

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

Sheraton Plaza Hotel  
Chicago, Illinois

November 1-2, 1993

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**Monday, November 1: Committee Business Session**

Mr. Harold Borchert (Nebraska) convened the business session by welcoming everyone to the meeting. After general introductions, Mr. Borchert turned the floor over to Ms. Lisa Sattler, who introduced Mr. Tim Runyon from Illinois and provided the committee with an update of activities related to the Midwestern High-Level Radioactive Waste Transportation Project.

**Update of Project Activities**

Ms. Sattler referred to the Transportation Project Update distributed with the briefing materials, and highlighted some recent project activities.

DOE/CSG Cooperative Agreement Update. Ms. Elissa Turner from the Office of Civilian Radioactive Waste Management (OCRWM) said the cooperative agreement is in procurement, which is the last stage of the funding process. She said the agreement was on time and should be in place January 1, as it was approved by OCRWM.

Full-Scale Cask Testing Resolution. Ms. Sattler said the committee should have received a copy of the full-scale cask testing resolution and the letter to Secretary of Energy Hazel O'Leary.

TEC Working Group/TCG Meetings. Ms. Sattler mentioned that the TEC group met in Chicago in July, and that a more detailed discussion of that meeting would take place during the committee business session.

Southern States Energy Board (SSEB) and Western Interstate Energy Board (WIEB) Meetings. Ms. Carol Kania noted that summaries of her attendance at the SSEB and the WIEB meetings were in the project update. She added that she had received a video shown at the Surry Nuclear Power Plant's visitor's center describing the dry-cask storage system, along with some pictures of the storage pad.

Status of Deliverables. Ms. Sattler reviewed the status of deliverables from the current year's scope of work:

*Midwestern High-Level Radioactive Waste Transportation Primer.* Ms. Sattler reported that the draft update of part 3 of the *Primer* was released in September and that Ms Kania will be finalizing it. Ms Kania is also working on updating the four appendices to the *Primer*, and those should be out in draft form in December.

*Handbook of High-Level Radioactive Waste Transportation.* Ms Sattler said committee members should have received their copies of the *Handbook*. She noted that DOE had ordered a large quantity of handbooks, and Ms. Turner said that order was still waiting to be processed.

*Report on Public Participation in Decision-Making:* Ms. Sattler reported that Ms. Kania is working on the report, which should be out in draft form in December.

*Future Projects and Next Meeting.* Ms. Sattler noted the next committee meeting is scheduled to be held in May. She asked the committee about the possibility of holding it in conjunction with the Midwestern Legislative Conference (MLC) in August in Des Moines. Holding the conference then, she said, would give legislators an opportunity to attend. This would not be a permanent change.

Mr. Ken Nemeth, director of SSEB, added that SSEB tries to hold their meetings in conjunction with the Southern Governors' Conference as much as possible, as legislators can get involved in the issues. Mr. Borchert asked if there is any feedback or increased participation from legislators. Mr. Nemeth said yes, the legislators feel that they understand the issues better, and it is good for the visibility of the committee.

Mr. Borchert said he was reluctant to meet in conjunction with MLC because the committee had been meeting for three years now and only one legislator has attended any of the meetings. The committee decided not to meet in conjunction with the MLC, but to wait until after legislative appointments are made in January to see if legislative appointees attend the May meeting.

Ms Sattler said that a possible location for the May meeting was in Madison, Wisconsin. She said she would send a calendar of possible dates to committee members, but the first part of May was likely.

### **New Committee Business**

*Transportation Coordination Group (TCG) Meeting (June 9-10, Arlington, VA).* Ms. Sattler asked Mr. Frank Moussa (Kansas) to give a report on the TCG meeting. Mr. Moussa said the meeting was worthwhile because it gave him an overview of what is going on in other states and tribes. He recommended that TEC and TCG be held together. He was also glad to see that the Hazardous Materials Transportation Act (HMTA) was being utilized for a broad range of transportation-related issues.

His concerns included timing and implementation of the 180(c) policy and relationships within the response community and in coordination with the states, specifically how much training will apply to local responders. Mr. David Crose (Indiana) added that it was a well-run meeting, but wondered if there could be additional funding for more state attendees. He noted that states were outnumbered by contractors at the meeting.

Ms Sattler asked Ms. Turner what DOE's reaction to the meeting was with regard to the issue of state participation. Ms. Turner said extra funding would accomplish DOE's mission but the budget is tight. She suggested holding the next committee meeting in conjunction with TCG, perhaps having TCG be the substance of a committee meeting, with half a day before for business and half a day after for committee discussion. Ms. Sattler reminded her that the committee plans its meeting two months in advance and DOE often does not. Ms. Turner said they are working on better planning.

Ms. Turner said she hopes the draft transportation plan will be ready for the TCG meeting, scheduled for April. The committee expressed an interest in having their meeting in conjunction with TCG, and Ms. Turner said she would work with Ms. Sattler to plan this. Ms. Turner said it would give the committee an opportunity to meet a broad section of the transportation

community, and would allow for better state representation. Mr. Crose mentioned the dates for the National REP conference should be considered in planning this possible meeting.

Mr. Moussa said he likes to get committee input and ideas before TCG meetings to ensure that his participation is representative of all Midwestern states. Holding the committee meeting in conjunction with TCG would allow for this. Ms. Turner said cooperative agreement updates will be a regular part of TCG meetings.

Transportation External Coordination (TEC) Working Group Meeting (July 21-23, Chicago, IL). Ms. Sattler summarized her analysis of the TEC meeting. She said that although this meeting was better run than previous TEC meetings, the briefing materials were not out before the meeting. She referred to the outline for the committee discussion of TEC activities, and said some issues can be taken care of today.

Mr. Borchert said DOE needs to understand that state officials are responsible for protecting the health and safety of the public. He related a story where a DOE official told his office that the transported material was DOE's responsibility. But, he said, it makes no difference whose material it is, as responding to incidents is the state's responsibility. Mr. Borchert said DOE has been remiss in dealing with radiation control personnel. At TEC, states were outnumbered 10 to one by contractors. He did not feel this was an appropriate mix, as he feels contractors have their own agenda and are going to pursue it despite state concerns. Ms. Turner asked if the contractors were commenting too much during the breakout sessions or if their presence was the problem. Mr. Borchert said that the playing field was not set, and with no opportunity to read the material before the meeting, the contractors had the upper hand.

Ms. Sattler suggested colored nametags might help differentiate who was a contractor and who was a state representative. Ms. Turner said TEC is a big undertaking because DOE's Office of Environmental Restoration and Waste Management (EM) and OCRWM work together, and many contractors are there for support. The OCRWM management and operating contractor is new and was at the meeting to learn about the process. Contractors may not actively participate in the meeting, but sign in as participants. She said that some clarification of affiliation is needed at these meetings, and DOE is working on it.

Mr. Don Flater (Iowa) reminded the group that in an emergency, states are aggressive, and it will be embarrassing for DOE if they have not communicated with the states. During a Federal Radiological Monitoring and Assistance Committee (FRMAC) meeting, he said, states threatened to walk out because they felt they were not being heard. The highway patrol in Iowa answers to the Iowa Department of Health, and there will be problems with radioactive waste transportation if DOE does not work with states.

Ms Turner said that the new five-year agreement with the Conference of Radiation Control Program Directors (CRCPD) establishes a transportation committee which will advise DOE on how to solicit state opinions. She said that regional cooperative agreement groups have a variety of state representatives such as radiation control, state patrol, and emergency management officials, and these officers supplement and often overlap the members of CRCPD. Double coverage, she said, is good because those people who are not radiation control personnel can discuss the issues.

Mr. Borchert asked the committee if they would like to wait until after the next TEC meeting to see if more state representatives attend. Ms. Turner said the next TEC meeting, scheduled for January 25-28 in Dallas, will be a test of DOE's response to concerns and each meeting has been more organized and efficient.

Ms. Sattler mentioned that there was talk of having professional facilitators or training DOE people to be facilitators at the next TEC meeting. Ms. Turner said she was not sure about this but would find out. Ms. Sattler said the July TEC meeting was better organized than the previous meeting, as DOE responded to comments raised. However, more advanced notice was needed and more advanced preparation was necessary.

Ms. Sattler asked the DOE representatives about the prioritization of issues. DOE was supposed to make a list of items compiled from the first TEC meeting for member organizations to prioritize. Mr. Steve Gomberg from OCRWM responded that he was not sure of the current status but remembers seeing the list in the form of a survey a month ago. He said he would check on it, and he thought the objective was to have it out within the month.

Ms. Sattler asked for committee volunteers to attend the next TEC meeting. Mr. Borchert said he could attend. Ms. Sattler asked Ms. Turner if any extra money could be used to send more than one committee member. Noting that TEC is a working group and deals with very specific issues, Ms. Turner said DOE is trying to maintain continuity and accomplish tasks during the meeting and the meeting might lose its shape if too many people attended. She said the idea is for the participants to go back to their committees, disseminate information, get input, and take it back to TEC. Although TEC is an open meeting, Ms. Turner said funding would be limited to one committee member and one staff person.

Ms. Sattler said that if states are going to work through their cooperative agreement groups, the information needs to be out in a more timely manner. She added that the presence of more committee members at TEC would not increase the number of interests represented, but could reinforce the state perspective in general.

Mr. Borchert said that it is helpful if more than one committee member attends, as there can be better coverage of breakout sessions. He also stressed that the material needed to be out one to two weeks in advance, as most of the committee member have more than high-level waste to deal with. Also, some states have a 30 day notification policy for meetings, and state representatives need more advanced notice of the meetings. Mr. Gomberg said he knows this issue has been raised over and over and that DOE is working on it. Ms. Turner said DOE people also have other demands on their time and TEC meetings are complex undertakings, but that as everyone gains experience, they should become more efficient. Mr. Gomberg and Ms. Turner said there is a 30 day policy for advanced notification of meetings.

Discussion of TEC Meeting Summary and Work Plan. Ms Sattler described the "living document," containing all materials produced for TEC meetings, including meeting summaries and copies of viewgraphs. She asked the committee if they wanted individual copies or if the Midwestern Office of the Council of State Governments (CSG) should maintain one copy. Ms. Turner suggested the committee wait to see the binder, as it is going to be very large. Developing this binder is a big part of the effort going on now. She suggested that maybe committee members could get an initial copy and then receive updates. Ms. Sattler asked that DOE use both sides of the page in copying. Mr. Gomberg said two-sided copying is now a requirement. Mr. Borchert said Ms. Sattler should send the committee members only the table of contents.

The committee also would like to send a letter to DOE requesting more funds for state participation in TEC meetings. Mr. Crose asked what groups were involved in TEC, as he wanted to know if any other groups in his state were involved so he could coordinate with them. He said in Indiana there is great interest in the issues TEC is raising, especially the issue of who will respond to accidents. Ms. Turner said industry representatives and associations for

emergency management and other personnel who would be first responders to an accident were in the TEC working group. These organizations can send up to two people on DOE money, but can send more out of their own funds. However, an emergency medical association and a trucking association are invited and funded but have not participated.

Mr. Crose also asked how states are to participate in TEC. Ms. Turner said the states are to participate through the regional cooperative agreement groups and organizations such as the National Conference of State Legislatures (NCSL). Mr. Runyon asked if the Federal Rail Administration (FRA) was involved. Ms. Turner said DOE is the only federal agency to participate on a regular basis, but that other agencies would participate once in awhile as resources. DOE is concerned that federal voices would drown out state voices. She mentioned that FRA and the Illinois Department of Nuclear Safety (IDNS) attended the last TEC meeting to lend their expertise on rail inspections.

In the absence of a list from DOE, the committee looked at a general list of categories identified at the first TEC meeting, and discussed the value of prioritizing these categories during this meeting. Mr. Moussa said he had a problem with prioritizing at this point, as the committee did not know the details and there were many unresolved issues. Mr. Borchert noted that although prioritizing was not the optimal approach, with only so many resources available, it was necessary to prioritize. Although all categories were equally important, they have to be categorized so the committee knows where to start.

Mr. Ron Kucera (Missouri) pointed out that delays in DOE may make any rankings done today irrelevant and a waste of time. First, DOE should tell states when they expect things to happen. He said he would make training first. Mr. Moussa said training is a common denominator to other issues and that the states cannot give DOE what they need if they do not know the details. Ms. Turner suggested maybe the committee should hold off on this task until the list is available from DOE. She said, for example, inspection and enforcement and safe routine transport issues tend to overlap. Mr. Gomberg said that the list will highlight the topics that were identified in order to facilitate prioritization.

Mr. Borchert said the emphasis should be on public information and education, allowing communities to accept the high level waste program. He said he knew, from recent experience in Nebraska, how not to site a low-level waste site. He mentioned that it is difficult to get utilities and emergency response personnel to come out to training because nothing ever happens. He noted the negative connotation associated with the word "nuclear" and that states have to accept some blame for the public's lack of faith in the radioactive waste disposal program.

Mr. Borchert related some of his experiences. He said in his health physics graduate program, he was told not to talk about what he did because no one would understand. When he began working for the state, and had no choice but to talk about what he was doing, he had problems with the media. When he worked for a utility, he could not participate in a science fair because, he was told, it might have had some adverse impact on what the utility did. When he worked in Kansas, a utility would not respond to a yellowcake spill quickly, and then would not write up anything that reflected badly on the nuclear power industry.

Mr. Borchert pointed out that he is not advocating nuclear power either way, but his job is to regulate the industry and protect the public. He feels he has earned credibility with opponents of the low-level waste site in Nebraska because he told them the facts. He also mentioned that if the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) want to change some regulations dealing with the disposal of low-level waste, they have to make sure that the public understands why. If the public suspects these agencies are lying, these "lies" will

become "facts." For example, the NRC wants to change the institutional control period from 100 years to 300 years. Automatically, the public will assume that the NRC knew the real dangers of radioactive material all along.

Mr. Bill Naughton noted the nuclear power industry is the only industry that is going against the grain. Utilities are not recycling, but young people are, and depositing nuclear waste in a mountain damages credibility. Mr. Borchert added that it will take three generations for people to understand radiation issues. The committee decided to pass on prioritizing the tasks during this meeting.

Mr. Crose asked Ms. Turner about TEC's timetable. Ms. Turner said there really was no timetable. TEC is a long term planning group, and it will take five years to see any results. It is necessary that everyone has common understanding of the issues. She reminded the group that TEC is DOE-wide and some of the decisions that will be made will affect more than one shipping campaign. She said TEC was an innovative idea because DOE tends to be compartmentalized.

Mr. Runyon asked what other public information programs were being developed by DOE. Ms. Turner said OCRWM has education and information programs. Also, Secretary of Energy Hazel O'Leary wants to continue developing support for science education and school curriculums, since the next generation will have to face these issues. Ms. Turner said she would see what is available now to send to interested committee members. Mr. Naughton mentioned the *New Explorers* series hosted by Bill Kurtis, which he believed was developed by Argonne National Laboratory. One episode, for example, showed how high school algebra solved the Chicago Loop underground flood in 1992. He mentioned that a format like this may introduce young people to radioactive waste issues.

Ms. Turner mentioned that TEC is trying to counter the fragmentation that occurs within DOE. Often, action by one part of DOE reflects negatively on other unrelated parts, and this causes problems in terms of public perception and credibility. TEC is the only organization right now trying to address some of these issues within transportation. Mr. Runyon mentioned that it is tough to run a campaign that points out the positives about a program like the radioactive waste management program. It is easy to run a negative program, such as an information campaign that warns people of the dangers of radon. He said people tend not to believe information about nuclear transportation programs. Ms. Turner said that OCRWM is working with the Commercial Vehicle Safety Alliance (CVSA) through a cooperative agreement to develop public information materials, such as videos, about transportation.

Mr. Moussa asked Ms. Turner about DOE's safe routine transport escort study on the committee discussion agenda. She said it is driven by 180(c). Part of the confusion within TEC is that OCRWM and EM are working together. OCRWM is under a different time frame because of the 1998 acceptance date, but the rest of DOE has more flexibility. She thinks the study is in reference to 180(c) funds. Mr. Borchert noted for the committee that the topics on the agenda in italics were discussed at the TEC meeting.

The committee then began discussing escorts. Mr. Moussa said Kansas would have problems with escorts as the sole means of emergency response. Mr. Runyon said in Illinois, the escort program is not the sole means of emergency response but it solves the problem of local training. Mr. Moussa noted the escort would probably not be responsible for communication, command and control of an incident, and mitigation, and there will still be a reliance on local training. If the locals take first action but are not trained, they are violating Occupational Health and Safety Administration (OSHA) standards. Mr. Runyon said in Illinois, the escorts provide technical support but the state assumes reliance on local fire and rescue personnel, and along the route,

training is at least up to minimum levels. Mr. Moussa said he has a problem with escorts in lieu of training at the local level, but he has no problem with escorts to supplement local training.

Mr. Gomberg mentioned that escorts were meant to be complimentary, but would still provide the first response, supplying information on the situation contacting the right officials. Escorts would not have the capability to deal with every situation, such as if a cask falls off a truck. Training is a key part of the program and 180(c) money could be used for train-the-trainer programs. Mr. Moussa pointed out that while Illinois has an extensive program, Kansas only has an early notification system, with some counties knowing only that the shipment is coming through. Kansas would have to do more work than Illinois, perhaps boosting up their training programs or forming inter-county mutual aid agreements.

Mr. Runyon said Illinois' large number of nuclear plants necessitated the escort program. Illinois would not get much out of a mutual aid agreement because the program is already well-developed. In Illinois, the utilities provide equipment and staff but often other corridor states that do not have many nuclear facilities do not have this capability. He said 180(c) is set up to insure response capability, but he is not sure what 180(c) funds will do for Illinois. Mr. Runyon wondered if Illinois could spend 180(c) money somewhere else because of their program. Mr. Moussa clarified that he did not mean to imply that escorts would not be needed, just that they have a complimentary role. Mr. Gomberg said there should be a needs assessment of 180(c) funds.

Mr. Crose said Indiana will not be concerned about 180(c) funds until a time frame is in place, as the emergency response personnel will probably change before shipments begin. But Indiana will depend on 180(c) money for training. Indiana will also have to look at redesignation of routes around major population areas. Mr. Runyon said, with regard to turnover in the emergency response community, he is the only one still on the staff that started the Illinois escort program. Mr. Moussa noted that along with training, education, or a "cultural change," is needed. Often, in the counties, responders will not touch anything related to spent nuclear fuel. He was not eager to prioritize today because of this need for a larger focus.

Mr. Kucera said during Three Mile Island shipments, everyone was worried about terrorism, but the real threat was public safety officials breaking safeguard regulations and talking about shipments. Opponents would then attempt to block shipments with cars or themselves. Escorts would ease this problem, and decrease safety problems. During campaigns, he said, each state needs to look at issues affecting the state and decide if there is there a perception problem that could be alleviated by escorts.

Ms. Beth Fulmer asked what the status of the escort study was. Ms. Turner said she would find out. Ms. Fulmer said she thought that the 180(c) money would be for either training or escorts. Mr. Gomberg said no, it he did not think it was an either/or situation. Ms. Sattler said at the December meeting, 180(c) money was referred to as either/or, but it was indicated that this would be changed.

Ms. Turner said the law does not say, and maybe DOE's general counsel needs to look at the law. The law only says training funds shall be provided and does not mention providing escorts in lieu of training. In developing 180(c) strategy, the goal was to develop a strategy that could accommodate the various programs in the states, and the discussion today indicated the need to do that. DOE's concern was coming up with a program to allow DOE to do their job and also allow first responders to handle DOE shipments. Issues and responsibilities under the law run from states with nuclear reactors and trained emergency response personnel to Indian reservations with no fire trucks. Ms. Turner said DOE has to figure out what their responsibility

is to the whole transportation system in order to support their part. She also acknowledged broader social issues at stake, all of which may or may not fit into TEC.

Mr. Moussa noted that Federal Emergency Management Agency (FEMA) is downsizing its radiological program. Ms. Turner said DOE was trying to develop a relationship with FEMA. For example, there is talk of DOE supporting funding for FEMA to develop a new detection device.

Mr. Borchert said he, too, heard that 180(c) funds were an either/or option and was concerned. He also heard that the Department of Transportation (DOT) may be developing a new training program for first responders to radiological emergencies. He said they had training program 10 or 15 years ago. Ms. Turner said she would check on that. Mr. Borchert added that if this program was out there, DOE should pursue it so as not to duplicate efforts. Ms. Turner said in looking to implement 180(c), DOE has been exploring existing programs, but this is complicated by the fact that federal organizations are being rearranged. Mr. Moussa noted that sometimes, the benefits from new programs are canceled out by the loss of other programs.

Mr. Crose said his state would be opposed to an either/or distribution system for 180(c) funds. Ms. Turner said this decision will not be made without a lot of consultation. Mr. Runyon asked if the money would go to directly to states or will be funneled through DOE. Ms. Turner said the law says that the money will go to states and tribes. It has not been decided if the money will go for DOE-sponsored training or directly to the states to let them choose a training contractor.

In the Waste Isolation Pilot Plant (WIPP) program, responder training is done through DOE by Westinghouse. The civilian radioactive waste management program will affect 35 states, and as there are many levels of training, it may be better to let states do it themselves. She said one line of thinking says DOE writes the check and the states do what they want. But practically speaking, if the states misspent the funds and there was an accident, DOE would be responsible. DOE needs to control and monitor how the funds are spent, but it has not been decided how this will be done.

Mr. Borchert said training should not be contracted out, as local responders want to work with and maintain contacts with state officials. Contractors would not be familiar with state plans or with whom to contact. Nebraska already has contracts with the Food and Drug Administration (FDA), the NRC, and the EPA. Ms. Turner said the states need flexibility and should take the responsibility for training, which is why DOE needs state input.

Mr. Moussa said it was in the states' interest to spend the funds well, as they would be responsible if they cut corners and there was an accident. Mr. Borchert said FRMAC, which is under DOE, is available to assist states. He says Mr. Flater and he had experience with them over the summer, and initially, FRMAC was going to tell the states what to do, but now understand they work for the states. Ms. Sattler clarified that Midwestern states do not want to give up 180(c) funds to DOE to provide escorts.

The committee then looked at the CRCPD *Directory of State Agencies Involved in the Transportation of Radioactive Material*, addressing the TEC task to provide information on what should be included in future editions of this document. Committee members were given copies of the directory information for their states. Ms. Turner said formatting work was needed, so information is easier to find, and the mailing list needs to be updated. The changes should be reflected in the 1994 document. Mr. Crose suggested the directory be sent to the title, not the person. Ms. Turner said the directory probably could be removed from the list of TEC tasks. Ms. Sattler asked if the lists of contacts in the directory should be expanded to include, for example,

legislative contacts. Ms. Turner said it may be beyond the scope of the directory, but may be worth considering.

Ms. Sattler asked if DOE was going to provide money for rail inspections. Ms. Turner said no. Mr. Borchert mentioned that the committee would be watching a CRCPD video on low-level waste inspections tomorrow. The committee did not discuss any issues related to highway and rail inspections, or the federally integrated incident reporting system.

The committee then discussed DOE's role in encouraging the formation of mutual aid agreements. Ms. Sattler pointed out that DOE should have done more homework, as the Western Governors' Association (WGA), SSEB, and CSG all have model mutual aid agreements. She asked if DOE even has a role in this issue or if it should be left up to the cooperative agreements. Mr. Borchert echoed that question, and pointed out that regional mutual aid agreements exist, along with informal "gentleman's agreements."

Ms. Turner said the radioactive waste management program has to know what kinds of agreements exist in order to plan shipments, emergency response, and 180(c) fund distribution. The cooperative agreement groups developed documents on mutual aid agreements in order to educate DOE and ensure that duplicate work is not done. DOE has no interest in influencing or changing the agreements. As an example of the work done by SSEB, Ms. Fulmer passed around the 1993 version of the Southern Mutual Radiation Assistance Plan (SMRAP).

Mr. Borchert said he was uncertain of the value of mutual aid agreements other than mechanisms for formalizing contacts. Mr. Nemeth said a big issue was liability. Mr. Borchert said state statutes address that issue. Mr. Nemeth said SSEB studied these and integrated the correct language into SMRAP. Mr. Borchert noted that some states in the Midwest do not have the appropriate language to allow entrance into mutual aid agreements.

Ms. Sattler asked if the committee was interested in commenting on DOE public information products related to emergency response and preparedness and transportation of radioactive waste. Mr. Borchert said some available information was needed, but his experience tells him that the factsheets were not be believable because of DOE's lack of credibility. He suggested maybe the states could generate their own, although resources are a problem.

Ms. Turner said one of the purposes of the cooperative agreements was to provide credible education. She mentioned that OCRWM has an agreement with the League of Women Voters to produce their *Nuclear Waste Primer*. Although the document is looked over by DOE, it takes a neutral stance and provides both sides of the issue. The cooperative agreement groups are also encouraged to present all points of view. Ms. Turner said DOE is open to public information suggestions.

Mr. Borchert held up *Nuclear Energy*, the quarterly magazine produced by the U.S. Council for Energy Awareness (USCEA). He said he was considering ordering some to distribute to the public, as this was a good example of informational material. Ms. Turner agreed it was a good publication, but as USCEA is a nuclear industry organization, it may be seen as no more credible than a DOE factsheet.

Mr. Borchert said industry, states, and the public can work together. He said in Nebraska, a company wanted to build an irradiator facility to sterilize medical equipment. The state told the company to hold public hearings. Once the hearings were held, the facility was sited with no problem. The city and county commissioners met with the state once, but have not communicated since.

Ms. Sattler asked the committee if they wanted to provide input into the glossary of terms proposed at TEC. She said that as the definitions came from regulations, however, perhaps the committee did not need to provide input into this area. Ms. Turner said the purpose of the glossary was to simply provide common definitions. Mr. Runyon asked if there were glossaries for any other DOE programs. Ms. Turner said yes. Mr. Runyon held up a small glossary of low-level waste terms he received from the Midwest Interstate Low-Level Radioactive Waste Compact.

Roundtable Discussion of Midwestern State Developments. Mr. Borchert asked committee members to brief the group on recent events taking place in their states.

Iowa - Mr. Flater said one concern in his state was the reduction of NRC exposure levels. Also, the Iowa Department of Transportation has informed the Iowa Department of Health that it will now be escorting high-level waste shipments. Mr. Flater said this was not a fiscal issue.

Indiana - Mr. Crose said Indiana was conducting responder training. The state also submitted its draft ingestion pathway plan.

Wisconsin - Mr. Young said his state was peaceful and quiet.

Minnesota - Mr. Kerr said his main focus has been on flood related problems. He also said the Minnesota legislature would take up the issue of interim storage at Prairie Island Nuclear Plant this session. He reminded the committee that in 1991, the Minnesota Public Utilities Commission gave Northern States Power (NSP) permission to store spent fuel. However, in November of 1992, opponents of dry cask storage, led by the Prairie Island Sioux tribe, appealed the PUC's decision. The court ruled that the legislature would have to make the decision whether or not NSP could store fuel at the plant.

Kansas - Mr. Moussa said Kansas is updating its emergency management plans to study the EPA's new guidelines for exposure. Kansas also hired a HMTA program coordinator to look at the Nevada corridor study and to assess regionalized hazardous materials training and Kansas' training needs. The Kansas legislature passed the Nuclear Emergency Preparedness Fee Program (HB 2429) which assesses fees on nuclear power plants in the state or that have an impact on the state for emergency preparedness exercise fund recovery. This program does not cover transportation.

Missouri - Ron Kucera said Missouri was also concerned about flood related activities, and noted that long after the media leaves, the problems remain. The only flood related radiation issue concerned the water treatment facility at the Sulphur Springs site where the water neared the top of the berm. This situation was followed closely by the press.

Mr. Kucera told the committee that Missouri may support a reopening of the Atomic Energy Act regarding DOE weapons issues. The state is also close to suggesting that the Monitored Retrievable Storage (MRS) facility be dropped, especially since the new energy appropriations bill does not provide funding for the project. Missouri is supportive of the Multi-Purpose Canister (MPC) concept, as it may help clarify the future direction the utilities should be taking. Mr. Kucera said he would also like to see money spent on full scale cask testing rather than on DOE contractor-prepared fact sheets. He said engineering justifies the DOE program, but the public needs to see it work.

Michigan - Thor Strong said that fuel loading is continuing at Palisades Nuclear Plant despite challenges from Michigan Attorney General Frank Kelley's office. Kelley tried to block the fuel loading until a more comprehensive environmental impact statement was completed but was not successful. The attorney general was opposed to the lack of a full environmental impact statement, not dry-cask storage. The district court said they did not have jurisdiction over the issue. The sixth circuit court of appeals in Cincinnati declined to give a summary judgment, but has agreed to hear both sides. Oral arguments may not begin for months.

Mr. Strong also reported that in 1982, there was a proposal to ship spent fuel from Ontario, Canada to Oak Ridge National Laboratory. The Michigan Department of Health and the state police passed regulations to block shipments into Michigan. The Michigan Motor Carrier division recently sought to rescind the regulations, perhaps because U.S. Department of Transportation funds were in jeopardy.

Illinois - Mr. Runyon reported no major high-level waste developments. The state spent a lot of money trying to site a low-level waste facility, but did not find a site. IDNS will no longer be closely involved with siting, as that authority is now with the low-level waste compact.

Nebraska - Mr. Borchert said Nebraska was also concerned with flood mitigation. At the Cooper Nuclear Power Plant, the water came within six feet of going over the dyke. The plant almost went in to alert classification, and a site area emergency was in effect. The plant was shut down because Missouri could not ensure evacuation of the area. Other than that, there were no high level waste issues to report.

In low-level waste, the Boyd County site being explored by the Central Interstate Low-Level Waste Compact was decreased by two-thirds. A notice of intent to deny, issued in January by the state, is in the process of being withdrawn. The concern now is if the smaller site will meet the regulations of the site characterization. Mr. Borchert noted that some of the monitoring wells are under water. The governor's office and attorney general's office has filed a new lawsuit, and is appealing the dismissal of the community consent suit. Nebraska has access to the Barnwell site in South Carolina for now. During this process, the state has developed a guide for on-site storage, and may distribute it to the utilities.

Mr. Troy Reeves indicated that he was not an Ohio designate but would update the committee on activities in his state. The Davis Besse plant is going with NUHOMS dry storage system. A statewide citizens advisory council, uncomfortable with the plant storing the spent nuclear fuel on pads, is requesting that the system be fitted with a temperature monitoring device. The group thinks that the temperature device will indicate problems with the cask.

Ms. Fulmer said SSEB released its *Spent Fuel and High-Level Radioactive Waste Transportation Handbook* in June. The Advisory Committee on High-Level Waste met September 20-21 in Richmond, VA. The committee will provide responses to the TEC tasks for Ms. Fulmer to take to the TEC next meeting. At the meeting, the committee expressed support for full-scale cask testing, and the Southern Governors' Association passed a resolution supporting MPCs. The next committee meeting is in April. The Transuranic (TRU) Waste group, also staffed by SSEB, recently attended a risk communication workshop given by a professor from Columbia University.

Mr. Jim Miernyk said WIEB is working on a revision of their primer, along with a paper on high-hazard routing factors, such as geographical conditions, that may affect transportation decisions. The WIEB High Level Radioactive Waste Committee met October 2-4 in Portland, Oregon. The WIEB committee is preparing comments on DOE's draft Section 180(c) policy options paper. Mr.

Miornyk complimented the committee on the full-scale cask testing letter and resolution, and the committee staff on the draft update to the *Report on Mutual Aid Agreements for Radiological Transportation Emergencies*.

Mr. Naughton said Commonwealth Edison was in the process of forming a low-level radioactive materials users group to educate the public about the impact on medical and pharmaceutical industries if a low-level waste site is not selected. The NRC approved the Dresden I plant decommissioning plan, and the plant is in an official safe store mode. Because the plant's life would have extended to the middle of this decade, Commonwealth Edison has to decide if they want to fix the spent fuel pool or go to dry cask storage.

Commonwealth Edison commented favorably on having research reactors exempted from a \$62,000 a year NRC license fee, as the fees would have effectively shut down university nuclear programs. He also mentioned an NRC paper on requirements for transportation and storage for MPCs, and said he would get a copy to Ms. Kania. He asked the committee if any flooded states used reactor emergency plans. Committee members indicated that only general emergency response plans were used. Mr. Kerr added that Minnesota is joining power plant and general emergency plans.

Referring to Mr. Borchert's comments about on-site storage of low-level waste, Mr. Strong said Michigan facilities have been storing low-level waste on site for years with few problems.

Mr. Kucera asked Mr. Naughton how many plants do not have room in the spent fuel pool to empty the reactor. Mr. Naughton said if there are significant delays in the radioactive waste management program, many will lose capacity to unload the reactor into the spent fuel pool, or full-core reserve (FCR). The utilities are looking at MPCs instead of reracking. All Illinois plants have been reracked, and Zion has been reracked three times. Dresden 2 and 3 will lose FCR in 2003, Zion in 2005. Commonwealth Edison wants to ensure that all fuel can be stored until 2011. Plants that did spend money to prepare for the storage problem by reracking may end up losing money.

Mr. Kucera asked Mr. Naughton if DOE's inability to make decisions compromises safety at reactors. Mr. Naughton said yes. He said Northern States Power, for example, is looking to have space just to be able to have full-core reserve until the end of the life of the plant. Mr. Naughton asked Ms. Turner if utility representatives have been providing input into the MPC concept to ensure that the canisters would be ready in 1998. Mr. Gomberg and Ms. Turner said the Edison Electric Institute has been very involved in the proposal.

Mr. Naughton asked if MPCs would be used to pick up fuel and store it in old DOE weapons facilities before it goes to Yucca Mountain. Mr. Gomberg said he did not know the status of that idea but that it was something Secretary Watkins was looking at and it is being evaluated. Mr. Naughton said it would make sense to store the waste in a facility, such as the Nevada Test Site, that has already been used in the defense program and will not be used for anything else.

In response to a question from Mr. Moussa, Mr. Gomberg said according to the Nuclear Waste Policy Act, DOE must comply with NRC (Part 60 for disposal, Part 71 for transportation, and Part 72 for storage) and EPA regulations. Mr. Flater said many people would argue with DOE's level of compliance at Oak Ridge. Ms. Turner said OCRWM is there to clean up the waste but is blamed for the actions that created the waste, along with the public confidence problems.

*Update of DOE Transportation Activities.* The OCRWM update was presented by Mr. Gomberg, the new chief of the Transportation Branch.

Mr. Gomberg reported there have been seven rail shipments to date of spent fuel from the Shoreham plant in New York to the Limerick plant in Pennsylvania, and shipments will continue until June, 1994. DOE hopes to use this campaign to learn lessons about transportation.

In OCRWM management, Dan Dreyfus is now the OCRWM Director. Lake Barrett is now the acting deputy director but may keep that position. Richard Stallings has been nominated to be the Nuclear Waste Negotiator and currently, Secretary O'Leary is the acting negotiator. Carl Gertz, the former Yucca Mountain Project Manager, has been assigned to Hanford to supervise the self-assessment for tank remediation. Division directors rotate as Yucca Mountain Project Director every two months and currently, Russell Dyer is the acting director.

The Secretary wants to appoint a chief scientist to report to the project manager and ensure that the work done at Yucca Mountain is of the highest technical quality. Before the end of the fiscal year, 200 meters had been dug into Yucca Mountain. The starter tunnel has been prepared at the north portal, and the tunnel boring machine will be available in April of 1994. Hydrological, geochemical, and trenching work is underway.

Due to the language added to the energy appropriations bill by a New Mexico senator, no Phase IIB MRS funds will be available this year, which would amount to about \$2.8 million. This puts all Phase IIB activities on hold. DOE is also planning on revising the MRS design to incorporate the MPC concept.

Mr. Strong asked if the tribes would still be pursuing siting activities without the grants, and if DOE was still committed to the MRS concept. Mr. Gomberg replied that since Congress, through the Nuclear Waste Policy Act as amended, authorizes an MRS site, the secretary is still committed to the concept. The secretary is also in the process of reevaluating the radioactive waste management program, and the 1998 date is tied closely to having a facility ready to accept the waste. The review may determine that an MRS is not needed.

In response to a question from Mr. Flater about the appropriations bill, Mr. Gomberg said that in his opinion, the language may have been added because the Mescalero Apache Tribe in New Mexico were close to asking for an MRS. They, along with the Skull Valley Goshute tribe, have identified two possible sites on their lands. Mr. Gomberg felt there were concerns about the voluntary siting process in general, as the waste cannot get to a site on a reservation without going through a state.

The MPC conceptual design was completed September 30 and it is now undergoing DOE review. Mr. Gomberg said 102 facilities, with minor upgrades, can accommodate MPCs, but 19 cannot. This does not mean the 102 will go with this concept. The MPCs have to comply with three regulatory requirements — 10 CFR Parts 71, 72 and 60. DOE is trying to take these requirements into consideration, but right now cannot demonstrate compliance with Part 60. The NRC has coined a new acronym, "As Compatible as Reasonably Achievable" (ACARA), to assure the public that the Part 60 requirement can be met. An MPC workshop will be held on November 17-18 to get stakeholder input into the conceptual design. There will be decision in January of 1994 whether to proceed with the concept. The draft request for proposal will be completed by April.

In response to a question from Mr. Strong, Mr. Gomberg said the MPC would have to be shipped by rail. The 19 facilities that could not handle the MPC either need extensive upgrades or the transportation infrastructure will not allow for rail capability.

The Transportation Plan should be available in draft form in December. The plan should consolidate and update information from the Transportation Business Plan and the Transportation Institutional Plan and will discuss DOE's current transportation concept. One of the difficulties in writing the plan was the external assumptions that need to be resolved, such as the destination for the waste. DOE will identify what the key decisions that are needed and will try to give schedules for resolving these issues so there is some transportation capability by 1998. The plan will also look at cask acquisition plans, MPCs, risk management, Section 180(c), rail and truck routing, and other issues.

The decision whether or not to proceed with MPCs will have a major effect on the plan, as it will shift the program to a rail-based system. Hazardous Materials Transportation Uniform Safety Act (HMTUSA) mode and route studies and dedicated train studies will also impact the final plan. 1998 waste acceptance is being evaluated, especially DOE's commitment in accordance with the NWSA. The availability of an MRS site is also a consideration.

The five step strategy to provide Section 180(c) assistance was issued in November of 1992. The policy options paper will be developed by the end of this year. DOE received no comments on the draft policy options paper released in June, but the paper is being revised to consider technical options. Efforts to identify and discuss funding and technical assistance issues will continue throughout 1994. A draft policy statement will be available for comment and an issue implementation plan will be available in 1994. Assistance will be initiated in 1995.

Mr. Gomberg said options for 180(c) assistance include linkage with an established federal agency program such as FEMA, using cooperative agreements or state or tribal organizations, or establishing a DOE or OCRWM grant program to look at providing assistance.

A draft routing strategy is being developed to identify the process DOE would use to develop a routing policy, along with the methodology and criteria that will be used to identify the routes, such as HM-164. The draft routing policy, providing key assumptions such as the use of dedicated trains versus general freight trains, will be distributed for comment in July of 1994 and finalized by November of 1994. Before then, a Federal Register notice will request participation in modal working groups.

By July of 1994, preliminary route selection methodologies from modal working groups will be developed, and will be finalized by January of 1995. Route selection methodology will be finalized between April and August of 1995. Based on input, the routing policy, selection criteria, and methodology will be finalized by April of 1996. Work will then begin to identify routes and corridor jurisdictions in June of 1996. Mr. Gomberg pointed out that the dates he was giving were more current than the dates in the handout.

Mr. Gomberg said DOE is working to establish a cooperative agreement with the Eastern Office of the Council of State Governments. The Northeastern High-Level Radioactive Waste Committee may be together by June. A DOE independent spent fuel program has been developed since the last TEC meeting, and a few other DOE organizations will be added to the next meeting. Work plans are being finalized, and a prioritization list should be sent out soon.

DOE is looking at several technologies in the cask system development program. Current technology casks are casks already licensed or can be licensed quickly. A request for proposal for a current technology is on hold, waiting for the identification of an MRS site. Advanced technology casks include a General Atomics (GA) legal weight truck final design cask, which is proceeding towards final design and certification, and a Babcock and Wilcox (B&W) rail/barge cask that is being reviewed for cost effectiveness. Both 125 ton and 75 ton MPC transportation

overpacks would be rail cask systems. Receiving burnup credit is a key issue as part of the certification process from the NRC. One of the advantages of the MPC is high capacity which would reduce the number of shipments.

The transporter system integrated tests should be completed at the end of fiscal year 1994. The prototype system is a tractor trailer and a simulated GA-9 cask. The overall weight would be less than the 80,000 pound limit for a legal weight truck. The trailer will be tested through a simulation of 25,000 miles of road conditions with inspections and an actual road test.

Mr. Gomberg said CVSA is developing a briefing and a video to explain its inspection procedures for all member states, and will conduct the inspections of the transporter system and develop uniform inspection procedures based on the results of those tests.

DOE is currently reviewing full-scale cask testing. Any policy will acknowledge that testing is not motivated by technical need or regulatory requirements, but could enhance public confidence. One test may cost \$10 million, give or take \$5 million, depending on the type of test. Other factors include when and where to test, what casks to test, and how tests would impact future development plans. A full-scale cask testing paper will be released in May.

Mr. Gomberg described DOE's transportation risk management strategy. This strategy would attempt to eliminate environmental and health and safety impacts of the transportation program. All aspects of the radioactive waste management program would need to be integrated. Fiscal year 1994 work includes an MPC environmental analysis, an accident analysis, a review of past experiences and studies, and a human factors assessment.

Mr. Miernyk asked if the casks would be tested to failure. Mr. Gomberg said testing to failure would come under one of the proposed testing scenarios. One issue is if testing to failure would be beneficial, and Mr. Gomberg expressed concern that it may actually decrease public confidence.

Mr. Borchert thanked everyone for attending and adjourned the meeting at 5:30 p.m.

### **Monday, November 2: Risk Communication Workshop**

CRCPD Video on Inspection of Low-Level Radioactive Waste Shipments. The committee viewed a video on low-level waste inspections produced by the CRCPD. The video was intended for state department of health and highway patrol people.

Mr. Borchert said that along with the video, the CRCPD was looking at uniform inspection procedures. Following the video, the committee discussed several issues, including if inspections at state borders were necessary and a good use of resources, if a state has the right to inspect low-level waste sites, and if extensive inspection programs reinforced the perception that low-level waste was dangerous.

Risk Communication Workshop. Kathie Reed and Richard Tardif from Oak Ridge Institute for Science and Education presented a risk communication workshop. This program is still being developed, and they hoped to get committee input into it. The finished product would be used by DOE, DOE contractors and states. The program discussed communication issues facing DOE programs; issues, strategies, and principles for transportation risk communication, including the communication process, earning trust and credibility, and rules of risk communication; answering tough questions and dealing with hostility; and working with the media. The

committee discussed their own experiences in communicating with the public and provided feedback on the workshop itself.