**Transportation External Coordination (TEC) Working Group**
**DOE Transportation Protocols Topic Group Meeting**
**TEC 2001 Winter Meeting, February 6, 2001, Portland, Oregon**

**Topic Group Notes and Action Items**

**Discussion:**

The sixth meeting of the Transportation External Coordination (TEC) Working Group U.S. Department of Energy (DOE) Transportation Protocols Topic Group was held on Tuesday, February 6, 2001. Participants included: **Paul Seidler**, representing Esmerelda and Lincoln Counties, Nevada; **Tim Runyon**, Illinois Department of Public Safety (Council of State Governments—Midwestern Office, or CSG/MW); **David Crose**, Indiana Emergency Management Agency (CSG/MW); **Ken Niles**, Oregon Office of Energy (Western Interstate Energy Board); **Christopher Wells**, Southern States Energy Board; **Rebecca Walker**, Westinghouse/WIPP; **Corinne Macaluso**, DOE Office of Civilian Radioactive Waste Management; **Audrey Eidelman**, Energy Communities Alliance (ECA); **Phillip Paull**, Council of State Governments—Eastern Regional Conference (CSG/ERC); **Jill Reilly** and **Alex Thrower**, Science Applications International Corporation (SAIC); **Steve Hamp**, National Transportation Program—Albuquerque (NTPA); **Lisa Sattler**, CSG/MW; **Samantha Dixion**, City of Westminster, Colorado (ECA); **Kevin Blackwell**, Federal Railroad Administration (FRA**); Sandra Threatt**, South Carolina Department of Health and Environmental Control (SSEB**); Thor Strong**, Michigan Low-Level Radioactive Waste Authority (CSG/MW); **Al Deitz**, DOE Office of Emergency Management, **John Allen**, Battelle (Transportation Research Board); **Ray English**, DOE Office of Naval Reactors; **Ron Ross**, Western Governors' Association; **William Mackie**, New Mexico Radioactive Waste Consultation Task Force (WGA); **Robert Fronczak**, Association of American Railroads; **Michael Conroy**, MACTEC; **Carol Peabody**, DOE—Office of Transportation; and **Patricia Armijo**, NTPA. Approximately 21 others observed part or all of the session.

Ms. Armijo began the session by briefly outlining the agenda for the meeting, and also noted the sudden passing of Katie Grassmeier, a member of the DOE Protocols Topic Group and Writing Group who had been integral to DOE transportation issues for many years. Ms. Peabody also noted the loss to the group and the Department as well. She then updated the group on the status of protocols development to date.

Ms. Peabody stated participants should have received an email with the final version of the protocols introduction, glossary and appendices; hard copies were also available. She also noted the comment response matrices for these sections and the protocols themselves were available, and now track over 600 individual comments. The draft protocols have gone through an informal edit by DOE's Office of Management and Administration (MA). The protocols will go into the directives system and also be incorporated by reference into DOE Order 460.2. Following this formal submittal, the document will be shared with the topic group. Some changes will almost certainly occur during this

process, she said; for example, as “protocols” are undefined in the directives system, the entire set will probably be renamed something else, possibly “practices.”

Ms. Threatt asked for clarification regarding the schedule for submittal; Ms. Peabody responded the group would receive a final copy when it is sent to DOE-MA. Ms. Threatt and Ms. Sattler objected, saying they thought participants would have another opportunity to review the final set before submittal, if for no other reason than to see whether the needed cross-references had been made. Ms. Peabody responded that the protocols were, after all, DOE documents undergoing internal DOE review, and this was the schedule agreed to by the Writing Group and directed by the Senior Executive Transportation Forum. Moreover, the “final” version would be subject to further updating and revision as circumstances dictated.

Mr. Fronczak added he would prefer to see how comments submitted were finally addressed or not addressed in the protocols. Mr. Paull asked whether the group would have the opportunity to review internal comments made by DOE on this final version, and Ms. Peabody agreed to determine whether there were any impediments to doing so. Mr. English added that given the diversity and broad representation of programs on the Writing Group, the group did not expect to have substantial unexpected comments or revisions. He also said the group hoped to avoid having to employ the individual comment tracking and response format it had used for external comments. Mr. Conroy suggested it would be difficult to determine what would work best until the comments came back—perhaps a summary or document comparison would be more effective.

Mr. Ross stated he understood the need for internal review and comment, but said the group has an interest in seeing what goes into the final versions. The process for updating these protocols also needs to be more clearly defined, and the topic group should not sunset before then. Mr. Paull asked what the MA informal review had yielded in terms of comments, and Ms. Armijo responded that although the review had been extensive, most comments had focused on formatting and language, not on transportation-specific issues. Mr. English suggested if there were substantive changes in the final version, a conference call should be held before the next TEC meeting to discuss them. It was generally agreed the group should continue until the protocols have been finalized and an update/review process established.

Mr. Runyon asked whether there had been a review or revision that took into account the harmonization of Nuclear Regulatory Commission (NRC) and Department of Transportation (DOT) regulations with international regulations. Mr. Deitz responded that the purpose of the protocols was not to serve as a comparison or regulatory compliance guide, and the primary purpose is to document current practices among programs and to institutionalize standard approaches where doing so makes sense. Ms. Threatt reiterated her concern that given DOE programs’ clear aversion to “extra-regulatory” commitments, the final version of the protocols could be very different from what finally comes out. When Ms. Threatt asked whether a conference call would be scheduled if sweeping changes were made to the final version, the DOE participants agreed.

Mr. English said that at the (tentatively final) meeting of the group in July, there will be a final document, and the participants can go through the final version in as much detail as they desire. If there are any substantive changes before then, the group will schedule a conference call. DOE will also provide detail about what steps will comprise the update/review process. He added that in his opinion, the Writing Group had worked cooperatively and in good faith with the Topic Group to identify their concerns; he said there should not be any major surprises that appear during these final steps.

Ms. Peabody asked for roundtable comments. Mr. Crose agreed with the earlier comment that the topic group continue until the review process is more clearly defined. Mr. Niles said he had generally been pleased with the development process thus far, but had some specific issues remaining. He asked whether the cesium-137 capsules that had been transported were now considered waste, and Ms. Peabody responded yes. He asked why there had been seeming resistance to use of "high-level material" instead of "high-level waste" in the protocols, and Mr. English responded high-level waste was defined in the regulations while "material" was not. Mr. Niles and Mr. Wells both expressed their frustration the question of whether intersite transfers of TRU waste would use the WIPP procedures had still not been answered. Mr. Hamp stated decisions about those shipments are being made on a case-by-case basis while the broader issues are still being resolved. Ms. Sattler asked whether it would be possible to obtain commitment to adopt at least some of the practices, such as prenotification. The Mound facility has effectively done so, she said, in working with states in planning for shipments from that site.

Following several comments about potential problems with different approaches for implementation, Ms. Peabody and other DOE participants agreed to commit to a written implementation and update process; most likely in a DOE cover letter distributing the protocols. Mr. English added this would help refine the discussion instead of inviting speculation about what DOE should or would do in certain circumstances.

Ms. Armijo reiterated the group's general agreement to stay active until the next meeting, when the final issues ought to be resolved. There being no further comment, the group then adjourned.

**Action Items:**

1. Major comments on the protocols should be submitted to DOE by 2/16/01. (All)
2. DOE will send group participants a "final" version of the protocols at the same time they are submitted formally to DOE-MA. (Armijo)
3. Determine feasibility to sharing internal DOE review comments (or a summary thereof) with the group. (Peabody)
4. Group will discuss the final version and implementation/update process at the next TEC meeting in July. (All)
5. DOE will commit in writing to an implementation and update process when the "protocols" are distributed. (Peabody)

6. Group will hold conference calls before that time if substantial changes result from the internal formal MA DOE review and comment process. (Armijo)