

US DOE Transportation External Coordination Working Group (TEC)

February 5-6, 2008 Meeting In San Antonio

Attendees from western states included Anne Clark (NM), Bill Craig (UT), Fred Dilger (NV), Bob Halstead (NV), Dan Johnson (WA), Tammy Ottmer (CO), Joe Wingard (NV), Alex Schroeder (WGA), and Jim Williams (WIEB). Nevada Affected Units of Government (AUGs) were well-represented, with delegations of one or more from Nye, Clark, Lincoln, Esmeralda, and Eureka Counties. Indian tribes (many from Nevada or the west) were also well represented. The NWTRB was represented by Mark Abkowitz (Board) and Dan Metlay (staff). For DOE, Frank Moussa (replacing Judith Holm) chaired the meeting, and Julie Offner (replacing Corinne Macaluso) will serve as tribal liaison.

OCRWM Program Update

Gary Lanthrum provided the OCRWM program update:

- DOE plans to complete its Supplemental EISs in June.
- 1000 comment documents were received on the SEISs (vs 50 on the Section 180c FRN).
- DOE expects to issue a ROD on the NV Rail Alignment EIS in 2008. (My understanding is that they will not issue RODs on the Repository and NV Rail Corridor SEISs.)
- DOE hopes to submit its license application in calendar 2008.
- The National Transportation Plan is delayed due to funding, but remains one of OLM's four strategic objectives.
- OLM is considering "reduced funding scenarios" for transportation, considering competition for funding between transportation (rail spur construction, cask acquisition, etc.) and repository construction and initial operation.
- The rulemaking required by HR1 (9-11 Commission recommendations) on the safety and security (including routing) of Hazmat Class 7 rail shipments will be issued early 2008.
- Lanthrum presented Figure 3.4 from the NAS study (pg. 177), comparing accident frequency and fatalities in SNF shipment with those for chlorine, propane & methanol shipment. (Moussa later presented charts showing the small percentage of Class 7 and SNF shipment among all hazmat shipment.) Halstead made strenuous objection.
- Cash Jaszczak (Nye County) stated that not all Nevada counties share the state's view on transportation, and suggested that the alignment ROD should be delayed until the NV repository is inevitable, at which point DOE should "optimize" its rail spur investment.

DOE/EM Program Update

In Ella McNeil's absence, Bill Spurgeon provided the EM program update:

- Beginning with 114 sites in 31 states, the EM clean-up program now has 24 sites to go. Some are short-term, others medium-term (by 2013), still others longer-term (2018+).
- With RFLTS and Fernald clean-up complete, EM shipment numbers are declining.
- The West Valley drum cell project shipped 1528 drums to NTS in late 2006, and 18,500 in 2007. (Complications in state surveys resulted in numerous stops and delays; the Radiological Monitoring Sub-group will attempt to address lessons learned.)
- Shipments of FFTF (Fast-Flux Test Facility) wastes from Hanford to INL continue.
- Shipments of depleted uranium oxide (25,000 drums) from SRS to Utah (Energy Solutions) will begin in FY'09.

- The SNF transfer program (SRS-INL) will have funding and will proceed (Scotty deClue).
- Uranium oxide shipments from Portsmouth and Paducah to Energy Solutions (Utah) are in prospect.
- A transportation plan for further shipments of foreign research reactor fuel will be issued later this month.

Tribal Cultural Plenary

Richard Arnold (Pahrump Paiute Tribe; Las Vegas Indian Center) and Lalovi Miller (Moapa Band of Paiutes) presented tribal views. Noting that tribal languages include no word for radiation, Arnold discussed the invention of the term “angry rock”—angry because it had been used wrongly. Since the anger has not been controlled (just contained), emplacement will upset Yucca Mountain, which they believe is alive. Tribal concerns extend beyond their often small reservations, and beyond cultural resources to environmental justice, including holy land violations.

In 2007, the Timbasha Shoshoni were granted affected status, but have not yet received funding. Travel for tribal representatives at TEC is provided by DOE directly.

Evaluation of Short Line Railroads

Pat Edwards and Bill Wilson (PA PUC) and Mel Massaro (FRA) provided a useful overview of this potential “Achilles heel” in the national plan for cross-country transport. Edwards reviewed track safety standards (in 49 CFR Part 213), including rail carrier classes, classes of track (and associated speeds), and responsibilities for compliance and inspections. Wilson noted that escorts are not railroad personnel, and would be considered “passengers.” He discussed “excepted track” (Part 213.4), for which many generally applicable rules are “out the window.”

Massaro discussed his review of 18 of the 28 short line railroads from nuclear power plants. He thinks that SNF cash shipments should use class 2 (not class 1 or excepted) track. State &/or federal funding (there are existing programs) should support the needed upgrades, starting years in advance of first shipment. In a case like Hope Creek/Salem, barge shipment to a regional rail facility “makes sense” as an alternative to short line rail.

Routing Topic Group Meeting

Bob Fronzak (AAR) reported that the “big four” railroads have agreed to participate in the routing exercise. The caveats are: a) Rail legal departments could raise anti-trust concerns, and b) For the 6 origins lacking direct rail access, they need others to specify the Class 1 railroad start point.¹ Given the start point, the originating class 1 railroad will be asked to suggest the likely route to the Caliente “destination.” All parties seemed to “buy into” this process.

Cort Richardson asked if the railroads will include an explanation why they propose one route rather than various alternatives.....no clear response. Tim Runyon asked if routing will reflect the proposed HR1 rulemaking.....the suggestion was that most of this is already incorporated in railroad routing processes. Halstead asked if the exercise will assume a 3-car dedicated train with an escort occupied passenger car.....no definitive response.

¹ Except for Indian Point and Humboldt Bay, the pickup points specified in the Repository SEIS are probably OK.

Rail Topic Group Meeting (Radiation Monitoring Sub-group)

Marty Vyenielo (PA DEP) stated that the sub-group was formed to address lessons learned in the West Valley drum cell shipment campaign, which encountered multiple stops for radiation and mechanical surveys in NY, PA, OH, IN, IL.² With origin surveys in accordance with ANSI (American National Standards Institute) 14.36, can multiple stops and delays be substantially reduced? Would others accept such survey data, if transmitted in standard forms? Can enroute inspections be conducted at crew change locations? (IL sent its inspectors to a crew change location in IN.) What happens in case of minor derailment? (That's response, not normal operation.) Can DOE escorts do this? (Too much like self-regulation.)

One activity will be a survey of currently applicable state requirements and capabilities, distributed via the state-regional group. Another activity will be a scoping of "smart" operations, in which emerging technologies could transmit information of various types (cask radiation, rail car mechanics, locomotive mechanics, crew dosimetry, location and speed, etc.) to those with various responsibilities, on a need to know basis. The March 29 CVSA workshop in Denver will provide additional information.

Considering Social Risks of Nuclear Materials Transport

Hank Jenkins-Smith (Univ. of Oklahoma; NAS Committee on Transportation of Radioactive Waste) discussed "social risk." Unlike health and safety risk (traditionally assessed as probability*consequence), social risk arises from social processes and risk perceptions. Though difficult to quantify, and even more difficult to precisely predict, social risk is real and cannot be effectively addressed merely by insisting that health and safety risk (as measured by RADTRAN) are low.

Risk perception is context dependent. People weigh risks with need and benefit. People are not as dumb as sometimes assumed. While the perceived risks of nuclear power³ are holding steady, the perceived benefits are increasing. People understand that nuclear power has a role in addressing climate change, and that its benefits require dealing with (and transporting) its wastes.

The role of trust and confidence (in DOE, the key signal sender) is central. Hoping to avoid "hyperbolic cats," DOE has avoided social risk, hoping to tiptoe past the "sleeping dog." In so doing, it has ceded the social risk topic to its opponents, thus allowing the creation of baseline condition (stripped of context) in which the only acceptable level of risk is zero. The program has paid a massive price in delay.

Addressing social risk will be difficult for DOE. Audiences are used to quantification. They have an expectation of bias (vis-a-vis DOE, NV & others). Signals (via media, interest groups, etc.) can both amplify and attenuate. The topic does not fit easily in DOE culture. Addressing social risk would require effort, resources, and humility. Consistently positive results would not be assured.

TEC could be expanded to foster a continuous learning environment in this area. A transportation risk advisory group (like NWTRB) might be created.

² Apparently, additional stops were not encountered in states west of IL.

³ The perceived risks are: a) Attacks from terrorists; b) Accidents in transport; c) Accidents at power plants.

Breakout Session: OCRWM Issues (Frank Moussa)

The NTP will address system development, acquisition of capitol assets, institutional programs, logistical issues (route identification, emergency preparedness), roles and responsibilities. Asked whether the NTP will consider issues regarding pick-up queue, Moussa said such issues are “tactical,” not “strategic,” suggesting that they will not be directly addressed in the NTP. Communication and outreach will include exercises with real casks, and grass-roots work with local fire chiefs.

Breakout Session: TEC Direction (Alex Thrower)

- Who owns TEC? TEC needs a steering committee.
- The current TEC topic groups include a mode (Rail), two processes (Routing, Communications), and a constituency (Tribal). The topic groups need to be “reracked.”
- With very good presenters, plenaries can be very useful. The Social Risk and Short Line Rail plenaries at this TEC were useful.
- Currently OCRWM is paying for TEC. Originally EM did so. Generally it’s been one or the other, not both.
- Should there be a forum for people to present pet concerns or proposals, in 5 minute blocks?

Breakout Session: EM Issues (Scotty deClue; Doug Frost; Bill Mackie)

SNF Transfer: Operations security concerns persuade deClue to press for “flexibility to use different (LWT) routes.” It is not precisely clear: a) What the “op-sec” concerns are; b) How much security is achieved by routing “flexibility;” or c) The consequences of route flexibility for other transportation operations and safety factors.

DOE LLW Corporate Board. Chaired by Frank Marcinousky, and operating much like the TRU Waste Corporate Board, this group makes recommendations and manages the queue for LLW disposal at NTS.