

**The Council of State Governments  
Midwestern High-Level Radioactive Waste Committee**

*Proceedings of the 24<sup>th</sup> Meeting*  
**Orlando, Florida**  
**October 24, 2001**

**Welcome and Introductions**

Frank Moussa (Kansas) welcomed the participants to the 24th meeting of the Midwestern High-Level Radioactive Waste Committee. He acknowledged Rep. Jeff Elgin of Iowa and Sen. Mark Ourada from Minnesota and welcomed them to their first meeting.

**Committee Business Session**

Mr. Moussa mentioned that this would be his last meeting as chair of the committee. He recapped the past two years of the committee's activities. He noted that funding to the Midwestern states from the U.S. Department of Energy's (DOE) programs had increased by over \$600,000. Most of the money was provided by DOE's Carlsbad Field Office for the states on the corridors for shipments of transuranic waste to the Waste Isolation Pilot Plant and other facilities. Other funding came from the Spent Fuel Program and the West Valley Demonstration Project. In all, seven Midwestern states are eligible for funding from DOE: Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and Ohio.

Mr. Moussa expressed his hope that, in the coming years, the committee and the CSG Midwestern Radioactive Materials Transportation Project would be able to assist the other Midwestern states in accessing resources to help prepare for shipments of commercial and research reactor spent fuel. He suggested that consolidated funding might be one opportunity to address these unmet needs.

Observing that many of the Midwestern states have used DOE's MERRTT training modules, Mr. Moussa said the process by which DOE developed the modules was a good example of cooperation between DOE and the states, tribes, and local governments.

Mr. Moussa suggested that more solid working relationships between the members of the committee — and between the members and their governors' offices — might help to "avoid controversies that pit state against state."

Noting that there were some model programs within DOE, Mr. Moussa emphasized the need for all DOE programs to make sure the states receive timely and accurate information on upcoming shipping campaigns. As a general rule of thumb, Mr. Moussa suggested that no shipment should show up in the department's Prospective Shipments Module without the potential corridor states having received general information on the shipment ahead of time.

Mr. Moussa closed by saying that the cooperative planning process utilizing a regional focus was working well. He thanked the committee for the opportunity to serve as chair.

*TEC/WG Meeting and Topic Group Reports.* Mr. Moussa said the TEC/WG had met in Cincinnati on July 17-19. Several of the topic groups met, including the Consolidated Grant Topic Group. He said DOE had proposed a pilot test of the consolidated grants program. Originally, the proposal would have excluded the WIPP states from participating in the pilot, but the discussion had led to the suggestion that DOE not limit eligibility in this way. Tim Runyon (Illinois) said the group did not make significant progress on the grants discussion due to opposition from other regions. Judith Holm (DOE) said the National Transportation Program (NTP) was preparing to brief the Assistant Secretary on the status of the consolidated grant proposal. Mr. Runyon said it was not fair to remove the WIPP states from the pilot test. Ms. Holm commented that the WIPP Land Withdrawal Act creates specific requirements for the states that receive WIPP funding.

Dave Crose (Indiana) said the states and DOE should be more cautious about consolidating all the funding available to the states for radioactive materials shipment preparations. He noted that when funding for hazardous materials activities was consolidated, many people had fought the change.

Mr. Moussa reported that the Training Topic Group revised the TEPP training video to make some minor corrections.

Lisa Sattler (CSG-MW) said the Communications Topic Group had finished its work. The group held a "close-out" meeting in Cincinnati to review its activities over the previous three years. She said the members of the group had agreed to help DOE review future public information materials on an as-needed basis.

*TRANSCOM 2000 Steering Group.* Mr. Runyon said DOE had been sending quite a bit of information to the states regarding the startup of TRANSCOM 2000. He emphasized that it was important for the states to fill out the forms DOE had distributed. User names and passwords would not be issued until the states had sent in their completed forms.

The new system was up and running out of Albuquerque. October 28 was the target date for closing the TRANSCOM Control Center in Oak Ridge. Mr. Runyon said that, because of the events of September 11, DOE might need to review the system from a security standpoint before the Nuclear Regulatory Commission will approve it for use during university shipments.

Mr. Moussa said he had encountered a few glitches getting started, and suggested that all users check their passwords prior to accessing the system to track a shipment. Mr. Runyon added that firewalls can pose a problem, and urged users to check with their IT departments.

Carol O'Claire (Ohio) asked about the tracking plan for the West Valley shipment. Ms. Sattler said the plan for 2001 had been to let the states see the shipment from the point of origin all the way through the state. She was not sure whether that plan would apply to the rescheduled shipment in 2002.

Mr. Moussa asked Ms. O'Claire about Ohio's experience using TRANSCOM to track the Mound shipment. She said the one-hour updates were insufficient, but noted that DOE was testing 15-minute updates. She added that the one-hour update was in the Mound transportation plan. Apparently, DOE had decided on this frequency because the shipment was originally expected to take 80 hours, whereas the actual time in transit was much less.

*Midwestern Planning Guide.* Mr. Moussa mentioned that he had hoped for closure on the Planning Guide by the time of this meeting. With the events of September 11, however, there was a need to review the document to determine whether any changes were necessary for the sake of security. Ms. Sattler said she had made all the changes that the committee discussed in Idaho at the spring meeting. She will complete the security review in November and send a revision to the states. At the same time, she will ask the states to update the point of contact and other state-specific information that will be published in the plan.

*Next Meeting.* The next committee meeting will be in Overland Park, Kansas. The tentative dates are May 14-16, 2002. Ms. Sattler will try to arrange a tour of the Union Pacific rail yard in Kansas City on the first day.

*Election of the Vice Chair.* Mr. Moussa solicited nominations for vice chair. Mr. Crose nominated Robert Owen (Ohio), and Don Flater (Iowa) seconded the nomination. Mr. Runyon nominated Thor Strong (Michigan), and John Kerr (Minnesota) seconded. While the committee voted, Mr. Runyon read a resolution of appreciation for Mr. Moussa.

### **Roundtable of State and Regional Activities**

*Kansas:* Mr. Moussa said his agency had completed the training for the West Valley shipment. He acknowledged the assistance of Ralph Smith (DOE) in arranging for the WIPP trainers to come to Kansas to train responders for the shipment. Combined training sessions/town hall meetings were held in nine counties. Mr. Moussa said there was very little media interest. Some of the responders received digital equipment to replace their old civil defense equipment. All attendees received certificates of completion from both the Kansas Division of Emergency Management and from the WIPP program. Mr. Moussa's office also prepared an informational brochure on the West Valley shipment. The state planned to notify the local emergency operations centers of the shipment once it received the 7-day notification.

On November 14-15, the state would be conducting a FEMA-graded Wolf Creek ingestion pathway exercise. At the end of October, the state would do a non-graded exercise in preparation for the FEMA-graded exercise. Mr. Moussa commented that his agency had been

doing everything but radiological activities in the past month. For example, the agency prepared a flier on anthrax risk analysis and assessment for first responders. Mr. Moussa's building, which also served as state headquarters for the National Guard, was now a closed building, with a National Guard security force on duty 24-hours a day.

The state had asked Wolf Creek if the plant would like security augmentation from the National Guard. At first, the utility declined, but after a few weeks accepted. Mr. Moussa said the Guard mandate that covered expenses for this type of activity had been exhausted. As a result, the state had to use revenue from the nuclear fees paid by the utility to cover the expense.

*Nebraska:* Major Bryan Tuma said the state had completed its training in connection with the West Valley and WIPP shipments. He recommended that federal agencies consolidate their homeland security information before sending it down to the states. During the post-September 11 response, he noted that the state often reacted to information received from one federal agency, only to learn the next day that the information was incomplete. Major Tuma noted that the state's new communications/emergency operations center was operational. He asked if other states had divided up their WMD funding. Most had, although Nebraska had not done so yet.

*Ohio:* Carlisle Smith (PUCO) said the PUCO would have six staff members trained in CVSA Level VI procedures. New equipment as well as training would be made available to the inspectors through the Emergency Management Agency's agreement with CSG-MW.

The PUCO was conducting security sensitivity visits to 900 carriers in the state with the DOT/MCSAP program. In all, 420 carriers had been visited to date. During the visits, the PUCO and DOT inspected the drivers' records. Mr. Smith introduced Ron Swegheimer, a hazardous materials specialist at PUCO. Mr. Swegheimer would be taking over some of Mr. Smith's responsibilities related to the committee and other DOE activities.

Ms. O'Claire reported that the training for the West Valley, Mound, and Battelle shipments had been completed. The EMA had sent information on the West Valley shipment to legislators and county EMA directors along the route. When the state receives the required advance notification of the shipment next year, the information would be broadcast to the county sheriffs along the route through the state's LEADS system.

Ms. O'Claire said the state had not posted National Guard troops at the two nuclear power plants in the state, but were keeping the lines of communication open. Ms. O'Claire noted that the agreement with CSG-MW was working well.

Mr. Robert Owen said his agency had observed the New York state radiological surveys conducted at West Valley in anticipation of the summer 2001 shipment. An unwritten agreement between New York and DOE required another survey after two weeks, and Mr. Owen's agency observed that one, as well. Mr. Owen said the Department of Health did not

intend to go back to observe a third inspection. He added that the agency would be in New Castle, Pennsylvania, to survey the shipment before it entered Ohio. Mr. Smith added that his staff would be in Fostoria, Ohio, to inspect the shipment at the FRA's request. All Ohio representatives agreed that there had been a great deal of publicity in the state regarding the West Valley shipment.

Mr. Owen said the National Academy of Sciences was working on a summary report of its review of Battelle's remote-handled transuranic waste characterization procedures. He also mentioned that Gov. Taft had sent a letter to Lake Barrett, Acting Director of the Civilian Radioactive Waste Management System. The letter supported the use of Yucca Mountain, provided the scientific evaluation was sufficient. Mr. Moussa commented that the state of Kansas had sent a similar letter. Mr. Strong said Gov. Engler had written to Secretary Abraham on this subject. Ms. Sattler said she would send copies of all three letters to the committee.

*Michigan:* Mr. Strong reported on the decommissioning of the Big Rock Point (BRP) reactor. He said that, next fall, BRP would ship the reactor vessel by rail. The shipment would start out as heavy haul because BRP does not have rail access. Also, the utility is building a dry-cask storage facility to house the spent fuel. The goal for decommissioning is to return the site to green-field status except for the dry storage facility.

Mr. Strong said his boss had asked the BRP operators to move the site's waste to the Palisades facility in the southern part of the state. Consumers Energy was very reluctant to do so, however, for a number of reasons. The principal reason was that the governor and the legislature had only accepted the Palisades dry storage facility after Consumers Energy promised never to use it for other sites' waste.

BRP was seeking a waiver from the NRC to dispose of its concrete rubble in an industrial landfill. The landfill operators were willing to accept the waste, but they wanted someone to monitor each load of material. Mr. Strong said the state did not have the resources to do so.

Mr. Strong said he had planned to meet with a member of Rep. Mary Anne Middaugh's staff regarding a bill she was going to introduce in the Michigan House. The meeting had been postponed, however, and had not been rescheduled.

Mr. Strong said he expected to see a single shipment from the University of Michigan next year. The state of Michigan had designated an alternative route in 1999. In Ohio, however, the designation was temporary, so the university would be working with the PUCO on routing matters.

*Missouri:* Tom Lange reported that Missouri, like other states, had been focusing on matters other than radiological in the aftermath of September 11. He said the state was still working on its lessons learned from the summer's foreign research reactor (FRR) spent fuel shipment. He commented that he didn't understand the discussion of Issue #2 during the previous day's

breakout session, which addressed DOE adopting a policy to adhere to all NRC and DOT regulations. He said his agency did not believe DOE followed the NRC/DOT regulations to the letter. He identified the problems the state had encountered with the 2001 FRR shipment. The list of problems included a flawed notification, failure to avoid peak travel times, inadequate plans for safe parking, travel during severe weather conditions, and bad road conditions on I-70.

Mr. Lange said the state also had concerns with DOE's routing model. He said the model uses accident rates that are an aggregate for all interstates in the state. Mr. Lange criticized the models for not using the best available data. As a result of poor data, according to Mr. Lange, the model produces routes that do not minimize the radiological risk.

Mr. Lange and Mr. Runyon both made some additional comments on the FRR shipment. Mr. Runyon noted that the curfews were not published in the transportation plan, but did appear in the security plan. Unfortunately, that plan was only available to law enforcement personnel. He said he had managed to obtain a copy of the West Valley security plan from Jamie Stuart with the INEEL security team.

Mr. Crose asked Mr. Lange for clarification of the statewide average accident rates. Mr. Runyon said the DOE routing model did not consider accident rates. Mr. Lange said the DOE routing report prepared by Ruth Weiner indicated that accident rates were considered. Ms. Holm said the states did not collect accident rates in a uniform manner. She said she would ask Steve Hamp with DOE/NTP about the model and its use of accident rates.

Mr. Flater commented on the state of Missouri's delay in allowing the FRR shipment to enter the state. He said such actions have a "ripple effect," and noted that the delay caused a number of problems in Iowa.

*Indiana:* Mr. Crose reported that TRANSCOM 2000 implementation in the state had been slow but the state was now ready. The WIPP trainers and state personnel using the MERRTT modules had conducted the West Valley training. In addition, Mr. Crose and other state staff had attended the WIPP train-the-trainer course in New Mexico. Indiana also had plans to have inspectors trained in the CVSA Level VI inspection procedures.

DOE's TEPP Region V had planned to hold a "town hall" meeting in South Bend, but the meeting was cancelled due to the September 11 attacks. The town hall meeting would be rescheduled in the spring of 2002, perhaps in conjunction with another town hall originally planned for Iowa.

In June, the state participated with various Michigan agencies in a two-day, full ingestion pathway exercise involving the DC Cook nuclear plant. Also in June, the state participated in a CSEP exercise with the state of Illinois.

The Newport Chemical depot was being guarded by more than 100 National Guard troops. Air protection was being provided, as well. Mr. Crose expressed his desire to see the West Valley shipment travel as a classified shipment.

*Minnesota:* Mr. Kerr reported that 2001 had been the most difficult year he has experienced in the state. In January, his agency had been busy with flood preparations in anticipation of the spring and summer flood seasons. Sixty-six of 87 counties were affected either by flooding or by winds, and five were the subject of open Presidential Disaster Declarations.

In June, the state experienced a near-complete shutdown of the government due to a budget impasse. In the aftermath of the September 11 attacks, the state Emergency Operations Center had been activated for 48 hours. A hotline was activated as well, and received 100 calls per hour for 36 hours. On October 1, the majority of state employees went on strike. Five of 55 employees remained at work in the Department of Public Safety for a period of two weeks.

Mr. Kerr said he was pleased that Sen. Ourada was able to attend the meeting. Sen. Ourada reported on a bill he was co-sponsoring in the Senate. The Prairie Island plant faced a 2007 deadline for storing spent fuel in dry storage casks. Sen. Ourada's bill — which he co-authored with Sen. Steven Novak — would extend the deadline and allow the Monticello plant to use dry storage. (The Monticello plant is in Sen. Ourada's district.) Another part of the bill would escrow the mandatory Nuclear Waste Fund surcharge. The Legislature passed legislation enabling such escrowing a few years ago, however the public utilities commission had not taken action to do so. Sen. Ourada speculated that the bill would not pass until 2003. He hoped other states would look at escrowing their surcharges.

*Iowa:* Mr. Flater reported that the state was receiving funding from WIPP through CSG-MW. Four users had been trained in TRANSCOM 2000. Ron Edmond (ORAU) had worked with Mr. Flater's staff to train many of Iowa's National Guard troops using the TEPP materials.

On October 23, the state had participated in an exercise involving the Fort Calhoun plant. Although the plant is located in Nebraska, the two-mile zone includes part of Iowa. Mr. Flater said the state would also be conducting a two-day plume pathway exercise for the Duane Arnold plant near Cedar Rapids in October 2002. He noted that Duane Arnold would run out of pool space either in 2002 or 2003. As a result, the plant was actively pursuing dry storage.

On the subject of Iowa's fee rule, Mr. Flater said his office had met with representatives of the trucking and railroad companies. The industry representatives did not object to the fee with regard to spent fuel, high-level waste, or transuranic waste. The point of contention seemed to be low-level waste. Mr. Flater's office revised the fee rule to reduce the low-level waste fee to \$25 per truckload. By rail, the fee would be \$25 for the first carload, and \$10 for each additional carload. In December, the draft rule would go before the Administrative Rules Committee. Mr. Flater thought the effective date of the rule would likely be July 1, 2002.

Rep. Elgin mentioned that the Duane Arnold plant in Palo is in his district. He said the utility was looking into dry storage. He also mentioned that Governor Vilsack had appointed Ellen Gordon, director of the Iowa Emergency Management Division, to be the homeland security director for the state.

Mr. Flater strongly recommended that any states interested in fees should look very closely at the federal legislation that enables states to charge fees. If states were not mindful of the restrictions, their rules could be preempted. Mr. Flater offered to provide copies of the pertinent federal legislation to anyone who was interested.

*Illinois:* Mr. Runyon said Illinois was receiving funding from WIPP through an agreement with CSG-MW. He thanked Mr. Smith and Ms. Sattler for their help in setting up and administering the agreement. He said if the WIPP shipments did not occur in 2002 as planned, the state would need additional financial assistance in FY03.

On the subject of the FRR shipment, Mr. Runyon said the Illinois agencies were not pleased with the last-minute delay at the Missouri border. As a result of Missouri's refusal to let the shipment enter the state, personnel from the Illinois Department of Nuclear Safety (IDNS) and the State Police had to stay with the shipment for an additional six and a half hours. Referring to an article that appeared in a St. Louis paper, Mr. Runyon also expressed concern about the state of Missouri's distribution of safeguards information to the media.

Mr. Runyon commented about the intense media coverage of the West Valley shipment. He said he hoped the NRC, in reviewing and revising its regulations, would restrict access to information on routes while at the same time making it possible for the states and DOE to continue to work cooperatively on shipments. Mr. Runyon speculated that DOE would have to review current plans for shipping radioactive materials, particularly the West Valley spent fuel. He did not understand the "business-as-usual" stance that the West Valley team in particular seemed to take following September 11.

Mr. Runyon noted that IDNS had pre-positioned teams in the northern part of the state where the majority of the nuclear plants were located. The Emergency Operations Center, operated through the Emergency Management Agency, was still on duty 24-hours a day.

Mr. Crose asked whether other states supported the idea of having the West Valley shipment travel as classified. Mr. Runyon said that, although classifying the shipment was an option, he did not think doing so would serve the best interests of the corridor states.

At the close of the roundtable, Mr. Moussa announced that the committee had elected Mr. Strong to be vice chair. Mr. Moussa congratulated Mr. Strong and acknowledged the many years of service Mr. Owen had provided to the committee.

### **Committee Discussion**

The states briefly discussed the joint meeting and reviewed the discussion of the draft letter of consensus from the previous day. Ms. Sattler explained that the staff would compile all the comments from the three breakout sessions into a revised draft letter. The states would then have the opportunity to review the revised language. Following this review period, the staff would make all necessary changes and then forward the letter to the Secretary of Energy.

The general consensus of the committee was to keep the language simple and the letter short. The states were interested in highlighting DOE's successes while at the same time pointing out areas for improvement.

Mr. Moussa adjourned the meeting at 11:00 a.m.