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Summary of the September 25, 2007 Meeting of the High-Level Radioactive Waste Committee, in Santa Fe, New Mexico

With 10 WIEB states participating¹ (AZ, CA, CO, ID, NE, NV, NM, OR, UT, WA), the High-Level Radioactive Waste (HLW) Committee:

1. Received an update on Cooperative Agreement tasks and activities;
2. Reviewed the FY'08 Cooperative Agreement and Work Plan;
3. Reviewed relevant pending legislation in Congress;
4. Reviewed the status and activities of the DOE TEC Topic Groups;
5. Received updates of the activities of other State Regional Groups (SRGs);
6. Received an OCRWM program update from Alex Thrower (DOE);
7. Received a presentation from Earl Easton on the Nuclear Regulatory Commission (NRC) response to the 2006 National Academies report, "Going the Distance?", and a presentation from Bob Halstead on the State of Nevada perspective on the NAS report;
8. Used WGA Resolution 05-15 (to be considered for renewal in 2008) as the context for discussion of the general policy regarding the transportation of spent nuclear fuel (SNF) and high-level defense waste in western states, DOE's mode and route selection procedures, and DOE's National Transportation Plan;
9. Conducted a roundtable discussion on recent developments relevant to WIEB HLW committee concerns, and priorities in addressing these concerns.

1. States Only Meeting

The "states only" meeting is a quick review of topics that participants believe the others should take note of and plan for. Topics raised in the "states-only" meeting included:

- Comments on the July 23, 2007 Federal Register Notice on Section 180c. Comments are due Oct. 22. Tammy Ottmer (CO) offered to take the lead for WIEB. Others will prepare state-specific comments, and consolidated comments will be developed. An extension of the comment period is in prospect;

¹ The 44 participants also included representatives of CSG-Midwest, CSG-Eastern regional Conference, DOE-OCRWM, DOE-NNSA, NRC, Nevada Affected Units of Local Government, the Arizona Radiation Regulatory Agency, and Washington TRU Solutions (re WIPP).

- TEC Routing Topic Group: Alex Thrower reports that DOE is “retooling” the routing topic, particularly regarding the role of preferred rail routes in a suite of routes. Exactly how has not yet been determined;
- DOE’s License Support Network (LSN): Alex Thrower notes that DOE intends to complete the license application design in Nov. 2007, and to certify the LSN in Dec. 2007. States must provide their LSN data within 90 days after certification;
- Alex notes that, in October, DOE will issue a Draft Repository SEIS and a Draft Nevada Rail Corridor/Rail Alignment EIS. Comments will be due January 10, 2008. Earl Easton (NRC) noted that NRC license application proceedings will accept SEIS issues only under very limited conditions. Joe Strolin noted that this makes it necessary to register comments on the DOE documents.

2. FY’08 Cooperative Agreement & Work Plan

Scott Field (WIEB) briefly reviewed the status of the WIEB-DOE FY’08 Cooperative Agreement. As discussed in the April 2007 (San Antonio) meeting:

- Task 3 (Regional/State Transportation Routing) was increased to reflect review/comment on the NV Rail Corridor SEIS and the Rail Alignment EIS;
- Tasks 4 & 5 (State’s Capabilities & Needs; Implementation Approach for NWP Section 180c) were reduced to reflect the reduction of needs assessment to a scoping exercise;
- Task 6 (Transportation/Shipment Planning) was increased to reflect participation on TEC Topic Groups and comments on the yet-to-be-released National Transportation Plan;
- Task 7 (Radioactive Material Transportation Practices Manual) was revised to include the graphical shipment database project and the online resource book;
- Task 8 (Security Planning) was increased to reflect cask vulnerability information sharing, and coordination with NRC & DOE regarding the risks of terrorism & sabotage. In response to an August 16 letter from Earl Easton (NRC), a “cask vulnerability information sharing matrix has been developed and reviewed, and a cover letter (from Bob Owen and Jane Beetem) has been drafted. Both will be reviewed by WIEB (B. Byron, J. Strolin, C. Halverson). A SRG conference call is being arranged by Lisa Janerio (CSG-Midwest).
- Task 9 (Special Projects). No special projects in FY’08.

Other topics relevant to the Work Plan include:

- Information sharing in advance of SNF/HLW shipments;

- DOE's Transportation Practices Manual (to be issued soon);
- IRRIS (tracking & monitoring system), a potential WIEB/SRG initiative. Fred Dilger (NV) is conducting a review and assessment;
- TEC Topic Groups (e.g. new groups or sub-groups on societal risk, radiation monitoring & rail security);
- New legislation: e.g. "9/11 Commission Recommendations Act;"
- Policy linkage of Section 180c, state needs assessment, routing options & priorities.

3. Relevant Pending Legislation & Status

Scott Field reviewed four relevant pieces of legislation in the 110th Congress:

- **Clean, Reliable, Efficient & Secure Energy Act (S. 1602: Section 104)**
The Administration's bill; Similar to S-2589 in 109th Congress; no sponsor yet;
Overall bill introduced by Chuck Hagel (NE);
Referred to Senate Committee on Energy & Natural Resources.
- **The Nuclear Waste Access to Yucca Act (S.37: "New Way To Yucca Act")**
Sponsored by Pete Domenici (12 co-sponsors);
Referred to Senate Committee on Energy & Natural Resources.
- **Federal Accountability for Nuclear Waste Storage Act (S. 784: "Take Title Bill)**
Sponsored by H. Reid (with Ensign, Bennett);
Referred to Senate Committee on Environment & Public Works.
- **Renewing Our Commitment to Safe & Clean Power Act (HR 3358)**
Sponsored by Upton (with Towns); This may be the NEI bill in the 110th Congress.
Referred to House Committee on Energy & Commerce;
Focus on the NW fund & waste confidence, not transportation.
- **Nuclear Waste Storage Prohibition Act (HR 2282)**
Sponsored by Jean Schmidt (OH Dist 2; two co-sponsors);
Referred to House Committee on Energy & Commerce;
Prohibits use of GNEP funds for transfer or storage.

4. TEC Topic Group Updates

Alex Thrower (DOE) and SRG participants (e.g. Melissa Bailey: CSG-ERT; Sarah Wochos: CSG-Midwest; Bob Halstead: NV; Scott Field: WIEB) reviewed the status of TEC topic groups, and key developments:

- **Section 180c:** Current focus on the July 23 Federal Register Notice;
- **Security:** The topic group is sun-setting. The information sharing issue will be an interaction between NRC & SRGs;

- **Routing:** Alex T. says the group is retooling to address “suite of routes” issues. A conference call is scheduled Oct. 4;
- **Rail:** Most work being done in sub-groups. Intermodal sub-group just getting started. Radiation Monitoring sub-group being formed (Oct 11 conference call). The broader issues are how DOE will operate a mostly rail transportation system, and the extent to which DOE will use contracts with carriers.

5. Activities of Other SRGs

The participants reviewed recent activities of the several SRGs:

CSG-Midwest (Sarah Wochos)

- Nov 27-28 meeting in Columbus, OH.
- Nov 27 tour of Portsmouth Gas Diffusion Plant.
- Will revisit transportation planning guide in 2008.

CSG-ERC (Cort Richardson)

- Oct 24 meeting, as part of PATRAM conference in Miami.
- Visit to Millstone nuclear plant (rail infrastructure status).
- Routing committee met in Philadelphia.
- Visit to Salem & Hope Creek plants (barge shipment questions).
- TEPP radiation specialist training course (3-day) in Wyoming.

SSEB (Roger Mulder)

- Application for 2 new plants in Texas.
- Focus on intermodal transportation.
- Nov 13-14 meeting in Tampa.

NCSL (Christina Nelson)

- Tour of Calvert Cliffs plant (re NCSL mtg. in DC).
- Coordination with SSEB re GNEP & interim storage.
- Monitoring NAS Radiation Studies Board & NWTRB.

6. OCRWM Program Update

Alex Thrower provided an update on the DOE/OCRWM program. The presentation slides are available on the WIEB website.²

Objectives:

- License application (June 2008).
- Staffing (re skills & culture).
- Liability & funding (FY’08 request: \$494.5 million; Sproat Oct 5 testimony to House Budget Committee).
- Transportation (National Transportation Plan: revised draft; Rail construction & operation: subject to appropriations; 2009 rail start date won’t be met).

Repository SEIS and Nevada Rail SEIS:

2 Additional information: www.westgov.org/wieb meetings/HLW/September 07: Alex Thrower DOE/OCRWM; discussion questions.

- Comments due Jan. 10, 2008.
- Hearings will not be held nationwide, except for one that will be held in Washington, DC on December 5th.
- UT is requesting hearings in Salt Lake City & St. George.
- CA is requesting hearings in Sacramento, Barstow, Lone Pine.

Section 180c:

- Pilot study scheduled for FY'09.
- A 2008 supplement to the July 23 FRN will address funding for tribes.

Cask Performance Study: Subject to funding; Schedule re TAD construction.

Routing:

- Alternative approaches under discussion.
- Suggests a standard routing problem.
- One objective: provide info to support Section 180c.
- Another objective: identify a suite of preferred rail & hwy routes.

Benchmarking:

- Lessons learned from other (DOE WIPP, NNPP, FRRP, not utility) campaigns.
- Conducted via AREVA (a French public company via a 2001 merger of Cogema, Framatone, CEA Industrie; US subsidiary headed by Spencer Abraham)

Second Repository:

- DOE will submit a report in FFY 2009.
- Focus will be on the NWPA requirement, not technical/siting issues.

7. The 2006 NAS Study, "Going the Distance"

The study presented findings and recommendations on transportation safety & security, transportation risk (exposure & societal), package performance (& full-scale testing), route selection (research reactor & SNF/HLW), mode selection, dedicated trains, the acceptance queue, emergency response, and organizational structure. Earl Easton was invited to report on NRC activities on information sharing & cask testing. Bob Halstead was invited to provide a Nevada perspective. Presentations are on the WIEB web site at ...

The NRC Response: Earl Easton, NRC Div. of Spent Fuel Transportation & Storage³

- Independent security assessments: for multiple package types & contents; working with SRGs to share information required for state emergency response roles.

³ Additional information: www.westgov.org/wieb meetings/HLW/September 07: Quick list of NAS recommendations; NRC staff actions in response.

- Full-scale testing to validate package performance: Package Performance Study (awaits funding and TAD cask construction; meanwhile, assess German full-scale drop test results).
- Additional analysis of long duration, fully engulfing fires: The April 29, 2007 gasoline tanker fire in the East Bay “MacArthur Maze” in California provides real accident data (awaits funding).

The NV Perspective: Halstead & Dilger⁴

- NV has 10 key recommendations for HLW transport.
- NV has 5 key recommendations (revised) for full-scale cask testing.
- NV agrees with NAS “no fundamental barriers” finding: the question is not “can” but “will” shipments be made safely.
- NAS said DOE should proceed with NV rail spur; NV says several key factors ignored and challenges Caliente corridor selection.

NAS “societal risk” finding & recommendation (pg. 11-12; 149-161)

- Ken Niles suggested this should be addressed by the TEC Communications Group.
- Lisa Janerio is organizing an Oct. 19 conference call.

8. WGA Resolution 05-15 & DOE’s National Transportation Plan

WGA Resolution 05-15 will be considered for renewal next year, and provided the context for several sessions in Santa Fe.⁵ A separate memo will be prepared, including the 2005 provisions with current questions/observations. Observations in Santa Fe included:

- Interim storage provisions in the 1987 amendments have expired; the current focus should be the first repository. (Alex Thrower: DOE)
- Report on second repository expected in 2009; should WGA resolution address this prospect, and if so, how? (Alex Thrower, Joe Strolin: NV)
- DOE feels the fundamental institutions & processes for working with states are in place, but improvements are possible. (Alex Thrower: DOE)
- Does DOE have contingency plans if NV rail spur not ready? (Joe Strolin: NV)
- Does DOE plan to respond to NAS recommendation? E.g. starting with simple shipment campaigns? Can/will DOE revise shipment contracts re the acceptance queue?
- Can/will DOE & the rail industry agree on measures to reduce uncertainty regarding shipment modes & routes?
- What does the NRC intend regarding the NAS finding/recommendation (pg. 8-9) on transportation security? Earl Easton

4 Additional information: www.westgov.org/wieb meetings/HLW/September 07: WM’08 Yucca Mountain Threat Matrix

5 Additional information: www.westgov.org/wieb meetings/HLW/September 07: WGA Resolution 05-15; Discussion questions

says the study requires \$1 million & 18 months.....i.e. not practical given earliest shipment in 2017.

- Is baseline information on security available? Earl Easton says that post 9/11 sabotage rules & threat analyses constitute such a baseline.
- Given that Section 180c addresses only training costs, how are state/local operational costs to be addressed? Are permit fees part of the answer; if so, how would they work?
- If Section 180c grants include funds for state needs assessment, what is the scope & process for such assessments?
- Should states certify that they are prepared for shipments on specified routes (as for WIPP)? (Joe Strolin: NV) Is it possible to reduce the uncertainty regarding modes & routes?

9. Western States Roundtable

WEIB HLW Committee members were asked to comment on upcoming issues and concerns:

- The HLW committee will draft a rewrite on WGA Resolution 05-15, for discussion at its Spring 2008 meeting. (Doug Larson: WIEB)
- Section 180c comments: TEC topic group reports are just guidance; comments should provide basis for DOE staff to “go upstairs.” (Several expressed this concern.)
- After commenting on the July 23 FRN, but before the DOE 180c pilot program, the HLW committee should design a state needs assessment. (Several expressed this concern.)
- The HLW committee should consider the CSG-Midwest work in specifying preferred modes and routes, running TRAGIS and specifying routing criteria. (Fred Dilger, others)
- In addressing issues regarding modes, routes & acceptance queue, the HLW committee should outreach to utilities and railroads. (Barbara Byron: CA) However, the Committee reaffirmed its position that it is DOE’s responsibility to identify national routes for the states to review and respond to.
- The next HLW Committee meeting will be in March 2008. Possible locations: Phoenix, Denver, Las Vegas, Omaha.