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Transportation External Coordination (TEC) Working Group Rail Issues Topic Group First Meeting-- January 29, 2002 Meeting Notes

The first meeting of the Transportation External Coordination (TEC) Working Group Rail Issues Topic Group was held on January 29, 2002, in New Orleans, Louisiana. Participants included **Sandra Threatt**, South Carolina Department of Health and Environmental Control (DHEC)—Southern States Energy Board (SSEB); **Paul Seidler**, Lincoln and Esmeralda Counties, Nevada—Energy Communities Alliance (ECA); **Steven Hamp**, U.S. Department of Energy (DOE), National Transportation Program—Albuquerque (NTPA); **Phillip Paull**, Council of State Governments—Eastern Regional Conference (CSG-ERC); **Audrey Eidelman**, ECA; **Samantha Dixon**, ECA/City of Westminster, Colorado; **Sandra Covi**, Union Pacific Railroad; **Bob Fronczak**, Association of American Railroads; **Kevin Blackwell**, U.S. Department of Transportation (DOT) Federal Railroad Administration (FRA); **James Pegues**, DOT/FRA; **Alan Jacobson**, State of Maryland (SSEB); **Gary Lanthrum**, DOE-NTPA; **Nathan Christiansen**, Western Governors' Association (WGA); **Roger Mulder**, State of Texas; **Jim Reed**, National Conference of State Legislatures (NCSL); **Brady Lester**, DOE—Oak Ridge; **Don Greene**, Arkansas Department of Health (SSEB); **Christopher Wells**, SSEB; **Ben Thomas**, South Carolina State Law Enforcement Division (SLED); **Joe Grumski**, MHF Logistical Solutions; **Rick Hand**, Illinois Commerce Commission; **Tim Runyon**, Illinois Department of Nuclear Safety; **Ellen W. Ott**, DOE—Office of General Counsel (GC); **Corinne Macaluso**, DOE, Office of Civilian Radioactive Waste Management (RW), Office of Acceptance, Transportation and Integration (OATI); **Ray English**, DOE—Naval Nuclear Propulsion Program; **Robin L. Sweeney**, DOE—Yucca Mountain Site Characterization Office (YMSCO); **Pete Bolton**, Booz Allen & Hamilton, YMSCO support; **Robert E. Luna**, Nuclear Waste Technical Review Board; **Terry Gilmore**, DOT—FRA; **Scot Bates**, Burlington Northern Santa Fe Railroad; **Rebecca Walker**, Westinghouse Waste Isolation Pilot Plant (WIPP) support); **Aubrey Godwin**, Arizona Radiation Regulatory Agency; **Michael Cash**, Alabama Office of Radiation Control; **Ralph Smith**, DOE-WIPP; **Chandler van Orman**, Nuclear Energy Institute (NEI); **Mike Rowswell**, State Rail Managers Association; **Ben Viljoen**, Esmeralda County, Nevada; **Scott Solomon**, International Association of Fire Fighters; **Lisa Sattler**, Council of State Governments, Midwestern Office; **Max Power**, State of Washington, State and Tribal Governments Working Group (STGWG); and **Alex Thrower**, Science Applications International Corporation (NTPA support).

Mr. Hamp 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 had 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. He then asked Mr. Thrower to summarize the reports that had been developed and their findings.

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Mr. Thrower indicated all the material developed by the earlier topic group, as well as meeting notes, could be found on the TEC website, 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.

Mr. Greene asked why the group had been dissolved in 1999. Mr. Blackwell responded when DOE began development of its transportation protocols, many of the operational issues the group wanted to address were to be examined as part of that larger work, and participants therefore moved over to the Protocols topic group.

Mr. Seidler stated one topic of high interest in Nevada dealt with the issue of rail access to the Nevada Test Site (NTS). The issue is important now because of ongoing low-level waste (LLW) through Nevada to NTS, and also in the future because the Secretary recently recommended Yucca Mountain as a candidate site for the repository. The City of Las Vegas is opposed to shipments through that area, he said, and added given the opposition of the Air Force to a rail spur through the Nellis Range, a rail route through rural Nevada counties seemed to be the most likely alternative.

Mr. Godwin 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.

Mr. Blackwell 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. He suggested it would be worthwhile for persons concerned about rail routing to engage in a discussion now about those issues, possibly outlining a process for how routing issues might be addressed in the future. By doing so, instead of simply waiting for a potential legislative mandate on the issue, the outcome might be improved.

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.

Mr. English pointed out the unique nature of the railroads' police forces, and said the DOE Naval Nuclear Propulsion Program had established relationships with those

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organizations, which worked well. Mr. Rowsell commented 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.

Mr. Viljoen said one issue of importance has to do with rail versus truck haulage, and the intermodal connection where long-distance shipments are transferred. Primary issues for intermodal transport are safety and infrastructure needs, he said.

After a short break, the group reassembled to refine the issues raised and to prioritize them. After one participant mentioned rail shipments to WIPP, Mr. Smith responded the WIPP program and WGA were developing a Program Implementation Guide for WIPP (a rail “WIPP-PIG”).

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? A thorough analysis might examine what current regulatory requirements and rail practices do now; and examine potential alternatives and their ramifications. Another person noted the rail routing process for the West Valley shipment had not worked well—it might be useful to look at how that planning was conducted. Mr. English noted that for West Valley, DOE was apparently conducting operational planning with the railroads, and civilian stakeholders, simultaneously. He noted that perhaps a more effective approach might be for a DOE shipper to establish a basic operational plan with the rail carriers and then go to the civilian stakeholders to complete the planning process. Maybe planning for rail shipments is different than planning for highway shipments because of the limited routing alternatives in the rail mode.

Mr. Lanthrum suggested perhaps some of the rail infrastructure issues, particularly those related to NTS, could be addressed as part of the site planning process.

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.

Mr. Power noted the matrices developed by the earlier topic group were voluminous, and suggested summaries of them might be made available to the group. Mr. Fronczak added some summaries had been developed and it was agreed to disseminate those.

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

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

Mr. Hamp 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. Mr. 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.