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Summary of the April 22-23, 2008 Meeting of the High-Level Radioactive Waste Committee, in Tempe, Arizona

Eleven WIEB states participated (AZ, CA, CO, ID, NE, NV, NM, OR, UT, WA, WY). Roger Mulder, Director of the Pantex Program in the State Energy Conservation Office, represented the State of Texas. Also participating were representatives of Council of State Governments-Midwest (CSG-MW), Council of State Governments-Eastern Regional Conference (CSG-ERC), Southern States Energy Board (SSEB), and National Conference of State Legislatures (NCSL). The DOE/OCRWM Office of Logistics Management (OLM) was represented by Frank Moussa and Alex Thrower, Western Governors' Association (WGA) by Kevin Moran and Alex Schroeder, Nuclear Waste Technical Review Board (NWTRB) by Karyn Severson, and Nuclear Regulatory Commission (NRC) by Earl Easton.

The agenda included:

- A joint session with WGA, on topics of mutual interest/concern.
- A states-only business meeting.
- An OCRWM program update
- A panel on National Transportation Plan issues
- A review of WIEB comments on NWPA Section 180(c)
- An update from the Nuclear Regulatory Commission
- SRG update reports
- Reports from Western States

WGA/WIEB Joint Meeting

In a joint meeting on Tuesday afternoon, the Committee received:

- A review of pending climate change legislation in Congress from Kevin Moran.
- A summary of NRC's Radioactive Materials in Quantities of Concern (RAMQC) rulemaking and a discussion of risk communication resources, from Barbara Byron.
- A summary of a proposed pilot study to evaluate the usefulness of IRRIS (GeoSystems) in development of "rich" information on route conditions and needs, by Fred Dilger.
- A discussion of radiation specialist training programs (the Phase II Update), by Craig Halverson.

- A discussion of the clean-up progress and challenges at Hanford, by Ken Niles. This well-illustrated report reviewed the history of the Hanford site, the 1989 cleanup agreement, the extraordinary cleanup problems encountered, the cleanup progress made, and the considerable remaining challenges.
- A review of proposed and prospective enrichment and reprocessing facilities in southeastern New Mexico, by Christina Nelson.

States-Only Business Meeting

At the states-only business meeting Wednesday morning, the Committee received:

- A report on the status of the renewal of the 5-year DOE-WIEB cooperative agreement, from Jim Williams.
- A review (based on an April 8 conference call with DOE) of the basic parameters for WIEB HLW program budgets for the remainder of FY'08 and FY'09, from Jim Williams.
- An outline of WIEB budget plans for the remainder of FY'08 (including the pilot study) and for FY'09, from Doug Larson.

OCRWM Program Update

After a host state welcome from Aubrey Godwin, and an agenda review by Committee Co-chairs Barbara Byron and Joe Strolin, the Committee received an OCRWM program update from Alex Thrower (OCRWM/OLM):

- Despite the \$108 million FY'08 appropriation funding reduction, the Yucca license application will be submitted in June 2008. Depending on the NRC review process, construction authorization is expected in September 2011, and an operations license application will be submitted March 2013.
- A new fee adequacy determination, a second repository report and an interim storage report will be released in the summer of 2008.
- The OLM budget will remain under \$20 million until repository construction is authorized—i.e. at least until FY'12.
- DOE intends to issue the National Transportation Plan this summer. It will be “investment based”—investments are designed to create capabilities. Details will be presented in “nested” Systems Operations and Campaign Plans.
- DOE intends to expand its benchmarking efforts, as a means to identify “best practices.”
- Nevada rail is intended to be operational prior to the opening of the repository, and is needed in order to ship 3000 MTHM/year.
- The railroads' routing suggestions from 12 origins to a Caliente destination are expected within a few weeks. (TEC Rail Topic Group: Proposed Standard Problem).
- DOE has just begun to review comments on the Section 180(c) Federal register Notice. The Section 180(c) pilot project is “schedule and funding dependent.”
- It is unclear how Section 180(c) will be funded. Will it be a DOE line item

request based on state needs assessments, with priorities based on queue?

National Transportation Plan (NTP) Issues

Co-chair Joe Strolin (NV) introduced the session, focusing on linkages between the Repository SEIS proposed action (68 specified sites shipping cross-country by dedicated train) and the implementation hurdles that must be addressed in the NTP. Among these are the allocation of acceptance slots needed to make up dedicated trains, the implementation of the TAD canister system, the resolution of intermodal issues at numerous shipment origins, and the identification of best practices in the use of overweight trucks

- Jim Williams (WIEB) discussed “the question of queue,” arguing that, while liability issues make it impractical to resolve the question now, neither can or should it be ignored, as the issue is fundamental to a best practice cross-country shipment campaign. Williams has preliminarily assessed several possible criteria for waste acceptance, considering the origins involved (and excluded), the age of SNF shipped, and the number of queue slot trades required for implementation.
- Rod McCullum (NEI) discussed DOE’s Transportation-Aging-Disposal (TAD) canister system, emphasizing their role in integrating a used fuel management system. Shipping oldest-fuel-first is a “non-starter” from a business standpoint and given that older spent fuel is typically less accessible in SNF storage pools than younger fuel, utilities will tend to need to remove generally younger SNF from pools before removing older spent fuel. While utilities generally support the TAD concept, they do not intend to purchase (and load) TADs until waste acceptance—i.e. 2017 or later. Meanwhile, SNF removed from pools will be placed in dual purpose canisters, which utilities do not intend to reload to TADs for shipment. SNF removed from pools for on-site dry storage will be shipped in dual-purpose canisters (DPCs), and reloaded to disposal canisters at the repository site. The number of DPCs is therefore likely to greatly exceed the 307 estimated in the Repository SEIS proposed action. TAD’s reduce fuel handling at the repository and may contribute to waste confidence, but utilities do not intend to pay the incremental cost or reload DPCs before shipment.
- Bob Halstead (NV-NWPO) addressed intermodal transport issues. By his count, 22 origins require intermodal transport,¹ many of which have queue slots that could result in early shipment. Halstead argues that many issues in intermodal transport have not yet been seriously addressed, and should be addressed on a site-specific basis. He also argues that intermodal issues may complicate other transportation program areas, such as Section 180(c)

¹ Of these, 7 are also listed in SEIS Table G-7; 15 are not listed. Seven origins listed in SEIS Table G-7 are not included on Halstead’s list.

implementation, and/or implementation of HM-232E rail routing and security rules.

- Rod McCullum (NEI) made a presentation on the use of overweight trucks, and John Hauser (Tri-State) provided additional comments. Overweight trucks are 80,000 -115,000 pounds; after delivery (i.e. without SNF) most such trucks would be oversized but not overweight. Overweight trucks are subject to state restrictions (time of day, holidays, time of year, etc.) which may vary by state and are issued for each shipment. Overweight truck shipment occurs on a daily basis nationwide. SNF shipment by overweight truck (mostly in the 1980s) includes 31 shipments from West valley to Dresden, IL (570 miles), 33 shipments from West Valley to Oyster Creek, NJ (420 miles), and 16 shipments from Surry, VA to Idaho National Laboratory (2800 miles). Overweight truck shipment casks (e.g. GA-4/9) could be shipped by rail, but at only one cask per rail car.

NWPA Section 180(c) Federal Register Notice

Tammy Ottmer, who participated in the extensive TEC Topic Group discussion of Section 180(c), summarized the purposes behind WIEB comments on the July 2007 Federal Register Notice: a) to reflect Topic Group issue paper recommendations, negotiated principles of agreement, and relevant WGA resolutions; b) to raise again the issues of funding and funding distribution; and c) to raise again the issue of needs, in addition to training.

U.S. Nuclear Regulatory Commission Report

Earl Easton provided a report on current activities at NRC:

- NRC's response to the WGA letter on spent fuel schedules is expected in a few weeks.
- RAMQC rulemaking will begin in May 2008 and will be finalized in Spring 2009.
- NRC's "waste confidence" decision is under review to determine if revision is needed.
- The NRC package performance study continues; a decision on full-scale testing will be tied to TAD submittal and approval.
- NRC's information on cask vulnerability is currently focused on vendors, but NRC has not forgotten its commitment to the SRGs (See Oct. 15, 2007 letter.)
- Earl also reported on recent NRC studies of two major truck accidents in California occurring in 2007 that involved extremely high temperatures and long duration fires. The NAS report (2006) on SNF transport recommended that NRC undertake additional analyses of very long duration high temperature fires to estimate the potential consequences of any releases of radioactive materials and to examine the need for regulatory changes (e.g, package testing requirements or operational changes to help prevent accidents that could lead to such fire conditions or mitigate consequences).

SRG Update

Lisa Janairo (CSG-MW) invited other SRGs to her June 18-19 meeting in Indianapolis. She hopes to update the CSG-MW transportation guide in this fiscal year. Lisa and Ken Niles are proposing a stakeholder panel at the Waste Management Conference in early 2009. There was some discussion (involving DOE) about the value of the WM Conference in general, and the stakeholder panel in particular.

Ken Niles summarized the paper presented at the February 2008 WM Conference, co-authored with Lisa Janairo: "Why DOE's Messages on Transportation Don't Resonate With the Public." The paper explored the persistent disparity between expert and lay perceptions of risk. Considering eleven "outrage factors" in risk communication, the authors reviewed 40 DOE fact sheets, booklets and brochures, finding consistent patterns of miscommunication. The authors then made several recommendations. The paper is likely to be a key text in DOE's effort to respond to issues raised by Hank Jenkins-Smith at the February TEC meeting in San Antonio.

Reports From Western States

Nevada is developing 500-900 contentions regarding the anticipated Yucca license application. Also, Nevada will participate in the STB's review of the Nevada rail spur as an element in a national rail transportation system.

Oregon is continuing its 20-year practice of conducting a radiological training course at OSU, which has a reactor.

Nebraska is planning a training exercise in North Platte.

Idaho: Craig Halverson has monitored the nuclear plant proposals of MidAmerican energy and Alternate Energy Holdings. He reviewed his findings and suggested a future session on the changing nuclear energy context for nuclear waste transportation.

Utah: Connie Nakahara reviewed the status of litigation regarding the PFS Interim Storage Project at the Goshute Reservation. She also noted Governor Huntsman's intention to oppose the importation of Italian nuclear waste by Energy Solutions.

Washington: Larry Goldstein noted that his state appealed a ruling against Washington on waste importation.

Wyoming: Scott Ramsay discussed applications for 4 new in-situ uranium mines in Wyoming.

California: Barbara Byron mentioned the 2007 CEC report on the status of nuclear power in California. A bill to repeal the CA moratorium recently failed to

pass in the State Legislature. The CEC is currently conducting a study on the vulnerability of California's operating plants -- Diablo Canyon and San Onofre—to a major disruption from a major seismic event or plant aging and the costs and impacts of waste accumulation at these plants. This study will be completed in November 2008.

Wrap Up

The Committee agreed to proceed with the pilot study regarding applications of IRRIS. The Committee concurred with the general approach outlined by Doug Larson for dealing with FY'09 budget limitations. Portland was suggested as a possible location for a next meeting.