



**Transportation External Coordination Working Group (TEC)
January 28-30, 2002
New Orleans, Louisiana
Meeting Summary**

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The Transportation External Coordination Working Group (TEC) held its 20th semi-annual meeting January 28-30, 2002, in New Orleans, Louisiana. This was the tenth anniversary of TEC, and 102 attendees from national, State, Tribal, and local government organizations; industry and professional groups and other interested parties in the U.S. Department of Energy (DOE) programs, met to address a variety of issues related to DOE's radioactive materials transportation activities. The TEC process includes the involvement of these key stakeholders in developing solutions to DOE transportation issues through their actual participation in the work product. These members provide continuing and improved coordination between DOE, other levels of government, and outside organizations with DOE transportation-related responsibilities. (See Appendix A for a listing of participants).

Judith Holm (DOE/NTPA) welcomed participants and provided an overview of the agenda, which included a TEC Retrospective panel, breakout sessions on TEC accomplishments, and a presentation on security. She then introduced Gary Lanthrum, Director, DOE National Transportation Program, Albuquerque (NTPA), and Dave Zabransky, DOE Office of Civilian Radioactive Waste Management (RW) who provided overviews of their programs.

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U.S. DEPARTMENT OF ENERGY OVERVIEW

National Transportation Program (NTP):

Gary Lanthrum (DOE/NTPA) started by discussing the new DOE Environmental Management (EM) administration under *Jessie Roberson*, Assistant Secretary for EM. Gary informed the group the results of the EM Program top-to-bottom review would be out the first week of February. There will be a reduction in the budget for transportation costs and the rollout of the Implementation Plan is due in the next week or two. NTP will need to align their funding base with the Assistant Secretary's goals.

NTP Fiscal Year (FY) 02:

DOE ships radioactive materials from 40 sites. In FY02, DOE will make 9,000 shipments of mixed and low-level waste, 900 shipments of transuranic (TRU) waste, and 300 out-of-commerce shipments (300 contents leaving a site) versus 300 convoys.

National Transportation Program (Continued)

Although NTP does not own a single package and will not make a single shipment, NTP provides products and services that assure safe, regulatory compliant, and cost-effective transportation options to the Department.

NTP provides products and services in 7 areas:

1. Operational Services (TRANSCOM, ATMS, TCEAP, etc.)
2. Risk Assessment (RADTRAN)
3. Systems Engineering (shipment forecasting)
4. Compliance Assistance (safety metrics program, RADCALC, Motor Carrier Evaluation Program [MCEP])
5. Regulations and Standards (rulemaking – domestic/international)
6. Outreach and Communications (including TEC)
7. Packaging Technologies (SARPs)

Program Scope:

- Conducting integrated assessments of DOE's projected transportation and packaging needs for hazardous and radioactive materials and wastes for all program offices;
- Performing assessment of the packaging and transportation resources necessary to support this integrated shipping workload;
- Providing products and services that provide shipping alternatives for contents with transportation challenges, packaging and/or disposition requirements;
- Providing regulatory services to hazardous material shippers and program offices that reduce transportation costs and ensure compliant operations;
- Maintaining a corporate institutional program to interact with national and regional stakeholders on transportation issues;
- Conducting a forward-looking, aggressive transportation technology program to resolve complex transportation and packaging problems and to mitigate regulatory excesses;
- Deploying software products that automate compliance with regulatory requirements for route analyses, characterization of materials, transportation safety assessments, satellite tracking of highway route controlled quantity shipments and motor carrier safety assessments. These products also improve operational efficiencies by automating electronic freight bill processing, prepayment audits, and carrier selections.

Objectives:

- NTP will provide a forward-looking, system-wide assessment of the Department's transportation and packaging needs and will analyze these needs in the context of available infrastructure. NTP will identify any gaps between shipping plans and available infrastructure capacity.
- NTP will provide technical, regulatory and operational products and services that assure safe, regulatory compliant, and cost-effective solutions are available to support the Department's transportation and packaging needs safely and compliantly. These products and services will focus on resolving the gaps identified in the NTP analyses of integrated shipping plans.
- NTP will manage transportation relationships throughout the DOE and with its stakeholders to provide informed consent for the Department's transportation activities to ensure hazardous and radioactive waste and material shipments can be implemented as planned.

National Transportation Program (Continued)

EM Stated Priorities:

- Improve safety performance.
- Reduce cost and time required to complete the EM cleanup mission.
- Close Rocky Flats, Fernald, and Mound by 2006.
- Consolidate nuclear material out of EM sites by 2004.
- Eliminate the need to process high-level liquid wastes.
- Make EM a better customer – better contract manager.
- Shrink the EM footprint (reduce number of facilities).
- Move waste to disposal facilities quickly.
- Reshape EM systems and infrastructure to drive accelerated cleanup and closure.

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT (RW)

Dave Zabransky (DOE-RW) spoke about the draft brochure, “Transporting Spent Nuclear Fuel and High-level Radioactive Waste to a Repository” published by the Yucca Mountain Site Characterization Office (YMP) and RW. Dave stated that the draft brochure was out for review and asked attendees to pick up a brochure and send comments to *Corinne Macaluso* (DOE/RW), who will coordinate comments. Corinne mentioned that the revisions may be loaded on TEC Web site if needed. Other points included:

- Secretary of Energy could soon make a recommendation to President Bush about Yucca Mountain.
- The RW revised draft Solicitation for Waste, Acceptance and Transportation Services is expected to be out by end of fiscal year, in order to ramp up for 2003.
- Nevada Test Site and Envirocare are receiving most of the low-level waste.
- RW will reissue for public comment a Revised draft of Section 180 (c) proposed Policy and Procedures.

Answers to Audience Questions:

- A question was asked: Was a risk assessment done for West Valley shipment routing? Gary responded that risk has to be addressed in the NEPA process and RADTRAN would have most likely been used. *Marcia Keister* (INEEL) said Oak Ridge National Laboratory did an assessment.
- Outreach \$1.8M - \$11M NTP total (\$5.5M reserve in jeopardy)
- EM appreciates the fact that transportation and packaging components are important to achieving goals.
- Focus is on shifting work to Federal staff from contractor staff.
- Gary Lanthrum (DOE/NTPA) presented a letter of appreciation to Judith Holm from Dave Huizenga for her support of and dedication to TEC.

TOPIC GROUP MEETINGS

Note: Detailed summaries of the Topic Group discussions are available on the TEC Web site at <http://twilight.saic.com/newtec>

Consolidated Grant Topic Group Meeting *Lead: Judith Holm*

Handouts and Update

Judith Holm (DOE/NTPA) distributed copies of the “Revised Framework Document” (January 24, Rev. 4) and the most recent update to the comment response matrix, Table A-8. She apologized that she was unable to report on DOE/EM’s decision concerning the proposed consolidated grant, as she and *Carol Peabody* (DOE/EM) had hoped to be able to do. She explained that many changes are currently underway within EM; in particular, *Dave Huizenga* (DOE/EM) is transferring to the National Nuclear Security Administration (NNSA) and was unable to brief the new Secretary on the grant before the TEC meeting.

Judith noted that some changes have been made to the “Framework” that reflect DOE’s response to members’ comments at the Cincinnati TEC meeting in July. As shown in the new mark-up, DOE agrees that there will be no pilot program, the eligibility level will be established at one shipment, and a formula approach will be adopted for States. NTP held a workshop with Tribes in Albuquerque in November and will be consulting separately with Tribes on a variety of issues, including those related to the grant. Table A-8, which will be added to the existing Appendix A, includes DOE’s response to comments provided at the July 2001 TEC meeting, comments from the Topic Group conference call in November, and written comments from the Council of State Governments Midwestern Office (CSG/MW) and the Southern States Energy Board (SSEB). Appendix C has also been added to the “Framework” and contains copies of all written correspondence submitted throughout the discussion. Issues raised in the correspondence, as well as DOE responses, are included in Appendix A.

State Comments

- Several State representatives expressed their concern about the impact of security issues on shipments through their jurisdictions. They emphasized in particular:
 - The potential for radioactive materials shipments to become terrorist targets
 - Public interest groups’ increased opposition to shipments
 - The need for States to plan for the possibility of multiple terrorist events that would overtax DOE’s current Radiological Assistance Program (RAP) team response capabilities
 - Nuclear Regulatory Commission guidance concerning escorts
 - The associated “ballooning” of costs and tremendous impact on State budgets

Judith Holm noted in response that she and Carol Peabody had emphasized to DOE management the need to take into account security issues, including their financial implications, in their decision about the proposed grant. Judith recognized the need to discuss security and that this would be included in any future iteration of the “Framework.”

Consolidated Grant Topic Group (Continued)

- One State representative asked for clarification of which DOE programs would be included in the grant—there appear to have been changes, especially concerning OCRWM and Waste Isolation Pilot Plant (WIPP) shipments. *Carol Peabody* stated that the intent is to include both OCRWM and WIPP but that no decision had been made.
- Another attendee emphasized the need for DOE to include affected States in their planning for upcoming shipments (e.g., plans to transport depleted uranium), as well as the need to provide funding.
- A northeastern representative asked the SSEB to explain the meaning of the term *fully funded* in their written comment to NTP that “without a fully-funded program, consolidated grants are not acceptable.” SSEB representatives explained that they would require a minimum of \$150,000 per State affected by WIPP shipments PLUS additional funding if another DOE program made shipments using a different route through the State. Western Governors’ Association (WGA) representatives stated that they agreed with the SSEB position on this issue. Midwestern representatives stated that they disagreed with the WGA and SSEB position.
- A WGA representative stated that the Western Governors do not feel that the Secretary gave an adequate answer to their letter of September 2000, and they may write a follow-up letter. In particular, the Governors want to emphasize three points:
 1. Regional groups should be continued.
 2. An adequate level of funding must be provided and this should be through the regional groups.
 3. DOE must make a commitment that all DOE programs will be included in the consolidated grant.
- The SSEB stated that they had also considered sending a joint SSEB/WGA letter to the Secretary but had held back because Dave Huizenga had told them that he was pursuing the issue and they had hoped that it would be settled.
- A WGA representative asked what the next steps would be and whether NTP wanted the States and Tribes to provide comments on the version of the document that had been provided that day. She pointed out that the problems encountered over the past 2 years would arise again because there was disagreement about the grant—both over DOE’s proposed options and among different States.

Judith Holm responded that members should withhold comments on the January version of the “Framework” until she and *Carol Peabody* could come back to the group with some direction from management. She stated that she would schedule a Topic Group conference call in about 3 months’ time. *Martha Crosland* noted that, if there were a decision to proceed with the proposed grant, DOE would go through formal administrative procedures.

Tribal Comments:

- A Tribal representative requested that DOE clarify that the agency’s agreement with CSG/MW, that DOE should not develop broad-based resources where none currently exist (Table A-8), may not apply to Tribes. She emphasized that, in the past, Tribes have not had similar resources to States for developing programs.

Consolidated Grant Topic Group (Continued)

- The representative also requested that DOE clarify the Tribal role in the grant process, in view of DOE’s stated intent to address Tribal issues separately from State issues, in consultation with the Tribes.
- Tribal comments from the Albuquerque workshop should be included when the meeting summary is finalized.

Judith Holm responded that the intent was to keep the Tribes involved in the discussion of the grant, but that DOE would pursue direct discussions per the consultation discussions at the Albuquerque Tribal Workshop and recognize the government-to-government relationship that exists between Tribal Governments and DOE. +These direct discussions do not preclude tribes from participating in the consolidated grant process, and will be used to identify appropriate methods and resources to bring tribal governments to an equitable level for DOE transportation and other programs. In addition, the reason for working directly with Tribes on the grant issue is recognition of their needs, which may be different. The goal will be to bring the right DOE resources together (DOE Transportation Emergency Preparedness Program [TEPP], DOE Tribal points-of-contact and the transportation managers in the field) with the Tribes, not only to discuss the grant approach but also to address technical assistance opportunities. The Albuquerque Tribal Workshop comments on the grant will be included in the Appendix when the meeting summary is final and will be shared with the Topic Group.



Training and Medical Issues Topic Group

Lead: Ella McNeil

Introduction:

Ella McNeil (DOE/HQ), opened the meeting by noting that the Training Topic Group was wrapping up several activities which were started a couple of years ago. She began her overview of those activities by presenting a Certificate of Appreciation for dedication and hard work by six Training Topic Group members who were instrumental in accomplishing the WIPP/Modular Emergency Response Radiological Transportation Training (MERRTT) merger. Those individuals are: *Ron Macaluso, Mark Askey, Ken Keaton, Tom Clawson, Bill Craig and Dan Hogle*. Ella also expressed additional thanks to Ron Macaluso for continuing to push forward and pursue Occupational Safety and Health Administration (OSHA) approval of the training.

Another major accomplishment, in coordination with the Communications Topic Group, was the finalization of the TEPP fact sheet. The fact sheet is now on the TEPP Web site and is available as a handout. Ella continued that DOE-HQ is going through a lot of changes including the elimination of contractor support. This has caused some glitches in the Web site maintenance; however, the Decon Procedure and the Aiken-Barnwell exercise are now on the site.

The group viewed the new video, “Emergency Response to a Transportation Accident Involving Radioactive Materials,” which was a joint effort with the Federal Emergency Management Agency (FEMA). The group agreed it was one of the best videos they had viewed. Some minor changes were recommended, and a user guide will be developed for the video, including significant points an instructor should make before and after viewing.

Training and Medical Issues Topic Group (Continued)

NFPA Standards 471, 472, 473:

DOE has been working with the National Fire Protection Association (NFPA) regarding changes to the standards relative to radioactive materials. A Tentative Interim Amendment (TIA) was filed as a mechanism for the NFPA to address comments after the official comment period closed. On February 15-16, 2002, NFPA is holding a special meeting to look at revisions following the events of September 11, 2001. At that time they will review the TIA. If the TIA comments are not accepted, it will be 2005 before they can be included. The NFPA handbook has incorporated changes based on the comments as a first step in getting better information out, via reference and resource, but the TIA comment process through NFPA needs to be completed to revise the standard.

Continuing Education Credits for MERRTT Training:

Approval has been obtained for Continuing Education Credits for MERRTT. South Carolina has adopted Emergency Medical Services (EMS) Continuing Education Unit (CEUs) modules for MERRTT. There are two elements in the approval process, assessing operations and recording.

South Carolina has approved 9 credit hours (1/2 CEU per module, including 2 for medical). South Carolina is a national registry state and MERRTT fits well within those parameters.

MERRTT/States Training and Education Program (STEP) Merger:

Version 2002 of both the Instructor and Student MERRTT CDs were passed out to topic group members. A review of the CDs was provided to the group, including the video clips that are on the CD. Consensus of the group was this should be considered a final product ready for distribution. Some discussion ensued regarding how to get the word out that the 2002 version was available. It was suggested that a tear out form be developed and sent to various publications for advertising availability.

In answer to a question regarding WIPP's approval of the training, it was explained that Ron Macaluso was appointed by Ralph Smith and funded by WIPP as their representative on the subcommittee to look at merging the two training programs. WIPP will be working to gain OSHA approval, thus allowing WIPP to begin using the merged training and to continue to meet the Land Withdrawal Act. FEMA has also included MERRTT in their training materials and will be provided the revised versions. The U.S. Department of Transportation (DOT) is looking at the material.

During follow-up discussions, it was indicated that a Rail Module, Tribal Module and Specialist Module would be considered. Since MERRTT covers material types DOE expects to ship, we should not need campaign-specific modules. Campaign-specific information was available in reference materials such as fact sheets.



Tribal Issues Topic Group Meeting

Lead: Judith Holm

Issues discussed during this meeting included the DOE NTP November 2001 Tribal Partnering Workshop, the DOE Indian Policy Implementation Plan, Transportation Protocols, the status of the

Tribal Issues Topic Group (Continued)

proposed Consolidated Transportation Grant, and the Federal Railroad Administration (FRA) pilot project with the Shoshone-Bannock Tribes.

ACTION ITEMS:

Responsible Party	Action to be Taken
J. Holm/W. Portner	Distribute final summary of November Workshop after receipt of comments from attendees (March/April 2002)
J. Holm/W. Portner	Draft a resource brochure
J. Holm/W. Portner	Provide group with Steve Gray’s listserv information and report back on Indian Affairs POC information
DOE	Identify DOE points-of-contact to whom Indian communities can address questions
J. Holm/W. Portner	Provide group members with information about accessing “Indian Roots of American Democracy” and “American Indians and the Nevada Test Site”
M. Crosland/J. Holm	Report back to group on Los Alamos Site Waste Permit status
M. Crosland/J. Holm	Schedule meeting with Indian Affairs Office (including EM, NTPA, TEPP, and NCAI)

Summary:

The meeting began with introductions, followed by *Mike Rowswell’s* (Association of State Rail Safety Managers) report on the FRA rail safety pilot program with the Shoshone-Bannock Tribes. Mike Rowswell made the presentation for *Mike Calhoun* (FRA). He pointed out that one of the main goals of the project is to develop a long-term relationship with the Shoshone-Bannock Tribes. A crossing survey has been conducted within the Tribal boundaries and the State of Idaho will install rail-crossing devices near one of the Tribal schools. *Wynona Boyer* (Shoshone-Bannock Tribes) added that the FRA safety crossing staff member who conducted the crossing survey with the Tribes recommended the closing of two rail crossings on the reservation. Tribal authorities do not want to close either of them. The Shoshone-Bannock have a new Tribal Department of Transportation. Road maintenance needs to be discussed before crossing equipment.

Topic group members reported:

- *Judith Holm* (DOE-NTPA) reported on the November 2001 Tribal Partnering Workshop held in Albuquerque. Ideas for successful consultation include a more institutionalized process, using the U.S. Environmental Protection Agency’s (EPA) regional and national Tribal Operating Committee as a model and working with Luke Jones (EPA/Office of Solid Waste); building internal capacity as well as consultation; and developing a resource brochure or fact sheet.
- *Ed Gonzales* (ELG) reported that the new Four-Corners Institute for Tribal/State Relations will hold its first meeting this summer.

Tribal Issues Topic Group (Continued)

- *Martha Crosland* (DOE/EM) said the Low-Level Waste booklet is out for comment. Martha also reported the DOE Indian Policy Implementation Plan is undergoing revision and EM will use the National Congress of American Indians (NCAI) as a vehicle for obtaining Tribal input. She also reported that the Transportation Protocols document would be attached to a new DOE Order that is under review. The Consolidated Grant had not yet been moved forward to senior DOE staff for review because of the ongoing budget and organizational discussions at the Department.
- *Patrice Kent* (National Tribal Environmental Council, NTEC) pointed out the value of having people (DOE or other appropriate technical people) available to speak to communities on issues of concern – beyond the standard “information dissemination” and fact sheet development.
- *Larry Stern*, (CVSA) said the group is looking for more Tribal participation.
- *J. Mark Chavarria* (Santa Clara Pueblo) asked if WIPP waste is removed from a site does that allow the site to fill up the empty space with more waste under the WIPP permit? Judith and Martha said they would check into this issue.
- *Ed Gonzales* (ELG) mentioned a good source of information on Tribes, “Indian Roots of American Democracy.”
- *Neil Weber* (Pueblo of San Ildefonso) said that his Tribe is still worried about the movement of materials up the hill into Los Alamos.
- *Bob Lupton* (DOE/RW/Yucca Mountain) pointed out that the Secretary of Energy had notified the Governor of Nevada of his (the Secretary’s) intent to recommend the Yucca Mountain site to the President and, based on that notification, the earliest the Secretary could recommend the site would be February 10, 2002.
- *Maxine Ewankow* (8-Northern Indian Pueblos Council) said she is stepping down as Environmental Director in March and a replacement will be appointed.
- *Ken Gray* (Confederate Tribes of the Umatilla Indian Reservation) introduced Rob Burnside as his replacement as Fire Chief when Ken retires this year.
- *Daniel King* (Oneida Nation) is now serving on the county anti-terrorism committee. His Tribe is concerned about low-level waste transportation. A survey this summer showed that explosives have been going through the reservation without Tribal knowledge.
- *Corina Williams* (Oneida Nation) said the Tribe has good relationships with the EPA and the Army and is working with the railroad to improve communications.
- *Patrice Kent* (NTEC) said NTEC works with and supports NCAI on transportation and other issues in the environmental management arena. NTEC has drafted a preliminary report of Federal Facilities impacts in Indian Country; the final draft addressing DOE impacts should be available this summer.
- *Wynona Boyer* (Shoshone-Bannock Tribes) said the Tribes have established a HAZMAT team and ambulance service may be available this summer. The Idaho Settlement Agreement needs to be looked at and the progress monitored in how the milestones are being met at the Idaho National Engineering and Environmental Laboratory (INEEL) and at DOE-Idaho.
- *Richard Arnold* (Las Vegas Indian Center) stated that Nevada Tribes are opposed to the Yucca Mountain project. Richard mentioned a book titled “American Indians and the Nevada Test Site” as being of possible interest to the topic group.
- Several attendees pointed out the importance of the DOE Indian Desk position being held by a person with extensive experience in Indian Country, preferably a Tribal member.

The Tribal Issues Topic Group meeting concluded after these reports.



Rail Topic Group Meeting

Lead: Steven Hamp

Steven Hamp (NTPA) began the session by welcoming the participants and noting this was the first meeting of the topic group since its reconstitution. He noted the original Rail Topic Group met from 1997 to 1999, and suggested the present group briefly review and discuss their work before moving on to identify and prioritize new issues. *Alex Thrower (SAIC)* then summarized the reports that had been developed and their findings. He indicated all the material developed by the earlier topic group, as well as meeting notes, could be found on the TEC Web site, which has been temporarily housed at <http://twilight.saic.com/newtec>. He noted the work of the group had resulted in three matrices comparing practices of the rail industry with that of truck transport. The first matrix developed examined rail and highway regulations relative to the transportation of radioactive materials and their applicability to states, Tribes, shippers and carriers. The second compared the Commercial Vehicle Safety Alliance (CVSA) enhanced inspection standards with existing rail inspection regulations and standards. The final, more detailed report compared safety issues outlined in the WIPP Program Implementation Guide with those for the rail industry.

A participant stated one topic of high interest in Nevada dealt with the issue of rail access to the Nevada Test Site (NTS). Another suggested security issues related to rail shipments, especially after the September 11 attacks, would likely have a high level of visibility. He added more comprehensive inspection programs might build credibility and trust, and should be accomplished to minimize operational impacts/delays.

Kevin Blackwell (FRA) stated rail issues had recently come to the attention of Congress, both as a result of the September 11 attacks and the Baltimore tunnel fire in the summer of 2001. The DOT appropriations law mandated studies of rail transport and the process of routing shipments, as well as an assessment of emergency preparedness issues along transportation routes. One participant noted a planned spent fuel shipment from the West Valley Demonstration Project in New York to the Idaho National Engineering and Environmental Laboratory (INEEL) had, for various reasons, not taken place. The suggestion was made that the West Valley process could yield lessons learned to help DOE prevent problems in the future.

Ray English (DOE/PNR) pointed out the unique nature of railroad police forces and said the DOE Naval Nuclear Propulsion Program had established good working relationships with those organizations *Mike Rowsell* (Association of State Rail Safety Managers) commented that States had different inspection regimes and procedures, and everyone has heightened security concerns given the current climate. The inspection programs FRA has in place are good, he noted, but States continue to have inspection and security issues that may overlap legally defined roles. While it helps for participants to understand legal roles and responsibilities, discussion among the parties can help resolve questions beforehand. Relying on the railroad police has not always worked well, he said.

One participant noted while routing is addressed in the DOE Protocols, there had not been much discussion about rail routing in the context of issue identification, pros and cons of alternative routing regimes, and other related issues. Put another way, one question for the group could be, what are the real problems routing of rail shipments can solve? *Gary Lanthrum* suggested perhaps some of the rail infrastructure issues, particularly those related to NTS, could be addressed as part of the site planning process.

Rail Topic Group Meeting (Continued)

Another participant suggested discussion could focus on how to make inspections more effective, resolving persistent issues regarding timing, location and subject matter, and coordinating with the already established State inspection program. *Max Power* (State and Tribal Government Working Group) noted the matrices developed by the earlier topic group were voluminous, and suggested summaries of them might be made available to the group. *Bob Fronczak* added some summaries had been developed and it was agreed to disseminate those.

After the group discussion, the following issue areas/actions were identified for further examination:

- Summarize findings of earlier reports done by Rail Topic Group.
- Develop an issue paper comparing current routing practices with pros/cons of potential alternative regimes, as outlined in the TEC routing report.
- Examine rail planning process, protocols and other guidance (WIPP Program Implementation Guide) against lessons learned, case studies of recent campaigns, and State, Tribal and local roles on topics such as inspections and communications.
- Security is an important issue for rail but is a broad topic and might be better suited for a separate topic group.
- Rail to NTS poses special questions and may warrant examination outside of this forum.

Steve said next steps would include circulation of the notes and action items from this meeting for the group's review and comment. Following that, the group would have a conference call to further refine the issues and focus on next steps. *Chris Wells* agreed to summarize the group's discussion at the TEC plenary session the following day.

ACTION ITEMS:

1. Meeting minutes and attendance list will be developed and circulated to the group to be finalized by March 25, 2002.
2. Brief summaries of the existing rail topic group analyses will be developed and distributed to all January 29 meeting participants.
3. Participants at the January 29 meeting will be polled to determine actual participants in the group (as opposed to observers).
4. A conference call will be scheduled in the late April 2002 timeframe to discuss next steps.

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PLENARY SESSIONS

Plenary I – Panel Discussion: TEC Retrospective

Judith Holm (NTPA), chaired the panel. Panel participants were *Wynona Boyer*, Shoshone-Bannock Tribes; *Patrice Kent*, National Tribal Environmental Council; *Sandra Covi*, Union Pacific Railroad; *David Crose*, Indiana State Emergency Management Agency; *Ray English*, DOE Pittsburgh Naval Reactors Office; and *Gordon Veerman*, International Association of Fire Chiefs.

Wynona Boyer and *Patrice Kent* provided a Tribal perspective on TEC. They noted TEC is a means for governmental organizations to be informed about distinct issues of the Tribes and to learn more about other agencies participating in transportation and emergency planning. They added it is important to

TEC Retrospective (Continued)

recognize some important Tribal interests extend beyond reservation boundaries. When it comes to TEC's level of involvement with DOE, other levels of government, and outside organizations, Tribal governments' issues are not adequately represented, they said. Government-to-government relationships between Federal agencies and Tribes should be recognized and respected. DOE hosted a November Workshop in Albuquerque, New Mexico with Tribes entitled "Building Tribal Partnerships" that included over 20 Tribal representatives. This was a good beginning for communications; and follow-up, including another meeting, is expected. Resources, including for health and environmental protection, are not currently provided to Tribal governments on an equitable level with resources provided to State governments. This is not limited to DOE programs, but it is evident in allocations provided by DOE.

Gordon Veerman (International Association of Fire Chiefs) spoke next. As a member of the TEC since the first meeting, held in March 1992, Gordon has also been active in the Training and Medical Issues Topic Group. He noted the main goal is to get training and supplies to the "people on the street" (first responders). As the available funding trickles down it often doesn't get to the first responders who need training and materials. For example, 80 percent of fire departments in Illinois don't have fax machines. A very positive example of helping to provide important training information to emergency responders is the TEPP base training modules. The Modular Emergency Response Radiological Transportation Training (MERRTT) modules were developed by the TEC Training Topic Group and were introduced in July 1999 at the TEC meeting in Philadelphia, Pennsylvania. Chief Veerman stated that the TEC process has been a good one that has accomplished a lot. Much remains to be done, he said.

Sandra Covi (Union Pacific Railroad) spoke next. When she first attended TEC, she saw people who left their personal agenda at home and came together to find the safest, most acceptable way for transporting radioactive materials. She noted that the TEC process is a means to take concerns to a higher level. While issue resolutions sometimes move slowly, she said, much has been accomplished. TEC provides positive information and communication. For example, the rail matrices developed by the original TEC Rail Topic Group was very important. The matrices compared the difference between truck and rail regulations and identified gaps. For a future TEC activity, this type of comparison could be applied to security issues. Ms. Covi concluded by stating that TEC has a history of wonderful accomplishments. As for the future of TEC, she suggested the group continue to identify gaps, write processes and procedures with a national view of what is the safest way to transport radioactive materials.

David Crose (Indiana State Emergency Management Agency) started by thanking DOE and regional groups for starting TEC and ensuring funding. He recommended the participants look at the TEC *History, Accomplishments, and Future Direction* retrospective paper in their registration packets. Dave said the future direction of TEC should build on what has been done already and should be continued. He then noted that TEC provides networking opportunities for State representatives to talk with other States. States would not have been involved in shipping campaigns such as WIPP, cesium, Foreign Research Reactor Spent Nuclear Fuel and West Valley without TEC and the TEC Working Groups. Because of TEC, the State representatives have had the opportunity to visit the WIPP and Yucca Mountain sites, and see the storage sites for themselves.

While WIPP funding and training has been very important for the States, he said, the Consolidated Grant process to date has not resolved funding issues and seems to be going nowhere. The TEC Training and Medical Training Issues Topic group worked with TEPP in reviewing and developing training materials and developed MERRTT. The State representatives have greatly benefited from the transportation Protocols Topic Group participation and the resulting 14 protocols, particularly in emergency response

TEC Retrospective (Continued)

and safety-related activities. He concluded by saying that TEC has improved communications and interaction between the States and DOE with programs such as TRANSCOM 2000, and the Rail Topic Group should start up again.

Chris Wells (Southern States Energy Board) stated that the best part of TEC is the contacts and information exchange. He agreed with Ms Covi that it was useful to have information exchange and meeting people from different areas and the private sector. Regional meetings have grown. Participants, he suggested, always get something from Tribal perspectives and concerns. In the future, security issues will play a big role; Captain Thomas of South Carolina's Law Enforcement Division and a member of the SSEB committee has placed particular emphasis on this.

Chris ended by recognizing *Lisa Sattler-CSG-MW* and *Phil Paull*, CSG-ERC for their efforts and contributions to TEC and bringing the States and regional groups together.

Nathan Christiansen, WGA, spoke the Western Governors' Associations WIPP Technical Advisory Group, (WGA) when he said TEC/WG is a good communication forum, for people to get together with other people addressing radioactive waste transportation issues, and there is a good exchange of information and views. In retrospect, Ron wanted Nathan to express that he found working on the Protocol and Routing Topic Groups most productive, and the exchange of ideas and concerns on DOE=s low-level waste and spent nuclear fuel transportation programs very valuable. WGA=s Technical Advisory Group has heard about the DOE-NTP budget cuts and thinks the regional groups need to let DOE-EM-HQ know the importance of TEC/WG for these reasons. Ron suggested that TEC/WG revisit the level of participation and funding provided by DOE-RW [e.g., 180(c)]. States will also be looking to DOE-RW as the Department (and the private utilities) initiates their planning to move civilian spent nuclear fuel. DOE should use the strengths of the regional groups and as the RW program moves forward they should commit to joining EM in supporting and funding both the regional groups and TEC/WG.

Ray English noted he attended his first TEC meeting in Pittsburgh in 1996 and has been attending ever since. Ray made the following points:

- In 1996, the Senior Executive Transportation Forum was being established internally under Willis Bixby. Bixby suggested DOE, Naval Reactors (NR) get involved in external forum as well. The first naval spent fuel shipment brief was provided in South Carolina (January 1997).
- Naval Nuclear Propulsion Program had been shipping for 40 years, but TEC provided the opportunity to explain shipping operations, ensure stakeholders understand shipments are safe with no reason for undue concern as well as to ensure the Naval Nuclear Propulsion Program (NNPP) understood and addressed stakeholder concerns.
- Changing NNPP shipment speed from 35 mph to the industry standard 50 mph and periodic accident exercises are examples of how TEC has influenced NNPP shipping activity.
- TEC provides a valuable forum for DOE shippers and key representatives from the carrier community and public stakeholder community to educate each other about radioactive materials transportation.
- Ultimate objective is smooth, incident-free, unencumbered transportation operations, to the extent allowed by the realities (not inflated perceived risks) involved in radioactive materials transportation...smooth operations are carried out in accordance with all regulations with stakeholder input duly considered – protocols (practices) are jointly developed under this premise.
- Network provided by TEC is important...in emergencies clearly have to follow prescribed notification procedures, etc., but that effort and ensuing discussions are clearly enhanced by informal networks like TEC.

TEC Retrospective (Continued)

- On June 20, 2002, a DOE NNPP spent fuel shipment accident exercise will be held in Portsmouth, New Hampshire. The New Hampshire emergency agencies will be involved. This exercise will be an opportunity to learn about shipments and accident response. Ray English is the POC for participation or observation. There will be no funding provided.
- For copies of the Naval Spent Fuel Shipment Idaho Accident Exercise video, contact Ray English.
- Nuclear-powered aircraft carriers and submarines are playing a vital role in the War on Terrorism...examples/experiences cited.

Ms. Holm informed the participants that the TEC support team had won a Performance Excellence Award in the Environmental Management area from Albuquerque Operations Office in October 2001. The award is the second place award out of a three-tier recognition system in which Albuquerque recognizes outstanding team efforts. The rating system is based on the Baldrige Award criteria. Judith asked the group to make suggestions about how TEC would be handled if it held only one meeting per year.



Plenary II–Panel Discussion: Security Presentation

Carol Peabody,(DOE/EM) Office of Transportation, chaired the panel. Mr. *James Letten*, U.S. Attorney, Department of Justice, Eastern District of Louisiana, was first to address the audience. He spoke to the role of an U.S. Attorney in emergency response coordination for hazardous materials transportation.

- The events of 9/11 changed things for everyone.
- About 35 FBI field offices had Joint Terrorism Task Forces (JTTF) before September 11.
- His New Orleans office’s Joint Terrorism Task Force was in operation just hours after the attacks.
- The mission of his organization is to bring together Federal, State and local agencies and provide communications for counter-terrorism awareness, advisories, etc., in a real-time environment. The New Orleans District has built a team around an existing Weapons of Mass Destruction team, which was already in place, rather than create a new structure to threats. Other U. S. Attorney District offices have the same charter as a coordination point for communications and response to terrorist activity.
- State-based task forces for the protection of hazardous materials are being explored. In the absence of such a task force, interested parties should contact the U.S. Attorney Anti-Terrorism Task Force.

Carol added that DOE would be working through its Emergency Operations Centers (EOCs) to monitor possible threats to transportation.

Skip Young of the U.S. Nuclear Regulatory Commission (NRC) Spent Fuel Office spoke next:

- After the attack on the World Trade Center, NRC regions went to a full security alert, notifying licensees and monitoring the response mode
- Since 9/11, NRC has written additional threat advisories, including those for Highway Route Controlled Quantity (HRCQ) shipments.
- The general threat remains high and all nuclear facilities continue at their highest security posture.
- Shipments of nuclear materials under NRC license around the country continue.
- NRC scrubbed its internal Web site following the attacks.

Security Presentation (Continued)

- NRC has a liaison with the Office of Homeland Security and continues to share information with other Federal agencies and governors. NRC interacts with the Federal Aviation Administration (FAA).
- Long-term efforts include a top-to-bottom examination of safeguards and physical security programs, examining responsibilities of licensees and the Government, and re-examining the public openness policy and its balance with security.

Tom Hughes, Pennsylvania Emergency Management Agency and a member of the Council of State Governments, Northeastern Region high-level radioactive waste task force and (CAN WE MAKE THIS LOWER CASE) the U.S. Attorney's Middle Pennsylvania District's terrorism task force reported:

- 9/11 created information security problems between Federal and State governments and State and local governments. Various agencies have their own security clearances and levels, which are non-reciprocating.
- There was a request for shipment holds to the NRC and the U.S. DOE, which were granted. Subsequent NRC advisories recommended escorts for HRCQ shipments. Tom stated Pennsylvania already escorts some high-level radioactive waste shipments, and now other Northeastern States are looking into the issue and legislation to do so.
- Secure communication is an issue, including proper equipment for secure calls and faxes.
- Radiological Assistance Program (RAP) coverage is on a path forward. Pennsylvania responded to New York City following 9/11 and a formalized mutual assistance agreement is needed because of response time for the next available team.
- DOE EM and DOE's Office of Transportation Safeguards in Albuquerque, New Mexico, need to work together as soon as possible to engage regional groups in security talks. He believes DOE Region 1 Terrorism Task Force, Brookhaven National Labs, should re-establish the Weapons of Mass Destruction regional working group that was disbanded in 1999.
- He also believes a clearinghouse is needed for coordination of warnings and advisories.

Richard Arnold, Tribal Liaison, Native American Interactions, Las Vegas Indian Center, DOE Yucca Mountain Site Characterization Office, offered his perspective on transportation security issues:

- There was a Tribal void as far as 9/11 is concerned.
- Some of the points made at the November DOE Tribal Transportation Partnering Workshop included:
 - There has been no Tribal consultation on Homeland Security;
 - Tribes need to be involved, especially those near Department of Defense (DOD) and DOE sites and nuclear power plants; and
 - The Federal Government has a fiduciary relationship with Tribes
- Other Tribal security needs/issues include:
 - Consultation with Tribes before actions affecting them are taken to protect people, and reservations lands, air and water;
 - DOE needs more coordination in its approach (confusion in emergency operations);
 - Tribes lack technology such as fax machines and secure phone lines;
 - Tribes understand need-to-know factor, but timely and consistent information is essential in the event of an emergency.

Security Presentation (Continued)

Carol Peabody wrapped up the panel discussion with the following points:

- A press notice was issued when DOE shipments were stopped after 9/11. Shipments were reinstated in October and then stopped again. EM shipments are now reviewed on a monthly basis. No shipments are currently on hold because of security concerns, however, all radioactive material shipments do go through a review by the program offices similar to reviews EM has initiated
- Carol met with NRC and U.S. Department of Transportation (DOT) staff on security matters as part of an interagency team. *Tracy Mustin*, DOE, participated in a higher-level working group reviewing security with NRC.
- DOE will consider having points-of-contact work with regional groups on security matters, but work is just beginning on security issues. Those present at the TEC meeting need to work together.
- EM is following legislation related to driver qualifications for vehicles transporting hazardous materials. A DOT review of all carriers and their drivers will be completed in another month. (*The review was completed 2/25/02.*)
- DOE Web sites have been reviewed and some information pulled.
- DOE is reviewing its openness policy regarding transportation information.

The floor was opened for comment:

- *Bob Fronczak*, Association of American Railroads, noted that his organization is coordinating with the Federal Government on rail security. Railroads implemented special security measures following the attacks of September 11, 2001. He also mentioned that some thought needs to be given on how to communicate the contents of a shipment, as placards could be considered a moving target.
- *Patrice Kent*, National Tribal Environmental Council, reiterated the need for Tribes to have response infrastructure such as secure phone lines and fax machines. Panel members suggested contacting the U.S. Attorneys Office, the Federal Emergency Management Agency (FEMA) and the NRC Office of State and Tribal Affairs to determine if funding is available for such equipment. The panel also responded that funding for activities such as shipment escorts is an issue that is now before NRC's Commissioners.
- Another question raised by the audience was how do locals find out what they need to know in the event of an attack like 9/11? Federal agencies need to seek out "cleared" local personnel in case of an emergency situation. It was recommended that at least one fire chief in each State (possibly selected by the International Association of Fire Chiefs) be appointed and cleared as a point-of-contact.

Comments received after the TEC meeting included the following from Captain *Ben Thomas*, South Carolina Law Enforcement Division:

- Intelligence sharing is not going as smoothly as stated by the U. S. attorney, as the FBI is dragging their feet on doing clearances.
- It is not possible in many cases to share intelligence information with non-law enforcement agencies.
- The International Association of Chiefs of Police has recommended to *Tom Ridge*, Director of Homeland Security, that a national standard of threat levels and actions be developed. This would be very helpful to the Emergency Response community nationwide.
- It matters not who is responsible, the shipper, licensee, railroad or DOE, if the shipment is by rail a proper car needs to be provided for the escorts to ride in that meets a standard of decency.

Security Presentation (Continued)

- On page 26 of your Proposal Framework for the Consolidated Grant Process you may, in light of September 11 and NRC guideline, need to add a block for security which would in our State include most of what is the block listed as safe routine transportation. This should be separate from the foreign fuel campaign.

Judith Holm thanked everyone for participating, and asked everyone to please complete a meeting evaluation and turn it in.

Breakout Sessions—TEC Future Direction

U.S. Department of Energy TEC participants facilitated three breakout sessions: *Martha Crosland*, (DOE/EM), *Ray English* (NNPR) and *Judith Holm* (NTPA). The breakout discussion on the future direction for TEC included three groups, with about 30 participants in each group. The average rating for “TEC’s effectiveness” relative to other comparable organizations was a 7.51. 87 percent of participants feel that TEC’s mission is not complete because DOE’s transportation plans are dynamic and there is a constant need for communication and coordination. Participants felt that the top current or emerging issues are security/terrorism and Yucca Mountain. Thirty-four participants noted that there should be at least one meeting to maintain good working sessions to facilitate open and honest dialogue. Ten participants proposed holding one TEC meeting a year and substituting the other meeting with Internet discussion tools, Web sites, emails, and videoconferences.

SUMMARY OF EVALUATIONS

The TEC 2002 Winter Meeting was rated excellent or good by 89 percent of participants who returned an evaluation form. The remaining 11 percent rated the meeting as average or fair. The hotel location and rooms were rated as “Satisfied” or better by 92 percent of the evaluators.

Of the agenda topics, the Topic Group Reports received the highest rating (88 percent), followed by the DOE Overview (81 percent), the TEC Retrospective and Future Direction (77 percent), and finally the Security Panel (66 percent).

Electronic distribution of meeting materials had the approval of 92 percent of the participants who submitted an evaluation form. It was suggested by one participant that it would be helpful to have a checklist of email dates (sent) or final email or communication to be certain all information was received.

Some participants were very pleased with the quality of the hotel as well as the location. Two participants mentioned the Future Direction discussion as a standout. The completion of the MERRTT training modules was noted as a major accomplishment. The reflection on the value of TEC was thought to be very important to some participants. There was also a mention of the breakout sessions and how they had become more interactive. It was noted by one participant that the meeting was well worth attending in all aspects, and a wonderful way to commemorate TEC’s 10th anniversary.

According to a majority of participants, the most important emerging issue that TEC should address is security/terrorism. Some suggested ways to incorporate this into the TEC process were to create a Security Topic Group, to develop a strategy for identifying emergency issues, and emergency preparedness. These actions would need to be tempered with the need for public disclosure.

Summary of Evaluations (Continued)

The opening of Yucca Mountain was also high on members' agendas. Participants supported the resurrection of the Rail topic group as shipments are ramped up. The redesigning of the Web site was another significant issue. The updated Web site would reinforce the continuing need for communication, accountability, and education.

The suggestion was made that TEC contributions should be articulated to line managers in each DOE Program Office. Selling the benefits of TEC in parallel with efforts to do good work is essential to the group's survival.
