

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

Hyatt Regency Chicago  
Chicago, Illinois

April 13, 1995

Mr. Harold Borchert (Nebraska) called the meeting to order at 8:45 a.m.

**Update of Project Activities**

Ms. Lisa Sattler reported that the cooperative agreement was on track. Committee staff plan to update the *Handbook of High-Level Radioactive Waste Transportation* later this year. In addition, staff will prepare an informational pamphlet on the committee and the project, which should be finished this summer.

**Roundtable Discussion of Midwestern State Developments**

Mr. Borchert asked the committee to report on radioactive waste events and news in their states.

Mr. Bob Owen (Ohio) reported that the Utility Radiation Safety Board will be submitting a resolution to Ohio's Congressional delegation regarding DOE's responsibilities for acceptance of spent nuclear fuel and the federal nuclear waste legislation. Mr. Owen said the resolution should be in line with NARUC's and with the committee's resolutions. After trying to coordinate responses to the 180(c) questionnaire, Mr. Owen said many in his state have come to the conclusion that, in order to comment thoroughly and accurately, Ohio needs to know what routes DOE plans to use to ship spent fuel.

Mr. Don Flater (Iowa) reported that there was not a lot going on in his state in the area of high-level waste. He added that the Department of Health conducted some hazardous materials training with the Department of Transportation, and the University of Iowa is in the process of getting rid of some chemical mixed waste from the Ames site.

Lt. Lyle Walheim (Wisconsin) reported that the Point Beach Nuclear Power Plant's dry-storage facility is under construction and the casks will be loaded this fall. It has also been determined that, for now, in Wisconsin, the division of highways will have the authority to designate alternate routes.

Mr. Rick Hand (Illinois) told the committee that a shipment of waste from Hanford had been delayed before it reached Illinois, but the state was not notified. The state called the emergency number at Hanford, but there was no knowledge that the shipment was on the road, and Hanford did not have the carrier's number.

Mr. Hand reported that staff from the Illinois Department of Nuclear Safety went to Canada and Brazil to help with emergency planning activities in those countries. Radium dial clean up in Ottawa, a Superfund project, is ongoing. Clean-up of a Kerr-McGee site in West Chicago will begin next week. IDNS and Indiana will hold an ingestion pathway exercise involving the Dresden Nuclear Power Plant this summer.

Mr. Thor Strong (Michigan) reported that the Sixth District Court of Appeals ruled in favor of Consumer's Power Company, allowing the utility to continue storage of spent nuclear fuel in cement casks at the Palisades Nuclear Power Plant. The Michigan Attorney General had challenged Consumer's right to store waste in dry casks without a site-specific environmental impact statement.

Big Rock Point Nuclear Power Plant submitted its decommissioning plan in March and will begin decommissioning five years from now. Mr. Strong said he is not sure how the plant will store its high-

level waste but the plant will store low-level waste on-site until 2023. Michigan has also decided to adopt a voluntary approach to siting its low-level waste facility.

Mr. Tom Lange (Missouri) said there was nothing new to report regarding high-level waste, but he mentioned that, as NEPA coordinator, he is looking at 10 to 12 environmental impact statements where he used to see one or two. He added that Missouri is doing a route study and road improvement project, which could affect routing.

Mr. John Kerr (Minnesota) reported that the first cask will be loaded at the Prairie Island Nuclear Power Plant this fall, with one loaded every month or so thereafter. Mr. Kerr reminded the committee that the law allowing Northern States Power (NSP) to store waste on-site authorizes a three-phase cask utilization system based upon NSP meeting a number of conditions involving an alternate storage site and wind and biomass power generation requirements.

NSP established the Goodhue County Alternate Spent Fuel Storage Facility Siting Advisory Committee. This committee includes local government officials and interest groups. There is a long list of criteria to select a site. Five sites were narrowed to three, all about 20 miles from the plant. Mr. Kerr also mentioned that shipments to an alternate site would have to comply with a state law which requires shippers of nuclear waste to pay a minimum of \$1,000 per shipment (the fee was \$2,000 during the Morris campaign). Mr. Strong asked what the rationale was for siting the waste off site. Mr. Kerr replied that it was the perceived threat of having the site so close to the river.

Mr. David Crose (Indiana) said he felt that the 180(c) questionnaire completed by the committee was a good idea. Indiana will be taking a look at the routes identified by the Nevada study and will try to assess preparedness, rather than wait for DOE to designate routes. He reported that the state wants to train some of the 50 response teams throughout the state to be capable of responding to a radiological materials incident. Indiana might undertake its own survey of rail capabilities. He stressed that the state trusts the rail companies, but might conduct its own safety check of the lines.

Mr. Crose reported that the 180(c) resolution introduced in the Indiana Senate by Senator Gard had its third reading in the Senate and should be passed. He also reported that he was involved in the selection of the WIPP carrier. After a technical evaluation by the five-person committee, DOE selected Colorado All-State Transportation for a five year, \$1.6 million contract.

Mr. Crose also asked about the status of the Davis-Besse plant in Ohio. Mr. Troy Reeves reported that the pad for the NUHOMS system has been built and the casks will be loaded in the fall of 1996.

Mr. Borchert reported that some Nebraska senators introduced a high-level waste liability act that would identify who is responsible in case of an accident. There is some question as to whether liability has already been established in the Atomic Energy Act. He reported that the Department of Health is coordinating with the Department of Transportation and Highways to develop a list of what they will need from Section 180(c). The Governor will support this plan. Mr. Borchert said he felt CSG-MW should be the repository for these plans if other states prepare them. Mr. Kerr agreed with this idea but cautioned that preparation of these plans will be difficult until DOE selects the routes.

#### **Committee Discussion**

Mr. Owen suggested holding a routing workshop at the next meeting. The committee discussed the possibility of inviting other state agencies to the workshop. Ms. Sattler agreed it would be a good idea to involve other state agencies, but indicated that the cooperative agreement could only pay for one person per state to attend. The committee also discussed the idea of holding the workshop in conjunction with the next meeting of the Southern States Energy Board, which is already planned for November. The committee directed Ms. Sattler to set up a routing workshop for the next meeting, and

to coordinate with SSEB and the other regions. Mr. Borchert said he felt DOE had already designated three de facto routes with the low-specific activity nitric acid shipments.

Mr. Bill Naughton recommended that, even though the committee's response to the 180(c) Notice of Inquiry will represent the views of the 12 Midwestern states, each state should consider sending DOE a separate response, as DOE counts responses and not the number of states signing on to each one. Referring to earlier comments about problems with shipment notification, he asked if the problems were just with DOE-to-DOE shipments or if the problems occurred with private carriers also. The states agreed that it was just intra-DOE shipments.

Mr. Flater asked Mr. Bill Sherman, interim co-chair of the Northeastern Radioactive Waste Transportation Task Force to share some comments made by a representative of the Nuclear Energy Institute. Mr. Sherman reported that the NEI representative said she thought the joint resolutions passed by the committees constituted lobbying, and that the committees were prohibited from lobbying under the terms of their cooperative agreements. Mr. Sherman, however, said the committees should pass resolutions. Mr. Naughton was asked what he, as a utility representative, thought about the committees' passing resolutions. He said, from his limited knowledge of the structure of cooperative agreements, he did not see a problem with it.

The committee then discussed the proposed committee rules. Mr. Strong suggested the committee should ask the legislative members how they would feel about designating a proxy from a state agency to attend meetings for them. Mr. Flater suggested having the vice-chair ascend to chair. Ms. Sattler cautioned that the committee would then have to elect a vice-chair in case of a vacancy rather than having the chair appoint one, as written in the proposed rules. The committee agreed this was acceptable, and Ms. Sattler said she would revise the rules to reflect this change. Mr. Crose was unanimously elected vice-chair.

Ms. Sattler asked for volunteers to attend the Transportation Coordination Group (TCG) and the Transportation External Coordination Group (TEC/WG) meetings. Mr. Borchert said he would check to see if he would be able to attend the TCG meeting. Ms. Sattler said she thought it would be a good idea to rotate attendance at the TEC/WG to give as many committee members as possible a chance to attend. As the meeting would be in Kansas City, Ms. Sattler suggested Mr. Lange or Mr. Ron Kucera attend. Mr. Lange suggested Ms. Sattler call Mr. Kucera. Mr. Strong, Mr. Kerr, and Mr. Hand said they could not attend. The committee again expressed a desire to hold a routing workshop, either in conjunction with SSEB's meeting in San Antonio or on their own in St. Louis. Ms. Sattler said she would send out a calendar with dates.

#### **Discussion of Section 180(c)**

The committee next discussed its response to DOE's Notice of Inquiry on Section 180(c). Ms. Sattler had prepared a summary of all the responses she received to the questionnaire distributed by CSG-MW.

The committee agreed to recommend the definition of safe, routine transportation developed by the TEC/WG. The committee also agreed to recommend a revised version of the definition of technical assistance developed by the committee at its last meeting. The revised definition covers "funding of pre-identified equipment."

With regard to activities that qualify for funding, the committee directed Ms. Sattler to condense the questionnaire responses into a few paragraphs or bullet lists in a format that would be appropriate for the final response. Ms. Sattler indicated that she had hoped to get more input from the committee on these activities before moving on to that step. She said it would be fine, though, if the committee preferred to comment on the activities as listed in the final response instead.

After discussing allocation formulas and pass-through requirements, the committee decided to comment qualitatively rather than quantitatively. The committee members agreed that some funding should be reserved to ensure minimum funding levels and that states should be allowed to retain a portion of the funds to cover administrative costs.

The committee then discussed mechanisms for distributing funds. Mr. Owen said the FEMA CCA process worked well in his state. Mr. Crose said the state of Indiana would rather see 180(c) money distributed in a manner similar to the way HMTUSA grants are distributed. Mr. Flater said he was convinced DOE would have to issue an RFP and enter into contracts directly with the states. Mr. Crose commented that the cooperative-agreement groups could also be vehicles for distributing funds. Throughout the discussion, several committee members cautioned that, regardless of the mechanism DOE chooses, the department should minimize the funding lost to administration. Ms. Sattler asked the committee if they wanted to recommend a "mixed bag" of options, and they said yes.

The committee decided that, although the WIEB strawman regulations contained some good ideas, at this time they would refrain from commenting on program reporting and evaluation. Several members noted that there are already federal guidelines and requirements covering such matters.

The committee decided to recommend strongly that DOE select probable routes to the repository so states can start assessing their specific needs with regard to Section 180(c).

Ms. Sattler said she would use the comments raised during the discussion to draft the committee's response to the 180(c) NOI. She will fax the draft response to committee members by the end of the following week and would hope to receive comments back by early May. The final deadline for commenting is May 18.

#### **Foreign Research Reactor Spent Nuclear Fuel Environmental Impact Statement**

Mr. Pat Wells from DOE's Office of Environmental Management briefed the committee on DOE's Foreign Research Reactor Fuel Environmental Impact Statement. He explained that DOE had given highly-enriched uranium fuel to 41 foreign research reactors. This fuel can be used to make weapons. DOE wants to encourage the use of low-enriched uranium, which cannot be made into weapons.

He told the committee that DOE had 22,700 fuel elements to return in 840 casks. There are three alternatives for managing the spent fuel — manage and accept the fuel in the United States, manage the fuel overseas, and a combination of both approaches. The overseas management of the spent fuel would involve storage and reprocessing with the reprocessed fuel converted to low-enriched uranium. DOE's proposed action is acceptance.

Mr. Wells reported that if DOE decides to accept the fuel, the department has chosen ten ports and five primary storage sites. He referred the committee to his handout for a list of these sites. There is a 60-day comment period on the EIS, from April 21 to June 20. There will also be public meetings in the port cities and the storage sites. He mentioned that the committee could obtain copies of the environmental impact statement or the summary by calling 1-800-7-EM-DATA.

Mr. Borchert adjourned the meeting at 12:40 p.m.

Prepared by Lisa Sattler and Carol Ann Kania.