

Albuquerque Meeting - July 1997

Breakout Items

Action Items

Fixed Price Contracting

Topic Group Summaries

TOPIC GROUP SUMMARIES

Routing

- Group reviewed and approved fourth draft of working paper "Routing Issues Related to U.S. Department of Energy Radioactive Materials Transportation: Discussion and Analysis"
- Group submitted working paper and draft list of "Stakeholder Recommendations" to TEC/WG and DOE

Group reached consensus on three major routing-related issues:

- DOE should develop standardized, cooperative approach to route selection
- DOE needs to involve all stakeholders
- DOE should submit final version of Group's working paper to other federal entities

Future topics for consideration:

- routing issues relevant to tribal entities and local jurisdictions
- further development of methodologies for mode and route specification

Rail

- Group reviewed and revised second draft of regulatory summary matrix entitled "Rail and Highway Regulations Relative to Transportation of Radioactive Materials and their Applicability to States, Tribes, Shippers, and Carriers"
- Group reviewed and revised second draft of inspection standards comparison matrix entitled "Comparison of Commercial Vehicle Safety Alliance Recommended National Procedures and Out-of-Service Criteria for the Enhanced Safety Inspection of Commercial Highway Vehicles Transporting Transuranics, Spent Nuclear Fuel, and High Level Waste to Rail Inspection Standards"

Future topics for consideration:

- regulatory and inspection issues as related to tribal authority
- application of WIPP Planning Implementation Guide to rail specific issues

Funding & Technical Assistance

- Group reviewed and released a matrix detailing advantages and disadvantages of possible funding mechanisms for ensuring safe transportation and emergency response
- Group assessed detailed issues impacting the scope, viability and feasibility of a Department-Wide block grant

Future topics for consideration:

- internal DOE coordination on logistics of and mechanisms for funding
- determining types of programs and activities that should be included

Medical Training Issues

- Three working groups created to consider Pre-Hospital, Hospital, and Delivery Mode Training issues
- Group examining issues of program fragmentation and resource and funding needs for training responders
- Group developing preliminary definitions of "core competency" by job classification for emergency responders
- Group considering use of existing infrastructure and professional organizations in dissemination of information and marketing products to medical emergency response community

General Planning

Three primary topics of discussion in the General Planning Breakout Groups:

- Baseline Disposition maps
- Funding mechanisms as discussed by Funding and Technical Assistance Topic Group
- Section 180(c) and its integration with the OCRWM Draft RFP

Suggestions on the topic of the baseline disposition maps included:

- Addition of an acronym glossary
- A reduced reliance on "DOE speak" and other technical jargon
- Use of a standardized term, i.e. "MTU", when referring to spent fuel
- Present maps in progressively greater detail—simple graph first, followed by a series of maps for any one waste stream. Data should also be presented geographically.
- Provide a more robust explanation of the data and how it was gathered—"pedigree of the decision"
- Footnote reasons why the data has changed or could change
- Consider what mechanisms can be used for public access of the information. Suggestions included posting to NTP website, hard copy distribution, or dissemination through stakeholder groups like the TEC/WG
- Creation of topic group to review methods of communication with various publics

Suggestions on the topic of funding mechanisms included:

- Review of matrix submitted to TEC/WG by Funding and Technical Assistance Topic Group
- Promote more internal DOE discussion on the subject
- Closer examination needed of DOE-wide block grant for training to states and tribes. Possibly combine with continued funding to regional compact organizations for planning, coordination, and support of said training
- Consider items detailed in Attachment A of matrix completed by FTA Topic Group

Suggestions on the topic of Section 180(c) included:

- Consideration of any possible difference(s) between the schedule for the draft and final OCRWM RFP and the schedule for the draft and final Section 180(c) policy and procedures
- Further clarification of Section 180(c) necessary
- States would prefer a finalized version of Section 180(c)
- Further consideration of rule-making necessary

Transportation Operations

Three primary concerns identified by the Transportation Operations Breakout Groups were:

1. TO-3: "Notification Policy"—need to resolve outstanding issue of what DOE policy (as determined by the NRC) should be concerning the advance notification of tribal jurisdictions of upcoming shipping campaigns.
2. TO-19: "Rail Inspection" has the outstanding action item of an official FRA response to DOE on the issue of state and tribal authority to stop and inspect rail shipments within their jurisdictions.
3. TO-21: "Infrastructure Upgrades". TEC/WG members expressed dissatisfaction with DOE-GC's reluctance to consider what (if any) obligations DOE has to provide funding and other support for infrastructural upgrades that may be made necessary by the anticipated increase in the number of shipping campaigns.

Emergency Management Planning & Training Assistance

TEC/WG Members reviewed and offered comments on several planning and training products and projects currently under development by the Transportation Emergency Preparedness Program (TEPP). Some of these items included:

- The TEPP Response Procedure Model
- The TEPP Tabletop/Drill/Exercise Manual
- The TEPP Model Annex and Standard Content Guide for Emergency Plans
- The TEPP Contact Guide and Telephone Directory
- The TEPP Job-Task Analysis for RAM Response
- An exhibit of the training tools and materials available through HAMMER

Suggestions by the TEC/WG included:

- TEPP should release products (even in draft form) as quickly as possible to provide guidance to emergency response professionals; perhaps make available via World Wide Web
- All planning documents should include express mention of tribes
- Coordinate Tech Base Document, Job-Task Analysis, and training module learning objectives
- Revise Medical Message Index to include pediatric scope

Meeting Evaluation Returns

According to attendees, the most popular sessions were:

- Emergency Management Planning and Training Assistance
- Breakout/Panel Discussion on Rail Shipments of Foreign Research Reactor SNF and Naval Fuel(tie)
- Routing Topic Group meeting
Topic Group Reports
- Breakout Group Reports

Suggestions for future meetings:

- More information on prospective shipping campaigns
- More discussion of the role of states and corridor jurisdictions
- Need for more direct participation by meeting attendees—make meeting less of a "briefing"
- Future plenary on lessons learned from WIPP planning (and operations after it opens)
- Future plenary on public outreach—what mechanisms available, how to improve, etc.

Breakout Items

General Planning

Discussion Items:

- Draft National Action Plan on Environmental Management Intersite Transfers of Waste and Nuclear Materials.
- Transportation: Issues Related to the 2006 Plan.
- Complex-Wide Environmental Management Integration.
- Section 180(c) Notice of Revised Proposed Policy and Procedures.

Member suggestions and comments:

- DOE needs to clarify the meaning of the WMPEIS "cumulative impacts worst case scenario" versus other transportation planning data previously provided to the TEC/WG.
- Members of the group suggested that they wanted to see profiles of waste transfers over time.
- What is the level of integration between DOE programs within the National Transportation Program?
- DOE should not conduct routing on a material-specific basis, but rather select routes that all DOE shipments would use -- reducing the overall number of routes and jurisdictions that would need training.
- Move route selection up to Tier 1 of the National Transportation Program's planning process.
- DOE create an all-hazards approach to routing by developing a national routing scheme that all Departmental programs would use to select routes.
- Regarding Section 180(c), who determines need in the application package?
- DOE should notify local governments that funding has been made available to their state and that training should be available, to remedy concerns that Section 180(c) does not provide for sufficient oversight of funds and that state-level politics will determine who receives Section 180(c) funding. Corinne Macaluso responded that the oversight provisions of 10 CFR 600 should prevent this from occurring.

Emergency Management Training and Technical Assistance

This breakout included several presentations and handouts designed to provide background and update participants on DOE emergency preparedness training and technical assistance activities.

Presentations included an update on implementing the Transportation Emergency Preparedness Training Coordination Program. DOE emphasized that the overall goal of the program is to provide governments at various levels with access to the training curriculum and other technical assistance so that stakeholders' concerns are addressed.

Key areas discussed were:

- o development of an awareness level video (Radioactive Materials Basics for Emergency Responders), including the results of a survey assessing customers' evaluation of the video;
- o training curriculum and documents currently under review; and
- o the skills and knowledge analysis matrix being developed in consultation with the TEC Training Topic Group and others (a more detailed job task analysis will be developed for TEC/WG review).
- o Handouts distributed:
 - o One-page background information on the Transportation Emergency Preparedness Program (TEPP);
 - o Transportation Emergency Preparedness Program, Radioactive Materials Basics for Emergency Responders survey results, July 1997;
 - o Transportation Emergency Preparedness Program Training Coordination Program, Products for Review, July 1997;
 - o One-page graphic incorporating 8 viewgraphs on the Region 6 TEPP Pilot Program; and
 - o Westcott Communications Resources Brochure and Fire & Emergency Television Network and Law Enforcement Information packages.
- o Participants submitted the following comments:
 - o DOE should develop one set of training objectives;
 - o DOE should coordinate training with other Federal agencies;
 - o Provide meaningful training aids, e.g. empty packaging, labels, and equipment;
 - o Seek professional peer review and partnership of the medical community in the development of curricula to engage them in identifying concerns and ensuring technical accuracy;
 - o Develop ways to provide medical training for a larger audience that is currently being served.

Transportation Operations

Discussion focused on the following Task Plans and subjects.

- ***TO-3, Notification Policy, is intended to support tribal pre-notification of DOE spent fuel shipments, which is not currently required by the NRC.***

Discussion of TO-3

Mr. Carlson stated that although the NRC had not issued a formal policy on the subject, it appeared the agency had no objection to providing notification to tribes just as it does to states. The task plan also addresses the issue of satellite monitoring and tracking of shipments, and how affected jurisdictions can gain access to the tracking system (currently TRANSCOM). Apparently, the NRC had some initial concerns about safeguarding information related to shipments, and DOE has been trying to obtain a formal opinion from the agency. William Naughton (Commonwealth Edison) added that the NRC is usually reluctant to make policy pronouncements, preferring to wait for an actual case. Ron Ayers (LMITCO) asked whether TRANSCOM access would be provided to tribes and states equally; Mr. Carlson replied that tribal nations would have equal access to tracking systems that were deployed.

- ***TO-16, CVSA Inspections, is intended to track the development of the Commercial Vehicle Safety Alliance's (CVSA) enhanced standards for inspections of truck shipment of radioactive materials.***

Discussion of TO-16

Mr. Popa stated that this activity is ongoing and is supported by a cooperative agreement between DOE-RW and the CVSA. In May, CVSA's Hazardous Material, Training and Executive Committees voted to adopt the

enhanced standards and the associated training curriculum; the resolution will be voted on by the entire CVSA membership at their annual meeting in October.

Mr. Chris Wentz (New Mexico-WGA) said that part of the rationale for ongoing inspections using CVSA criteria was to obtain data to optimize the numbers of inspections enroute and to prevent potential over-exposure of inspectors to radiation; he asked about the status of this effort. Mr. Popa replied that the optimization issue is still being examined; because the WIPP shipments did not commence as planned, he said, the criteria were used instead on other campaigns.

There were drawbacks to this approach, and CVSA would like to gather more data before making any determinations.

Lisa Sattler (CSG/MO) said the draft RFP for privatizing DOE-RW waste acceptance and transportation contained no mention of the CVSA project or the proposed enhanced standards; she asked whether this omission was intentional. Mr. Carlson replied that because of the limited time before the scheduled release of the first draft, DOE-RW was not able to include the enhanced standards as an added component. Discussion of the enhanced standards program may be included in subsequent versions of the draft RFP, he said.

- ***TO-19, Rail Inspection, is intended to determine what authority states and tribes have to stop and conduct inspections of rail cars carrying radioactive materials, and how states that do conduct such inspections carry them out***

Discussion of TO-19

Mr. Popa stated that DOE has sent a letter to the Federal Railroad Administration's (FRA's) Office of General Counsel requesting clarification; to date, no reply has been received. FRA's Kevin Blackwell agreed to help expedite a response from the General Counsel. Mr. Allan Fisher (Conrail-AAR) said that railroads have considered designating inspection points where the trains normally stop to make crew changes, similar to the way the state of Illinois currently conducts inspections. Mr. Blackwell asked what would happen if states wanted to conduct inspections but had no crew-change points within the state. Mr. Fisher replied that the railroad and the state could negotiate an appropriate inspection site. Another railroad representative stated that physical inspections are performed every one thousand miles; radiological inspections might conceivably be performed then, but the states and the railroads would have to work out the logistics of the inspections. Other participants questioned the value of having enhanced standards at all. Participants agreed that this issue would be more appropriately addressed after the Rail Topic Group had accomplished its 'crosswalk' between the CVSA standards and the existing rail inspection standards.

- ***TO-22, TEC/WG Routing Discussion Paper, supports the work of the Routing Topic Group, a subgroup of the larger TEC/WG.***

Discussion of TO-22

Mr. Wangler noted that the group has met several times to date, and that an outline has been prepared for a discussion paper that will address routing issues in the context of overall shipping campaign planning, and will also identify related issues of concern to all entities with a stake in DOE transportation activities. The outline will

be finalized soon, said Mr. Wangler, and a draft will be circulated to the entire TEC/WG for comment 60 days prior to the next TEC/WG meeting in Las Vegas in January 1998. Mr. Wentz asked whether both rail and truck modes would be considered in the analysis; Mr. Wangler replied that all modes, including barge shipments, would be addressed to some degree. Mr. Deegan said he thought the task plan needed rewriting because the paper being drafted is more than a discussion paper; it will contain recommendations for actions DOE needs to undertake when considering routing issues.

Bob Light (representing the Mescalero Apache tribe) noted the task plan seemed to include WIPP routes. He stated that it was his understanding that the WIPP routes had already been established. Mr. Wangler responded that the task plan merely intends to address general routing issues for all DOE shipping campaigns and does not address program-specific issues. Another participant commented they would like to see routing considerations written into that portion of the contract dealing with RSA responsiveness, with penalties for not involving appropriate entities.

- ***Discussion of "fixed-price" type contracts***

Discussion of "Fixed-Price" Contracting Approach

Mr. Carlson next discussed the status of DOE-OCRWM proposed market-based approach to waste acceptance and transportation services. He stated that elements of the approach include maximizing the use of private industry in waste acceptance and transportation, deployment of a more competitive procurement process, implementing fixed-price, performance-based contracts for such services, and using a phased implementation of the program. He then briefly discussed the operational elements of the RSA approach and noted that the first draft of the RFP received over 900 comments. Overall, he said, the response from utilities and the nuclear industry has been favorable. Ms. Sattler stated that some utilities have criticized the draft RFP as financially unrealistic, with inadequate safeguards to protect investments from delay. Mr. Carlson said that several utilities had commented that there were unacceptable financial risks as the RFP was configured, and DOE is reexamining the issue and will release a revised draft RFP in September.

Mr. Carlson expressed that the lessons learned from previous shipping campaigns demonstrate that it may be possible to retain the fixed-price component of the RFP and retain the potential for profit in the face of legal and/or political uncertainty. Mr. Fronczak asked whether DOE has considered a fuel delivery price based on a per-mile rate, rather than a per-ton rate. That way, railroads would continue to be paid if they had to divert shipments to alternate routes. Mr. English responded that if DOE implemented such a cost mechanism, the instrument would no longer truly be a fixed-price contract.

Ms. Sattler questioned the rationale for using NRC regions as the boundary points for RSA regions. Mr. Carlson replied that regulatory enforcement is generally done at the regional level, therefore it would make sense to have RSAs deal with one regional office for inspections, permitting and the like, while other important functions such as cask certification are performed at NRC headquarters. Dr. Naughton said that the most involved activities in coordinating these movements would be performed at the state and local level; therefore, it might make sense to divide RSA territories among the different regional groups with which DOE already has cooperative agreements. Ms. Rebecca Walker (Westinghouse-WIPP) added that when the WIPP program dropped a planned

transportation corridor to save program costs, it coordinated its efforts through the SSEB and the experience was a positive one.

Bob Halstead (state of Nevada) said that his state had concerns about DOE's assumption that the regional approach will save money. For example, there is real potential that developments in the marketplace will result in big savings in hardware procurement. Using the regional approach, if two or three equipment vendors were selling incompatible equipment to RSAs, they would be unable to use MPCs that are configured differently. DOE is likely to have substantial coordination problems of this type.

One participant asked whether the RSA's acceptance on behalf of DOE as envisioned in the RFP means that the agent will become the shipper of record. Mr. Carlson replied that such would not be the case; DOE will be the shipper of record with the RSA acting as its agent.

Mr. Deegan asked what DOE's assumptions were in implementing this new activity insofar as National Environmental Policy Act (NEPA) requirements are concerned. Mr. Carlson replied that no final decision had been made. RW General Counsel has said, however, that the planning phase of this approach does not require the promulgation of NEPA documentation; such analyses (like an EIS) would be required before the manufacturing process commenced. Mr. Thrower asked whether there were contractual mechanisms that would permit a Request for Equitable Adjustment in the event that there were programmatic or political events that delayed or prevented program implementation. Mr. Carlson responded that mechanisms to protect vendors would be in place in the event of such occurrences. Mr. Wentz noted that a revised RFP was being planned for release in September, and a final RFP would be produced by the end of the year. He asked what DOE was planning to do if for some reason the RFP is not issued.

Action Items

- DOE should obtain a copy of the 1994 Transportation Needs Assessment completed by Oak Ridge National Laboratory to take a more comprehensive look at waste streams.
- TEC/WG requested a presentation by DOE-Idaho concerning Transportation Systems Engineering for six waste streams.
- OCRWM-General Counsel will provide additional analysis on the Nuclear Waste Policy Act and the issue of infrastructure improvements.
- DOE should distribute the OCRWM-FRA exchange of letters regarding rail inspection authority.
- A draft routing discussion paper will be distributed to the larger TEC/WG membership, for comment, by mid-November 1997.
- A task/topic group should take a closer look at medical radiological preparedness.
- Comments on DOE's proposed Job-Task-Analysis are due by the end of August. Additional comments will be accepted until October 1, 1997. Please contact Mr. Jim Cruickshank (EM-76) on 301-903-7272.
- DOE needs to better coordinate its requests for TEC/WG member comments on documents. This may be problematic since the group meets twice a year to discuss these documents.
- FEMA-REP-5 document comments are due to Jim Cruickshank by mid-August.

- Rail Topic Group will complete a matrix comparing the CVSA criteria and current rail inspection procedures, as well as a matrix detailing laws and regulations and their applicability to states, tribes and carriers by the January TEC/WG meeting.
- TEC/WG members requested a rail plenary session about actual spent fuel shipments such as the foreign research reactor shipments and naval fuel shipments.

Fixed Price Contracting

Discussion of "Fixed-Price" Contracting Approach

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Topic Group Summaries

Training Topic Group A draft Job Task Analysis (JTA), which was sent out in a 30 day advance mailing was discussed. Highlights included:

- What level of competency/equipment does the first responder need?
- Is the proper action to move in quickly, or hang back and wait for direction from other personnel on the scene?
- Clearly state what the expectations are, both for supervisors and for first responders.
- the problem is that the definition of severity differs across the board, from OSHA to EPA to DOE, there are many different standards. OSHA rules restrict the capacity to respond.
- DOE training modules should explicitly state the realities of each material and type of accident. Standard operating procedures, however defined, will have to respond to the facts.

Routing Topic Group

The issue of routing has become increasingly important. The topic group consensus is that DOE has no comprehensive routing policy. There are many potential conflicts west of the Mississippi between RW/EM and WIPP and states. Stakeholders are unhappy because of the lack of consensus on routing beyond the time frame of the current regulations. The Routing Topic Group is developing a 10 page white paper on this issue for DOE managers and policymakers. There are several assumptions that the group are using: (1) WIPP is operational; (2) the accelerated cleanup plan is operational; (3) foreign spent fuel shipments are on schedule; (4) and that there are no new DOT regulations. The paper will cover explanation of shipment modes, different regulations effecting them, and other constraints and factors. The draft paper will be available at least 30 days prior to the next TEC/WG meeting for the larger group's review.

Rail Topic Group

- The Group is developing two matrices; the first will review rail laws and regulations and their applicability to states, tribes, and carriers. This addresses the issue of a jurisdiction's right to inspect rail shipments.

- The second matrix looks at the enhanced CVSA truck inspection program, and how it might translate to rail. The Group will be using the FRA's Motive Power & Equipment Inspection Report as its starting point. At the last TEC/WG meeting, Kevin Blackwell requested comments on state inspection standards. The Group has decided to present FRA inspection standards, and show states how to get involved.
- Mike Calhoun (FRA) briefed the TEC/WG on the State Participation Program. This program is the only way that States and Tribes (although Tribes are not specifically called out in the regulations) can regulate through inspection of these cargoes. There is little independent jurisdiction left. States can participate, or impose a more stringent standard, if the following conditions are met: it is necessary to reduce a local hazard; it does not impose a burden on interstate commerce; and it does not contradict federal laws. The FRA no longer offers a 50/50 grant program, but does provide on-the-job training to inspectors, coordinates direct inspection, and avoids duplication by monitoring state activities.