

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

Bally's Resort  
Las Vegas, NV

June 7-9, 1994

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**Tuesday, June 8: Committee Business Session**

Mr. Harold Borchert (Nebraska) convened the business session at 8:15 a.m. by welcoming everyone to the meeting. After general introductions, Mr. Borchert welcomed the new legislative members of the committee.

*Update of Project Activities.* Mr. Borchert asked the attendees to read the project update in their briefing materials so the committee could proceed to the roundtable discussion.

*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. Don Flater said the Iowa Commission on Emergency Response is trying to coordinate Local Emergency Planning Committee activities along Interstates 80 and 35, which will be major corridors for radioactive waste.

There was one transportation accident this year. A 10,000-gallon tank container from the Duane Arnold Nuclear Plant was headed to Barnwell, South Carolina, for use, not burial. The Iowa Department of Transportation gave the shippers incorrect information about the height of a bridge. The container was ripped off the truck and ended up in the median. During this incident, Iowa worked with the Illinois Department of Nuclear Safety, as they were concerned about the truck going through Illinois.

Mr. Flater said working with DOE this year on cleanup and transportation issues has been a challenge. DOE will soon be moving material from the Ames Laboratories to Richland, Washington. He said DOE staff are more cooperative than they used to be, but it is a slow process.

**Indiana:** Mr. Dave Crose said DOE was evaluating emergency response capabilities along transportation routes to the Waste Isolation Pilot Plant in Carlsbad, New Mexico. Indiana was scheduled to be visited in August. Some states in the West received information as late as April 29, informing them that DOE intended to visit on June 1. Indiana joined those states in expressing concern about the short notice, as states have to do extensive surveys to get ready for the visit. Indiana's Local Emergency Planning Committees are getting involved in deciding what responders need to be trained along the transportation routes.

Indiana is also interested in the cesium-capsule shipments. Mr. Crose said his office was checking, but he was not sure if they were notified about the shipments at all in his state, which raises the question of other shipments going through the state without notification. Indiana wants to make sure they are notified and that activities are coordinated with the state police.

His office has the main responsibility for training first responders, and is looking at how much basic training they want to give responders such as volunteer fire fighters. There are 30 response teams throughout the state that can respond to all hazardous materials incidents. The state will probably use Hazardous Materials Transportation Uniform Safety Act (HMTUSA) funds to train responders for

radiological incidents. Mr. Crose reminded the committee that the first response agency in Indiana is the Department of Health, and his office, the Emergency Management Agency, assists them in the event of an incident. Mr. Crose reported that DOE gave an emergency response course in Indianapolis for first responders. He would like to see if DOE could do more of those.

**Missouri:** Mr. Tom Lange said Missouri commented on the proposed environmental assessment for the cesium-capsule shipments. He was unsure as to why Missouri was asked to review the environmental assessment, which was sent to the state's Department of Natural Resources. Mr. Lange said he and Ron Kucera coordinated with two other departments — the Department of Health and the Emergency Management Agency. Missouri did receive a response from DOE, and although he did not have chance to look at it closely, it seemed to be very thorough.

Missouri had a shipment of spent fuel from the University of Missouri research reactor to DOE's Savannah River site. The campaign proceeded without incident, but following the shipment, Mr. Lange contacted the U.S. DOT to ask what kind of reports are issued after shipments of radioactive waste. Apparently, DOT routinely generates post-shipment reports. Mr. Lange felt these reports could be valuable to states.

Mr. Lange also commended Mr. Borchert on the two letters he wrote on behalf of the committee expressing concern about the distribution of the environmental assessments for the cesium-capsule shipments.

**Michigan:** Mr. Thor Strong reported that Michigan is not able to send any of its waste anywhere. He noted many other states will also be storing all low-level waste after the June 30 closure of the Barnwell, South Carolina, site to waste outside of the Southeast Compact.

Mr. Strong said that dry-cask storage at Palisades Nuclear Plant is still a contentious legal issue. The Michigan Attorney General is still pushing for a more comprehensive environmental impact statement. The NRC recently conducted a facility review, and environmental groups are using this as proof that a site-specific environmental assessment is necessary. This issue is still unresolved.

**Minnesota:** Mr. John Kerr said the primary issue in Minnesota was whether or not Northern States Power (NSP) would be allowed to establish a dry-cask storage facility at the Prairie Island Nuclear Plant. He reminded the committee that in 1991, the Minnesota Public Utilities Commission gave NSP permission to store spent fuel in 17 casks. However, in November of 1992, opponents of dry cask storage, led by the Prairie Island Sioux tribe, appealed the Public Utilities Commission's decision. The court ruled that the legislature would have to make the decision whether or not NSP could store fuel at the plant, as the casks would potentially be permanent.

Mr. Kerr said the issue was one of two that dominated the whole legislative session from February to May. The house passed a bill that would have prohibited any dry-cask storage. The senate's bill would have permitted it with conditions. The conference committee bill, which was signed by the governor, allows five casks in the short term if NSP demonstrates a good-faith effort to find an alternate site within the county and if they meet certain wind and biomass power generation requirements. The legislature limited the total number of casks to 17, and imposed a moratorium on construction of nuclear power plants in the state, although there are "windows" in the bill that may allow for future construction of nuclear power plants. Mr. Kerr said that the issue was very contentious.

**Wisconsin:** Mr. Bob Young reported that the Wisconsin Public Service Commission has received an application for dry-cask storage at the Point Beach Nuclear Power Plant. The final environmental assessment is expected to be ready in July or August, with public hearings after that and a decision by the

end of the year. If approved, the first cask should be in place by 1996. Mr. Young said the other plant in the state, Kewaunee, will face the same situation soon.

**Ohio:** Mr. Bob Owen reported that Ohio has been looking at dry-cask storage at the Davis-Besse Nuclear Plant. The Ohio Department of Health, as a member agency of the Utility Radiological Safety Board, is looking at nuclear safety issues. The Emergency Management Agency is also represented on that board. Mr. Owen feels that the NRC has done a good job so far of oversight, but the state remains involved. One significant issue is intrusion of the casks by outside parties.

Mr. Owen referred to Mr. Crose's comments about the DOE team visiting Indiana, and asked Mr. Troy Reeves from the Emergency Management Agency if he had heard if DOE would be coming to Ohio. Mr. Reeves said he was not aware of any plans to do so. Mr. Owen wondered if they were targeting certain states. Mr. Crose said that Ohio was on the list, and said that the letter was addressed to the Western Governors' Association, as the Western states were to be trained first. The Western Governors' Association interacts with the Southern States Energy Board. According to the list, Ohio was to be trained at the same time as Indiana. Training is to be centered along I-70, and the dates are August 22-26.

Mr. Owen asked for the DOE point of contact for Mr. Reeves. Mr. Crose provided this information, and offered to provide copies for anyone who was interested. Mr. Crose added that there was a list of elements that DOE wants states to respond to before they do the assessment. One of the questions Indiana had was what exactly DOE was going to do, as it's not really clear. Ms. Sattler asked if this was in relation to the shipments of transuranic defense waste to the Waste Isolation Pilot Plant. Mr. Owen and Mr. Crose said yes.

Ms. Sattler inquired as to who was the Ohio member of the Southern States Energy Board Transuranic Waste Working Group. Mr. Owen responded that it was Jim Williams. Mr. Crose said Indiana was involved in this group, which is why they received the information. Ms. Sattler said that the states involved in the group were Illinois, Ohio, Indiana, and Missouri. As there were only four Midwestern states, they belonged to the Southern States Energy Board group.

Mr. Crose said the shipments would be going by truck on I-70 or by rail across the southern part on Indiana. Mr. Borchert asked if everyone could get copies of the letter, as it raises an issue of concern in his own mind. If DOE is putting together an assessment team to look at the needs of a small group of states, Mr. Borchert wondered, what about the rest of the states that are going to be impacted by transportation of spent fuel.

Mr. Borchert felt that the committee should put together a response and make sure that DOE prepares for all shipments in the same manner as it is for Waste Isolation Pilot Plant shipments. There is a lot of material crossing the country every day, Mr. Borchert said, and felt he could speak for everyone on the committee when he says that states have a better idea than DOE of what training is necessary. States don't need DOE coming out and telling them what they need and what they don't need.

**Illinois:** Mr. Tim Runyon reported that Illinois is dealing with some of the same issues already mentioned. The state also received the Southern States Energy Board training questionnaire. He took a preliminary look at it, and he is not sure what DOE is going to do for a week in Illinois. Illinois will respond to the questions, but the state is also not interested in having DOE tell them how to run their program. Mr. Runyon is not sure how this issue will be resolved, especially if DOE tells them they need to change their way of operating. Historically, Illinois does not train local responders. Rather they provide qualified responders to the incident. Mr. Runyon speculated that Illinois may have to change its methods to be in line with the rest of the corridor states in training local responders, but this is still vague.

Illinois recently got the cesium-capsule information but did not have enough time to comment on it. The Illinois Department of Nuclear Safety decided to handle these shipments even though they are not spent fuel and do not fall under any regulations for escorts or inspections. However, Mr. Runyon said Illinois will try to arrange with the shipper to inspect the shipments. Instead of escorting, they will try using TRANSCOM to track the shipments.

Mr. Runyon said Illinois is having experience with DOE shippers who have not shipped under commercial regulations in the past. Usually, when Illinois gets a notification from a DOE shipper saying they are shipping under commercial regulations, they're really not. The requirements include things such as reporting the time of arrival at the border and specific shipment information. Illinois is finding that the shippers do not see the need to provide this information. The state is trying to point out that if they don't know when the shipper is going to be at the border, they can't inspect the shipments.

There are some other Illinois issues that are not related to high-level waste but will have an impact on future radioactive waste transportation. Mr. Runyon reported that Illinois will be shipping 250,000 cubic yards of thorium- and radium-contaminated materials from northern Illinois to Envirocare in Utah. This will be a big shipping campaign that will probably be by rail. One of the sites is a residential area in Ottawa that was contaminated by radium-dial facilities. The two other sites are the Kerr-McGee factory site in West Chicago, which includes 43 acres of contaminated material, and residential areas and a public park associated with the Kerr-McGee factory.

Mr. Flater asked Mr. Runyon what kind of shipment notification Illinois is providing to adjacent states. Mr. Runyon said nothing yet. Part of the problem with the shipments, he explained, is that this is an election year, and in the last six weeks, the pace of the cleanup was tripled. Mr. Runyon was not sure of the source, but his department received word that "dirt will move," so the department will be playing catch-up for awhile.

In response to a follow-up question from Mr. Flater, Mr. Runyon said that no routes had been established, but the Illinois Department of Nuclear Safety was still negotiating with railroads. He assumed that for the Kerr-McGee shipments, the materials would go on the Elgin, Joliet & Eastern line, which will tie in to the Burlington Northern. Mr. Flater said that was what he thought, as it seems like the logical route to Utah. Mr. Runyon said the trains should be dedicated, and the materials will be transported in closed-top gondolas for the Kerr-McGee shipments. The Ottawa shipments may also go in gondolas but will be packaged.

**Kansas:** Mr. Frank Moussa said Kansas is using Hazardous Materials Transportation Act funds to do a corridor study, as Kansas has no accurate assessment of what's going through the state, other than by rail. The study will also assess a regionalized hazardous materials team concept. Mr. Moussa informed the committee that 80 percent of Kansas' responders are volunteers, so hazardous materials response capability in every county is not possible. The last part of the study will be to analyze the costs of the regional teams.

In addition, local planning committees could be able to update the data after the study is complete. Developing a software package for this task is part of the state's contract with the University of Kansas for the study. The study will allow the state to focus training efficiently and have hazard-specific training based on what is going through an area. Mr. Moussa reminded the committee that Kansas' four main routes are Interstates 70, 75, 81, and 35.

Kansas is looking at Hazardous Materials Transportation Act funds and FEMA for grants, although FEMA will soon stop providing training grants. Another option is to reevaluate the Superfund Amendment and Reauthorization Act program fee system. He noted that training needs to be realistic and said it was much better than it was four years ago but still needs improvement. The state is

constantly trying to decide how much training to give volunteers and how much should be provided for them to do themselves.

Mr. Moussa said notification of shipments has been spotty. He is not pleased with the system, but he does not think his problems are any different than any other state. Kansas does very well with Department of Defense shipments, but with private shippers there are problems.

Mr. Moussa reported that the Wolf Creek nuclear power plant is not facing any storage crisis yet, as it is a young plant, and that all low-level waste generated in the state is stored on-site.

Mr. Lange asked Mr. Moussa how he knew about shipments if he is not notified of them. Mr. Moussa said that shippers are often stopped for other violations by the highway patrol, who, in turn, call him. He assumes that there are more that are not stopped. Mr. Lange said that if states received copies of the DOT reports, states could learn of more shipments.

Mr. Borchert asked the state legislators if they had anything to add at this point. Senator Beverly Gard (Indiana) said she appreciated the fact that legislators were on the committee, and was interested in knowing what possible state legislation could be introduced. Senator Don Sallee (Kansas) said he also appreciated being brought into the process, and said being on the committee would be a beneficial learning experience.

Mr. Bill Naughton said ComEd was one of the utilities involved in negotiations with the Mescalero Apache tribe to create a private interim storage facility. He pointed out that although many people call it a Monitored Retrievable Storage (MRS) facility, legally, it's an Independent Spent Fuel Storage Installation, or an ISFSI. There are four phases of the program. The first phase ended June 1, and was the preliminary design and financial analysis. Initially, it was hoped a dozen utilities would sign on, but 33 ended up committing to phase 1.

Phase 2 began June 1 and ends October, and is the negotiation phase. Financial statements and technical regulatory plans will be prepared. Phase 3, starting in October, involves a binding commitment to fund a design and license a facility. This phase will run until late 1996 or early 1997. Phase 4 is the actual construction and implementation of the facility, to begin operation in 2002. ComEd is currently involved in phase 2.

Mr. Naughton reported that the Dresden 1 nuclear reactor near Morris, Illinois, has been shut down for a number of years, and the decommissioning plan has been approved. The reactor is in SAFSTOR mode, but the spent fuel pool is almost 30 years old. Since DOE will probably not pick up fuel in 1998, ComEd has to decide what to do with the fuel. Some of it is being stored in the Dresden 2 and 3 pools, which hastens the date at which those reactors reach full-core reserve (currently, 2001 and 2002, respectively.)

Dry-cask storage looks to be the best storage method, and ComEd is looking at building a pad to handle all of the Dresden 1 fuel and some of the Dresden 2 and Dresden 3 fuel, as opposed to transferring it to other plants. ComEd will be going out for bids on this soon. This was one of three options, so it is not yet guaranteed that ComEd will go this route. Mr. Naughton noted the Midwestern public has not reacted favorably to dry-cask storage. Other options include shipping fuel to the LaSalle nuclear plant and continued storage at Dresden 2 and 3.

Mr. Naughton reminded the committee that states will no longer be allowed to ship low-level waste to Barnwell as of July 1. He said he had heard, however, that any truck that gets its paperwork signed by midnight June 30 will be allowed to leave its waste at the site.

ComEd commented favorably on having research reactors exempted from a \$60,000 - \$65,000 a year NRC license fee, as the fees would have negatively impacted university nuclear programs. Mr. Naughton reported that the NRC has approved the exemptions.

ComEd and DOE have a matching grant program for nuclear engineering education. ComEd gave \$50,000 each to programs at Illinois, Purdue, Michigan, Wisconsin, and MIT to use as they saw fit. ComEd is about ready to approve the third year of this five-year pilot program, Mr. Naughton said, and will contribute around \$250,000, matched by DOE. Sixteen other universities were able to get matching grants from other utilities.

Mr. Runyon asked for clarification on ComEd's bid for dry casks. Mr. Naughton said ComEd has not gone out for bid yet, but Duke Engineering is in the final stages of preparing the specifications. He suspects that the company did not want to release the bids before the end of the legislative session. Mr. Runyon said he provided some environmental data for on-site low-level waste storage. Mr. Naughton said there is a possibility of building a low-level waste storage area at Dresden. However, if a high-level waste storage pad is to be built, the land should not be disturbed.

Mr. Runyon asked about testing of the Dresden 1 spent fuel pool. Mr. Naughton said tritium has been detected next to the facility. ComEd has developed four extra tritium monitors next to the pool. He pointed out that it was a concrete pool. Mr. Runyon added that readings are hard to publicize because the numbers indicate a couple hundred picocuries per liter of tritium.

Mr. Borchert asked Mr. Runyon to explain some of the terms in the conversation for some of the newer committee members. Mr. Runyon explained that tritium is radioactive hydrogen, and, as it exists everywhere in the atmosphere, it is very difficult to control. It is not a significant risk, but it's also very difficult to detect and measure. The minimum dose for detection is in the 200 picocurie per liter range. Therefore, Mr. Runyon explained, it can be said that there is something there, or that there is nothing there, and you are saying the same thing.

Mr. Borchert asked if surface water readings near Dresden 1 were the same as near the pools. Mr. Runyon said yes, and that is why his department knows the pool is not impacting the environment. Mr. Naughton added that other site wells are monitored as part of the environmental monitoring program and there is no migration into the groundwater.

Senator Sallee asked for some further clarification on the conversation. Mr. Runyon explained that Dresden 1 was one of the first commercial reactors ever built and that the pool contains spent fuel. He explained that any tritium detected is not necessarily a result of the spent fuel itself but any other operations done within that pool. For example, other reactor components were cut up in the pool, which increased the tritium level. Mr. Naughton added there are very few spent fuel pools that are concrete. Most are steel-lined, and would not experience the same situation. Dresden 1 has been out of service for more than 10 years and has been in safe shut down mode.

Senator Sallee asked if containment of radioactivity in this pool has been successful. Mr. Runyon said they have been successful in containment with old technology, and the new technology would be even better. ComEd, he feels, will learn a lot when they start taking the reactor apart. Mr. Naughton said the fuel and the technology are very old. This is why Multi-Purpose Canisters are a good option, he said, as the fuel will be moved once. The more times old fuel is moved, the greater the risk of deterioration. However, he explained, because it is such old fuel, the amount of radioactivity is very low.

Mr. Dave Cudmore (Nebraska) told the committee that Nebraska, as part of a cooperative agreement with FEMA, will be looking at completely revising the state's radiological emergency response plan for non-

power reactors, which would include the transportation plan. Nebraska wants to incorporate all high-level waste issues and considerations.

Since September of 1993, Nebraska has held 34 radiological monitoring classes that stress to local responders that Nebraska will be a main corridor for spent fuel shipments. Training has been concentrated on the two nuclear power plants within the state — Cooper and Fort Calhoun. The quality of the training has been enhanced by funding from the plants. Argonne and Idaho National Engineering Laboratory have evaluated the training, and FEMA has recognized the course. Mr. Cudmore also reported that Fort Calhoun and Cooper have realigned their spent fuel pools to allow storage until 2006 and 2008, respectively.

Mr. Borchert said Cooper went through an exercise a few years ago involving 34 shipments of spent fuel out of the pool. This was incident-free. Local responders, however, were complacent and would not show up for training, as materials have been moving through the state for years without incident. They began showing up when the utilities provided refreshments. Another issue was if federal safeguard requirements would allow local jurisdictions to know when shipments were coming through. Public distrust of anyone who works with radioactive materials is also a problem.

Mr. Flater said that in Iowa, DOE seems not to have not been obligated to say anything about their activities to anyone until recently. He mentioned that in Ames, you can see the distrust whenever DOE is mentioned. He understands, as he has also had problems trying to get information from DOE.

Mr. Crose said Indiana has done basic radiation training at the local level and in some cases, radiation equipment is stored at the local fire station. The question now is how much more training to provide.

Mr. Moussa said his concern was that FEMA will no longer be providing civil defense training, and nobody knows if DOE will be getting involved. In Kansas, this is a \$60,000-a-year program. FEMA is saying it is now a DOE issue, but DOE is saying the equipment is not their responsibility. The states do not have the money to carry this program on their own. Another issue, he said, is training hospitals. Some are trained in relation to nuclear power plants, but now hospitals along corridors have to be trained. Some do not have the equipment or the capability to handle radiological transportation accidents. Mr. Moussa referred to a DOE presentation yesterday that scheduled DOE-sponsored training in 2006. This, he said, will not be sufficient time to prepare.

Mr. Crose said one the things Indiana is doing in conjunction with the Southern States Energy Board is assessing hospital capabilities. Mr. Borchert said hospitals need to understand that the kind of medical radioactive materials they deal with are not nearly as radioactive as spent fuel and the contamination levels for spent fuel are potentially much higher. He does not think hospitals understand this. He agreed that 2006 is not adequate, and that 1995 is a better date to begin training.

Committee Discussion. Mr. Borchert brought the discussion to the issue of DOE's professed lack of resources. He did not feel the department was being truthful. He quoted from a document about the Transportation External Coordination Working Group — "The Transportation External Coordination Working Group is comprised of seven DOE program offices with transportation planning or operations responsibilities." He emphasized that seven offices were involved, and he feared that these offices do not communicate.

Mr. Borchert pointed to the cesium-capsule shipment environmental assessment as an example. He said he got a call from someone in DOE asking who they should send an environmental assessment document to in Nebraska. Mr. Borchert told this person that it should be sent to his office. The document arrived by Federal Express COD, and a response was due back in fourteen days. Mr. Borchert made some

comments, then called Mr. Flater and asked him if he was aware that these shipments would be coming through Iowa. Mr. Flater was not.

Mr. Borchert asked someone from the Missouri Emergency Management Agency was told that the Department of Natural Resources received it and informed the Emergency Management Agency. Looking at the document, Mr. Borchert found out that it went to another office in Iowa. Mr. Borchert asked Mr. Flater if this office had any responsibility for radioactive materials and Mr. Flater said no.

Mr. Borchert also referred to a DOE presentation yesterday on the Multi-Purpose Canister program relating to efforts to develop a 125-ton rail cask. However, DOE is unsure if the railroads can support the cask. Mr. Borchert offered that perhaps these efforts were premature. Another issue is DOE's notice of inquiry for the potential impacts of at-reactor storage. Mr. Borchert wondered if this was something that regulators need to be taking back to state legislatures and governors. If it is discovered that spent fuel will be stored in dry-cask facilities, Mr. Borchert asked, will the regulators have to explain why they did not pass this information on?

Another problem, from Mr. Borchert's perspective, are the different radiation protection standards from different federal agencies. The EPA, the NRC, and DOE all have different standards. He referred to radiation protection regulations in 10 CFR 20 that allow an exposure to a member of the general public of 100 millirems per year. However, a fetus can get 500 millirems per year. Many committee members agreed that these regulations don't make any sense. Mr. Borchert said it was no wonder the public lacks trust in agencies to safely regulate nuclear materials. Mr. Moussa agreed that situations like this are affecting planning efforts.

Mr. Borchert explained that the NRC wants site decommissioning doses to be as low as 15 millirems per year. However, the same facility, under a radioactive materials license for 10, 20, or 50 years, can expose the general public to 100 millirems per year. Mr. Borchert wondered which number was correct and what the biological justification was for the difference in the numbers. He also questioned if these dose limits can even be measured or confirmed and expressed concern about the capabilities of certain pieces of monitoring equipment.

Mr. Runyon said residents around the Kerr-McGee site wanted the materials moved instead of entombed in place. Entombing would have the potential for groundwater contamination, but now that materials are ready to be moved, residents see exposure from transportation as unacceptable. Mr. Borchert pointed out that the lowest dose level from a nuclear power accident necessary to allow residents back into the area (he believes 500 millirems per year) are higher than decommissioning levels promulgated by the NRC. Yet the EPA is the one that developed the protective action guides. The question he has is what kind of messages are people getting from these dose limits.

Senator Sallee wondered if anyone really knows what is "safe." He believed tolerable limits need to be established. Mr. Borchert agreed and said dose limits can be compared with natural background exposures, as a person can get 100 to 300 millirems a year from natural background radiation. He also believed that in areas of the world where background levels were naturally higher, people lived longer and had better lives. "As Low As Reasonably Achievable" is the best philosophy, but this is not possible below a certain point.

Senator Sallee said another problem seemed to be that the federal government has many different departments working on this issue and they do not coordinate their efforts. Perhaps, he said, state legislatures have to ask the government to stay out of these areas if they cannot handle them properly. States are tired of orders and mandates from the federal government, especially if they do not know what they're doing. Referring to Mr. Moussa, Senator Sallee said state regulators have a better idea of what's

going on than the federal government. He wondered if we could learn anything from people contaminated by radioactive fallout after the bombing of Hiroshima and Nagasaki.

Mr. Flater said the people who moved back into those areas "did us a favor," so to speak, by demonstrating the effects of radiation on the human body. He also said that some states do have dual authorities in this realm. One agency may deal with all waste and one may deal with radioactive materials. States also need to do some consolidation, although not as much as the federal government. The NRC, the FDA, and DOE are all involved, but they are not talking the same language.

Mr. Borchert referred to the Chernobyl accident, which resulted in high, intense doses. The surrounding communities are manifesting negative health effects. He said there are good data at higher exposure levels, but not at the lower levels. He explained the different ways of looking at the effects of exposure to radiation. Senator Sallee addressed the concept of risk. People take risks everyday, he observed, and we have to be realistic about these risks. Mr. Borchert called this the "\$64 question."

Ms. Sattler asked the committee if they had heard anything about the reorganization at the Office of Civilian Radioactive Waste Management (OCRWM) and, specifically, if they thought the transportation program was in any way threatened. Mr. Moussa wondered how the program was going to work if it was run by people who had no experience with transportation issues. If the program was broken before with experienced people, Mr. Moussa wondered what it would be like after the realignment, and emphasized that time was running out.

Mr. Naughton mentioned that at the stakeholders' meeting on May 21, the people from Nevada and other organizations chastised OCRWM director Dan Dreyfus, saying that of all the organizations, transportation seemed stable and responsive. People are upset and concerned about the transition, he said, and reminded the committee that this issue was touched on in the afternoon session of the TCG meeting yesterday. The message has been given to DOE twice that they are making a stable program unstable.

Ms. Sattler said she asked Elissa Turner, the current DOE manager of the cooperative agreement, what the reason was behind removing all these people from transportation — was Dreyfus not satisfied, or were they doing such a good job that he decided these people should be working on more important issues in transportation and storage. Ms. Turner said none of the above.

Mr. Flater said he heard comments yesterday suggesting DOE saw the progress that was being made and decided that it should stop. He said he's not too sure that's not true. The committee was starting to understand the issues and knew who they had to talk to if there was a problem. With new people, he observed, no matter their education, they have to get up to speed on the issues.

Mr. Moussa concurred. The issues present a challenge, he said, as you have to learn acronyms, regulation numbers, how nuclear power plants operate, and disposal time frames, among other things. Issues and needs in the Midwest are different from other regions, he added. Mr. Borchert asked the committee if they wanted him to express displeasure at the reorganization during his cooperative agreement update this afternoon. The committee said yes. Mr. Crose expressed concern that progress had been slow up until now, but from now on it was going to be really slow.

Ms. Sattler said one of the biggest impacts will be on the TEC working group, which is, she feels, one of DOE's most successful efforts to involve stakeholders. The TEC working group has finally started to work, and now half the DOE staff are going to be brand new. She mentioned that she had asked Ms. Turner if she and Susan Smith, one of the DOE chairs of the TEC working group, will be at the upcoming meeting. Ms. Turner told Ms. Sattler she did not know, and that OCRWM may not even be participating.

Mr. Moussa inferred from Ms. Smith's letter that she would no longer be involved in any way in transportation. Ms. Sattler felt the transportation staff was not pleased at their new assignments.

Mr. Flater asked Mr. Borchert if the committee should express their displeasure in writing. Mr. Borchert said he had discussed that with Ms. Sattler, and they weren't sure who in DOE to send it to. Mr. Flater said the quickest way to get it noticed was to send it to the person in charge of the region, or to Secretary O'Leary. Ms. Sattler pointed out that Secretary O'Leary never responded to the committee's letter on full-scale cask testing. Mr. Flater said Secretary O'Leary herself may not respond but she will make sure someone does. Mr. Borchert said he thought he did receive some kind of response on the full-scale cask testing letter. Ms. Sattler was surprised, as the Midwestern Office of the Council of State Governments' address was on the letterhead, and therefore, she thought any response would come to her. Mr. Flater said this was not necessarily true. Mr. Borchert said he would check to see if he did receive a response.

Senator Patty Judge (Iowa) told the committee that her interest in radioactive waste issues began a year and a half ago when there was an attempt to build an MRS facility in her district. She said the initiative came out of nowhere, and as the public knew and understood nothing about the idea, there was an immediate outcry. Senator Judge said she did not know if the facility was good or bad, but she knew that the process was handled badly. The way you get public support is through public education and understanding, she said, which had not been present in this process. She sponsored legislation that stopped the process, and she said she does not apologize for this.

She said she would have gladly visited with DOE or anyone that wanted to talk about the facility, but one ever tried to contact her. Mr. Flater said that DOE did not even talk to his office, even though they would have to license the site, as it would have been a storage facility, not a waste facility. Senator Judge said she received a copy of the cesium-capsule environmental assessment, which Mr. Flater did not receive. No wonder there are problems with public perception, she said. She was under the impression that it was impossible to site an MRS facility in this country, but learned yesterday that there are at least three groups interested in hosting the facility.

Senator Judge also referred to the MPC program, saying that it seems DOE is spending billions of dollars to store and transport spent fuel to a site that doesn't exist on rail lines that can't carry it. Mr. Moussa said she had accurately summed up the situation. Mr. Young added that the repository is on land that can't be built on, referring to tribal challenges to DOE's right to Yucca Mountain. Mr. Borchert asked her if she would have believed Mr. Flater if he had told her how crazy this situation was, and Senator Judge said no.

She said she is really concerned about current shipments of radioactive material, as rail lines in her district are in poor condition. She knows the small communities the rail lines cross are not equipped for accidents. Rural hospitals, too, are not equipped. She said there is much to do, and the public needs to be brought in. Her experience has taught her that when the public is excluded, there are problems.

Mr. Borchert echoed her concerns. He said in Nebraska, a company wanted to build an irradiator facility in a small town to sterilize medical equipment. The state told the company to hold public hearings. The company said they did not want the public to know what they were doing. Mr. Borchert told them they could hold the hearing themselves or the state could do it for them. After Mr. Borchert told some local officials that the project should be safe, the facility was sited with no problem. The facility holds seven million curies of cobalt 60, which is transported often across the state. The only incident has been a fire at one of the facilities.

Mr. Kerr asked for clarification on the cesium shipments, asking if the shipments would be subject to regulations under 49 CFR Parts 71 and 73. Mr. Borchert said he didn't think so. Mr. Kerr said he is concerned, referring to the letter written to Ms. Smith and Judith Holm on behalf of the committee

regarding the cesium shipments. He read from the letter — "To improve its procedures for distributing information on shipping campaigns, DOE should routinely contact three agencies in each affected state: those in charge of emergency management, public health, and natural resources."

Mr. Kerr said he rarely disagrees with Mr. Borchert, but if the cesium capsules do fall under part 71 or 73 shipments, he has a problem with the idea, as it would be DOE's responsibility to identify and notify one appropriate agency. This is fair and this improves operations. Mr. Kerr said he has battled long and hard in Minnesota to get responsible parties to make notifications. He is concerned that DOE not be burdened with the responsibility to notify many different state agencies. It is the state's responsibility to give DOE the name of a single individual to notify. If multiple parties are involved, all involved may not get all the necessary agencies and there may be no accountability. He would not want to suggest that DOE eliminate the current procedure of one point of contact for part 71 and 73 shipments.

Mr. Borchert said he did not think that was the intent of the letter. The intent was to inform DOE that they need to be aware of all the groups in the respective states responsible for radioactive materials transportation, as it is not the state's responsibility to make sure that these documents get to the right people.

Mr. Kerr said it was a matter of clarification, and if the shipments fall under part 71 or 73 shipments, notification of other agencies is the state's responsibility. Mr. Borchert asked Ms. Sattler if the cesium shipments fell under those regulations. She said she did not think so. Mr. Kerr pointed out that the letter said "for distributing information on shipping campaigns." Ms. Sattler said in a lot of the TEC discussions, DOE has talked about sending out shipping campaign guides and send them out to the appropriate contacts in the states, and as far as the cesium-capsule shipment assessment, this did not happen. In fact, in Illinois, it appears a consultant not connected with the state was contacted.

Mr. Kerr agreed there was a problem with the distribution of the environmental assessment. Ms. Sattler said the letter is just a suggestion for how to contact the right people. First, she said the Richland operations office should have contacted OCRWM to see who the appropriate agencies were.

Mr. Flater said OCRWM has paid for two different documents — by the Conference of Radiation Control Program Directors and the National Conference of State Legislatures — that list all state contacts with radioactive materials transportation responsibilities — and they both contain different names. Mr. Flater said he supports Mr. Kerr's concerns, as in Iowa, all shipment information goes to disaster services. However, if DOE contacts seven offices, each office will have different information.

Mr. Borchert mentioned that the National Conference of State Legislatures, under a grant from OCRWM, produced a state radioactive materials statute compilation. He was disturbed because it contained the Central Interstate Low-Level Waste Compact Law, which contains nothing about radioactive materials transportation. He felt a listing of radioactive materials transportation statutes was misleading. He expressed concern that regulators are getting incorrect information. He was also disgusted that DOE claims to lack funds yet spends money on these documents.

Mr. Kerr said many well-meaning people have attempted to compile lists of people with radioactive materials responsibilities, but they may add to the confusion. He does not think it is reasonable to tell DOE to notify one person in one situation and another person in another situation. This may cause problems in an emergency situation.

Mr. Naughton pointed out that lists will never be completely up to date. The only people, he feels, who can get information out in a timely manner are Ms. Sattler and Ms. Carol Kania of the committee staff, as the committee is already working with them. He suggested that DOE use the Council of State Governments as a focal point, as they can get the information out in a timely manner. If DOE sends the

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information goes to the wrong person, he noted, by the time it gets to the right person, the deadline is passed. Mr. Kerr said the Council of State Governments would not be good contacts for parts 71 and 73 information. Mr. Borchert agreed about parts 71 and 73 information, and said that the letter was written to deal with this specific issue to let DOE know how many people will have input. Mr. Kerr reiterated that different notification systems would set DOE up for failure.

*Other Committee Business.* Ms. Sattler mentioned that the committee was running short on time and that there were a few business items that needed to be covered. The next TEC working group meeting would be in Denver, July 11-13. She asked Mr. Borchert if he would be able to attend. Mr. Flater mentioned there was an agreement states meeting that week that would prevent him, Mr. Borchert, and Mr. Owen from attending. Mr. Crose said he had an HMTA meeting. Mr. Runyon said he might be able to attend.

Ms. Sattler said the next committee meeting would probably be in Chicago in early December, as the spring meeting was a month later than usual. The committee asked that the date be established early. Ms. Sattler said she would send out a calendar.

Mr. Borchert reminded the committee that he had been chair of the committee for the last two years. He asked the committee if they wanted to rotate the chairmanship. The committee unanimously agreed to continue with Mr. Borchert as chair. He thanked the committee, and expressed hope that he was doing a good job and that he was raising some issues that need to be addressed. He said he has been in state government for a long time, but this year, in particular, things seemed convoluted, screwed up, mixed up, and messed up, with no end in sight. He felt he is not allowed to do his job, and is spending much of his time generating paper based on mandates from the federal, state, and local governments.

Mr. Naughton said one of the issues at the stakeholders' meeting was getting DOE to put their schedules through rulemaking, as it takes two years to get everything in order when administrations change. It would be difficult, but things may run more smoothly. Mr. Borchert expressed appreciation to Ms. Sattler and Ms. Kania for making his job easier. Ms. Sattler, he said, writes good letters, and Ms. Kania is always there to answer questions and takes care of things quickly.

Mr. Borchert said he would try to reflect the committee's concerns when he gave his report before the TCG that afternoon. The committee members have the task of protecting the health and safety of the public, he said, and cannot lose sight of that. Mr. Naughton said it was interesting that the committee had a greater feel for the necessity of public trust and confidence, as opposed to the federal government, which still seems to believe that the public should not be involved. Mr. Borchert suggested that this was a Midwestern quality, and regulators have to be willing to sit down and roll up their shirtsleeves and talk to the public.

Mr. Borchert adjourned the meeting at 10:20 a.m.