

***Proceedings of the Fifth Meeting of the  
Midwestern High-Level Radioactive Waste Committee***

O'Hare Marriott  
May 8, 1992

***List of Participants***

Committee Members

Harold R. Borchert, Director, Division of Radiological Health, Nebraska Department of Health  
David J. Crose, Director, Technological Hazards Division, Indiana State Emergency Management Agency  
Donald A. Flater, Chief, Iowa Bureau of Environmental Health  
Honorable Theodore M. Gray, Ohio State Senator  
John Kerr, Plans and Operations Section Coordinator, Minnesota Division of Emergency Management  
Ron Kucera, Deputy Director, Missouri Department of Natural Resources  
Frank H. Moussa, Technological Hazards Administrator, Kansas Division of Emergency Preparedness  
Robert E. Owen, Administrator, Radiological Health Program, Ohio Department of Health  
Mike L. Pochop, Natural Resources Scientist, South Dakota Department of Environment and Natural Resources  
Captain Robert Young, Wisconsin State Patrol

Speakers

James H. Carlson, Division Director, Office of Civilian Radioactive Waste Management  
Jean Reilly, Manager, Office of Institutional and External Affairs, Science Applications International Corporation  
Bob Robison, Safety Analyst, Oregon Department of Energy  
Susan Smith, Transportation Branch, Office of Civilian Radioactive Waste Management  
Elissa Turner, Transportation Specialist, Office of Civilian Radioactive Waste Management  
Jean Younker, Manager of Systems, TRW Environmental Safety Systems

Other Participants

Jozette Booth, Transportation Analyst, WESTON  
Douglas L. Johnson, Supervisor, Transportation Institutional Relations, TRW/TESS, Inc.  
Ernie LaBelle, Director, State and Constituent Relations, TRW, Inc.  
Michael McCabe, Assistant Director, Midwestern Office of the Council of State Governments  
Beth McClelland, Project Manager, Southern States Energy Board  
Calvin Meyers, Moapa Band of Paiutes  
Lisa Sattler, Intern, Midwestern Office of the Council of State Governments  
Kohann H. Whitney, Communications Manager, TRW Environmental Safety Systems, Inc.

Mr. Mike McCabe called the meeting to order at 8:30 a.m. He reviewed the agenda for the meeting, noting that the update on repository development would be presented by Dr. Jean Younker and Ms. Bea Reilly rather than by Mr. Carl Gertz as indicated on the preliminary agenda distributed to meeting registrants. An additional correction to the agenda added Ms. Susan Smith as a speaker on the Transportation Emergency Preparedness Program and the TEC working group. Mr. McCabe also reviewed the contents of the briefing packet.

### **Office of Civilian Radioactive Waste Management Activities**

#### *OCRWM Transportation Program Update*

Mr. James Carlson briefly discussed the reorganization of OCRWM under the leadership of Dr. John Bartlett, who was appointed as director of OCRWM last year. Two of Dr. Bartlett's initiatives were the creation of the Office of Storage and Transportation and a new emphasis on systems integration and regulatory compliance. In addition, Dr. Bartlett organized the Office of External Relations and the Office of Strategic Planning in International Programs, the latter being in charge of the mission plan and other broad strategic initiatives. Mr. Carlson also mentioned that contracts management for all cooperative agreements had been shifted to the headquarters office in Washington, DC.

Under Dr. Bartlett's direction, OCRWM has expanded its cask development program and initiated a quality assurance program. An independent review of the two-phase cask program raised some concerns over the excessive optimism of the second phase of the program, which involved the development of high-capacity shipping casks. The review expressed doubt as to whether or not the existing program was capable of supporting a 1998 deadline for accepting spent fuel. OCRWM responded by restructuring its cask program such that acquisition of current technology casks will proceed over the near-term, with development of high-capacity casks relegated to the position of a long-term goal. Mr. Carlson mentioned that a draft request for proposals will be issued to potential vendors for comments before the final is released.

Mr. Carlson discussed OCRWM's commitment to integrate the two components of its operational planning program: contracts (i.e., the legal ramifications of Standard Disposal Contracts) and transportation planning (e.g., site-specific service planning and facility interface capability). With regard to institutional planning, Mr. Carlson remarked that work had begun on the Section 180(c) policy options paper (described in OCRWM's draft strategy report). Other on-going activities included preparation for the TCG meeting in Phoenix, public outreach, and negotiations over cooperative agreements.

Mr. Carlson then reviewed routing guidelines under NWPA. He stated that if the Department of Transportation did not issue rail routing guidelines as directed by HMTUSA, DOE will develop its own criteria. To date, eight states have designated alternative highway routes, seven others have designated the interstate, and Nevada is currently in the process of route designation.

In the next few years, OCRWM activities will include testing standard inspection procedures developed by CVSA for WIPP shipments; proceeding with development of the 180(c) program; supporting development of an environmental assessment and an environmental impact statement for the MRS facility; and developing rail routing criteria should DOT fail to issue them. Plans for the longer term (1994-1997) include development of an MRS facility, adopting uniform state inspection procedures, and distributing training assistance along affected routes.

Mr. Ron Kucera asked when it will be clear whether or not an MRS facility will be on-line by 1998. Mr. Carlson replied that although NWPA prohibits OCRWM from proposing a site until a repository site has been recommended to the President, the Nuclear Waste Negotiator's

Office (NWN) can negotiate a site agreement with potential hosts and have the agreement enacted into law. It is through the efforts of the NWN, therefore, that OCRWM hopes to meet a 1998 deadline for accepting waste. In response to Mr. Kucera's comment that the NWN authorization contained a sunset provision, Ms. Susan Smith replied that DOE will ask Congress for an extension since two years elapsed between the planned and actual start-up dates of the NWN Office.

Mr. Carlson closed his presentation by reviewing the status of the draft Mission Plan Amendment. The Mission Plan has been revised to reflect comments as appropriate and will be issued in the near future. All comments will be responded to and issued as Volume 2 of the Mission Plan. Mr. Carlson then responded to the specific comments submitted by the Committee (see attachment for Committee comments):

- 1) Modal selection is the province of the utility and depends upon the facility's capabilities.
- 2) OCRWM is committed to working with states in regard to state emergency response strategies.
- 3) OCRWM is sensitive to state concerns regarding the timing of assistance.
- 4) To date, no plans exist for shipping spent fuel and high-level waste via barge except perhaps in the event a particular facility does not have rail access.
- 5) OCRWM plans to ship low-level waste generated at the MRS or at a cask maintenance facility to state disposal facilities. Mr. Bob Owen and Mr. Harold Borchert commented that state compacts may not be willing to accept "DOE" low-level waste. Mr. Carlson said he would have to study this matter further.
- 6) DOE is not going to require testing of full-scale casks for NRC certification.

Mr. McCabe inquired as to any trends that may have been revealed in the comments submitted by the various groups. Mr. Carlson replied that full-scale cask testing was a popular comment.

#### *Section 180(c) Initiative Update*

Ms. Elissa Turner discussed OCRWM's plans with respect to 180(c) requirements. OCRWM's strategy involves working with the regional groups, developing a policy options paper, issuing a policy statement identifying the chosen option, issuing a detailed plan on the implementation process, and ultimately initiating training assistance. As of the date of this meeting, the period for commenting on the draft strategy had closed. OCRWM will seek comments on the policy options paper, which is currently being developed.

Ms. Turner then reviewed the planning principles OCRWM will follow in developing its 180(c) policy: flexibility to accommodate a wide variety of state, tribal, and local needs; where possible, integration with existing training structures; and, as appropriate, integration with DOT's planning functions for HMTUSA. Issues that are still being analyzed include a policy for dealing with Native American tribes, the definition of "safe routine transport," funding mechanisms, and the definition of "technical assistance," including the matter of whether or not equipment will be covered (OCRWM is currently leaning towards covering only training).

Mr. Kucera warned not to expect HMTUSA allocations for planning and training to happen smoothly because the law says states are eligible only if they have a viable community right-to-know program in place. Since these programs are not federally funded, many states do not have them. Ms. Turner said OCRWM is aware of this problem.

Ms. Turner then discussed the upcoming TCG meeting and invited all to attend. The focus of the meeting is institutional issues, with scheduled activities including a panel discussion on 180(c) policy options and a routing exercise to further understanding of the development of routing criteria. Mr. McCabe commented that at the April WIEB meeting, concern had been

raised over the fact that the planned routing exercise essentially duplicated an exercise conducted at an earlier WIEB meeting. Mr. McCabe asked if, in light of this criticism, OCRWM was planning to go through with the routing exercise. Ms. Turner said the exercise would remain on the agenda since it will give participants an indication of the complexity of the routing process.

Mr. Kucera commented that the position of both SSEB and the Midwestern High-Level Radioactive Waste Transportation Committee in favor of full-scale cask testing is legitimate and has a great deal of support. He expressed frustration over DOE's failure to regard the matter as a public confidence issue and not just one of engineering. He remarked that if DOE continues to "play hardball," concerned states may respond by asking their congressional delegations to cut funding from DOE's public relations budget and apply it to testing full-scale casks.

### **Waste Destinations**

Mr. McCabe commented that this session was organized in response to requests from Committee members.

#### *The Repository Program -- An Overview*

Dr. Jean Younker began her presentation by stating that she would discuss the systems aspect of the repository program while Ms. Bea Reilly would review the institutional program. Dr. Younker summarized the timetable for activities under the repository program. In 1986, an environmental assessment for the Yucca Mountain site was prepared and the official site characterization phase began. In 2001, after preparing an environmental impact statement, DOE will submit to NRC an application for a license to construct the repository. NRC then has three years to review the license; any extensions over one year will require a change in the law. Once construction is complete, DOE must receive a permit to begin accepting waste, with a target date of 2010. Waste disposed of in the repository must be retrievable for a period of 50 years. Permanent closure of the site requires an amendment of NWPA.

Dr. Younker listed the laboratories that contribute to repository development: Sandia National Laboratories works on the conceptual design of the repository and on performance assessment modeling; Lawrence Livermore Laboratories studies waste packages and the near-field environment (i.e., the host rock surrounding the disposal chamber); and Los Alamos National Laboratories handles the geochemical research. The United States Geological Survey and the Nuclear Waste Project Office also participate in the program.

Dr. Younker next reviewed the site characterization activities to date. The Supreme Court ruled that Nevada must issue the three permits necessary to begin surface disturbing activities (prior to the ruling, scientists were only allowed to conduct non-surface disturbing activities). The area is characterized by unusual geology in that it has a very thick unsaturated zone. The repository will be 1000 feet above the permanently saturated zone therefore, provided the climate remains stable, no real transporting medium exists to carry radionuclides from the site. Mr. Kucera asked about the fate of vertically moving water on the mountain. Dr. Younker answered that a high rate of evapotranspiration in the area makes it highly unlikely that any water would reach the saturated zone. Any water that does reach this zone, however, will travel quickly. Overall, Dr. Younker believes the system to be very safe geologically, and she expressed confidence that the site meets the 10,000 year test.

Welded tuff makes up the host rock. Zeolites in the rock act as a natural barrier: these minerals contain natural exchange agents that are capable of removing radionuclides from the surrounding medium. The lateral extent of this zeolitic layer is currently the subject of much research. An additional research question concerns the chance of active volcanism taking place

during the lifetime of the repository. Small, fairly young (approximately 1 million years old) volcanic cones exist to the west of the site, however the probability that a new cone will emerge in the repository zone is very low. Mr. Kucera remarked that he had read about the possibility of recent seismic activity in the area. Dr. Younker clarified that a small cone south of Yucca Mountain may be an indication of recent volcanic activity, however scientists are still attempting to determine the age of the cone (between 20,000 and 300,000 years). She repeated that the probability of volcanic disturbance of the repository zone is extremely low -- of the order of 1 in 100,000 or 1,000,000 over the lifetime of the repository.

Dr. Younker summarized recent developments of the site characterization. Drilling has indicated no real depth of fluid penetration. Environmental concerns (e.g., species endangerment, water quality and quantity) are all being investigated. DOE geologist Jerry Szymanski had argued that calcite veins in Trench 14 represented evidence of the cataclysmic upwelling of briny water from deep below the surface. This issue was resolved after three independent review panels -- including one formed by the NAS -- said the evidence supported a different scenario, namely a typical fault opening up with water percolating downward. Dr. Younker commented that ash found in the fault is several million years old, indicating that the fault is not very active.

A new drilling rig has been developed for the repository program. Since the level of rock saturation is an important criterion for siting the repository, the new drilling method uses air rather than fluids to remove rock and cool the drill bits. In constructing the underground facility, a tunnel boring machine (such as that used on the Chunnel Project in England and France) will be used rather than the traditional drill and mine technique.

Ms. Reilly began her presentation with a description of her job as communicating the technical issues of the program to the public. She mentioned the multiple layers of regulatory requirements that apply to the program. Approximately 1200 people work on the project.

The NWPAA authorized DOE to work with the State of Nevada to gain acceptance for the repository. DOE has offered the state \$100 million per year as part of a benefits package, however Nevada has maintained its opposition to the project and has refused to accept any benefits. The NWN Office will try to work with Nevada to identify an acceptable agreement.

Outreach receives 1% of the total Yucca Mountain budget. The outreach office meets with interested groups and individuals to discuss the repository program. In addition, approximately 300 people per month tour Yucca Mountain, with scientists, engineers, and geologists serving as tour guides. In an informal survey, 80% of those people who reported being either undecided about or opposed to studying the site had changed their minds after touring Yucca Mountain.

In response to a question by Ms. Lisa Sattler, Ms. Reilly said the State of Nevada receives \$5 million annually to review the program independently, while DOE spends \$2.2 million per year on public outreach. Ms. Sattler then asked if any systematic studies had been conducted to gauge the effect of the outreach program, to which Ms. Reilly replied there had not.

#### *Transportation Impact of an MRS Facility*

Ms. Smith began by stating that of a total budget of \$800,000 for the transportation institutional program, \$230,000 is spent on transportation outreach. She then stated that she planned to talk about the MRS program in general rather than its impact on the transportation program.

The NWN is in charge of trying to find a site for the MRS facility. DOE supports these efforts with technical information and with money for the feasibility grant program. At the time of the

meeting, 20 applications for \$100,000 phase 1 grants had been filed. Seven grants were awarded, however the Chickasaw and the Sac and Fox Indian nations declined to accept their grants. The deadline for submitting applications for phase 1 grants was extended to June 30. The Mescalero Apache Tribe is the only applicant for a phase 2 grant, the deadline for which was extended to September 30.

In response to a question by Mr. John Kerr, Ms. Smith clarified the distinction between phase 1 and phase 2 grant requirements and objectives. To receive a phase 1 grant, counties must receive a letter from the state's governor stating that he or she does not object to the feasibility study. Phase 2 grants involve more money (the Mescaleros have received \$200,000 out of a total of \$3 million available) and are used to fund a more detailed study, including negotiations with other jurisdictions, developing or studying issues to be covered by a negotiating agreement, looking for or at specific sites, and developing an environmental assessment. Throughout the grant process, the applicant is free to withdraw itself from consideration as a potential host. Mr. Carlson added that before a phase 2 grant is awarded, the NWN must receive a letter from a tribal leader or governor indicating an earnest interest in hosting the facility. The NWN then informs DOE as to whether or not he feels the expression of interest is sincere. There is no ironclad commitment, though, until the governor signs the negotiating agreement and it receives Congressional approval.

Mr. Kerr asked about the technical criteria for selecting a site, to which Ms. Smith replied that very few site requirements exist besides a minimum of 450 acres of land. Mr. Kerr commented that people in Minnesota were upset about the possibility of having the MRS facility sited on the Prairie Island Reservation (under study by the Prairie Island Indian Community) since the site is adjacent to the Mississippi River and is close to a city. Mr. Carlson responded that the MRS facility will be an engineered facility that will comply with environmental regulations and certain guidelines regarding seismic activity. Mr. Kucera asked if construction in a 100-year flood plain would be permitted with proper engineered barriers. None of the DOE representatives was able to provide a definitive answer to the question.

Ms. Smith continued with the statement that due to the rapidly approaching deadline for waste acceptance, OCRWM is concentrating on generic activities such as conceptual design, assessment of building needs, and boilerplate language for an environmental impact statement. She added that OCRWM would also need to develop a socio-economic program, part of which would involve investigating perception-based impacts.

Ms. Sattler asked about the likelihood of having an MRS facility operational by 1998, given the 6-7 year estimate for licensing and constructing the facility and recognizing the amount of time required to complete the phase 1 and 2 grant processes. Ms. Smith declined to speculate, however she did note that the grant process is not the only way to select a site: a negotiated agreement could be reached independently. Mr. Kucera asked if DOE knew how many reactors will be forced to consider on-site storage if operation of the MRS facility is delayed by as little as 3 years. Ms. Smith said OCRWM has looked at this issue and she will get that information for Mr. Kucera. Mr. Carlson remarked that eventually all power plants will have to develop new on-site storage capacity, and that it is unclear how federal responsibility for the 1998 waste acceptance deadline will affect interim storage at utilities. Mr. Kucera warned that for every delay in the MRS schedule, more utilities will develop on-site storage capacity thus reducing the need for an MRS facility. He added that a recent report by the General Accounting Office reached the same conclusion.

A question was raised about the extent to which an MRS facility that meets the 1998 deadline would relieve the on-site storage problem utilities face. Ms. Smith replied that the law now limits the amount of material that can be stored in the MRS facility to 10,000 MTUs prior to repository operation and to 15,000 MTUs afterward. At current discharge rates, the MRS

facility should be capable of handling any spillover during the period between the facility's start-up and operation of the repository. Mr. Carlson commented that DOE cannot use the Nuclear Waste Fund to fund on-site storage, however the Department may consider allowing credits against the fund.

Mr. McCabe asked how far along in the process Grant County, North Dakota had been before the commissioners responsible for initiating the feasibility study were recalled from office. Ms. Smith said the county had spent its phase 1 money and was about to begin phase 2 when the recall election took place.

### **Transportation Emergency Preparedness Program (TEPP) Update**

Ms. Smith described the goals of TEPP to be the development of uniform response procedures (including interface between headquarters and states or tribes) and the planning of a cost-effective, equitable program. The TEPP strategy consists of several initiatives. One involves developing program verification procedures. When DOE conducted an internal review of the capabilities of the laboratories and response teams available, it found them to be not as well prepared as had been hoped. Initiative 9 involves establishing a support program for state, tribal, and local governments. Initiative 10 would establish a technological applications program to support emergency response activities.

Ms. Smith discussed the first meeting of the Transportation Emergency Preparedness External Coordination (TEC) working group, which was held in New Orleans in April. Approximately 45 people attended. This group has the status and function of a DOE working group in that it will make recommendations to the Department. At the April meeting, groups were formed to identify issues of importance to the participants. A follow-up report listing these issues is being prepared for distribution. Among the issues that were raised are the definition of "safe routine transportation," funding mechanisms, eligible activities, Indian relations, and the development by DOE of a training curriculum. The group will meet again in six to eight months. The goal of the group over the next five years is to prioritize what DOE can do, help to set up the 180(c) grant program, and learn about standardized procedures through experience with WIPP shipments. Information that comes from this group will ultimately be integrated with what the other working groups are doing.

In response to a question from the audience, Ms. Smith explained that states, tribes, and local governments are not represented individually on the TEC working group because doing so would compromise the productivity of the group by making it too large and unmanageable.

### **Transportation and the Public: Managing Issues, Addressing Perceptions**

#### *The Oregon Experience*

Mr. Bob Robison described a program begun by the Oregon Department of Energy (ODOE) and funded by DOE to study public confidence in shipments of high-level waste from the Hanford facility to the WIPP in New Mexico. He admitted to being highly skeptical about DOE's ability to meet a 1998 deadline for accepting waste, and laid out the assumptions on which the remainder of his presentation would be based:

- 1) Public confidence depends upon the credibility of the organization conducting what is perceived as a dangerous activity. Mr. Robison commented that while DOE's performance with regard to transportation has been very good, the Department has done a terrible job managing its facilities (he cited the numerous leaky tanks at Hanford as an example). As a result of these management problems, Mr. Robison considers DOE's credibility among the general public to be very low.

- 2) High-level waste and spent fuel probably will be moved -- that is, a site will be identified for storing or disposing of waste. He believes transportation of waste can be accomplished safely, however he said he respects and acknowledges the danger involved.
- 3) It is possible to affect public attitudes about radioactive waste.

Mr. Robison explained that because of the similarities between the WIPP shipments and future NWPA shipments, ODOE proposed studying the former in order to gain insight into the latter. The study began with a pre-test and initial surveys in 1988, when ODOE had reason to believe WIPP shipments would begin within a few years. (Due to legal challenges and other delays, it appears that the Hanford shipping campaign will not begin for 7 to 8 years.)

Mr. Robison reported various results from the baseline survey: 71% of Oregonians living near the transportation corridor had heard of the program; 70% indicated that they were very interested in safety; 53% of all respondents said radioactive waste transportation was "acceptably safe," however 56% said the risk of transporting the waste was greater than that of leaving it at Hanford; 76% of residents along the route worried that the area would in some way be harmed by the shipments; and 60% said they were nervous about the prospect of shipments passing through their communities. Ms. Turner commented on what she saw as an obvious misconception among the public that transportation of radioactive waste poses the same risk as disposal. Mr. Don Flater added that we should concentrate on improving the education of young children to keep them from growing up with an irrational fear of all radiation.

Mr. Robison continued with a summary of ODOE's findings regarding public trust. Fifty-six percent of respondents indicated they did not trust the Oregon state government to provide accurate information on safety. Environmental groups topped the list of groups who could be trusted to provide such information, followed by truck drivers, and state and local governments. DOE and the nuclear industry ranked at the bottom of the list.

At the time these surveys were being conducted, ODOE began its outreach program. It has since cut back on outreach efforts due to the delay in the WIPP program. Mr. Robison discussed Oregon's Hanford Waste Board and the Hanford Advisory Committee, the latter made up of citizens appointed by the governor and the Oregon legislature. The Board researched the transportation of radioactive waste and, with input from the Advisory Committee, issued recommendations that were incorporated into the Transportation Safety Program. The Board also develops public information materials, conducts public meetings, and sponsors workshops for high school teachers. Mr. Robison stressed that the success of this program depends upon two-way communication. Mr. Mike Pochop commented that any kind of curriculum development should take place in conjunction with teachers and school administrators since they are the ones whose cooperation is necessary for implementing any changes.

DOE's Mission Plan Amendment refers to the transportation of spent fuel and high-level waste as having the potential to bring the civilian radioactive program to more people's attention than any other part. Recommendations made by the Hanford Waste Board included accident prevention training; systematic routing analysis; the development of safety standards for carrier and driver selection; avoidance of bad weather and road conditions; routine procedures for shipments (including inspections); advance notice and tracking of shipments; emergency preparedness training; and radiation protection equipment.

Mr. Robison concluded his presentation by giving his "report card" on radioactive waste shipments. He gave the WIPP transportation program an "A" for its focus on cooperation and planning. Shipments of cesium-137 received a "C" in terms of applying the principles outlined



above. Mr. Robison said DOE had not lived up to its hand-shake agreement to follow these principles. Shipments of spent fuel from foreign research reactors received an "F". Apparently the affected states were unhappy with the manner in which the shipments were handled, especially the lack of interaction between the states and the federal government.

Mr. Kerr asked if, in its outreach activities, the board had encountered groups whose hostility toward the shipping campaign had led to a breakdown in dialogue. Mr. Robison said to date such a situation had not arisen.

#### *Committee Discussion of Midwestern State Efforts*

Mr. McCabe opened up the floor for a discussion of public perceptions. He stated that he had asked Mr. Kucera and Mr. Owen to discuss their states' experiences.

Mr. Kucera commented on his experience as co-spokesperson appointed to handle the Times Beach incident for the State of Missouri. He stressed the importance of disseminating information early (especially any negative news) and of documenting the fact that information had been made public. He also suggested that blue ribbon panels and task forces are helpful provided they are not overloaded with technical experts.

Mr. Kucera then commented on risk perception analysis. In his view, such analysis should be avoided unless it is absolutely necessary. That is, risk perception analysis may be helpful if one needs to identify people who should be brought into the discussion of radioactive waste transportation. Broad studies, however, may do more harm than good by giving people the impression that there is something to fear.

Lastly, Mr. Kucera warned that structural opposition -- such as a general lack of education, environmental groups opposed to nuclear power, and politicians who thwart DOE activities to appease their constituents -- will all work against DOE's efforts to site facilities or begin transportation operations.

Mr. Owen discussed the activities of Ohio's Citizens Advisory Council. With Ohio being the new host state for the Midwestern Low-Level Radioactive Waste Disposal Compact, the CAC provides a forum for discussing the issues surrounding radioactive waste. Mr. Owen commented that the CAC addresses both absolute and perceived risks and is proactive and up-front in its approach to public education. He also advised addressing public concerns early on in the planning process and involving the public in the solutions to problems and not just in identifying the issues. Mr. Kerr asked how one deals with the potential problem of the state being accused of losing its objectivity and acting as an advocate of DOE's program. Mr. Owen said the CAC had been accused of taking sides. Mr. Kucera added that although the State of Missouri works with DOE on many issues, past negative experiences with the Department has forced the state to keep its distance in order to protect its credibility.

### **Committee Business Session**

#### *Roundtable Discussion of Midwestern State Developments*

Minnesota: Mr. Kerr followed up on some issues he had raised at the fall Committee meeting:

- 1) Northern States Power (NSP) will run out of storage space at its Prairie Island facility in 1995, therefore it has applied to the Public Utilities Commission for a certificate of need to store fuel on-site in dry casks. In April, an administrative law judge said such storage is long- and not short-term, therefore the matter would best be settled by the legislature and not the PUC. Although technically nothing more than a recommendation, this ruling carries a great deal of weight. The Department of Public Service recommended to

the PUC allowing 14 casks to be used for storage. Throughout all this, the Prairie Island Indian Community (which has applied for and received an MRS phase 1 feasibility grant) has continued to oppose NSP's request for dry cask storage.

- 2) NSP applied for renewal of the operating license of its other nuclear power plant, the Monticello plant; however, NSP has put this request on hold pending the settlement of the dry cask storage issue.

Missouri: Mr. Kucera briefed the Committee on recent developments:

- 1) The Callaway plant (1100 MWe) achieved the third largest output of energy in the history of nuclear power production, reaching 109% of capacity.
- 2) Mr. Kucera suggested that committee members with nuclear power plants in their states ensure that Systematic Analysis of Licensing and Performance (SALP) reports be presented in either the plant's service area or at the state capitol to guarantee that the public and the media have access. He said that the Callaway plant's performance had been abominable during the first 18 months of operations. Mr. Kucera held a press conference with the NRC at the state capitol to determine the cause of the problems. He said publicizing the SALP presentations shines the light of public scrutiny on nuclear power plant operations.
- 3) In the matter of low-level waste, Mr. Kucera said he hoped the Supreme Court would strike at least the "take title" provision of the Low-Level Radioactive Waste Policy Act. [On June 19, the Court ruled that this clause of the LLWPA was unconstitutional.] He suggested that Committee members drop a note to the NGA to ask that, in the event the law is stricken in whole or in part, the issue of low-level waste disposal be added to the agenda for the summer meeting. He also said he would like the governors to ask Congress to revisit the 1985 act, since he fears many states will not do anything about low-level waste disposal if the "take title" provision is ruled unconstitutional.

Wisconsin: Mr. Bob Young commented that the Wisconsin State Patrol is trying to develop communications with other state agencies involved in emergency response/management.

Nebraska: Mr. Borchert commented on several items:

- 1) The State of Nebraska is currently looking for someone to serve as Executive Director of the Low-Level Waste Compact Commission.
- 2) In response to Mr. Kucera's earlier remarks, Mr. Borchert said that he has found the SALP report meetings generally to be a waste of time. Furthermore, he stated that the press rarely shows up at the meetings, which are held in Omaha. Mr. Kucera explained that prior to his press conference, the NRC held the SALP report meetings for the Callaway plant in its regional offices in Chicago.
- 3) Mr. Borchert expressed concern that a non-severability clause in the Low-Level Radioactive Waste Policy Act would result in the whole act being struck down if the Supreme Court strikes the "take title" clause. [Although the "take title" requirement was found to be unconstitutional, the remaining provisions were upheld.]
- 4) Mr. Borchert said that he expects in the near future to see a flurry of state legislation regarding transportation, particularly with regard to permitting to help fund emergency response activities.

Ohio: Mr. Owen discussed Ohio's activities regarding its designation as the host state for the Midwestern Low-Level Radioactive Waste Disposal Compact. He said the state is trying to amend the Compact's by-laws to guarantee that all members will share both costs and liability for the disposal facility, and to provide specific assurances that Ohio will serve as the host state for 20 years and not indefinitely. Mr. Owen also mentioned that the state is developing a public information package regarding radioactive waste.

Iowa: Mr. Flater reported that not much public excitement centers on the reactors in Iowa. Several years ago, the shipment of approximately 60 trainloads of radioactive material did not generate any real protests. He said that, other than one very minor traffic accident involving low-level waste, the state had not experienced any accidents involving radioactive waste. Mr. Flater brought to the Committee's attention a notice in the *Federal Register* regarding the Low-Level Waste Shipment Manifest and Recording Document issued by the NRC. He advised all members to review the document and announced that the comment period would close July 20.

South Dakota: Mr. Pochop commented on two recent developments:

- 1) Decommissioning activities at the Pathfinder nuclear plant -- South Dakota's only nuclear power plant -- are almost complete.
- 2) The Lower Brule Sioux tribe has applied for a phase 1 MRS study grant. Mr. Pochop said most people reacted to the application with surprise since Native American groups in the state have generally opposed waste disposal programs. As a result of the tribe's application, state officials in South Dakota have a greater interest in transportation issues. Mr. Pochop commented that trucks carrying nuclear warheads travel through the state regularly but do not generate much opposition. Mr. Flater added that Iowa has the same experience.

Kansas: Mr. Frank Moussa briefed the Committee on recent developments:

- 1) Transportation data utilized by the state is based on a 1974 study. Many changes have taken place since then, thus the state is planning to conduct a new study.
- 2) The governor wishes to look at the issue of state responsibility for what takes place on-site at utilities. That is, to what extent do states have input? The state has also been looking more closely at transportation corridors and is eyeing the HMTUSA planning provisions as a way to fund state planning activities. Kansas is also looking at the Civil Defense and other programs for emergency response. Mr. Moussa said that as a member of the HMTUSA curriculum guidance committee, he would like to see a switch from FEMA's training under a nuclear war scenario to approaches geared more toward peace-time emergencies.

Ms. Beth McClelland announced that SSEB's Advisory Committee on Radioactive Materials Transportation and the TRU Waste Transportation Working Group would be meeting in San Antonio on June 15 and 16. She invited all interested parties to attend.

#### *DOE/CSG Cooperative Agreement Update*

Mr. McCabe announced that the cooperative agreement was set to expire May 30 and that he and Ms. Turner were negotiating an agreement for the fourth year. Projects for the upcoming year include updates of the *Primer*, the *Midwestern Radiological Emergency Preparedness and Response Agency Report*, and the *Report on Mutual Aid Agreements*; reports on interim storage at reactor sites and on public participation in the planning process; and greater communication with Committee members, as well as reliance on them for suggestions and comments.

#### *Status of Deliverables and Draft Handbook Review*

Ms. Sattler reviewed the scope of work for fiscal year 1992, indicating that several projects had been postponed until next year (e.g., the updates and the report on interim storage). The reports that were completed include the *Highway Infrastructure Report*, *Timing and Funding of Emergency Response Training in Midwestern States*, and the *Midwestern States Highway Routing Report*, two updated indexes of available resources, and a draft of the *High-Level Radioactive Waste Transportation Handbook*. She asked for comments on the handbook, noting in particular her desire to make sure the document is clearly written for and useful to state legislators who may be addressing the issue of radioactive waste transportation for the first time. Mr. Borchert

commented that the handbook was on the agenda for the upcoming meeting of the CRCPD's Radioactive Waste Management Committee. He suggested that the comment period be extended to allow time for the CRCPD committee to submit its comments. Mr. McCabe and Ms. Sattler said extending the comment period would not pose a problem.

*Committee Officers and Other Opportunities*

Mr. McCabe asked the members to consider whether it would be useful to have a chairperson for the Committee. He admitted that the staff was in favor of appointing a chairperson a) to make meetings less of a staff-driven exercise in terms of topics of interest, and b) to add weight to documents produced by the staff on behalf of the committee -- especially comments on outside documents and proposals -- by adding a chairman's signature to them.

Mr. McCabe suggested devising some sort of system for selecting a chairperson and added that the position would involve an extremely low commitment of time. Mr. Borchert agreed that a chairperson would be a good idea provided the job entails only a low time commitment. Mr. McCabe said he would invite nominations before the next meeting.

*Future Plans and Next Meeting*

Several Committee members commented that holding meetings at O'Hare was more convenient than a downtown location. In response to a question regarding which was preferred, a 2- or a 1-day meeting, there seemed to be support for both formats.

Mr. McCabe asked if anyone would like to volunteer their state as a host for the fall meeting. Mr. Kucera commented that he would like to see the decommissioned Pathfinder reactor, to which Mr. Pochop responded by stating that South Dakota would be a willing host for the meeting. Mr. Owen volunteered Ohio, adding that an October date would allow members to visit Columbus during the celebration of the 500th anniversary of the Columbian Expedition.

Mr. McCabe then asked the members to suggest topics for the fall meeting. Mr. Borchert said he would like to see a workshop format, running 1-2 days. Topics of interest might include public issues, perceptions, and information campaigns -- perhaps an elaboration of today's themes plus a practical exercise to help members learn how to get information across in a way people will understand. Mr. Borchert also suggested looking at accident cleanup and decontamination limits, as well as emergency training, equipment, and curriculum development.

Mr. Kerr said he would like to see some follow-up on the status of 180(c) and HMTUSA training grants. Mr. Moussa suggested having a working lunch at the next meeting. Mr. McCabe said he had requested enough funds in the coming year's budget to pay for working lunches at future meetings. Mr. Owen said he would like to look at waste characterization, including the matter of disposing of low-level waste generated under DOE's civilian radioactive waste management program. He also suggested as a future topic life cycle extensions of nuclear power plants and the implications this would have for waste generation.

Mr. McCabe announced that at the request of several members, new forms for reporting meeting expenses were now available. He then addressed the possibility of committee members attending TCG and TEC meetings in the future. He would like to see principals attending these meetings in addition to staff, since Committee members may be in a better position to bring up and defend specific state concerns. Mr. McCabe said that the new cooperative agreement may enable us to send one member to each DOE meeting, with the participant reporting back to the Committee at the following meeting. Mr. Flater said staff

members should continue to attend for the sake of consistency. Mr. McCabe agreed and said he would bring up the issue in the fall once the cooperative agreement had been finalized.

Mr. McCabe adjourned the meeting at 4:20 p.m.

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