

Midwestern Radioactive Materials Transportation Project Meeting Summary

Proceedings of the Thirteenth Meeting of the Midwestern High-Level Radioactive Waste Committee

Wyndam Garden Hotel
Chicago, Illinois
May 17, 1996

Committee chairman Dave Crose (Indiana) called the meeting to order at 9:00.

Project Update

After introductions, Ms. Lisa Sattler referred to the information in the briefing materials regarding the status of the cooperative agreement. She explained that the Council of State Governments had signed the contract with the U.S. Department of Energy for 1996. She reminded the committee that the grant had been cut by two-thirds this year but with carryover from last year the grant was operating with \$85,000 this year. DOE was withholding \$1,200 but CSG was attempting to recover that money. Next year, the agreement will likely have \$52,000 with no carryover.

Ms. Sattler asked Ms. Judith Holm of DOE's Office of Environmental Management (EM) about plans to expand the scope of the High-Level Waste Committee to include other DOE shipments. Ms. Holm said she had met with DOE procurement to discuss combining all transportation grants. Because of the requirements of the Nuclear Waste Fund, any consolidated transportation agreement will still have to keep Office of Civilian Radioactive Waste Management (OCRWM) funds separate, but work on other transportation activities would be coordinated with OCRWM.

She reiterated the goal of one transportation committee. Ms. Holm said the combined transportation committee could have biannual two-day meetings with one day devoted to OCRWM issues or with OCRWM funding one whole meeting a year. Any special needs such as conference calls or work on transportation plans would be taken into consideration.

Ms. Sattler asked if the combined transportation committee was a possibility for next year. Ms. Holm said yes. She added that DOE would have to think about how to accommodate activities this year such as any monitoring of movement of foreign fuels. She added that according to the 1995 transportation schedule, almost all DOE shipments traverse the Midwest.

Mr. Bob Owen (Ohio) asked what activities would be funded under the combined agreement. Ms. Holm said the committee would have at least two meetings a year along with subcommittee interim planning discussions.

Mr. Crose asked if the combined committee would see a restored budget. Ms. Holm replied that the funds would at least bring the committee back up to the previous funding level of \$158,000. She noted that EM does not have Congressional mandates to fund activities but she added that DOE wants to be consistent in its approach to transportation planning and outreach. EM has agreements with the South and West, she said, and wants to set up agreements with the Midwest and Northeast.

Mr. Harold Borchert (Nebraska) noted that the Western Governors' Association (WGA) has taken the lead on a number of transportation issues. The Midwest, he said, is trying to play catch-up but does not have the funds to deal with issues that affect the region. Ms. Holm said DOE recognized this. She showed the committee a map of Highway Route Controlled Quantity (HRCQ) and low-level waste shipments for 1996-

2030 that indicated over 2,000 shipments across the country. The Midwest will be heavily traversed. She said she could provide the committee members with projected shipments in 1996 and a breakdown of the shipments by state.

Mr. Crose said he appreciated the work of Ms. Holm and Mr. Markus Popa of OCRWM. He was concerned because the cuts in the Midwestern cooperative agreement affected outreach efforts. Mr. Ron Kucera (Missouri) asked for a breakdown of the funding for each regional group. Ms. Holm said that WGA receives \$1.5 million per year for seven states because of extensive Waste Isolation Pilot Plant (WIPP) transportation preparation. Ms. Beth Fulmer of Southern States Energy Board (SSEB) said her region receives \$150,000 from EM. Ms. Holm said EM has provided no funds for FY 1996. She added that the WIPP funding was based on the initial Western corridor for the shipments. Funds also went to states involved in foreign fuels shipments.

Ms. Sattler reported on the status of cooperative agreement deliverables. She told the committee that Ms. Carol Kania completed an update to the Report on Interim Storage of Spent Nuclear Fuel and that this was the last update that would be completed for a while because of the funding situation. The Handbook of High-Level Radioactive Waste Transportation will be published this fall, and committee staff might send out another draft for comment before then. Committee staff will also be preparing an update to the Emergency Preparedness and Response Agency Report this summer.

Ms. Sattler said she spoke with Mr. Eric Clements of Westinghouse regarding cesium-capsule shipments. He indicated that shipments would begin in July, and that the transportation plan would be available in late June or early July. She reminded the committee that the plan would go directly to the corridor states.

Mr. Crose reported on possible changes to the WIPP routes. Referring to maps comparing current and proposed routes, he noted that Indiana would no longer be a corridor state under the proposed routes. The shipments from Mound in Ohio would instead go through Kentucky. Texas would also see more shipments. He also reported on legislation that may open WIPP in 1997.

Mr. Owen said Ohio was looking at designating an alternate route to the one DOE has offered based on construction in the state and the effect on population centers. The state was sending a letter recommending that DOE not change the routes, as the changes do not seem to be in the interest of public health and safety. More population may be exposed with the new route in Ohio. The state recommends a third option of using I-70 west to I-57. Mr. Tim Runyon (Illinois) noted that the current I-70 route would take the shipments through Indianapolis and St. Louis. He added that it seemed that the proposed route would take the waste away from population centers. Mr. Crose said Indiana was in favor of the proposed new routes and he added that he believed the new routes resulted in less population exposure overall.

Mr. Thor Strong (Michigan) asked about the status of waste acceptance at the WIPP. Ms. Fulmer said that April of 1998 is the target date but that pending legislation would accelerate the schedule almost a full year. DOE just issued Revision Five of the waste acceptance criteria. She added that DOE does not have all of the TRUPACT containers necessary to conduct a full shipping campaign to the WIPP but that two shipments a week would be possible in 1997. She and Ms. Holm noted that Texas and New Mexico have sued the Environmental Protection Agency (EPA) saying that DOE and EPA have not collaborated during the review process and that the process was not adequate. Ms. Fulmer added that in the past the Western states were considered the primary WIPP corridors but now attention is turning to waste from the Savannah River Site.

Mr. Runyon asked if DOE took the states' comments on the cesium-capsule transportation plan. Ms. Sattler said DOE will incorporate them into the transportation plan.

Mr. John Kerr (Minnesota) introduced Minnesota Department of Public Service Commissioner Kris Sanda to the committee.

Mr. Crose gave a report on the Transportation External Coordination Working Group (TEC/WG) training meeting. He said the meeting went well and that states expressed a desire to see train-the-trainer courses. States also reiterated their need for 180(c) money. One big issue to be resolved is states' equipment needs. States also urged DOE to select routes. Mr. Crose discussed a matrix of training courses and said a report from the meeting will be made to the full TEC/WG.

Ms. Holm added that DOE is looking at modular-type training and providing information about shipments and letting states and localities integrate that information into their own training. A proposed mini Radiological Emergency Response Orientation (RERO) course could be offered to individual states as a train-the-trainer course. Ms. Holm said DOE was trying to incorporate more distance learning and more outreach to Regional Coordinating Offices.

Mr. Crose said the meeting attendees agreed responders have to meet the 29 CFR 1910.120 requirements as well as National Fire Protection Association standards. Indiana has 37 regular hazardous materials teams. Radioactive materials are considered just another hazardous material. Indiana, he says, trains to an awareness level. Ms. Carol Mintz from the International Association of Firefighters said awareness level training was not appropriate for first responders but for those who will be calling the first responders. Police and fire fighters should be trained to an operations level. She added that her organization was studying proposed routes for shipments from Fernald in Ohio. Mr. Crose said Indiana has a minimum 16-hour training course.

Mr. Borchert said that much attention is focused on highway population exposure but not rail shipments even though rail shipments must go through population centers. Ms. Holm reminded the committee that there are no Department of Transportation (DOT) regulations for routing highway route controlled quantities by rail. She added that in general, rail yards are separated from the general public, often by an industrial area. Mr. Borchert noted that rail lines go through towns.

Mr. Runyon said in his experience rail cars have been in the switchyards around rush hour and he is more concerned about the safety of Illinois Department of Nuclear Safety (IDNS) inspectors around the heavy train traffic than from the radiation risk. Mr. Borchert noted that that situation represented an auxiliary hazard to inspecting the cars. Mr. Bill Naughton from Commonwealth Edison wondered what the integrated total population exposure was for rail transport, as fewer shipments are necessary. Mr. Borchert suggested that calculations may show the total person/rem for rail is greater. Mr. Crose said this discussion highlighted the need for a rail workshop.

OCRWM Update

Mr. Popa updated the committee on OCRWM activities. He reminded the committee that OCRWM issued a program plan in 1994 which served as the basis for FY 1995 funding of \$522 million. The intent for this plan was to produce the repository Environmental Impact Statement (EIS), develop the Multi-Purpose Canister (MPC), and continue with Yucca Mountain characterization to determine suitability by 1998. DOE requested \$630 million in 1996. The department received \$400 million with \$85 million set aside pending legislation on interim storage. This represents one-half of DOE's request and 40 percent below the 1995 level.

Because of the cuts in the 1996 budget, 1,075 contractor jobs were eliminated. Work at Yucca Mountain was focused on the most significant outstanding technical and engineering issues. Licensing activities were deferred and the EIS was suspended. OCRWM discontinued cask development efforts and funding for cooperative agreements was reduced.

For FY 1997, the budget request is \$400 million, with \$200 million coming from the Nuclear Waste Fund. Of this, \$339 million is earmarked for Yucca Mountain work, \$89 million more than 1996. Ten million is earmarked for Waste Acceptance, Storage and Transportation, \$3.5 million less than 1996.

Regarding the Yucca Mountain project, the tunnel boring machine is 3 ½ miles in, significantly ahead of schedule. OCRWM will soon be testing the Ghost Dance Fault, and has yet to observe any water dripping or flowing into the excavation, including in fractured or faulted zones.

Mr. Kucera asked about reports of elevated chlorine levels found in the characterization area. The situation suggested higher than expected travel times for water near the site. Mr. Popa said DOE was awaiting a report on this. He said the levels were higher than expected but could be due to nuclear tests in the area. Ms. Sattler wondered why DOE had not called attention to the fact that the elevated levels were found near fractured zones, which might explain the higher rates of transport. Mr. Popa said he thought DOE's press releases noted this and reiterated that DOE was waiting for the report.

Mr. Kucera suggested that the state of Nevada would highlight the elevated chlorine levels. Mr. Popa agreed but said that from an engineering standpoint, waste can be emplaced away from faults. He added that there is the possibility that there is more cosmically-generated chlorine than previously thought.

Mr. Popa told the committee that OCRWM published the Section 180(c) Notice of Proposed Policy and Procedures on May 16. The final version is scheduled to be issued in June of 1997 but this can be accelerated if legislation mandates waste acceptance in 1998. The Notice describes proposed funding mechanisms, defines key terms, and defines eligibility and timing of grants and allowable activities. Comments are due August 15.

OCRWM intends to implement the program through an OCRWM grant program. The application process will begin three to four years prior to shipment, and this includes a one-year application process and three years to implement. Funding will be available each year there is a shipping campaign through each jurisdiction. DOE will notify the potential jurisdiction. Financial and technical assistance will be available to states and tribes, who will be allowed to determine their own training needs and requirements. Ten percent of the funds will be allowed for equipment.

Technical assistance is not defined as funds, Mr. Popa said, but as DOE visiting states to offer advice. States will determine how much they want to spend for safe routine transportation. Most of the definition of safe routine transportation came from the TEC/WG. For the first time, DOE has committed to announcing routes two years prior to shipment.

Mr. Popa said population is not considered in the distribution of 180(c) funds but routes are. States will get a set base amount for planning purposes and variable amounts depending upon mileage, based on three responders for every 160 miles or a two-hour response time.

Mr. Crose inquired as to whether the timing was accurate, as proposals can be made three years in advance but the routes will be announced two years in advance. Mr. Popa said that was correct but the committee could comment on this. The first year, he said, was a planning year to set up infrastructure and determine training, as states know where the fuel is and where it will go. Proposing a route too far in the future can cause problems if the routes change.

Exercises and demonstrations will not be funded with 180(c) money, as exercises were considered to be a measure of preparedness and not part of preparedness itself. Exercises will be provided by DOE. Mr. Borchert wondered where that idea came from, and he begged to differ with this idea. Classroom work was worthless unless trainees can try out what they have learned in the field, he said. Mr. Crose said the committee would submit comments on this issue. Under Hazardous Materials Transportation Act programs, exercises can be reimbursed under the planning or the training program. Mr. Runyon said he was surprised that exercises were not required.

Mr. Paul Seidler asked how the 180(c) policy and procedures would be affected by changes in Congress to the Nuclear Waste Policy Act. Mr. Popa said OCRWM is prepared to make any changes to accelerate the program. Mr. Crose said Indiana Local Emergency Planning Committees are required to conduct

hazardous materials exercises annually. Mr. Popa said he interpreted the notice as saying that rather than staging an exercise, states should be using 180(c) funds to send responders to a DOE training course. He reminded the committee that this is a proposed policy. He added that there were no matching funds required.

Mr. Popa reported that DOE successfully completed half-scale model tests of the GA-4 truck cask. General Atomics will pursue Nuclear Regulatory Commission (NRC) certification without OCRWM funding. Also because of funding, DOE will not certify and fabricate MPCs. Industry will now be responsible for developing the technology. OCRWM will not proceed with the MPC EIS. The Navy now has the lead and will proceed with the portion dealing with naval spent fuel.

DOE will not establish any additional requirements for routing — no guidance, no regulations, no rulemaking. Routes will be selected based on existing CFR regulations and designated state alternates. In the Midwest, Nebraska and Iowa are the only states with designated alternate routes.

Mr. Popa said OCRWM has been working with the Electric Power Research Institute for the last three years to develop a dry transfer system to transfer individual spent fuel assemblies to casks. This would be the first licensed dry transfer facility. This technology could allow decommissioning of spent fuel pools. Transnuclear is developing the system under a contract with Electric Power Research Institute and Idaho National Engineering Laboratory may demonstrate the system by the end of 1997.

OCRWM is developing a revised program plan based on future funding and Congressional guidance. Work will be concentrated at Yucca Mountain on the most significant outstanding technical issues. OCRWM plans to complete a viability assessment of the site in 1998. OCRWM is shifting to a market-driven strategy for waste acceptance, storage, and transportation. This involves private sector contracts for accepting the fuel and delivering it to a federal facility using fixed-price performance-based contracts. OCRWM will be publishing an expression of interest and will convene a pre-solicitation conference. The contractor will provide the equipment and use commercially available technology and will comply with all regulations.

Mr. Crose asked if the multiple-fixed price contracts were in contrast to the cost-plus contracts. Mr. Popa and Ms. Holm explained that DOE is going towards performance-based contracts for all its contractors. Mr. Strong asked if the scope of the contracts included the whole process of moving fuel from the utilities to the federal facility. Mr. Tom Tehan from Vectra Technologies said yes. Mr. Popa said Dwight Shelor from DOE would be at the TEC/WG meeting to explain the market-driven strategy.

Mr. Popa said DOE envisions dividing the country into regions, possibly similar to the four NRC regions and allowing bids on all four regions. The number of regions one contractor can win would be limited. The contractor would have two to three years to get all the equipment and then shipments would begin.

Ms. Sattler asked how a market-driven transportation system would deal with the regional cooperative agreement groups. Mr. Popa said there would still be a role for the groups. The contractor will be responsible for selecting routes and working with local and state governments. But DOE cannot abdicate any legal responsibility for route selection.

Ms. Sattler asked who selected WIPP routes. Ms. Holm said DOE identified the routes and the carrier selected the routes. Shippers have a role to play but carriers can decide not to use a route if there is a problem. She added that the carrier is indemnified for the shipment. She noted the difference between identification and selection. DOE is advocating working with stakeholders and creating a transportation plan that includes routing decisions. For the foreign fuel shipment last fall, she said, the NRC approved two routes, with one acting as a backup. With high-visibility campaigns, flexibility is necessary.

Mr. Crose said he had a problem with the carrier dictating the route. The shipper hires the carrier and so should be able to dictate the route. Mr. Tehan said the NRC dictates the route. The carrier submits the

route and the NRC reviews it. The route is published and the carrier writes a confidential security plan and meets with local law enforcement. Only a licensee can be a shipper of radioactive materials. He added that the carrier might own a cask but cannot actually ship anything. There was a discussion about when a shipper, including DOE for NWPA and foreign fuel shipments, actually takes title to the fuel.

In conclusion, Mr. Popa said OCRWM will maintain a core management capability as best as possible with the funds available, will continue with the market-driven strategy and will continue development of 180(c) policy and procedures.

Nuclear Waste Strategy Coalition

Commissioner Kris Sanda of the Minnesota Department of Public Service briefed the committee on the origin and the activities of the Nuclear Waste Strategy Coalition (NWSC). She told the committee the NWSC is a voluntary group, and many of the members represent Midwestern states.

Commissioner Sanda told the committee she is a farmer and former economics teacher with many years of political experience. She stressed that she is not an expert on nuclear issues but is an expert on "how money is spent." Her message is that the national nuclear waste disposal program is broken.

She reminded the committee that the OCRWM budget is a very small part of DOE. Secretary of Energy Hazel O'Leary and Commissioner Sanda have discussed DOE's moral responsibility to take the waste in 1998 and potential changes to the Nuclear Waste Policy Act. Commissioner Sanda said the NWSC expects any veto of nuclear waste legislation to be overridden. She was told by Senate Majority Leader Dole that a debate on S. 1271 was scheduled but with his pending resignation this is uncertain.

The NWSC was founded in 1992 with Minnesota, Michigan, and Florida. The founding members are state regulators who are tired of sending Nuclear Waste Fund money to Washington and getting nothing in return. Currently, the NWSC includes regulators, state attorneys general and nuclear utility representatives. Midwestern states include Illinois, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Commissioner Sanda proposed a partnership between the committee and the NWSC. She said the NWSC will not support transporting waste without training and exercises. She noted that over 2,000 shipments have traversed the U.S. without a release of radioactive materials.

Commissioner Sanda said DOE has many excellent people who want to do the right thing but cannot because Congress has not appropriated enough money from the Nuclear Waste Fund. The NWSC is lobbying Congress to change the NWPA to place an interim storage facility in Nevada. The NWSC has instigated a lawsuit against DOE to ensure that the department takes title to spent nuclear fuel in 1998. As a regulator, says Commissioner Sanda, this was how she read the contract.

Nationally, ratepayers have contributed \$12 billion to the Nuclear Waste Fund. It is estimated that ratepayers will pay an additional \$5-10 million due to delays in the acceptance of spent fuel. DOE has spent over \$4 billion from the fund, and \$5.8 billion has gone to reduce the deficit. Commissioner Sanda showed the committee a chart detailing how much each Midwestern state had contributed to the fund — over \$2 billion.

Commissioner Sanda said the NWSC is proposing a centralized interim storage facility at the Nevada test site. The NWSC wants DOE to take title to the spent fuel January 31, 1998, and Congress to release ratepayer money for its intended purpose. DOE should also continue with its permanent disposal program, on which Commissioner Sanda acknowledged the department was making progress. The NWSC is proposing transporting the fuel to Nevada principally by rail. Commissioner Sanda stressed that Congress should not increase the rate of contribution to the Nuclear Waste Fund.

If legislation passes, shipments will begin closer to 2000 than 2010. Federal and state agencies will be forced to address theoretical risks versus perceived risks of transportation. Commissioner Sanda noted that the Nuclear Waste Technical Review Board and the Monitored Retrievable Storage study committee both have concluded that the risks of spent fuel transportation are low. As of January of 1995, there have been 2,380 shipments of spent fuel in the U.S. with no fatalities, injuries, or environmental damage has occurred due to the radioactive material.

Commissioner Sanda addressed perceived risks, saying they are greater than the actual risks. She stressed the need for public education on this topic. The Nuclear Energy Institute, she said, has a lot of resources for public outreach.

The NWSC, she said, wants to work with responsible state agencies to develop a reasoned, cost-effective plan for the transport of spent fuel to an interim storage site in Nevada. Commissioner Sanda noted that the NWSC is growing and that the proposed changes to the NWPA are likely to become law. Planning for near future shipments of spent fuel needs to begin.

She admires the committee's work but the NWSC cannot work to restore the committee's budget because it does not believe Congress has given DOE the ability to do what needs to be done. Ratepayers expect a value received from money expended and now nuclear power plants may be shut down if there is no additional storage. The problems are principally political. The situation at Prairie Island, she said, is an example of well-meaning people getting involved in an area where technical professionals should be in charge.

Commissioner Sanda showed a chart of nuclear power generation and spent fuel storage, and she stressed the effect of transportation on different regions of the country. She noted that all of the work done by the NWSC is open to the public. Other information she provided to the committee included utility data, spent fuel storage requirements, and the NWSC's plan for privatizing the nuclear waste disposal program. The NWSC's statement of principles include pursuing Congressional action and legal remedies on behalf of ratepayers, securing a centralized interim storage facility for nuclear waste by 1998 and ensuring the timely development of cost-effective, safe, and environmentally sound permanent disposal.

Commissioner Sanda explained that each NWSC state or utility has to designate a contact person to share information, has to devote resources to joint efforts, including contributing professional expertise and information, and has to attend meetings, committees, and work groups.

Commissioner Sanda distributed another handout on the costs of delays. Over \$10 million in unnecessary costs will be created for dry cask storage. The cost of delays for waste removal is \$5 billion. Each decade that waste waits at the plants costs another \$2.5 billion. Delayed decommissioning and early retirement of operating plants and the costs of replacement power may add additional tens of billions of dollars.

Seventy-three nuclear waste storage facilities will be built in 34 states unless Congress sites a centralized interim storage facility. By 1998, 26 of the 110 reactors will have added on-site storage capacity or will shut down unless the government fulfills its contracts. By 1998, spending decisions on additional storage will have to be made for half of the nation's commercial nuclear plants.

Other handouts discussed the NWSC's positions on interim storage, including support for private development. Commissioner Sanda shared six elements of success, including acceptance in 1998, releasing of ratepayers' money for its intended purpose, providing centralized temporary storage, continuing the permanent disposal program, facilitating transportation, and capping the Nuclear Waste Fund.

Commissioner Sanda noted that the states of North Dakota, South Dakota, Indiana, Kentucky, Colorado, and New Mexico do not have plants but rely on nuclear power. Mr. Seidler noted that Nevada also relied on nuclear power but has no nuclear plants. Commissioner Sanda also noted plants awaiting

decommissioning. She showed the committee a chart describing the slips in DOE's schedule, and said that since 1970, the schedule has slipped 43 years. She added that Congress may go after utilities to pay debt owed to the Nuclear Waste Fund.

She read a NWSC press release reacting to the Record of Decision on foreign fuels and asking why the Clinton Administration would store this fuel but not civilian spent fuel. The NWSC believes an economic crisis is looming because of DOE's failure to progress with the nuclear waste program. She noted that the nuclear waste bills have bipartisan support in Congress.

Commissioner Sanda said the committee has a difficult job, not only because the funding has been cut but because nuclear waste transportation will be so visible. She said the future is uncertain. She knows that Secretary O'Leary and Dan Dreyfus have done a better job than previous administrations in moving the program along. However, she said, the work is too late to help Minnesota, but it might not be too late to help other states.

The NWSC proposes a partnership with the regional cooperative agreement groups. Commissioner Sanda added that regulators are starting investigations into withholding payments into the Nuclear Waste Fund. If the funds are stopped, Congress will not be able to divert funds away from the nuclear waste program.

The utilities are concerned their licenses will be jeopardized but Commissioner Sanda said deadlines are missed all the time and no license has been revoked. Regulators would argue that withholding Nuclear Waste Fund money is not just cause for revoking a license. Because of their responsibility to ratepayers, regulators are taking responsibility for their own money. Early shut down of nuclear plants would negatively impact a state's ability to promise low-cost electricity to businesses. Deregulation of the electric industry will also change the way utilities operate.

She told the committee that groups like the committee represented a good value for the money and she thanked the committee for their work. She challenged the committee to keep going with reduced funds and to consider partnering with the NWSC and to consider a joint meeting.

Mr. Paul Seidler told the committee that Nevada represents the best environment politically and technically to solve the nuclear waste problem. He cautioned that the opposition in the state is not as big as it appears. Hosting a national repository, he said, is "small potatoes" compared to the testing of nuclear weapons at the Nevada test site.

The vast majority of Nevadans, while not thrilled with the possibility of taking on another federal responsibility, are pragmatic and want to help solve a national problem. The geology of the site is exceptional, he said, and political obstacles will be far greater anywhere else. Other environmental issues, such as growth and water, are of greater concern to state residents. He called the reorientation of dollars to the field a positive development.

Mr. Thor Strong referred to a Nuclear Waste Technical Review Board report that recommended leaving fuel onsite. He asked if the NWSC would support DOE's paying for onsite storage. Commissioner Sanda said the NWSC analyzed the Nuclear Waste Technical Review Board report and feels that the board is wandering away from its charge and into setting policy.

She said it is not politically acceptable to have the waste remain on site because the contract is for waste removal. She wondered why DOE has a place for foreign fuel but not for commercial fuel. A financial remedy for the states does not solve the problem. She discussed the nature of Nuclear Waste Fund money, stressing that it is a trust fund and there are contracts about how the money can be spent.

Mr. Kucera said the most compelling argument against legislation placing an interim storage facility at the Nevada Test Site is that this would prejudice the ultimate decision on Yucca Mountain. He asked if there

was an alternative that would negate this argument. Commissioner Sanda said there are other areas of Nevada that are volunteering to take this waste, including Caliente. She stressed that the NWSC does not want to rush an unsafe decision.

She added that the Mescalero project is not dead, and other groups have volunteered land to the utility consortium. Mr. Kucera asked if Caliente was a possibility under the bills before Congress. Commissioner Sanda said yes, but she was unsure if it was possible under Nevada law.

Ms. Holm pointed out that the foreign fuels shipments are from research reactors and that the contract to take the waste back is part of the Atoms for Peace program. She also noted that the Nuclear Energy Institute might have a credibility problem if its information was used for public education programs. Commissioner Sanda asked if the NWSC could expect an answer to her proposal within a month or two. Mr. Crose said the committee would consider it.

Ms. Holm gave an update on the foreign fuels campaign. The Record of Decision on A Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel was published on May 13. The preferred alternative brings the fuel to the U.S. via South Carolina and California for eventual storage at Savannah River Site and the Idaho National Engineering Laboratory. She explained that the material being returned was enriched in the U.S. Under the government's non-proliferation policy, taking back highly enriched fuel gives foreign reactors the chance to convert to low-enriched uranium fuel. About 80 percent of foreign reactors have already converted. When low-enriched fuel is reprocessed, materials cannot be removed to make bombs.

In response to a question, Ms. Holm said shipments could begin in late summer. She added that DOE has prepared for shipments in four months, but the department prefers at least a year lead time to meet with state and local officials to allow them to integrate training for these shipments into their own training. DOE also wants to identify routes ahead of time, and mode and route selection will be a joint discussion. She added that the fuel to be shipped has been cooled for a number of years.

DOE plans to work through regional groups to develop transportation plans and to look at training needs. In California, the preference is to ship via a dedicated train to INEL. The state highway patrol wants to escort the shipments, but transportation plans are still in the preliminary stage.

Mr. Naughton pointed to the proposed cost of the program, as it was nearly twice the cost of the proposed interim storage facility at Yucca Mountain, and said he felt it was not cost effective. He wondered why DOE would build an interim storage facility at the Savannah River Site when the fuel will ultimately be moved to Yucca Mountain. Ms. Holm said DOE has the facilities to accommodate the fuel and does not want to wait for another storage facility. She added that \$1 billion is for the life of the program and that some of that money will be recovered from the fees foreign countries will pay for storage.

Ms. Sattler asked where shipments would enter the U.S. from Canada. Ms. Holm replied the northeast and Mr. Tehan added the shipments would come from Chalk River. Rep. John Freeman (Michigan) asked how ships for these shipments would differ from those that ship oil. Ms. Holm said the ships used for this campaign are different and that the fuel is shipped under International Atomic Energy Association regulations.

Midwestern States Roundtable

Iowa. Mr. Don Flater reported on activities in Iowa to prepare for shipments of any radioactive material. Over 200 individuals have been trained. Radiological health teams can get to any point in the state within two hours. Iowa believes that training should not wait for NWSA shipments as there is material traveling across the state now. He noted that OSHA mandates continuing education for hazardous materials responders.

Minnesota. Mr. Kerr updated the committee on the situation at Prairie Island Nuclear Power Plant. Efforts to change the law requiring Northern States Power to find an alternate site for the fuel failed this year. Mr. Kerr explained that the law allowing the utility to store spent fuel required siting the waste at another site in the county. Mr. Kerr also reported that the Prairie Island Sioux are attempting to establish MOUs with federal agencies. The state has not been invited to these meetings. In response to questions, Mr. Kerr said the Sioux community feels they do not need to invite the state to these meetings as they are a sovereign nation.

Missouri. Mr. Ron Kucera reported that the state was just informed that uranium refinery and fabrication sites in the state are contaminated from activities in the 1940s and 1950s. There are over 100 contaminated sites in the St. Louis metropolitan area. Missouri completed a report on the St. Louis site contamination. DOE is claiming no responsibility for these sites.

Last week, Mr. Kucera said, the state received a call from the NRC about technetium-99 contamination at a uranium fabrication plant south of St. Louis. This plant began commercial operations in 1956. However, the site received contamination from handling products from the Paducah reprocessing facility. The state had to inform residents of the situation and take samples of well water. The state does not believe there will be contamination but some of the wells are within 300 feet of the site. The samples will be checked for uranium, thorium, and lead, among other materials.

Mr. Borchert asked about assessment of sites in the Kansas City area. He is concerned about records on these sites not being available, as it makes states' jobs harder. Mr. Kucera said the state found sale documents for waste materials. The federal government would make buyers take the whole quantity of waste, not just the valuable materials, which led to improper disposal of contaminated materials. He added that the state is prepared to ask DOE to expedite the declassification of records regarding the sites in Missouri. The state did find out that the sites had permission from the Atomic Energy Commission to process highly-enriched uranium.

Nebraska. Mr. Borchert discussed his frustration with the progress of training for NWSA shipments. Nebraska submitted its plans for a training program to Secretary O'Leary. The plans carry a price tag of about \$1 million, including equipment. He is concerned about the lack of funding for exercises in the 180(c) policy and procedures, stressing that responders need to test their skills in the field. He feels the public perception issue can be resolved but not at the federal level.

Michigan. Mr. Strong reported that there was little news from his state but that the Legislature would probably be considering changes to the state's low-level waste siting laws next year. He also noted that there was a crash at Willow Run airport that broke open a source of Strontium-90. The spill contaminated the runway.

Ohio. Mr. Owen reported that Davis-Besse Nuclear Power Plant now has dry storage. Mr. Owen also said he received a call from a reporter asking about stories that an Ohio farmer had purchased a nuclear reactor from DOE. Mr. Owen called the NRC and found no record of this purchase.

He also reminded the committee that Ohio is the host state for the Midwestern Compact and that Ohio representatives toured the WIPP site this year. Mr. Owen said he found it interesting that the salt from the site was moving in at the rate of two to three inches a year.

Mr. Owen reported that Ohio was coordinating its emergency response activities among state agencies. Ms. Carol O'Claire from the Ohio Emergency Management Agency said she appreciates Mr. Owen's work in coordinating efforts. She reported that the Ohio Emergency Management Agency is requesting that DOE not change the routes to the WIPP.

Mr. Carlisle Smith from the Ohio Public Utilities Commission reported that his agency did eight HRCQ inspections using the Commercial Vehicle Safety Alliance enhanced standards and put one vehicle out of

service. He added that his agency inspects the vehicle and the package. The Ohio Emergency Management Agency also inspects the package and the agencies coordinate efforts.

Illinois. Mr. Runyon reported that Illinois is expecting shipments from two universities in Missouri to traverse the state. Illinois was also looking to secure additional licenses for TRANSCOM so the program could be run on the road from a laptop. This will allow the state to track shipments from the state line rather than from the middle of the state in Springfield.

Mr. Runyon reported that Illinois commented on the 180(c) policy and procedures and the cesium-capsule campaign plans. The state feels that procedures such as those outlined in the WIPP Program Implementation Guide should be applied only to shipments that present a significant public health and safety risk, such as high-level waste and spent nuclear fuel campaigns. He added that there are many hazards on the road already and the state thinks extensive transportation procedures send the wrong message and inflate the importance of the shipping campaigns.

Indiana. Sen. Beverly Gard said she doubts existing state budgets will be able to accommodate the levels of training needed for the campaigns. States need more information on transportation campaign. She reported that she authored successful legislation allowing Indiana to adopt changes to the Midwestern Compact. She noted that environmental groups expressed some concern about the low-level waste situation and she wondered how they would react to impending shipments of high-level waste. She also stressed the need to pay attention to rural interstate areas. I-70, she noted, is particularly heavily-traveled through Indiana.

Mr. Crose noted that Sen. Gard provided all Indiana Legislators with copies of CSG and SSEB publications. He stressed the importance of public education. Mr. Crose asked Mr. Runyon if Illinois will continue to escort shipments. He said Indiana treated low-specific activity nitric acid shipments as low-key, and that the hazard from the state's perspective was the acid. He stressed the need to educate the public so they know states can handle shipments of radioactive materials.

Mr. Runyon replied that as of now, the state will continue to escort shipments but that more information on routes, modes, and funding was needed. He added that escorts are a good response to periodic shipping campaigns but escorts for a campaign on the scale of the NWPA campaign will be difficult if not impossible to coordinate.

One area of concern for him was that in every state, different agencies have different responsibilities for aspects of radioactive materials transportation. He noted that the Commercial Vehicle Safety Alliance tries to standardize some aspects of transportation, but added their efforts are not coordinated on the state level. Also, Illinois does not agree with all of the Commercial Vehicle Safety Alliance procedures. He said now that DOE has presented definitions and proposed funding mechanisms, the states have to act. Mr. Crose said Ohio's example of state agency cooperation provided a model. The Commercial Vehicle Safety Alliance, he feels, can address differences in standards between states.

Mr. Borchert said he appreciated Sen. Gard's recognition of the hazards on rural interstates. He said his state regarded the Low-Specific Activity Nitric Acid shipments as an exercise for DOE. He hopes they understand what states need for campaigns. Mr. Crose mentioned that the Windows version of TRANSCOM is almost ready. Mr. Runyon said he also saw the low-specific activity nitric acid shipments as an exercise and added that Illinois might not participate in oversight of future shipping campaigns where chemicals are the primary hazard.

Ms. Mintz said that most of the country uses National Fire Protection Association's one incident manager system but DOE does not. Ms. Holm said that DOE headquarters does, but field offices do not.

Mr. Naughton reported that ComEd was moving towards dry storage for Dresden 1 fuel. He also said ComEd is one of 17 utilities expressing interest in the disposition of weapons-grade plutonium. He is ComEd's manager for this project.

Ms. Fulmer reported that the SSEB Committee met in Nashville and that she is planning a joint meeting between the TRU waste and OCRWM shipment groups in October. She added that the South is still interested in a second regional joint meeting but she wondered how the funding situation and the change in staff in the West and the Northeast would affect plans.

Ms. Fulmer said her committee would soon be monitoring foreign fuels shipments, cesium shipments from Virginia to Hanford, and Brookhaven to Savannah River Site shipments. It seems, she said, that shipments were becoming more routine since the low-specific activity nitric acid shipments. She added that DOE is adding 23-70 small quantity sites to the list of facilities shipping to WIPP. This summer, a shipment will go from New Jersey to Rocky Flats via I-80. She added that DOE's historical and projected list of shipments will be very helpful.

Kansas. Mr. Frank Moussa reported that Kansas is training first responders. He also expressed concern about the fact that the Federal Emergency Management Agency will no longer be supplying instrumentation, as the Wolf Creek Nuclear Power Plant should not have to pick up the tab for instrumentation for the whole state. Mr. Moussa said he thinks this should come from 180(c) money but the proposed rules only allow 10 percent of the funds to go for equipment.

Mr. Moussa said his agency is the only one in the state that provides training for hospitals, and he believes the demand for this training will exceed his agency's ability to provide it.

Mr. Crose said REAC/TS made a presentation at TEC/WG training meeting and distributed a list of all physicians trained there. He said REAC/TS will train at hospitals. He added that emergency medical technicians want training for all hazardous materials incidents. Indiana's 16-hour course at hospitals is in demand. He reported that his agency would like to purchase some detection equipment but is unclear if replacement parts are available. If not, the state does not want to spend the money. He feels the equipment should be purchased with 180(c) funds.

The committee discussed increased requests for training from hospitals.

Routing Subcommittee Report and Committee Discussion

Routing Subcommittee chairman Frank Moussa reported on the subcommittee's activities. He recognized subcommittee members Harold Borchert, Dave Crose, Bob Owen, Thor Strong, and Don Flater, subcommittee staff, and Michigan and Ohio agency personnel who have been participating in conference calls.

Mr. Moussa reported that the idea for the subcommittee began at the committee's last meeting in Charlotte when the states agreed they had the primary responsibility for safe transportation and they needed to take the lead on the routing process. The main product of the subcommittee would be a regional routing plan developed and endorsed by the Midwestern states. This plan would provide DOE with a state-approved blueprint for working with carriers. The plan would also assist the department in the distribution of 180(c) funds and would save DOE time and personnel in identifying routes.

Mr. Moussa stressed that states wish to support local responders and state emergency response plans. The plan will include the goals and purposes, the criteria and methods for resolving discrepancies between states and endorsed highway and rail routes. The plan was intended to be a living document.

Mr. Moussa explained that the letter from the committee to Secretary O'Leary highlighted Midwestern states' concern that DOE had not selected routes yet. The subcommittee noted that although federal regulations give route selection responsibility to carriers, DOE has selected routes for past shipping campaigns. The committee feels that DOT criteria have worked well in the past for route selection and states can designate alternate routes if they choose. There is concern about the nebulous nature of the rail routing criteria.

Mr. Moussa said the full committee's first tasks would be to endorse the letter to Secretary O'Leary explaining the routing subcommittee and the goals and objectives and the timeline for the plan.

There was discussion about the passage in the letter that requested routes be determined three to five years before shipments. Mr. Strong felt that five years may be too far in advance as DOE was indicating in its 180(c) policy and procedures that it would announce routes three years in advance. Mr. Borchert said that for states with biannual budgets, five years was not unreasonable. The committee agreed to change the letter to indicate that three to five years would accommodate the state budgeting process. The committee approved the letter with the change. Mr. Popa told the committee the letter could be added to the 180(c) response docket.

Mr. Naughton reminded the committee that the public has a poorer perception of rail transport. Ms. Holm said DOE studies show the public trusts rail the most. However, Mr. Naughton said rail incidents are more widely reported. Mr. Tehan agreed, saying rail shipments receive more television coverage than truck shipments.

The committee discussed the timetable. Mr. Strong wondered how the timetable would change if nuclear waste legislation is passed. He also said he does not have a good understanding of rail issues, but he knows that there are few rail options in Michigan. He felt the timetable could be condensed. There was a discussion about the historical rail shipments and the ability of reactors to accommodate rail casks.

Ms. Elizabeth Kraft from the League of Women Voters said the public will not be interested in this issue until routes are announced. She also recommended that states hold special workshops for journalists. Mr. Naughton agreed, and pointed out that at this time there are not enough casks to move large quantities of spent fuel. Mr. Crose agreed and pointed out that there is a similar situation with WIPP. Ms. Holm said the idea was for the market to stimulate private incentive to ship materials. Mr. Borchert was concerned that privatization would cost more and would result in less quality control. Mr. Tehan replied NRC quality assurance audits are stringent.

Mr. Crose said the timetable would stay as is but that there was the possibility of condensing it in the fall. There were no committee comments on methodology for ensuring agreement between states. Ms. Sattler said the subcommittee decided to defer this conversation for the full committee. Mr. Crose recommended that the subcommittee decide on a methodology.

Committee Business

The committee agreed to use the month of June to offer comments on the 180(c) policy and procedures. Committee staff would use the rest of May to prepare an analysis of what committee comments DOE accepted.

The committee discussed a rail workshop at the November meeting. Possible invitees included Operation Respond, Peter Conlon from the Association of American Railroads, Kevin Blackwell from the Federal Rail Administration, and representatives from the major railroads and short lines. Mr. Flater said he wanted to hear more about Mr. Tehan's experiences.

The committee discussed a relationship with the Nuclear Waste Strategy Coalition. Mr. Owen said he was concerned about how their timeline would impact transportation safety in the corridor states. Mr. Kerr

suggested that was why the committee needed to communicate with the coalition, as the two groups function separately.

Sen. Judge noted that her state has just joined the coalition and that she would like to be briefed on Iowa's position on the coalition before making any decisions with the committee. Sen. Gard said she would like to see more of a balance between industry and government on the coalition. Sen. Judge agreed. Rep. Freeman said he felt it was worth considering closer ties with the committee. He noted that agencies from his state was involved in the coalition. Rep. Freeman suggested that partnering with them might make both groups more effective.

Mr. Popa reminded the committee that the NWSC can lobby where the committee cannot. Mr. Crose suggested the committee consider the material and make a decision at the next meeting. He asked Mr. Popa if interaction with the NWSC would affect the committee's funding. Mr. Popa said a formal partnership would not be a good idea, as the NWSC is suing DOE. Mr. Strong said this committee was focused on transportation but that NWSC activities will have an impact on transportation. He advocates keeping informed on the committee but not a formal partnership.

Mr. Borchert suggested a liaison between the groups. Mr. Crose suggested Mr. Kerr. Mr. Kerr said the intent was not to form a formal partnership with the NWSC. However, the committee and the coalition might exchange representatives or support each other's resolutions. There was a discussion on the resolutions passed by the committee. Mr. Kerr will look into attending NWSC meetings.

The committee decided to make its next meeting a day and a half long in November. Committee staff will look at airfare prices in other Midwestern cities and will circulate a schedule for committee members to indicate what dates would be best for them. Committee staff will also begin discussing a possible second joint regional meeting with other regional staff, perhaps in Las Vegas to allow a tour of the Yucca Mountain site.

The meeting adjourned at 3:00.