Transportation External Coordination (TEC) Working Group
DOE Transportation Protocols Topic Group Conference Call
Wednesday, November 29, 2000, 3:00-4:00 EST

Draft Notes and Action Items

On Wednesday, November 29, 2000, the Transportation External Coordination (TEC) Working Group's DOE Transportation Protocols Topic Group held a conference call to discuss comments on draft portions of the protocols and identify next steps. Participants included: **Phillip Paull**, Council of State Governments—Eastern Regional Conference; **Ken Niles**, Oregon Office of Energy; **Corinne Macaluso**, DOE—Office of Civilian Radioactive Waste Management; **Patricia Armijo**, DOE—National Transportation Program; **Carol Peabody**, DOE/HQ Office of Transportation; **Michael Conroy**, MACTEC Inc.; **Alex Thrower**, SAIC; **Al Dietz**, NNSA—Office of Security and Emergency Operations; **David Crose**, Indiana Emergency Management Agency; **Audrey Eidelman**, Energy Communities Alliance; **Ray English**, NNSA—Office of Naval Reactors; **Ella McNeil**, DOE/HQ Office of Transportation; **Kevin Blackwell**, Federal Railroad Administration; and **Robert Fronczak**, Association of American Railroads.

Ms. Armijo led the conference call, explaining Mona Williams had very recently left the National Transportation Program (NTP) for a new position within Defense Programs. Mr. Paull asked whether a new director had been named yet; Ms. Armijo responded that would probably occur after the Albuquerque Operations Office completes its staff reorganization. Currently, Steven Hamp is acting as NTP director.

Ms. Armijo noted several topic group members could not participate on the call but had submitted comments on the Introduction and Glossary of the protocols before the call; she asked people making comments during the call also submit them in writing to ensure no comments are overlooked. The deadline for comments was COB December 8, 2000. *[NOTE: please submit comments to Ms. Armijo, copy to Mr. Thrower, at parmijo@doeal.gov and throwera@saic.com, respectively, for forwarding to the Writing Group.]*

Ms. Peabody then updated the group on plans for implementing the protocols when they are completed. She said the drafts had been submitted to DOE's Office of Management and Administration (MA), which was performing an informal review to determine their suitability for inclusion in the directives system. Currently, she said, it looks as though the protocols will be included as a manual or guidance document to the Order on transportation, DOE Order 460.2, which is being revised. The protocols will be incorporated by reference, but they may have to be renamed in order to be formally incorporated into the system. Having the protocols in the formal directives system will serve to "institutionalize" them, she said, but reiterated there may be some required changes in nomenclature. Mr. English added the overall plan was to incorporate the protocols by reference.

Mr. Niles stated he had some continuing concerns with the drafts, which he would outline in detail in his written notes. However, he specifically noted the language "to or from" DOE sites

would preclude shipments—as an example—to the Private Fuel Storage (PFS) facility if it is licensed, and if shipments were to take place under a settlement agreement between the utilities and DOE. Ms. Macaluso responded the Nuclear Waste Policy Act does not contemplate such shipments, and how OCRWM might be involved in such shipments would be speculative at this point.

Mr. Niles also noted his objection to statements that the protocols' purpose is to address "perceived" risk; he felt they address both actual and perceived risk. Mr. English responded members of the Writing Group felt strongly regulatory adherence addressed the risk issue adequately. Mr. Niles added cesium capsules should be included in the protocols; after all, he pointed out, it was the IOTECH-Hanford cesium shipments which helped inaugurate the cooperative planning process between DOE and the states that works today. He added he and others also continue to be frustrated with the lack of resolution on the issue of shipments between DOE generator sites (the TRU waste intra-site issue).

Ms. Peabody briefly updated the participants on current plans for finalizing the protocols. Following the informal review by DOE's Office of Management and Administration and review and incorporation of comments from the topic group on the sections before them now, the Writing Group will present a complete draft package for review by DOE's Protocol Steering Committee. This package is tentatively being planned to be sent to the topic group for final review in January 2001 and subsequent discussion at the last meeting of the group in Portland in February 2001. Following additional reviews and other steps needed to implement the protocols through the directives system, they may be issued formally in the May—June 2001 timeframe.

Mr. Paull asked whether this meant any shipment currently planned to be made after that date would be subject to that Order; Ms. Peabody replied yes. Mr. Paull also stated as the definitions portion of the protocols is being reviewed now, the protocols themselves should be cross-checked for consistency of meaning. Mr. Crose had to disconnect early, but reiterated his support for Mr. Niles' comments about the cesium campaign and perceived risk.

Mr. Fronczak noted he had submitted comments from AAR on the carrier/driver requirements protocol; those have been received. He mentioned the issue of rail carrier responsibilities under the Price-Anderson Act was not completely clear in the draft protocol; Mr. English noted the language had been clarified in the current version to address this issue. Both agreed the issue of negligence in the context of Price-Anderson was not in issue, as the Act applies regardless of fault. Mr. Fronczak also questioned the definition of special trains and plans to forward written comments suggesting removal of the word "dedicated" and the example from the definition.

No date was set for the next conference call of the group; however, one could be scheduled for the January timeframe if needed. At the February meeting, said Ms. Armijo, the group will discuss the disposition of comments on the introduction and glossary, and will be provided with the comment response matrices for all protocols along with the drafts themselves.

The conference call concluded at approximately 4:00 p.m.