



# Western Interstate Energy Board/ WINB

## Summary of the April 19, 2007 Meeting of the High-Level Radioactive Waste Committee Meeting San Antonio, Texas

Alberta  
Arizona  
British Columbia  
California  
Colorado  
Montana  
Idaho  
Nebraska  
Nevada  
New Mexico  
Oregon  
Saskatchewan  
Utah  
Washington  
Wyoming

**Joanna Prukop**  
Chairman

**Douglas C. Larson**  
Executive Director

With all 11 states participating (AZ, CA, CO, ID, NE, NV, NM, OR, UT, WA and WY), the High-Level Radioactive Waste (HLW) Committee:

- Received reports on Committee Activities since their last meeting, including:
  - Status of WIEB's Cooperative Agreement with DOE,
  - Proposed legislation concerning the SNF/HLW program,
  - Committee participation in TEC and the TEC Topic Groups, and
  - Other projects underway;
- Held discussions with the Nuclear Regulatory Commission on:
  - Cask Security and WGA Resolution 04-02 (Security of SNF Shipments),
  - NRC's route approval process,
  - The Diablo Canyon ISFSI Environmental Assessment,
  - NRC's study of long-duration fires,
  - NRC's role in licensing the TAD Canister, and
  - Applications for new nuclear power plants;
- Conducted discussions with DOE-OCRWM on:
  - Cask Security and WGA Resolution 04-02 (Security of SNF Shipments),
  - DOE's proposed Legislation,
  - Budget and personnel issues at OCRWM,
  - The Nevada rail Corridor,
  - The TAD Canister, and
  - Development of OCRWM's National Transportation Plan.
- Had a discussion with DOE representatives concerning the Global Nuclear Energy Partnership (GNEP);
- Received updates from the other State Regional Groups (SRGs); and
- Conducted a roundtable discussion of recent developments by state.

Chairs' Report On Activities Since The Committee' October 2006 Meeting:

WIEB's Cooperative Agreement with OCRWM has been renewed for FY08. Funding remains level at \$250,000; a portion of this amount will be funded with any unspent FY07 money. Scott Field (WIEB staff) reviewed the current Cooperative Agreement and discussed changes to be made for FY08:

- Task #1, *High-Level Radioactive Waste Transportation Committee*: No Changes.
- Task #2, *Participation in Other Meetings*: No Changes.
- Task #3, *Regional/State Transportation Routing*: Workplan revised to reflect participation in Route Identification Topic Group, and work on the Nevada Rail Alignment draft EIS. Budget increased from \$20,000 to \$25,000 to reflect increased activity under this task.
- Task #4, *States' Capabilities and Needs*: workplan revised to reflect cancellation of the Needs Assessment Prototype Special Project; this task now only covers a Scoping Exercise. Budget reduced from \$25,000 to \$20,000 to reflect reduced scope.
- Task #5, *Implementation Approach for NWPA Section 180(c)*: Budget reduced from \$15,000 to \$10,000 to reflect reduced workload under this task.
- Task #6, *Transportation/Shipment Planning*: Workplan revised to include work on OCRWM's National Transportation Plan and draft notification protocol. Budget increased from \$15,000 to \$20,000 to reflect increased activity under this task.
- Task #7, *Radioactive Material Transportation Practices Manual*: Task deleted, due to completion of work.
- Task #8, *Information and Communications*: (Renumbered as Task #7.) Workplan revised to include Graphical Shipment Database project, and reflect current status of the Online Resource Book project.
- Task #9, *Security Planning*: (Renumbered as Task #8.) Workplan revised to include report on clearances/authorizations of state Points Of Contact pertaining to nuclear materials shipments, and a draft protocol for changes in the National Threat Level. Budget increased from \$15,000 to \$20,000 to reflect increased activity under this task.
- Task #10, *Special Projects*: (Renumbered as Task #9.) No Special Projects planned for the coming Fiscal Year.

Scott Field (WIEB staff) gave an update on pending or proposed legislation affecting the HLW Program.

- The Administration has sent its "Nuclear Waste Management and Disposal Act" (last year's S.2589) back to Congress. The only substantive change from last year has been to reword Section 6a (RCRA Exemption) to clarify that the exemption only applies to Yucca Mountain shipments. However, the bill has not yet been introduced in either house.
- Sen. Reid (D-NV) has introduced S.784, the "Federal Accountability for Nuclear Waste Storage Act." This is essentially a re-working of S.2099, introduced in 2005, and would call for long-term dry cask storage at the utility sites, to be paid for out of the Nuclear Waste Fund. The bill has not yet had a hearing or been debated.

## TEC Topic Group Updates:

### Manual Review Topic Group:

- This group has completed its work, and is awaiting the release of the final Manual.

### Security Topic Group:

- This group has largely completed its work; there has been little or no activity since October.
- Alex Thrower (DOE-OCRWM) reported that the draft Information Sharing Protocol is undergoing internal DOE review, and they hope to release it before the July 2007 TEC meeting.
- They are also working on the Security Bibliography, but that may not be out by TEC.

### Section 180(c) Topic Group:

- There has been no activity in this group since October; the group is awaiting the release of the Federal Register Notice on 180(c) Policies and Procedures.
- Alex Thrower and Judith Holm (DOE-OCRWM) reported that DOE has determined that the notice requires Office of Management and Budget review, which is currently pending.
- Judith stated that some changes have been made to the document that the Topic Group completed, such as combining both policies and procedures into one document. However, the intent of the document is still intact.

### Rail Topic Group:

- Tammy Ottmer (CO) reported on this group's activities.
- The Planning Subgroup has completed its Rail Planning timeline, which will be revisited every 6 months to see if it needs updating.
- The Tracking Subgroup has completed its work; the Radiation Monitoring tasks are being spun off into a separate subgroup.
- The Lessons Learned subgroup has completed a draft, and is working on editing it down to a shorter document. Alex Thrower reported that he is working on incorporating the subgroup's document into OCRWM's Lessons Learned document, which will reflect differences of view between the states and DOE.
- The Inspections subgroup has completed a draft rail inspection form, and are going to present it to FRA state program managers for feedback. They are also looking at using the form for a trial run in PA, OH, and/or IL.
- At the end of the Topic Group meeting at the Jan-Feb 2007 TEC meeting, there was a lively brainstorming session and discussion of new issues that the group should be addressing. The issue of contracts between DOE and the Railroads came up; several people felt that a Contracting subgroup should be formed.

### Tribal Topic Group:

- Judith Holm (DOE-OCRWM) reported that the group conducted a Yucca Mountain Tour, and is holding a tribal workshop in Denver in late April.

- 35 tribes are currently participating in the group.
- OCRWM is assembling a resource book on tribal issues.
- Bob Halstead (NV) stated that the tribes are awaiting a response to the questions they have asked DOE. Judith stated that OCRWM is working on a response, although some of the questions (such as the definition of “affected tribe”) are decided by the Bureau of Indian Affairs.

#### Routing Topic Group:

- Anne Clark (NM) reported that the group met at the January-February TEC meeting, but has had no activity since then.
- OCRWM is reconsidering how the routing process will proceed, which may include additional public involvement.
- The Routing Topic Group is expected to have a conference call sometime before the July TEC meeting.

#### Regional Group Updates:

##### CSG-Midwest (Sarah Wochos):

- The Midwest’s next meeting will be June 27-28 in Jefferson City, MO.
- The Midwest Committee has lost all of legislative members due to retirements or elections; 6 new members have been identified so far.
- They are working on a new brochure to be published in January 2008, as well as a bi-weekly email newsletter to update their members.
- In January 2007, they sent a letter to OCRWM asking when the Section 180(c) Federal Register Notice would be released, and expressing concern over rumored changes.
- They are working on comments on OCRWM’s National Transportation Plan outline.
- The Wisconsin Legislature meets in May to discuss repealing the states’ moratorium on building new nuclear power plants.
- The Midwest is very concerned about DOE re-submitting the “Nuclear Waste Management and Disposal Act.” They are considering writing a letter reiterating their opposition to the transportation provisions of the bill.
- The Midwest is also concerned about the lack of progress in the Routing Topic Group. The Midwest feels that they have completed their work, and are not sure that national criteria are even necessary.

##### CSG-East (Cort Richardson)

- The Northeast will hold their next meeting June 5-6 in Providence, RI. The meeting will include a tour of the Millstone plant and ISFISI, as well as their barge slip, rail spur, and waste handling facilities.
- Conrad Smith has retired. Cort is now the Task Force’s Director. They have also hired a new Policy Analyst, Melissa Bailey, who starts next week.
- The Northeast is chairing the new Radiation Monitoring subgroup of the Rail Topic Group.

National Conference of State Legislatures (Brice Kindred):

- NCSL has several new members as a result of recent elections. They hope to have a full membership list soon.
- They are maintaining a database of state legislation, and collecting news summaries.
- They are seeking to work more closely with the SRGs; they would like to bring one of their members to each SRG meeting. They are also attending OCRWM's tribal workshop in Denver next week.
- A few Committee members expressed concerns about Legislators coming to our meetings. Some members' agencies have rules prohibiting them from talking to legislators without advance clearance. Also there were concerns that having legislators in the room can affect the nature and content of the Committee's discussions.

Southern States Energy Board (Roger Mulder - TX):

- SSEB held their Spring meeting April 3-4 in Las Vegas, NV. The meeting included a tour of Yucca Mountain.
- Rob Balzer, CEO of Waste Control Specialists site in Texas, spoke at the meeting about the disposal of compact waste and Fernald waste. The compact passed in 1995, but the commissioners were never named. The names are currently on the Governor's desk, but they are unlikely to be appointed until after the legislature recesses.

Discussion of Nuclear Regulatory Commission issues:

- Earl Easton (NRC) spoke on several issues pertaining to the NRC.
- PATRAM 2007: This conference will be held October 21-26, 2007 in Miami, Florida. 300 papers have been accepted for the conference, and there will be roughly 6 panel discussions. Tammy Ottmer (CO) and Anne deLain Clark (NM) had a paper accepted on lessons learned from the WIPP program, and may be giving a presentation as well. NRC has solicited questions from Greenpeace on cask safety. Earl is also hoping to set up a Q&A session with Ward Sproat (DOE-OCRWM) and an NRC Commissioner.
- Cask Security and WGA Resolution 04-02 (Security of SNF Shipments):
  - NRC believes it has conducted all the package security assessments the Western Governors called for in Resolution 04-02. They are working on a way to share that information with the states. Earl urged that any revisions to the Resolution should acknowledge the work that has been done and request that the information be shared. States and the NRC need to work together to fulfill their roles as co-regulators.
  - NRC has only recently shared its cask security studies with DOE, and is developing a plan to do the same with the states; however, they do not yet have a timetable.
  - Regarding Nevada's 1999 petition for rulemaking, the NRC was close to answering it in 2001. But after the 9-11 attacks, the Commission decided to re-evaluate security across the board. They started with reactor security; transportation was viewed as a lesser threat, so they didn't get to it until recently. They are now moving forward on their response to the petition. Many of Nevada's points will be subsumed in rulemaking, and the states will be able to comment on that rulemaking. Bob Halstead (NV) pointed out that much of the petition identified what Nevada saw as the good parts of NRC practices, and asked that they be enforced.

- Route Approval:
  - NRC uses the same routing guidelines that have been in place since 1980, although route analysis is now done by the licensee, with NRC auditing the analysis.
  - No changes have been made to the guidelines as a result of 9-11, however the NRC expects to update the guidelines in the next year or two.
  - Routes approvals are good for 5 years.
  - They do a limited number of rail routes due to the fewer number of rail routing options. They also look at ports.
  - Whenever possible, NRC drives highway routes prior to approval; this is less common with rail routes.
  - NRC does occasionally board trains of general licensees to inspect physical security; they did so with an FRR shipment not long ago.
  - Route approval is requested by the licensee (shipper), not the railroad (carrier).
  - NRC has in the past occasionally rejected proposed routes, or advised against shipments during high threat conditions (e.g., the 2002 Summer Olympics). They don't have to reject routes very often.
  - NRC does not have the authority to approve DOE's Yucca Mountain routes, unless DOE signs a reimbursable agreement with NRC.
  - In the case of FRR shipments, half of them were NRC regulated and half were DOE regulated. Therefore NRC and DOE signed an agreement to ensure that all shipments were handled the same.
- The Diablo Canyon ISFSI Environmental Assessment:
  - The revised Diablo Canyon EA is due out at the end of May, with a 45-day comment period.
  - Analyses have already been conducted that include the casks used at Diablo Canyon and elsewhere. The 2005 NAS Study on dry cask storage is one example. NRC is using data from these studies.
  - The Circuit Court decision only applies to those states covered by the 9th Circuit.
  - The NRC has denied petitions to re-do the EAs for plants outside of the 9th Circuit's jurisdiction. NRC expects this will be challenged in other Circuits, forcing the Supreme Court to deal with the issue.
  - The Commission feels that terrorist attacks should not be a part of NEPA. Any site can be a terrorist target. (Should every building be forced to consider terrorist attacks in its EA?) The NRC has reviewed NEPA case law, and feel that they are not obligated to include terrorist attacks in their EAs unless there is a proximate cause. They would rather spend the time doing security assessments that are needed and required.
- New reactor applications:
  - Earl handed out a diagram of the licensing schedule for new reactor licensing applications. This was formerly a 2-step process -- with separate construction and operating licenses -- but has been streamlined into a single-step process.
  - They expect the use of standardized designs will greatly streamline the process. Applicants not using a standard design will go to the end of the queue. Some reactor designs have already been approved, and others are in process.
  - All the applications for Early Site Permits so far are co-located with existing units.
  - Early Site Permits are good for 15-20 years from the date they are approved.

- One potential nuclear utility operator (the proposed Fresno site, funded by Constellation Energy) has proposed shipping its spent fuel to France for reprocessing. This group has not yet filed an application with the NRC. Doing so would require an export license from the NRC under 10CFR110, as well as a State Department review to ensure the fuel is going to legitimate parties. There would likely be public hearings in the NRC licensing process. The utility would also need an import license to bring reprocessed fuel back into the US. The US has seen a few international SNF shipments before, such as with the Foreign Research Reactor program, so the concept is not entirely unprecedented. However, Barbara Byron (CA) pointed out that AREVA has looked at overseas transport of spent fuel, and determined that it was too expensive to be worthwhile.
- TAD Canisters:
  - NRC will review DOE's TAD Canister under four different rules:
    - Loading under Part 50,
    - Transportation overpack under Part 71,
    - Storage overpack under Part 72, and
    - Aging and disposal under Part 63.
  - Thus there will be four separate licensing actions. Some, but not all, of these reviews include public comment.
  - NRC has an inter-agency group that meets monthly to exchange information, so that the different Parts know what each other are doing.
- Long-duration fires:
  - Regarding the NAS' recommendation that more study of long-duration fires was needed, the NRC feels they have met the intent of the recommendation.
  - However, NRC's "work is never done," and they will continue to review the subject as conditions change and new information arises.
  - There is no formal mechanism to close out an NAS recommendation, but NRC has kept in contact with the study members.
  - Bob Halstead (NV) stated that some of Nevada's questions have still not been addressed; they think there are a number of conditions/assumption that could lead to a failure.
  - Earl pointed out that the Baltimore and Caldecott Tunnel Fire studies were self-initiated prior to the release of the NAS study, and the NRC put those studies out for public comment (something not required by regulations) because they recognize the public interest in the subject.

#### OCRWM Program Update and General Discussion:

- Alex Thrower and Judith Holm (DOE-OCRWM) reported on activities at OCRWM.
- Ward Sproat's four strategic objectives for OCRWM are:
  1. Submit a License Application by June 2008 (Most resources are going here, and they are confident they will meet this deadline),
  2. Train the OCRWM organization, and establish a nuclear culture (safety, quality, and cost-effectiveness),
  3. Address the government's liability for not taking title to SNF on schedule (settlements are paid out of DOJ judgment fund, not the Nuclear Waste Fund), and

4. Develop a comprehensive transportation plan supported by states/stakeholders.
- Other key dates:
    - License Application design complete by November 2007,
    - LSN Certified by December 2007 (6 months before LA submittal),
    - Rail line construction starts by October 2009.
  - OCRWM's Transportation budget request for FY2008 dropped to \$15 m; half of its current level; and one fourth of FY06.
    - OCRWM still intends to fully fund the SRGs.
    - They are also planning a small start on the 180c Pilot Project next FY.
    - Starting rail line construction in FY09 could be difficult without a major increase in funding; acquisition of rolling stock faces a similar situation.
    - Barring additional funding, it is possible the Nevada rail line may not be operational in time to help with repository construction.
    - Development of the Transportation Operations Model (TOM) has been delayed indefinitely.
  - Regarding the proposed "Nuclear Waste Management and Disposal Act:"
    - OCRWM's top priorities for this legislation are:
      1. Permanent Land Withdrawal,
      2. Reclassifying Nuclear Waste Fund receipts, and
      3. Lifting the 70,000 MTU cap.
    - Alex & Judith assured us that DOE upper management has heard the states concerns about the bill.
    - The Legislation does not yet have a sponsor, and is not currently moving in Congress. Alex & Judith declined to speculate on the bill's future. Joe Strolin (NV) predicted that the bill will never go anywhere as long as Sen. Reid is Senate majority Leader.
    - Regarding the Preemption provisions of the bill, DOE's intent is to use the existing DOT preemption process, rather than create a separate process.
    - Scott Palmer (BLET) asked if the 70,000 MTU capacity cap on Yucca Mountain was lifted, would DOE be including Modules 1 & 2 as identified in the FEIS? Judith indicated they were looking at Module 1 & 2; this could include up to 163,000 MTUs, potentially including Greater-Than-Class-C waste and Special Performance Assessment Required (SPAR) materials.
  - OCRWM is looking closely at personnel shortcomings, trying to identify what additional skills they will need in their organization, and who they will need to recruit in the future to build the workforce they need. Like many Federal agencies, they are concerned about their aging workforce. There are also concerns that the "nuclear renaissance" will draw qualified people away from DOE. DOE also provides funding to universities and scholarships to help train new people; OCRWM has an active intern program to encourage recent graduates to come work for DOE.
  - Nevada Rail corridor: The Caliente Route was originally chosen from 5 corridors, based on fewer expected land use conflicts. The Mina Corridor was originally rejected due to objections from the Walker River Paiute Tribe, which owns the rail bed. When the Tribe indicated they might be interested in withdrawing their objections, DOE added Mina to the Rail Alignment EIS. The Paiute Counsel has since reinstated their objections to the route; therefore, OCRWM is again focusing only on the Caliente Corridor.

- TAD Canister: OCRWM expects that 80-90% of the fuel arriving at Yucca will be canistered, with 10-20% bare fuel. The TAD will go into an overpack for transportation, at which point it will be treated like a large rail cask. This limits the potential for contamination, and simplifies the waste handling process.
- Cask Security and WGA Resolution 04-02 (Security of SNF Shipments):
  - DOE has been working closely with the NRC to ensure the security of SNF shipments.
  - An international work group on sabotage of storage and transport casks has been formed. Testing is being conducted as part of an agreement among the US, Germany and the UK.
  - DOE is funding Sandia National Labs to do a fuel sabotage test, building on the results of tests done in the 1980s.
    - The test subjects SNF surrogates to a high-energy explosive device. The intent of the test is to help determine the performance of SNF when it is exploded.
    - Indications are that the earlier estimates are conservative; thus the consequences are not as great as we currently thinking; Sandia needs to do additional work.
    - In 2008, Phase 4 will explode rodlets (8 rods per test, 18 inches long or so, 115 grams per sample) and then suck out respirable fraction. Budget problems may delay completion of the tests.

#### OCRWM National Transportation Plan development:

- Judith Holm (DOE-OCRWM) reported on the development of OCRWM's National Transportation Plan (NTP).
- The plan will focus on high-level strategic issues, such as Requirements, Infrastructure Development, Institutional Outreach, and Operations.
- The NTP will not go into the same level of operational detail as the WIPP Program Implementation Guide, but will be far more detailed than OCRWM's 2003 Strategic Plan.
- The plan will draw on older documents, incorporating OCRWM's institutional, business and operations plans all under one cover. The NTP will be updated annually.
- OCRWM plans to have a draft of the plan out before the July TEC meeting.
- At this time, DOE has no intention to codify the NTP in regulations.

#### NWPA Routing Discussion:

- Alex Throver and Judith Holm (DOE-OCRWM) joined with Committee members in a discussion of Yucca Mountain routing.
- DOE wants route selection to be a collaborative process with states/local/tribal buy-in.
- Steps that will be taken:
  - Review previous campaigns,
  - Work with oversight organizations,
  - Determine federal rules,
  - Explore common routing principles,
  - Conduct routing assessment,

- Review Regional studies, and
- Develop national suite of routes.
- OCRWM's suite of routes can include a preferred route and one or more alternatives, which may vary from year to year. All other things being equal, the railroads could be allowed to pick which specific route they will use out of the suite.
- OCRWM recognizes that for some utilities there may only be one good route. They do not intend to propose routes that don't make sense just so they can say they have a suite.
- Joe Strolin (NV) reiterated the Western states' concerns over allowing the carrier to choose routes.
- Bob Halstead (NV) gave a presentation on the most recent routing analysis Nevada has conducted.
  - Nevada estimates there will be over 400 truck shipments to Yucca in the first five years alone.
  - Use of FEIS "representative routes" for Legal Weight Truck shipments results in about 3.1 million shipment miles, compared to about 7.4 million rail shipment miles. Thus, while only 10% of the fuel by weight will go by truck, nearly 30% of shipment miles are likely to be by truck.
  - Western states are unlikely to be affected by the selection of national routing criteria. Bob would prefer OCRWM conduct a practical routing exercise rather than a theoretical study.
- It is difficult for rail shipments to avoid Las Vegas unless DOE specifically prohibits it in their contracts. Tammy Ottmer (CO) asked if Nevada was considering moving the rail line outside of Las Vegas. Bob stated that high land prices around Las Vegas make that cost-prohibitive.

Global Nuclear Energy Partnership (GNEP) Program Status and Transportation Implications:

- Jack Wheeler, DOE Office of Fuel Cycle Management, gave a presentation on the status and future direction of the Global Nuclear Energy Partnership (GNEP).
- In November, DOE released a list of eleven sites selected to conduct siting studies for reprocessing facilities. Five of these sites are located in Western states: two in New Mexico, two in Idaho, and one in Washington.
- DOE plans to build three GNEP facilities: a commercial-scale reprocessing plant; a prototype fast-neutron plutonium "burner" reactor to generate electricity; and a research laboratory to study reprocessing and advanced-fuel technologies.
- GNEP does not plan to reprocess existing "legacy" spent fuel, but is focusing on fuel to be generated in the future. There does not appear to be any technical obstacle to reprocessing legacy SNF; however, reprocessing works best with fuel that is either very new (before significant decay products have accumulated), or very old (after those decay products have decayed).
- DOE has not yet determined who will own fuel that is being reprocessed.
- Cost estimates for GNEP are \$167 million in FY07 and \$395 million in FY08.
- GNEP plans to release a draft Programmatic EIS this year, and hopes to issue a Record Of Decision in 2008. Their first facilities could be operational by the early 2020s.
- Proliferation concerns are the main force driving GNEP, but reducing the need for

additional repositories is also a factor.

- The EIS will consider a “base case” scenario based on current nuclear plant capacity, as well as alternate scenarios reflecting the “nuclear renaissance.”
- The disposition of different waste streams from GNEP facilities has not yet been determined, but will be included in the PEIS.

#### Western States Roundup:

Arizona: Aubrey Godwin reported that Arizona has completed all the WIPP shipments they expect to see.

California: Barbara Byron reported that the State Assembly rejected a bill to repeal the state’s ban on construction of new nuclear plants before a repository is open. Nevertheless, Constellation Energy is funding efforts to build a new nuclear power plant near Fresno; they propose to ship their spent fuel to France for reprocessing. A ballot initiative on the subject is expected.

California will be holding a nuclear workshop on June 25<sup>th</sup> and 28<sup>th</sup>; both sessions will be webcast.

Colorado: Allan Turner reported that new rules concerning the escorting of WIPP shipments to safe parking areas take effect at the end of April. The rules also add the option of requiring escorts based on operational concerns.

Idaho: Craig Halverson reported that a group is proposing to build a 1000 MW reactor near Bruneau, Idaho; the site would also include a biofuels plant. It’s not clear how “serious” this proposal is, as water rights are uncertain.

Nebraska: Ken Dahlke had nothing to report.

Nevada: Joe Strolin reported Nevada is preparing for the Rail Alignment EIS and the Yucca Supplemental EIS, expected to be out this summer, as well as DOE’s License Application, expected next year. Nevada is getting all their documents ready for posting on the Licensing Support Network (LSN); they are required to have all their documents posted within 90 days of DOE’s LSN certification.

New Mexico: Anne Clark is monitoring the development of the National Enrichment Facility (NEF) near Hobbs, NM. Roger Nelson (TX) reported that NEF is somewhat at odds with GNEP, as NEF would be manufacturing new fuel rods, and GNEP would be a source of competition.

Oregon: Ken Niles reported that Governor Kulongoski sent a letter to DOE objecting to the Administration’s proposed Yucca Mountain legislation.

Ken attended a GNEP public meeting in Pasco, WA, where most people were strongly in favor of the GNEP proposal; he also attended a similar meeting in Hood River, OR, where most people were opposed to the proposal.

Plans to build Liquefied Natural Gas facilities in Oregon are generating many of the same

public opposition as nuclear facilities; concern is over a low-probability but high-consequence event.

Lastly, Ken attended a very illuminating force-on-force exercise at the Columbia Generating Station.

Utah: Connie Nakahara gave an update on Private Fuel Storage. The Court dispensed with oral arguments in Utah's lawsuit, possibly because they wanted to wait for PFS' expected appeal to the Bureau of Indian Affairs; PFS has up to six years to file that appeal. Utah expects PFS may be waiting until 2008 to see if the political climate has changed. Scott Field reported that PFS CEO John Parkyn still seemed optimistic about PFS' future when Scott spoke with him in December.

Washington: Dan Johnson had nothing to report.

Wyoming: Scott Ramsey reported that the spike in uranium prices is generating interest in reopening uranium mines in Wyoming.

#### Committee Business Session:

The following topics were discussed at the Committee's opening and closing Business Sessions:

- Legislation: DOE still does not have a sponsor for its Yucca Mountain legislation. The Committee agreed to not send a letter concerning the bill until/unless it gets introduced.
- Online Resource Book: Several people suggested that materials be available for peer review by Committee members prior to being posted publicly. Scott Field (WIEB) agreed this was a good idea.
- WGA Resolution 04-02: The Committee agreed to recommend this Resolution be renewed, with changes to reflect presentations heard today. Scott Field (WIEB) agreed to send a draft out by Friday, so that members can comment on it prior to next week's WGA Staff Counsel meeting. The language of the Resolution does not need to be finalized for another month, however.
- GNEP PEIS Comments: Next week, Scott Field will send around the previous draft of comments on the GNEP PEIS Notice Of Intent, to see if anyone has any suggested changes based on today's presentations. Comments are due June 4<sup>th</sup>.
- Judith Holm: Judith has announced she will be retiring from DOE later this year. Several Committee members felt very strongly that we should get her a nice retirement gift. Ken Niles and Scott Field volunteered to work on this.
- Next Meeting: The Committee recommended the Fall meeting be held in Santa Fe, NM, in conjunction with the WGA WIPP TAG meeting.