country's sources are getting smaller, so the facilities are all upgrading with new sources. He wondered whether the states would see a drop in shipments once the irradiators were full. Bill Brach (NRC) said there was a cycle for some radioactive material shipments – for example, Cobalt-60 has a five-year half life. He disagreed that the country would see a drop in shipment numbers in a few years. Mr. Runyon said 80% of the HRCQ movements were going out of this country to Europe and Asia. He added that Illinois is seeing some two-way traffic, now that some of that material is being returned.

Mr. Blackwell asked where to draw the line – why inspect and escort a shipment containing 27,000 curies but not 25,000 curies? Mr. Runyon said the line had to be drawn somewhere. He speculated that the NRC had drawn that line based on risk factors.

Mr. Strong commented that Michigan had participated in a dirty-bomb exercise sponsored by the Environmental Protection Agency. The exercise involved a mere 1,500 curies of cesium.

Indiana: Mr. Crose said Indiana had used WIPP funds to standardize instrumentation along the WIPP shipping corridor. The State Emergency Management Agency (SEMA) had bought the instruments through DHS so that it would be consistent with other equipment. Currently, Indiana has 10 districts designated to have anti-terrorism teams. These teams are in addition to the regular hazardous materials teams. SEMA had used its own trainers to train over 5,000 people in the state using the DOE MERRTT modules.

Mr. Crose added that SEMA has a new director. In addition, the governor is up for re-election in November due to the death of Gov. O'Bannon last year.

Mr. Crose noted that the local governments had not agreed to a standardized equipment list. He also reported that the federal government had just finished building a \$1 billion facility to destroy the Vx nerve agent currently stored in Indiana. It will take two years to destroy all the nerve agent.

Indiana is still seeing 60-car unit trains passing through every two weeks. The state is charging its fee on those shipments, which will last another year.

Mr. Crose wanted to know how long the shipments from Battelle would be delayed, because the state might need refresher training if the delay lasts long enough. Finally, he said his agency had contacted Sen. Bayh and Sen. Lugar about the Section 180(c) funding.

Minnesota: Mr. Kerr reported that Sen. Mark Ourada had introduced a bill to amend Minnesota's fee law. The bill had not gone anywhere, and no companion bill had been introduced in the house. Mr. Kerr said that was unfortunate, because the bill would have addressed most of the problems with the existing statute.

With regard to Private Fuel Storage, there was a hearing scheduled for August. The Nuclear Management Company (NMC) had indicated that they still felt the project would get an operating license sometime during the first quarter of next year. NMC would decide at that time whether to continue to back the effort.

NMC was required to submit a 15-year "look forward" for the Monticello plant to company executives. Under consideration was whether to extend the operating license for the plant. Mr. Kerr suspected the license would be extended. He said the decision to pursue a license extension would be made before the end of the year.

Missouri: Tom Lange (Missouri) said he could not think of a single item that he needed to share. He personally had been involved lately with things outside the realm of radioactive materials. Ed Gray of the Missouri SEMA would be leaving for an exercise at the Cooper Station later today.

Mr. Gray reported that the Fernald trains were still going through. SEMA was working closely with the Department of Natural Resources. He thanked Mr. Runyon for letting the state know what was going on with regard to DOE's shipments as well as the HRCQ shipments.

Michigan: Mr. Strong reiterated his earlier comment about the state's dirty-bomb exercise, which involved the full suiting up of first responders. A second day involved a tabletop version that focused on a scenario in which explosives were detonated and 1,500 curies of cesium contaminated an area near the Tigers' baseball field. Mr. Strong found it comforting that, assuming the numbers were realistic, the scenario led to virtually no evacuation due to health effects. There were some short- and long-term cleanup implications, though. The exercise reconfirmed the general philosophy that dirty bombs would create public perception nightmares and concerns, but probably not result in any major, acute health effects for people.

Mr. Strong said he would be involved with about a dozen TRANSCAER workshops in the coming months. The goal is to train local responders to respond to hazardous materials emergencies. Mr. Strong only has a half-hour to devote to the issue of radioactive waste transportation, and he likened the training to awareness-level training. He felt at least the training would alert people to the issue.

A few weekends ago, Michigan experienced a couple of different radiological incidents involving commonplace kinds of things. Nonetheless, there were calls to the Michigan radiological protection office. In the first incident, a soil-density gauge at a construction site was run over, which necessitated a response by both the Michigan Department of Environmental Quality and the NRC.

In the second incident, a home owner found some lead canisters in the garage of his previously-owned home. The canisters had radioactive materials markings on them. It turned out that the previous owner had worked in a nuclear pharmacy and had done some contract work on his own. He had stored lead vials in his garage, but there was no product left in them, nor any contamination. Mr. Strong said the experience reinforced the notion that radioactive materials are out there, so responders need to be trained independent of the kind of shipments that the states are involved with daily.

Southern States Energy Board: Mike Cash (Alabama) reported that his agency had been working on nuclear power plant exercises. He is also engaged in training responders primarily around nuclear power plants but also along WIPP corridors.

He said that finally Alabama had figured out how to get HRSA and CDC funding for equipment. His office was now trying to standardize equipment throughout the state. He was finding this to do because of all the different sources of long-term funding that has been out there.

Every week, Alabama sees six WIPP shipments take place from the Savannah River Site. He joked that most of the shipments head West, but recently one had stopped in Texas just a few hours short of its destination, then turned around and headed back. Apparently there was a slight problem with the shipment. Mr. Cash said the return shipment had not posed a problem, but was nonetheless interesting.

National Conference of State Legislatures (NCSL): Delegate Sally Jameson (Maryland) reported that the NCSL High-Level Waste Working Group was moving along. She said the Midwestern committee was further ahead because of their experience with shipments. Maryland, in contrast, had not yet had any shipments.

Nuclear Waste Technical Review Board (NWTRB): Dan Fehringer (NWTRB) reported that the next transportation-related meeting of the NWTRB would be in October in Salt Lake City. He said he was currently working on the draft agenda, which would focus mostly on DOE plans. He intended to invite some speakers from the affected groups, with calls going out in the next week or two. He described the NWTRB as "still in information-gathering mode" with regard to transportation.

Western Governors' Association: Bill Mackie (WGA) reported that the former executive director Jim Souby had moved on and Pam Inmann is the new director. He expanded on a comment made earlier by Mr. Owen, namely that there were some issues with the proposed Fernald shipments. Mr. Mackie confirmed that the Nevada attorney general had written to DOE saying he would sue the department if the silo shipments went through. Gov. Napolitano from Arizona had also sent a letter to the Office of Environmental Management expressing her concerns about the silo shipments coming through Arizona. The governor's letter was available on the WGA Web site if anyone was interested in seeing it.

Mr. Mackie said WGA had asked the Commercial Vehicle Safety Alliance (CVSA) to do a follow-on report on its interim report. CVSA finally issued that report, which has three appendices. WGA attached

another seven appendices to the report, showing inspection results from each site shipping to WIPP. This report is also available on the Web site. Mr. Mackie directed participants to [www.westgov.org](http://www.westgov.org), working groups, nuclear waste transportation, reports.

He said the state of Idaho had experienced two unintended route deviations, one from each WIPP trucking firm. Casey Gadbury from WIPP would talk about these incidents later. Mr. Mackie added that the CAST driver had used an emergency turnout instead of getting off at an exit. The driver had been disciplined for his actions. Mr. Mackie said the Western states were thinking about how to transmit the lessons learned from these incidents to other drivers so as to prevent the problem from occurring again.

Mr. Mackie reported that the WGA annual meeting with governors would take place the next week in Santa Fe, New Mexico. Gov. Richardson is the current chair, and Gov. Owens from Colorado will be chair next year.

He said the WGA WIPP Technical Advisory Group is looking at August or September for its next meeting. The group hopes to hold a joint meeting with the Western Interstate Energy Board's committee.

### **DOE Environmental Management Updates**

EM-Headquarters: Alex Thrower (DOE-EM) filled in for Ella McNeil, who had planned to fill in for Alice Williams and then Dennis Ashworth. Unfortunately, Ms. McNeil had been taken ill at the last minute.

Mr. Thrower said DOE's new security condition response plan is finally complete. The idea for the plan came about when the new threat levels under DHS started up and Mr. Runyon and others had started calling DOE to ask what would happen to shipments when the threat levels changed.

Mr. Thrower said the plan provided guidance to EM shipping sites on expected actions if the threat levels changed. It is being applied to all EM sites and, based on the experience, DOE will consider expanding the guidance to cover other sites. Mr. Thrower said the regional groups had input into the plan. The document is being treated as "official use only," therefore DOE is distributing it only to the people authorized under DOE M 471.3-1 Chapter 1. It was sent out to the governors' designees one week ago.

Under Red, DOE headquarters will send the initial message to shipping sites through the Emergency Operations Center. The calls will go to the states' 24-hour number. If a shipment is en route, then DOE will locate it and track it to its destination. For shipments of low-level waste that do not use TRANSCOM, the shipping site can quickly locate the shipment through the carrier's dispatch center.

The notification for spent fuel and transuranic waste shipments will involve the shipping sites contacting the states where the shipment is located, plus the impacted states as necessary. DOE will advise the affected states of the protective actions being taken. The states will have input into decisions to take with en route shipments. DOE will share information on potential threats with law enforcement agencies.

If the threat level remains at Red for some time and shipments need to restart, the operations center will advise the shipping sites. The states will be consulted prior to shipments resuming. Moreover, the sites will have to obtain approval from EM headquarters before resuming shipments.

For a threat level at Orange, the basic difference is that shipments will not stop. EM headquarters will review WIPP and spent fuel shipments on a case-by-case basis. States will receive notification about the change in threat levels. DOE will work with the states and tribes, as appropriate, to make decisions regarding the affected shipments.

Mr. Thrower reported that changes to DOE Order 460.2 were in the concurrence process, with finalization pending. He said the revised order would reflect the new management direction from EM, specifically from the top-to-bottom review. To achieve the goals of accelerated cleanup, the sites feel they need greater flexibility in how they execute their activities. The general trend is that, to the extent that DOE orders are very prescriptive, there is a need to identify outcomes and let the site determine how to make those outcomes a reality.

Mr. Thrower cited carrier evaluations as an example. He said the National Transportation Program has a very good Motor Carrier Evaluation Program, which would stay intact. In fact, DOE is considering expanding the implementation of this program. Nevertheless, the department will no longer require that the sites use the program. Instead, they will be allowed to use tools available elsewhere, if they so desire. Mr. Thrower said DOE will not be making changes to the manual accompanying the order, because the changes to the order are mostly technical in nature.

Given the new transportation organization and the fact that OCRWM is taking center stage, the DOE transportation practices manual might need revision. Mr. Thrower said the orders and the practices manual will need to reflect OCRWM realities. As a result, in the next six to nine months, the states might see some changes to both.

Mr. Jones noted that the new cooperative agreement with the state regional groups includes a task for looking at the transportation practices manual. Mr. Thrower added that he remembers the discussion years back about how to involve the states in revising the protocols. He said the states will not see a new document with many surprises. Instead, they will be involved in making the revisions.

Mr. Thrower reported that EM had revised the West Valley lessons-learned report to include several topics. The final report was issued in April 2004. EM would work with OCRWM to ensure that these lessons learned would be considered during pre-planning for future shipments. Ms. Holm would later talk about a much larger lessons-learned report.

Mr. Thrower said the goal of the EM and Office of Transportation realignment is to focus the workforce on mission priorities. The new organization will accelerate risk reduction instead of risk management. Mr. Thrower displayed an organization chart, but cautioned that the situation was in flux. He said that, on June 15, Secretary Abraham had announced that Jessie Roberson would be resigning as Assistant Secretary for Environmental Management in July. Paul Golan will be the Acting Assistant Secretary in her place. Mr. Thrower said Ms. Roberson will be missed. She implemented many controversial changes while in command, but she had definitely refocused the program on its core mission.

Frank Marcinowski had joined EM two weeks ago as a Deputy Assistant Secretary. Alice Williams works under Mr. Marcinowski. Dennis Ashworth is the director of the Office of Transportation. Mr. Ashworth has a Ph.D. and worked in the hazardous materials division of Chevron. As a result, he has many ideas about refocusing work. He is also a big fan of the chemical industry's Responsible Care program.

The new mission statement for Logistics and Waste Disposition Enhancements is now very focused on making sure EM is proactive in getting involved with stakeholders. The organization will be very customer-service oriented. The goal for EM is to work with people before letters are written and problems become crises.

In addition, the goal of greater headquarters involvement is to provide high-value services. Mr. Thrower said headquarters wants the sites to be coming to them. The scope of the Office of Transportation will include transportation risk management, regulatory support, site support and logistics, emergency preparedness, security, and stakeholder support and outreach.

Mr. Blackwell asked if an organization chart and information on points of contact are available anywhere on the DOE Web site. Mr. Thrower stated that, due to the recent reorganization, formal intergovernmental roles and processes are being reexamined. He said headquarters wants to be more proactive in working with other federal agencies, states, regions, etc. In the meantime, Mr. Thrower offered to share the EM organization chart.

Mr. Crose asked who from DOE would be covering the topic of WIPP funding. Mr. Gadbury said he would address that issue during his presentation.

Mr. Thrower reported that, in calendar year 2003, there had been 80 DOE-sponsored MERRTT sessions completed with over 2,100 responders trained. Recently, TEPP released its second video and user guide jointly produced by FEMA and DOE. The program had also supported six field and tabletop exercises, as well as five practical exercises.

Mr. Thrower encouraged everyone to check out the TEPP Web site. The site contains a National MERRTT Master Training Schedule, a database of students, course certificates, and state and tribal 24-hour points of contact. Mr. Thrower said the site also has the TEPP Annual Report from 2003. He said states can add their classes to the master schedule.

In 2004, TEPP will issue the revised MERRTT modules. The program received over 500 comments on the revision of the 2002 modules. These comments have been incorporated, and DOE expects to deliver the new modules in mid-June. Two brand new modules include one on rail shipments and a second one on safeguards shipments. In response to a question from Mr. Strong, Mr. Thrower said the new safeguards module actually addresses shipments conducted by the Office of Secure Transportation. Lastly, Mr. Thrower said the revised curriculum consolidates six modules into three. TEPP also adds two videos into the delivery schedule.

The revised MERRTT curriculum will retain its modular design. In all, there are now 18 modules and four practical exercises. The modules will be CECBEMS-approved for continuing education hours, and OSHA will review the modules as required by the WIPP Land Withdrawal Act.

Mr. Thrower said the modules will be loaded onto the FEMA self-study Web site to establish a MERRTT refresher training program. TEPP will also assist FEMA in revising the existing hospital training program.

Mr. Strong observed that the list of states that had conducted practical exercises did not include any Midwestern states. He asked whether the states need to request these. Mr. Gray said Missouri had asked Oak Ridge to do an exercise. He said the states should request exercises through their regional TEPP coordinator. Mr. Gray added that Missouri is a big fan of TEPP.

Ms. Sattler asked Mr. Thrower if there would be a Region 5 TEPP Workshop in 2004. She also asked if she could get hard copies of the 2003 Annual Report. Mr. Thrower took the question and the request as action items.

National Transportation Program (NTP): In introducing Ms. Holm, Mr. Strong mentioned that she was filling in for her colleagues at NTP. This would be the last time Ms. Holm would give the NTP report, since she was now working for OCRWM.

Ms. Holm reported on the TEC/WG meeting in Albuquerque, which had taken place on April 21-23. The meeting had focused on several topics. Among the plenary sessions were OCRWM and EM program updates; reports from the NRC, the Federal Railroad Administration (FRA), and DHS; plus reports from the regional groups. Ms. Holm commented that the audience got the "big picture" on the regional



groups. Of particular importance, many of the DOE staff got the message that, absent any funding from DOE programs, the regional groups would still exist to serve the states in other ways. Some people had apparently been under the impression that the groups only existed to work with the states on DOE shipments.

Ms. Holm reviewed the breakout sessions from the meeting. One group addressed communications and the lessons-learned study on DOE's 2003 spent fuel shipments. Ms. Holm said several people had suggested expanding the study to cover foreign shipments, but DOE had decided not to do that. Instead, the study would focus on its own shipments so that the data could serve as the baseline. DOE needed to know, for example, whether its own staff followed the manual and, if not, why not? Ms. Holm observed that, if the sites thought the protocols were too onerous, DOE might have to modify them accordingly. On the other hand, there might be gaps in the protocols, with the resultant need for DOE to expand the content.

The focus of the training breakout sessions was the Training Topic Group. Ms. McNeil was interested in bringing this group to closure. With Section 180(c) becoming an issue again, it was important to shift the discussion from training materials to training policy.

A third topic group addressed transportation infrastructure acquisition for OCRWM. Ms. Holm said she would have a few slides on this topic later. The participants in this session talked about all the activities that were being developed to get OCRWM ready for procuring rolling stock and other infrastructure needs.

Another group discussed shipment security. Nancy Slater-Thompson was the OCRWM lead on this issue. Ms. Holm noted that Ms. Slater-Thompson had extended an invitation to the regional groups to join the new security topic group.

The Section 180(c) breakout session focused on where OCRWM and its stakeholders left off on the draft policy and procedures. Questions included what was the impact of DHS, and what gaps do the states and tribes still need to fill?

The last topic group addressed Rail/Routing Process/Decision Analysis. Steve Hamp had provided an update on what the rail topic group had been doing. The group also discussed routing criteria, and Ruth Weiner had presented information on DOE's decision-analysis tools.

As a result of the meeting, DOE had decided to establish topics groups for the issues involving Section 180(c) and security. A second TEC/WG meeting would be held in late summer in the Midwest. Ms. Holm said the meeting had received very good ratings – 82% of the respondents said the meeting was either excellent or good. Ms. Holm attributed the positive feedback to OCRWM being back on board and ideas actually coming to fruition. She said the program updates by OCRWM and EM received the highest ratings, followed by the regional group updates. People identified the most useful sessions as being the 180(c) and security breakout sessions. Most people thought discussions of security, rail routing, and Section 180(c) should be continued.

Mr. Strong asked about other topics being continued, such as the communications topic group. Ms. Holm said that, with limited staff resources, it would be difficult to continue this group and others without overburdening people. She added that the meeting summary and presentations would be posted in the next week on the NTP Web site.

As to the future of the TEC/WG, Ms. Holm said OCRWM would assume responsibility for the group. EM would continue to co-chair the meeting and participate in the planning and topic groups. An agreement

had been struck that OCRWM would fund and manage the meeting, however, because it was difficult to go through two approval chains before moving forward with the meeting. Specific EM issues would continue to be discussed at the meetings.

Ms. Sattler asked if DOE would solicit regional group representatives to serve on the planning committee, which had been the practice in the past. Ms. Holm said DOE would seek volunteers. Mr. Blackwell asked if DOE was "morphing away" from the topic group focus. Ms. Holm said the TEC/WG would be what people wanted it to be. She added that DOE had asked for input and help from the regions with the lessons-learned study. Someone would report back at the next TEC/WG meeting on the status of that report.

Ms. Holm reported that the latest version of the Prospective Shipments Module (PSM) showed new shipments for FY04, including transfers of depleted uranium hexafluoride from Oak Ridge, Tennessee, to Ohio. Fernald in Ohio would continue 25 rail shipments per year to Envirocare in Utah. The latest update covered the months from March 2004 to February 2005. The schedule is updated quarterly with a rolling 12-month schedule. Ms. Holm said the states should direct any corrections to or questions about the PSM to Steve Hamp at 505.845.5640.

Mr. Strong asked the states to report on their experience at the TEC/WG meeting. Mr. Runyon thought one of the best sessions was the security session led by Ms. Slater-Thompson. The session provided a good background on where DOE would like to go with security. Mr. Runyon thought the DOE staff were thinking about being consistent with NRC's ICMs in their own way, and he thought they seemed to be moving in the right direction. He was curious to see what would come out of the Security Topic Group. No one had contacted him yet about the topic group. Ms. Holm reiterated that a message would be going out to members soon, if not already, seeking nominations for the topic groups. She said DOE would strive for balance and a manageable size to the group.

Mr. Moussa said he was glad to see there would be a topic group for the Section 180(c) program. The members pushed, and Mr. Moussa was glad DOE heard the message. He thought the meeting was very good, with lots of good discussion. He liked seeing closure brought to activities in terms of having follow-up meetings rather than leaving things up in the air. Mr. Strong added that DOE would not have any problem getting volunteers for the Section 180(c) Working Group.

Ms. Sattler said she had delivered basically the same presentation that she gave at the NCSL meeting. She, too, appreciated DOE's willingness to listen to the members and change the agenda. She commented that the rail topic group paper had been a difficult paper to write, given all the competing interests and the lingering uncertainty over the purpose of the paper. Even so, she said that, despite the fact the group was almost done with the draft paper, she was not sure it was time to sunset that group.

She asked for clarification on whether DOE would seek regional representatives from the Midwest on the planning committee specifically because the meeting would be in the Midwest. Ms. Holm said DOE would want representatives of several groups. Ms. Sattler said, for the Midwest, she and Mr. Strong would volunteer. Mr. Crose suggested that Mr. Kerr be on the planning committee, because the meeting would be in Minneapolis. Mr. Kerr said he would be willing to help out.

Ms. Sattler asked Ms. Holm when the decision had been made to disband the rail topic group. Ms. Sattler is on the topic group but had not yet heard the news. She pointed out that the rail routing paper is only one of several tasks that the group outlined for itself two years ago. She could not recall what the other items were, but she felt there should be some discussion to determine whether there is a need to continue to work on some of those topics, if not now then later. Mr. Blackwell was also confused about the idea of

sunsetting the topic group, considering OCRWM just made the decision to ship by rail. Ms. Holm said DOE would be contacting the members soon to discuss the future directions of the TEC/WG topic groups.

Fernald Silos Project: Gary Deleon reported on the planned shipping campaign. Mr. Deleon's EM background comes from the Office of Secure Transportation.

Fernald has three silos of waste that need final disposal. Mr. Deleon showed a photo of the site 11 years ago, showing just the three silos. Ten years later, the site is full of buildings that are necessary to treat the waste in the silos.

Located 18 miles northwest of Cincinnati, Fernald operated as a uranium processing facility from 1952-1989. The materials in the silos are byproduct residues of extracting uranium from ores.

The CERCLA records of decision for all the silos material will allow DOE to dispose of the waste at the Nevada Test Site (NTS) or an appropriately permitted commercial facility. The waste is classified as "11e.(2) byproduct material," which is exempt from RCRA requirements. Mr. Deleon said there is no permitted commercial facility available, so DOE is planning to dispose of the waste at NTS.

The waste in silos 1 and 2 consists of 8,890 cubic yards of waste stored in two concrete silos that measure 80-feet in diameter by 30-feet high. Mr. Deleon described the waste as a moist, soil-like material. The waste will be stabilized with cement and flyash at a waste loading of 17-20%.

The stabilized waste will be placed in 7,000 cylindrical containers, approximately 6 feet by 6 feet, made of ½-inch thick carbon steel. The container design meets DOT industrial package Type 2 requirements and weighs 21,000 lbs. The anticipated direct radiation dose rates on the outside of the shipping container will be 75 mrem/hr on contact, 9 mrem/hr at two meters. Loading two packages per flatbed trailer, DOE will make around 3,500 shipments from Fernald to NTS just to move the waste in silos 1 and 2. There will be approximately 105 shipments per week, by commercial carrier. The vehicles will be equipped with the Qualcomm communication system.

The waste in silo 3 amounted to 5,088 cubic yards in a single 30-foot high silo. Unlike the other waste, this material is a dry, powder-like material with only 3-10% moisture. The waste will be "conditioned" to reduce its dispersability prior to packaging. The treated waste will be placed in approximately 1,900 triple layer "Supersacks," which are soft-sided packages that meet DOT IP-2 requirements. The weight of each package is 4,600 lbs, with anticipated radiation dose rates of 7 mrem/hr on contact, 3.1 mrem/hr at two meters.

DOE will put 7-8 of the Supersacks, on pallets, in each enclosed trailer or ISO container. The department expects to make around 275 shipments from June through September 2004, with a frequency of up to 21 trucks per week. Again, the shipments will be conducted by a commercial carrier, in trucks equipped with Qualcomm.

Mr. Deleon showed the proposed alternative routes for the shipments, both of which will pass through Ohio, Indiana, Illinois, Missouri, and Kansas. He said Fernald is going through a readiness assessment prior to shipment. Discussions are ongoing between EM headquarters and Fernald regarding the next steps. Mr. Deleon commented on Fernald's choice of a northern route and southern route, with variations in Nevada (one would go closer to California, the other closer to Nevada).

Fernald is focused on closing by 2006. Mr. Deleon said it remains to be seen what will happen given the legal situation. Shipments could begin as early as next month, depending on Nevada and Ohio's Environmental Protection Agency.

Mr. Flater asked Mr. Deleon if he had seen the PSM. He said the PSM would need to be updated, since the pass-through states are different than the ones shown on Mr. Deleon's map.

In answer to a question, Mr. Deleon explained that the waste in silo 3 would be shipped first, then the shipments of waste from silos 1 and 2 would begin. The readiness assessment for the silo 3 waste would be done by the end of this week.

Ms. Sattler asked why Fernald uses both a northern and southern route. Mr. Deleon said the two routes take into consideration weather conditions, especially during the winter months. Ms. Sattler asked if Fernald ever uses the northern route in winter. Mr. Deleon said there was no prescription that from one date to another the trucks would only follow the southern route. Rather, Fernald leaves its options open.

Mr. Strong asked about the radiological constituents of the waste. Mr. Deleon said the isotope of concern is thorium 230. Envirocare is not an option because the site cannot accept the Supersacks without a permit modification.

Mr. Flater asked about the routes. Mr. Deleon said the route map was for the waste in all three silos. He said DOE would use the southern route generally during the winter months. What route the department uses at the start of shipments will depend on when DOE starts the shipments.

Ms. Sattler asked why the northern and southern routes for this waste are not the same as the ones used for the other low-level waste shipments by truck. Mr. Deleon took an action item to answer this question.

Mr. Crose asked for a copy of the transportation plan. Ms. Sattler suggested Mr. Deleon send it to her electronically, and she will further distribute it to the affected states. Mr. Flater asked for John Sattler's number so he could talk to him about the shipments. Mr. Sattler's number is 513.648.3145. Mr. Flater was worried about the trucks getting held up if the meters detect radiation and the driver does not have a receipt showing the carrier paid the Iowa fee.

Mr. Lange asked why DOE is not considering intermodal shipments. Mr. Deleon said intermodal shipments would not work. Mr. Blackwell added that there was an issue with the location for a transfer. Mr. Lange asked what the issue was, but Mr. Deleon did not elaborate.

Jennifer Salisbury (WGA contractor) asked if California had been part of the discussion regarding route selection. Mr. Deleon was not sure, but he thought so. Ms. Salisbury noted that the proposed route in California is identical to the one that caused controversy in the state when used for WIPP shipments.

U.S. Foreign Research Reactor Spent Nuclear Fuel Acceptance Program: Mr. Thrower reported on the past and future shipments of foreign research reactor spent nuclear fuel. He briefly reviewed the program's history. Under this program, research reactor spent fuel containing uranium enriched in the United States can be accepted from 41 countries and managed in the U.S. The 10-year acceptance policy was renewed on May 13, 1996. Fuel irradiated during the 10-year window will be accepted through May 13, 2009.

To date, there had been six shipments to Idaho National Laboratory (INL) and 23 shipments to the Savannah River Site (SRS). In all, DOE has accepted 6,208 spent fuel assemblies from 27 countries. Five cross-country shipments have been completed, and one shipment has been received on the West Coast. Based on revised anticipated receipts, Mr. Thrower said DOE has received 59% of the MTR spent fuel and 86% of the TRIGA spent fuel.

The most recent cross-country shipment came from Indonesia. Fuel loading began in February 2004, with transport completed on April 29. The shipment consisted of three casks headed to SRS and two bound for INL.

In 2004, DOE is tentatively planning four shipments to SRS. No cross-country shipments are currently in the works. Mr. Thrower said the domestic research reactors were continuing to ship to SRS and INL. For example, the University of Massachusetts and University of Michigan will ship to SRS, while SUNY-Buffalo and University of Illinois will ship to INL.

Mr. Thrower said Secretary Abraham has directed the National Nuclear Security Administration (NNSA) to consolidate the international component of the program within its nonproliferation mission. The Secretary is moving at least part of the program over to NNSA. Specific roles and responsibilities among the non-NNSA DOE programs are still being worked out. Mr. Thrower said DOE is still working on international diplomacy – but NNSA is better equipped to do that than EM. Mr. Thrower said DOE would not change what works well. For example, waste acceptance, handling, and storage will not change – these functions will continue to be handled by the non-NNSA part of DOE.

The secretary is talking about accelerating acceptance. By “acceleration,” Mr. Thrower emphasized he meant perhaps several more shipments per year, but not very many more. He added that there is not that much more material eligible under the FRR program that can come back to the U.S.

On that subject, DOE has begun an analysis to extend the current fuel acceptance deadline because of unavoidable delays in converting some of the reactors to low-enriched uranium. The secretary has asked the staff to look at, from a NEPA standpoint, what would be necessary to extend the program. Some have recommended a five-year extension, others have recommended 10 years.

Mr. Runyon said he had heard news stories on National Public Radio and CNN regarding the Indonesian shipment. He asked if DOE had issued a press release for the shipment. Mr. Thrower said the department had not, but Secretary Abraham did make an announcement about the global threat reduction initiative. Also, the Nuclear Threat Initiative had issued a report on the international issue, and that coincided with the Secretary’s announcement.

Mr. Runyon asked if, under the reorganization, shipments arriving in the U.S. would be reclassified as an NNSA shipment upon reaching the U.S. border. Mr. Thrower said if the shipment involved spent fuel, it would be handled the same way DOE always has. In other words, just because NNSA “owns” the shipment did not mean they can classify it and treat it as an OST shipment. However, if the shipment consists of fresh high-enriched uranium, then it would be a classified shipment.

Mr. Strong asked if there would be any cross-country shipments before June of 2005. Mr. Thrower said he would check. He said he was pretty sure the next cross-country shipment would be in the late fall of next year, with the spent fuel coming from Japan.

In response to a question from Mr. Flater, Mr. Thrower said the L-basin at SRS has room to accept all the MTR fuel that DOE expects to take. With some modifications, SRS could take all the eligible MTR fuel that was out there. The reason MTR fuel goes to SRS is that DOE decided to take a regional approach to managing spent fuel. Under this plan, TRIGA fuel goes to INL, and MTR fuel goes to SRS. In the next several years, there will be some treatment of the fuel at SRS and INL to get it ready to ship (assuming the Yucca Mountain repository moves forward). Those treatment facilities will probably be located at the sites where the waste is currently stored.

Mr. Thrower commented that, with acceleration, there might be a couple of cross-country shipments per year, whereas right now the states are seeing an average of one per year. In response to a question from Mr. Blackwell, Mr. Thrower said DOE is not anticipating any West Coast shipments at this time.

Waste Isolation Pilot Plant Update: Mr. Gadbury made a few announcements involving Ralph Smith of the Carlsbad Field Office. Mr. Gadbury also commented on the rail-to-WIPP initiative, saying DOE had decided not to ship by rail.

Mr. Gadbury said the waste panels at WIPP are filling up. So far, three panels have been mined, and half of the space is full. WIPP had received 2,686 shipments as of that day. Mr. Gadbury showed a map of the shipping routes. To date, there have been 11 shipments from Argonne National Laboratory (ANL-E) in Illinois. Two additional shipments are scheduled to depart ANL-E in July. These shipments represent the last of the contact-handled "legacy" transuranic waste stored at ANL-E. Whether those shipments would depart depended on DOE's decision regarding funding to the site. The funding in question was not CBFO funding for the mobile loading crew from Carlsbad and to pay the fees in the Midwestern states. Rather, ANL-E had identified a potential problem funding-wise to pay for the work performed by ANL-E site personnel to support the shipments, despite the fact that the shipments were a priority for the site. (Mr. Gadbury later received word from DOE-EM and reported in the meeting that the funding to cover the cost of the ANL-E site personnel was approved and that there were no further obstacles for making the two shipments from ANL-E to WIPP as scheduled on July 14.)

Mr. Schwarz asked if each truck will carry three TRUPACT II containers. Ms. Sattler checked her copy of the eight-week schedule and said they would. CAST would be the carrier for one truck, Tri-State for the other.

Regarding Battelle, Mr. Gadbury said the situation is the same as it ever was. There were 13-18 containers remaining to be shipped. DOE will make funding available to the states in 2005. In addition, the CBFO will notify the affected states and regional groups in accordance with standard protocols, as necessary. Ms. Sattler asked how far in advance the states will receive the funding, noting that, in the past, the states had suffered for not having sufficient lead time to prepare for some EM shipments. Mr. Gadbury said he expects it will take DOE six months to get things rolling again after the decision has been made to resume shipments. The states will be contacted in advance, and DOE will make sure the states have adequate funding in advance.

Mr. Crose asked about the status of the litigation against DOE. Mr. Gadbury said DOE is putting the finishing touches on its Record of Decision for Hanford waste. This Record of Decision might clear the way for more productive discussions to resolve the legal issues. Ms. Sattler asked about the status of the Washington state referendum, which, if passed, will prohibit the importation of waste into Hanford. Mr. Thrower said the referendum will go before the voters in November. DOE is watching it very closely. If voters in a site state decide not to take any more waste, it could present real challenges for DOE.

Regarding the Mound waste, Mr. Gadbury said the last set of transuranic waste shipments from Mound will be newly generated from the demolition of a building on-site. The CBFO is working with DOE's Ohio Field Office to coordinate these last shipments, which are projected to occur sometime in federal fiscal year 2005. Instead of making a final rail shipment, the CBFO is considering using five trucks to move the waste in TRUPACT-II's. Mr. Gadbury said he thought the trucks could travel right along the route used for rail. Mr. Blackwell said the PSM will need to be updated, because the projected date is the fall of 2004. Mr. Gadbury said the shipments will not happen in the fall of this year.

Mr. Breckenridge said the trucks will have to go around Cincinnati to the West, which will put the shipments in Indiana. The truck route will, in his words, raise a whole new set of preparedness issues. Mr. Owen asked if DOE will prepare a new transportation plan. Mr. Gadbury said he expects just a revision of the existing WIPP transportation plan.

Ms. Sattler asked when the exemption on the OHOX rail car will expire. Mr. Blackwell and Mr. Gadbury guessed the date was November 30 of this year, but they said they would check.

Mr. Schwarz asked what was the total amount of waste that can be disposed of at WIPP, and when will the site close. Mr. Gadbury said that the WIPP Land Withdrawal Act allows the WIPP site to dispose of 6.2 million cubic feet or about 175,000 cubic meters of transuranic waste. The current baseline shows shipments taking place through 2030, with closure activities scheduled for 2031-2035.

### **U.S. Nuclear Regulatory Commission Update**

Mr. Brach began by commenting on the NRC's Package Performance Study. The commission issued its guidance to the staff on May 5, 2004. He said he would send Ms. Sattler links to the information on the internet.

The commission's directive to the staff was to conduct a full-scale test on a rail cask certified by the NRC. The purpose of the test is to conduct a realistic demonstration test which would also include testing to confirm scaling and analytical methods the NRC uses for cask. Mr. Brach said the test will need to include a fully engulfing fire. The difficulty in the test plan would be having the impact test at 75 mph, then following it immediately with a fully engulfing fire test. The staff is preparing a conceptual test plan that is due to the commission by the middle of July.

Ms. Salisbury asked if anyone has ever done a test like the one the commission requested. Mr. Brach said the United Kingdom had done a series of tests called "Operation Smash Hit," in which both a demonstration test and regulatory tests were performed. The latter proved to be more technically challenging to the cask than the former.

The staff is preparing a detailed test plan, and will perform pre-test calculations. The commission's directive left open the possibility of a future full-scale test of a truck cask. Mr. Brach thanked the Midwest for attending the March 2003 public workshop on the Package Performance Study. He added that there are seven dual-purpose NRC-certified cask designs available to the industry.

Rep. Elgin asked about the concept of testing to failure. Mr. Brach said the commission staff had not felt testing to failure was needed, so they did not propose it to the commission. Mr. Brach said the hypothetical accident conditions encompass almost all conditions, and it would be hard to define "testing to failure." The commissioners consider a 75-mph demonstration test to be comparable to a very severe train accident. The drop test at 30-mph onto an unyielding surface is equivalent to a 60-65 mph impact. The impact limiters absorb that impact without any damage to the cask.

On the National Academies' spent fuel storage study, Mr. Brach said the objective of the study is to conduct an independent assessment and comparison of the safety and security of spent fuel storage in reactor pools and dry casks. The study was congressionally mandated in the FY 2004 Energy and Water Development Appropriations Act. The NAS will submit a classified report to Congress in June/July 2004 (the study was initiated in January 2004). A public report will be available to the public as soon as practicable thereafter.

Mr. Brach also commented on the NAS transportation study. The objective of this study is to conduct an independent assessment and comparison of the risks of spent fuel transportation with other societal risks. The NAS had held public meetings in Washington, DC; Las Vegas; Denver; and Chicago. A report was expected in the spring of 2005. The NRC is a sponsor of the study.

Mr. Brach reported on the joint NRC and DOT effort to revise their rules. The final NRC rule had been approved by the commission in November 2003. The NRC and DOT published their final rules on January 26, 2004, with an effective date of October 1, 2004.

One reason for the revision was to make the rules more compatible with new IAEA requirements. In addition, the revisions eliminate older package designs, with a four-year phase-out from the effective date of the rule (October 1, 2004). Also of note, the rule change would eliminate the requirement for double-containment for packages containing plutonium.

In April, the NRC and DOT conducted a joint workshop on rule implementation and the Part 71 change authority. The U.S. did go forward with the rule change that eliminates further "grandfathering" packages designed to the 1967 standards. On the international level, the goal is to have a regulatory process that incorporates evolving advancements in materials and designs in package designs. Mr. Brach said if holders of 1967 certificates wish to get their packages recertified, they could file an application for new design approval and certification under the new revised regulations.

Mr. Strong asked what the benefits are of eliminating the double containment standard, and who are the proponents of such a change. Mr. Brach said the NRC's approach to regulations is risk-informed. The belief is that the staff should not cause an undue regulatory burden on the licensees. Mr. Brach said the staff looked at the history and safety basis of the regulation and felt it was neither justified or needed. Regarding who submitted the petition, Mr. Brach said he thought it was a contractor to DOE. The petition had come in prior to Mr. Brach moving over to the Spent Fuel Project Office. He added that a petition to the NRC is treated the same regardless of who submits it.

### **Federal Railroad Administration Update**

Mr. Blackwell said the FRA had hired a security specialist (Bill Fagan) after 9/11. In addition, Ray Kasey in the Hazardous Materials division was the primary point of contact for security. Mr. Blackwell said the FRA is continuing to work very closely with a myriad of agencies addressing the safety and security of the nation's rail system. Of great concern currently is the issue of toxic inhalation hazards.

Mr. Blackwell reported on the Dedicated Train Study. He said the FRA had received a final draft from its contractor in May 2004, but it needed some corrections for clarification. The FRA had arranged to brief appropriate DOE and NRC representatives on June 21. Alan Rutter was leaving the agency as of Friday, June 18. Betty Monroe, the deputy director, would take over as acting director and probably stay in that capacity until after the election.

Mr. Blackwell said his office is coordinating with the Research and Special Programs Administration and the Office of the Secretary on the study, which – despite being 12 years overdue – has a high priority within the FRA.

Mr. Blackwell said there was nothing on the books to indicate that the FRA wants rail routing regulations, but he cautioned the states not to write off the possibility either.



Regarding the Safety Compliance Oversight Plan, Mr. Blackwell said the revision is moving along but the security section is now the major hold-up. He was considering making this section "TBD," otherwise the SCOP revision would probably sit for another year before being finalized.

Mr. Blackwell reviewed the functions of the FRA's State Participation Program. He said state agencies active in the program may authorize their inspectors to conduct inspections in other states under certain conditions. For example, the inspection activity must be necessary to review records of rail operations previously conducted with the participating state. The state inspector must be certified and must be working with an FRA inspector.

Of the 12 states in the Midwest, five participate with one or more certified inspectors. There are a total of 33 FRA-certified inspectors in the Midwest, which account for 22% of the certified inspectors in the entire program.

### **Office of Civilian Radioactive Waste Management Update**

Ms. Holm provided the update. She is the new institutional program manager for the Office of National Transportation (ONT), which was created in 2003. Ms. Holm showed a slide displaying a drop in transportation funding in the mid-1990s, followed by a recent upswing after Congress approved going forward with licensing the repository. In FY2004, OCRWM had received \$64 million for transportation activities.

With the new funding, ONT is once again reaching out to the states, and the program has started infrastructure planning. In addition, in November 2003, OCRWM issued its Transportation Strategic Plan, which Secretary Abraham had promised to Congress in 2002. The mission for the transportation program is a safe, secure, efficient transportation system that merits public confidence. Key to the mission is the open and collaborative planning process with interested parties, one of which will be the Midwestern region.

Ms. Holm described four main projects within ONT. The Fleet Acquisition Project (headed by Ned Larson) is responsible for defining the program's infrastructure acquisition approach and needs for cask systems, rolling stock, auxiliary equipment, and facilities to provide operations and maintenance support. The Operational Project (Nancy Slater-Thompson) will define, develop, implement, and demonstrate the operational components needed to support waste transportation and fleet maintenance. Ms. Holm heads up the Institutional Project, which will work collaboratively with stakeholders to develop the transportation system. Lastly, the Nevada Transportation Project (Robin Sweeney) will develop the rail infrastructure required in Nevada.

Ms. Holm displayed a slide showing the key programmatic interfaces. She said OCRWM is looking at updating the infrastructure study at the utility sites. OCRWM will look at the operational features that the program needs to understand. For example, have the utilities moved spent fuel into dry storage since the initial report was prepared? Ms. Holm said the utilities would be in the driver's seat in updating the studies.

Waste Acceptance involves the repository, cask receiving, and fuel and canister handling. The Office of Repository Development is focused on getting the license application to the NRC. The license application will define the surface facilities at the repository. ONT is working with the Office of Repository Development on the technical interface between transportation and the surface facilities.

Ms. Holm reminded the committee that the Nuclear Waste Policy Act requires DOE to use private industry to the extent practicable in the transportation program. Furthermore, casks must be certified by the NRC, and OCRWM must provide advance notification to the states in accordance with NRC regulations. Section 180(c) of the act requires OCRWM to provide technical assistance and funding to the states and tribes. In addition to NWPA requirements, all shipments to the repository will be tracked by a satellite-based system and will comply with applicable regulations.

One of the key institutional activities is the development of a routing methodology. Ms. Holm said OCRWM will work with the TEC/WG, the state regional groups, and the tribes on the route methodology and on alternative route selection. She commented that DOT regulations allow the states to select routes as alternatives to the interstate highway system, but there are no federal routing regulations for rail shipments.

In addition, the Institutional Program will work with stakeholders to develop an approach to implementing Section 180(c). Stakeholders will be involved in this process.

Milestones for Section 180(c) include the issuance of the draft in the *Federal Register* in early 2005, which points to the need for a lot of work between now and then. Ms. Holm said ONT expects to have the final policy out by the end of 2005, with regional suites of routes identified by 2006 so that OCRWM can put out an application for grants. July 2006 is the goal for awarding the planning grants. Ms. Holm clarified that ONT will issue a revised draft in January 2005, not the existing draft.

Ms. Holm reported that OCRWM had selected "mostly rail" as the preferred mode for shipments. It is anticipated that this choice will reduce the total number of shipments over the repository's expected 24-year operating period to 3,300 rail and 1,000 legal-weight truck shipments versus 53,000 legal weight truck shipments. These numbers assume three casks per train; 130 trains would ship 400 casks per year.

Ms. Holm described the draft Transportation Route Decision Process that is on the table. There will be many decision points along the way, with each one involving interactions with the regional groups.

Regarding fleet acquisition, Ms. Holm said it will take significant lead time to build a cask: the Three Mile Island cask took 18 months to build, which was considered fairly quick. The department's casks will need to accommodate a broad variety of waste from many facilities with different capabilities. Because the Standard Disposal Contracts allow the utilities to determine some of the shipping priorities, OCRWM has a limited ability to develop schedules based on the origin site, spent fuel type, or characteristics.

Nevertheless, OCRWM is still preparing to ship in 2010 and cask acquisition is underway. The program had issued a notice of program interest in the *Federal Register* in January 2004. OCRWM followed up this notice with one-on-one meetings with cask vendors. OCRWM has the option of placing purchase orders with vendors possessing NRC certificates of compliance.

It is expected the analysis will identify the fuel types for which there are no current shipping casks. Such casks will be required mainly for DOE fuel, some of which is not in good shape. The next step is to solicit input, then issue requests for proposals for the casks. The process will end with OCRWM actually placing orders for new casks.

Because Mr. Brach had done such a thorough job, Ms. Holm did not elaborate on the NRC Package Performance Study. She did comment that OCRWM supports the study.

Ms. Holm said OCRWM is developing its policy on the implementation of the Association of American Railroads' performance specification for trains used to carry high-level waste. A final policy is expected in 2004. OCRMW is also looking at a policy on dedicated trains, which should be issued in the near

future. In addition, OCRWM is developing the Design Basis Threat and Security/Escort Car performance requirements. Ms. Holm expects these requirements to be finalized in FY 2004 to support issuance of the RFPs.

With regard to the use of heavy haul truck and barge shipments, Ms. Holm said 24 reactor sites do not have rail access. Seventeen of these are on navigable waterways, with the remaining seven left no choice but to ship by heavy haul. The sites range from four to 47 miles away from the nearest railhead.

Ms. Holm noted that OCRWM has resumed its cooperative agreements with the four state regional groups. As indicated in OCRWM's Transportation Strategic Plan, these groups will anchor the collaborative planning process. OCRWM and the regions have settled upon a generic scope of work, with special projects to be defined by each region to meet its particular needs. Among the generic projects are developing routing criteria and identifying a potential regional suite of routes; identifying existing emergency preparedness capabilities and ascertaining training and resource needs; and collaboratively developing a Section 180(c) implementation policy.

In other collaborative efforts, OCRWM will support a cooperative agreement with NCSL for the purpose of facilitating communication about civilian radioactive waste management among DOE, state legislators and staff, and other state officials. In addition, OCRWM has a cooperative agreement with the National Association of Regulatory Utility Commissioners (NARUC). The members of this group include the agencies that are engaged in regulating the utilities that pay into the Nuclear Waste Fund. The transportation program has held the cooperative agreement in the past, but this might change because NARUC is more focused on waste acceptance.

OCRWM intends to initiate a cooperative agreement with one other group: the Commercial Vehicle Safety Alliance (CVSA). It was under a cooperative agreement with OCRWM that CVSA developed its enhanced North American Standard inspection criteria. The new agreement will have CVSA evaluating the implementation of its inspection policies for spent fuel and high-level waste shipments and providing information on spent fuel transportation to state officials associated with the inspection program. One of the questions Ms. Holm had is why it was taking two hours in some cases to conduct an inspection.

Ms. Holm reviewed recent milestones within the program. Current activities involve the development of an environmental impact statement for the rail alignment within Nevada. In addition, DOE will initiate the cask and rolling stock procurement activities, develop routing criteria, develop an approach to assisting state and tribal emergency preparedness efforts, and initiating specific projects with the State Regional Groups.

Rep. Elgin asked a question about timing. Ms. Holm said OCRWM is preparing for shipments in 2010. Most of the commercial spent fuel can go in existing casks, but some of the DOE spent fuel will need special designs.

## **Discussions with OCRWM**

OCRWM policies: Ms. Sattler reminded everyone that, in November 2003, then-Under Secretary Robert Card had committed to giving the regions a list of stated program policies. The commitment was in response to a request that came initially from Doug Larson with the Western Interstate Energy Board. Ms. Holm said, in some respects, some of those policies have yet to be developed. But she said it should be possible to compile what is on the table now, and what is coming down the pike. Ms. Sattler clarified that the discussion over the list also pointed to the need for a snapshot of where OCRWM left things standing years ago when the funding cuts to transportation forced a scaling back of activities. Mr. Jones

suggested it might be beneficial for the groups to meet with Dave Garman, the acting undersecretary. Ms. Sattler agreed a meeting might be useful, but she said this activity would be independent of the regions' desire to receive a policy list. Ms. Holm and Mr. Jones took this issue as an action item.

Section 180(c): Mr. Runyon asked who originally came up with the April 1998 draft policy and procedures. Ms. Holm said Ms. Macaluso was responsible for that draft, and she is currently responsible for reviewing and revising the draft, as well as handling the topic group. Ms. Holm said she thought the states would be out in front on this issue, with the January *Federal Register* notice being the product of discussions between the states, tribes, and OCRWM.

Mr. Runyon said he felt the states had significant input into the last revision. He wondered what more needed to be resolved. The states and staff identified several unresolved issues that the draft policy did not address: state fees; timing of the grants; a "needs based" versus a formula approach; and a limit on equipment purchases. Mr. Crose asked who made the allocation between the site, transportation, and administration of the projects. He emphasized that DOE would need to request appropriate levels of funding to cover the transportation program and Section 180(c) funds.

Regarding the timing of the grants, Ms. Holm speculated that OCRWM might award planning grants to the states four years out even if the department did not know what sites they would be shipping from. Mr. Flater said there were 11,000 responders needing training in Iowa, and the turnover rate was 40%. In his words, training these responders would really "be getting into some money."

The states discussed the Section 180(c) issue. Ultimately, the group decided to review the 1998 draft policy, along with all the committee's comments on the development of the policy. Mr. Crose was adamant that OCRWM should follow the same formula approach that applied to the DOT's HMEP grants. That formula considers population, facilities, miles, and risk factors.

Mr. Strong asked Ms. Holm how she saw the Section 180(c) Topic Group functioning. She said she was sure there would be conference calls, and possibly meetings. The draft materials would go out for members to review prior to the start of calls.

Mr. Runyon asked if there would be outreach to the local governments, or whether there was any avenue for doing that. Ms. Sattler asked if Mr. Runyon was suggesting that DOE reach out to locals, or if he would prefer to do that himself within Illinois. The states were in agreement that they would prefer to communicate with the local governments rather than having DOE do it. Mr. Crose added that Indiana distributes all its HMEP money to the local level.

The committee asked Ms. Sattler to send all committee members the Section 180(c) draft policy and procedures, along with committee correspondence on the subject. She also agreed to arrange for a conference call involving the four lead states that had volunteered to be on the Section 180(c) working group.

Routing: The routing discussion began with a presentation by Paul Johnson (Oak Ridge National Laboratory) on the Transportation Analysis Routing Geographic Information System (TRAGIS) routing model. Mr. Johnson developed TRAGIS for DOE. The model replaces the legacy HIGHWAY and INTERLINE models.

TRAGIS includes routing networks for rail, truck, and barge shipments. The model provides population information for risk assessment. Mr. Johnson said users could make use of TRAGIS to identify legally compliant routes.

Users can use WebTRAGIS to do interactive runs of individual routes. The software is housed on the user's PC, with information sent over the Internet to the TRAGIS routing engine on the central server. Putting the routing networks on the central server minimizes the need for updates on the local PCs and also makes sure all users are accessing the most recent database.

Mr. Johnson displayed a slide showing the TRAGIS web site, which is available at [apps.ntp.doe.gov/tragis/tragis.htm](http://apps.ntp.doe.gov/tragis/tragis.htm). Mr. Johnson said an easy way to find the site is to Google "TRAGIS." The home page has links for user registration, user login to download software, installation instructions, and a user's manual, which Mr. Johnson highly recommended consulting. He updated it one year ago. Appendices list the names of the reactors in particular states.

New users would need to register. Commercial users are not allowed, nor are foreign users. Mr. Johnson said users who do not have a high speed internet connection should let him know and he would arrange to get the software out to them on CD.

For highway routing, Mr. Johnson said some other routing tools are not suitable for plotting routes for HRCQ shipments, but TRAGIS is. TRAGIS calculates the truck route to comply with 49 CFR 397.101. The network includes all nuclear sites, including commercial reactors, research reactors, and DOE sites. The highway information on TRAGIS is frequently revised to maintain up-to-date information.

Rail routing is different from truck routing. No single railroad provides service across the U.S., whereas many trucking companies serve the entire country. Furthermore, railroad corporations own their rights-of-way, whereas trucks operate over public highways. Mr. Johnson said there are four major U.S. and two Canadian railroads in the country, plus 500 short line, regional railroads in the country.

Within TRAGIS, the model tries to reflect current rail shipping patterns based on traffic density, giving consideration to interchange locations between rail companies. The network encompasses rail lines to nuclear sites with rail access – including the corridor to Yucca Mountain. Mr. Johnson regularly updates the TRAGIS rail network to reflect current ownership and attribute information.

Mr. Johnson said TRAGIS does not have track class in the network because track class can be dynamic. A line may have several sections of different track classes due to grade, curvature, bridges, etc. This complicates the use of track class as a routing criterion. High volume rail lines have the better track (higher track class) and TRAGIS maximizes the use of such lines. Mr. Blackwell said that, once a proposed route is identified, DOE or the states could contact the railroads to find out about the track class.

With regard to barge routing, Mr. Johnson said the waterway network includes inland, coastal, and deep water channels. Nuclear sites with possible barge facilities are also included in the network, as are port facilities.

Mr. Johnson reviewed the features of TRAGIS. The model provides the ability to temporarily modify the routing network by blocking nodes, links, states, railroad companies. Mr. Johnson said this feature is useful for analyzing infrastructure damage or repair, temporary traffic delays, and user determined alternative routing.

The model also has an automatic alternative routing capability in itself, but Mr. Johnson said sometimes users could identify better alternative routes if they know how to tweak the model to, for example, selectively block nodes.

TRAGIS generates a listing that provides a description of the route and summary information. Population information is provided as a table of population density by state. In addition, the model

presents summary information for input into the RADTRAN model, and a population count for a buffer area for entire route, as well as by state.

TRAGIS includes a mapping feature, with two ways to display the route. The quickest way is through straight line segments. The other method shows the actual shape file of the route, which takes a minute to process. The transportation network could be added as background. Native American tribal lands can also be shown. Mr. Johnson said user files could be added to the map. Users can save maps as ESRI shape files or as bitmap files. In reports, the maps show up as color graphic images which can be printed.

### **Thursday, June 17, 2004**

Routing, continued: Mr. Johnson handed out a fact sheet regarding TRAGIS. He said the mapping feature of the database is actually housed on the user's computer. The model is designed to run on a telephone line and still have all the mapping capabilities.

Mr. Strong asked Mr. Johnson to map out a spent fuel shipment from the Palisades plant in Michigan to Yucca Mountain. In plotting the route, Mr. Johnson commented that the user could put in delays for state inspections. The assumptions include a two-driver team, with four hours driving followed by a half-hour break. In response to a question from Mr. Runyon, Mr. Johnson said users could edit the start time. He said the model is not yet sophisticated enough to factor in rush-hour delays.

Mr. Flater asked if the network included I-280 versus I-80. Mr. Johnson said it did because Iowa had not officially retracted the designation of the I-280 route. He added that there are some mistakes in the Federal Motor Carrier Safety Administration Web site data on the state designated routes. The model allows the user to compare two routes.

Ms. Sattler and Mr. Blackwell asked about training on the software. Ms. Holm said OCRWM would like to have people get on the system. Mr. Jones and Ms. Sattler will work together to set up training for the staff and the interested states. Mr. Runyon offered Springfield as a potential training location. Ms. Holm commented that Mr. Jones would be the lead for routing for OCRWM.

Mr. Strong commented that TRAGIS looks like an incredible system with a great deal of detail, and it will be a useful tool to help answer the broader question of which routes and modes DOE should use.

Mr. Runyon asked whether weight limits for bridges are included in the network. Mr. Johnson said they are not, which is an issue. Ms. Sattler asked if the model produced data that could go directly into RADTRAN. Mr. Johnson said TRAGIS is the best software to use in connection with RADTRAN because it will produce route-specific information to feed into RADTRAN. Mr. Runyon clarified that there is not a system set up for taking a file directly out of TRAGIS and feeding it into RADTRAN. Mr. Johnson confirmed there is no direct link. On another topic, he said users can export the latitude/longitude data from map files, and can pull in other data if they desired.

Rep. Elgin observed that, with a model such as this, it is important to make sure the data being used are the data that *should* be used. He said challenges to the data are inevitable, and was strongly in favor of having DOE and the states publicize TRAGIS and its data to be the standard. Mr. Flater agreed. He asked if the NRC used the model. Mr. Brach said the NRC staff are trained on and use TRAGIS.

Ms. Holm mentioned the decision-analysis tools that OCRWM has for routing. Ms. Sattler suggested that a training session could cover TRAGIS, RADTRAN, and the decision-analysis tools.

Mr. Strong asked Ms. Holm if she saw the states and DOE moving forward with routing jointly, and she said yes. She suggested a good place to start might be to look at the basic routes defined in the environmental impact statement, DOT regulatory routes, and rail key routes, then bring the railroads and the carriers in at some point. She said, left to its own devices, OCRWM would probably choose the regulatory routes.

Mr. Blackwell suggested identifying rail origins, then going to the railroads involved and asking them how they would route the shipment. Mr. Jones mentioned the need to work with the operational side, too. Mr. Johnson mentioned that he had funding from the Operations Team to do a draft report on a suite of routes from each reactor. The report is not yet available, and the sponsor has to see it before Mr. Johnson can share it. He said the *very* preliminary draft is due in July.

Ms. Sattler asked for clarification on the routing criteria. Ms. Holm confirmed that the regions would not all have to agree to the same criteria as long as their routes matched up at the borders. Ms. Sattler also asked about the plans in the Northeast and the South to conduct barge studies. She said these studies were considered "special projects," and OCRWM has not yet committed to providing funding for the projects. She wondered when the two regions would finish their studies, because their decisions on barge shipments will have an impact on the Midwest's routing analysis. For that reason, the Midwest will initially look only at routes from Midwestern reactors.

On that subject, Ms. Sattler said she will need the latest data from OCRWM's Annual Acceptance Ranking and Annual Capacity Report.

Mr. Runyon said it sounded like there would be three entities looking at routes. He thought there was real value in actually observing the routes themselves. Sometimes, routes that looked good on a map turned out not to be that good.

Rep. Elgin wondered about the costs that carriers would impose on routes selected by DOE and the states. Mr. Blackwell suggested having the states pick their top three routes, for example, then have carriers pick their top three routes and see if the two sets match up.

Mr. Strong observed that all the discussion pointed to the importance of having lead states work on this issue. He asked how the lead states wanted to go forward with this in the next few weeks. Mr. Lange volunteered to be on the routing group. Mr. Owen wanted to know what routes were permissible. Ms. Holm said the routes in the environmental impact statement are legal routes. The lead states agreed to hold a conference call in the next few weeks. Ms. Sattler will set it up.

Major Tuma mentioned the need to work with the utilities and find out how they wanted to ship. Ms. Sattler said she would like to get information from the Delivery Commitment Schedules. It was her understanding that the utilities continued to submit these schedules, in which they identified what their preferences were for shipping mode. Mr. Jones took this request as an action item.

Major Tuma asked whether DOE would consider altering the routes for homeland security purposes. Ms. Holm said all options were on the table.

NRC Regulation of Transportation: Mr. Strong asked how the committee wanted to proceed on this issue. Major Tuma said the issue should be tied to the security group because the asset of security mostly came from the states. Mr. Flater also suggested the security group look at who within a state was responsible for security – in Iowa, for example, it is not the highway patrol, but rather the motor carrier safety people.

Mr. Blackwell asked if the CRCPD directory lists the states' security points of contact. Ms. Sattler said it does. She pointed out that the regional *Planning Guide* does, as well.

Mr. Strong asked to what degree OCRWM would follow NRC regulations and orders. Ms. Holm said OCRWM is still looking at approaches. She said Ms. Slater-Thompson will be the point of contact on security, and she will be working with the new Security Topic Group. Ms. Sattler mentioned that she had sent Ron Ross the contact information for the three Midwestern representatives to serve on that topic group. She had provided the information to Mr. Ross at his request two weeks after the TEC/WG meeting but had not heard anything since then.

Mr. Blackwell asked if there is a security clearance requirement for the topic group, and Ms. Holm said there is not. Mr. Crose said he wants to see armed escorts in the car that accompanies the shipments. Ms. Holm said DOE will likely limit the security points of contact to just law enforcement.

Mr. Strong asked the security lead states if they wanted to coordinate within the region or if they would prefer to let DOE bring the Topic Group together to get the ball rolling. Mr. Runyon said the group should let Ms. Slater-Thompson take the lead. If he does not hear from Ms. Slater-Thompson soon, he will contact her. Ms. Holm said she would follow-up.

Rail Issues: Mr. Strong brought up a couple of rail issues. First, it is likely there will be no rail access to Yucca Mountain for the first few years. Second, DOE needs to make a decision on dedicated trains. Third, there is the question of whether the regions' rail-to-WIPP guidelines might be a model for DOE to follow for shipments to Yucca Mountain. He asked the states whether there is a need for a core group of committee members to deal with broader rail issues, or are these issues incorporated enough in other issue areas to cover the waterfront.

Mr. Crose suggested that Mr. Runyon handle these issues as part of his role on the Rail Topic Group. This suggestion launched a discussion of which issues were "rail" and which were broader. The states also discussed inspection capabilities, but eventually they agreed to defer this discussion.

Mr. Crose asked what DOE's position was on dedicated trains. Ms. Holm said she thought the decision on dedicated trains would be made this year. Ms. Sattler mentioned that the Rail Topic Group's paper would be coming out soon.

Mr. Flater had a number of comments. First, does DOE keep track of the number of comments it receives on issues? He noted that the NRC does not count the agreement states' letters as several comments, but rather as just one. Ms. Holm said the TEC/WG process is not regulatory. She said it is the substance of the comments that matter, not the number. Mr. Brach weighed in and said if the NRC received identical letters sent from five states or one, the content would be counted as one comment. He agreed with Ms. Holm that the significance of the comments is not in their number, but their content. In support of Mr. Flater's comment, Mr. Crose said the DOT counted the *number* of comments it received during the HMEP process.

Barge Shipments: Mr. Strong moved on to the last of the key issues. He reminded the committee that the Northeast and the South had voiced an interest in doing a study on the feasibility of barge shipments. The Midwest had indicated a preference for barge shipments *not* taking place, at least not on the Great Lakes. He said the environmental impact statement looked at Michigan, Wisconsin, and Nebraska as the Midwestern states that might be affected by barge shipments. He asked the states whether they wanted to make this an issue.



Mr. Runyon observed that barge is obviously an issue for the South and the Northeast, so he had no problem with the Midwest taking the position that the region opposes barge shipments out of this region. Mr. Strong said the committee had singled out the Great Lakes. He said he had contacted the Palisades plant and the utility was not interested in shipping by barge. Mr. Strong's contact said he would get in touch with the Nuclear Management Company to see if they were likewise not interested in barge, but Mr. Strong had not heard back.

Major Tuma and Capt. Hobbs said the Cooper site is near an interstate, so they were not sure why DOE would use barge as an option. Major Tuma deferred to Mr. Erickson. Mr. Strong suggested that the states with sites that have barge access get in touch with the affected utilities regarding their interest, if any, with barge shipments.

Mr. Jones explained that, for the environmental impact statement, OCRWM had to look at all the options. He said OCRWM did want to work with the states on this issue.

### **Committee Discussion**

Rule Change: The committee approved the proposed rule change by a voice vote.

Planning Guide Discussion: The states reviewed the suggested changes to the *Planning Guide*. The main point of discussion was the addition of HRCQ shipments to the scope of the document. Mr. Runyon, Major Tuma, and Mr. Flater were strongly in favor of the change. They noted that the suggested revisions to the *Planning Guide* did not ask shippers to do anything that the NRC was not already recommending they do under the interim compensatory measures.

Mr. Strong, Mr. Crose, and Rep. Freeborn were opposed to the change. At issue was whether the addition of HRCQ shipments would impose an additional burden on either the states or the shippers. Mr. Brach said his very cursory reading of the *Planning Guide* revisions indicated that the recommendations did a good job summarizing what the NRC is already recommending.

Ms. Sattler made two observations. First, she reminded the group that spent fuel does not make as good a target as the sources in HRCQ shipments. A risk-informed decision might point to the need to do more with regard to the HRCQ shipments. Second, when faced with a request for funding in connection with shipments, DOE often makes the argument that the states do not make such requests for private shipments of similar material. She suggested that DOE could well make this argument if the states treated the commercial HRCQ shipments differently than spent fuel, especially given the particular vulnerabilities of HRCQ shipments.

After much discussion, the states voted to approve the suggested changes to the *Planning Guide*. Ms. Sattler asked the states to send their updates to her by July 9. She will distribute the revised *Planning Guide* in mid-August.

### **Discussions with OCRWM, continued**

The states resumed their discussion of the OCRWM-related issues.

Acquisition Strategy: Ms. Holm said OCRWM is focusing on the procurement of casks right now, not the actual services. OCRWM, for now, will take on the responsibilities identified in the program's 2002 draft scope of work for a Transportation Integration Contractor.

Mr. Flater asked which sites would ship first. Ms. Holm said the Delivery Commitment Schedules would have that information, and OCRWM's logistics model would help to define the ranking. She suggested

the committee might want to look at the logistics model in the future. She added that OCRWM has to listen to the utilities in setting the schedule.

Ms. Sattler mentioned that she had hoped to have a briefing on the logistics model at this meeting. Ms. Slater-Thompson had contacted the regions about doing a three-hour web cast briefing, but apparently that plan had fallen through. Mr. Jones said Ms. Slater-Thompson is working with Dean Jones at Sandia, who would need several more months to work on the model. He suggested Ms. Sattler reserve some time on the agenda for the November meeting to talk about the logistics model.

Ms. Sattler asked Ms. Holm what would make OCRWM choose *not* to follow the Association of American Railroads (AAR) recommendations. Mr. Jones said Mr. Larsen was working with the AAR and the FRA on this issue. Mr. Jones recommended having Mr. Larsen attend the next meeting. Ms. Holm said she would follow up with Mr. Larsen to get information on the policy with regard to the AAR recommendations.

Mr. Kerr asked whether OCRWM was contemplating the development of a new transportation cask. Ms. Holm said that was a possibility. She said the program had funded the development of a high-capacity General Atomics truck cask, which had never been built. She added that some of the DOE spent fuel could not be carried in existing casks. Mr. Flater cautioned that OCRWM should be careful in choosing the language to describe the department's fuel that required special casks. He asked why there was a need for so many different cask types. Mr. Brach clarified that all casks must be NRC certified. He said there were different enrichments, different configurations, different burnup rates, so there was a need for different casks to accommodate all the variations. Mr. Flater recommended making all the casks look similar.

Full-Scale Testing: Mr. Strong asked the states whether they wanted to make this a key issue. He asked about testing to failure. Mr. Brach said the NRC had no requirement to do full-scale packaging testing, no matter what the package. For some small packages, the vendors *do* test full-scale because it is more cost effective to do it that way. For spent fuel packages, typically the testing has not been full-scale testing. The Package Performance Study will be a demonstration test, not a regulatory test. None of the spent fuel transportation packages currently certified has had full-scale testing, nor does the commission envision full-scale testing as becoming a requirement. The testing would have to be something that DOE and the vendors would arrange.

Ms. Holm said OCRWM supports the NRC study on full-scale tests and is helping to fund it. OCRWM does not anticipate conducting full-scale tests unless they are needed for technical or regulatory analyses associated with design certification. Mr. Strong asked if the matter is even open to continued debate. Ms. Holm said she could not answer whether there is a policy in the works or not.

Mr. Brach said in the Package Performance Study the NRC would use a rail cask and have a simulated train accident using speeds of roughly 75 mph, followed by a fully engulfing fire. The staff is working on how to do that, including the pre-test calculations and the need to do instrumentation on the cask. Ms. Sattler asked if the commission had followed the staff's recommendation in selecting the demonstration test. Mr. Brach said the staff had recommended different tests. The commission picked an option that would not require any upgrading of facilities.

Mr. Jones said neither the South nor the Northeast felt full-scale testing was necessary. Mr. Moussa wondered whether, in light of 9/11, there might be a need to do tests along the lines of the Sandia tests, but with a terrorist component. Mr. Strong asked how much the testing would cost compared to the cost of the entire program. Ms. Holm did not know. Ms. Holm and Mr. Brach corrected the background in

the key issue of NRC Regulation of Transportation, noting that DOE had not turned over EM cask certification to the NRC. Ms. Sattler asked when that decision had been made, because DOE had repeatedly reported that this transition was in the works. Ms. Holm acknowledged that the decision to transition this function to the NRC had been rescinded.

Ms. Sattler said she thought DOE needed to come out with a public statement on the issue of full-scale testing. Regardless of who was in favor and who was opposed, the fact remained that full-scale testing was a significant issue for many stakeholders, key among them the State of Nevada. DOE could not ignore the issue and hope it would go away – it would have to come out publicly with a decision on the matter.

In answer to a question, Mr. Brach said the WIPP program's TRUPACT was subjected to full-scale testing. The applicant had decided to do the tests because of the unique features of the container.

Mr. Flater raised his concern that the NRC public workshops on full-scale testing should not have included Nevada representatives to the extent that it did. He said having Nevada attend the workshop in the Midwest only served to stifle the discussion among the Midwestern states. Mr. Brach explained that the NRC had chosen to invite Nevada to all the workshops because the state would be so heavily affected by shipments.

Mr. Strong again asked the states what they wanted to do. Someone observed that, if the committee were to change its position at this time, the *Planning Guide* would need to be changed accordingly. Mr. Flater said he did not see what the issue was. Mr. Crose suggested changing the current position on full-scale testing to follow the results of the NRC's Package Performance Study. The states debated whether to change the position or not. Mr. Lange said he saw no need to make a change. With regard to Mr. Crose's comment, Ms. Sattler said endorsing what the NRC had directed the staff to do would actually go against what the committee had said in its 2003 comment letter on the draft testing protocol.

Rep. Elgin recommended not changing the position right now. He noted that the regional groups might have a joint meeting, and perhaps the committee should wait to address this issue at that time. Ms. Holm said her only concern was that, if the region maintained its position that every cask design should undergo full-scale testing, what would happen if DOE did not agree? The states decided to keep the issue as currently written.

The committee asked Ms. Sattler to revise the key issues per the discussion and send the list to the states for a final review. They also asked her to send the revised list to Ms. Holm, Mr. Jones, and Mr. Brach to review the substantive content.

Mr. Crose took the opportunity to commend Liz Miller on her upcoming retirement from CSG Midwest. Mr. Strong added a few words of praise for Ms. Miller's work for the committee.

Other Topics: The committee had already discussed ways to interact with the other regions. Ms. Sattler mentioned that she had requested funding for a "special project" to take a delegation of legislators to Yucca Mountain. Mr. Moussa and Mr. Crose suggested bringing the governors along. The rest of the group agreed to the change in approach. Ms. Sattler said she would revise the proposal to make it possible for the governors to attend.

On the subject of tribal outreach, Rep. Elgin suggested that the routing group coordinate with the tribes. Mr. Runyon asked about DOE's State and Tribal Working Group, but Ms. Holm said that group does not address the same issues as the regional committees. Mr. Jones said OCRWM has identified 40 tribes nationally, but there are only four or five affected tribes in the Midwest. OCRWM will have a meeting

this year with the tribes to talk about how best the program can work with them on an individual basis.

Mr. Crose suggested that any states with affected tribes send them an invitation to attend the next meeting. Mr. Moussa cautioned that the letter might need to come from DOE, because the tribes are sovereign nations and might be offended if the letter came from the states. Ms. Sattler said she would work with Ms. Holm and Mr. Jones to figure out an appropriate way to invite the tribes to attend regional meetings.

Ms. Sattler reviewed the action items. Mr. Strong called the meeting adjourned at 2 p.m.