



The Council of
State Governments
**MIDWESTERN
OFFICE**

January 27, 2003

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Dear Dr. Chu,

On behalf of the Council of State Governments' Midwestern Radioactive Materials Transportation Committee, I am writing to introduce you to the committee and the work it has performed over the past 13 years in connection with the U.S. Department of Energy's (DOE) shipments of radioactive waste. As I'm sure you are aware, the Council of State Governments' Midwestern Office is one of the regional groups that the Office of Civilian Radioactive Waste Management (OCRWM) tapped over a decade ago to assist in the development of the transportation component of the Civilian Radioactive Waste Management System. Now that the Yucca Mountain site designation is behind us, we are looking forward to resuming our cooperative working relationship with OCRWM at the earliest opportunity.

Throughout the early 1990s, the Midwestern region worked closely with OCRWM and the other regions to develop the draft policy and procedures on the implementation of Section 180(c) of the Nuclear Waste Policy Act. In addition, we commented extensively on OCRWM's proposed strategy for acquiring transportation services. We also produced well-received information materials such as the 1996 booklet, *Radioactive Materials Transportation: A Guide for Midwestern Legislators*.

Since 1998, we have worked with DOE's Office of Environmental Management to plan several shipping campaigns involving spent fuel and transuranic waste. Our experiences with these shipments have convinced us of one thing: a cooperative process involving DOE, the states, and the regional groups is not only a practical approach to transportation planning, but it is the *best* approach.

The goal of the states is to protect the health and safety of the public in our jurisdictions. We cannot do our duty without the resources we need to be ready for shipments and the possibility of accidents or incidents — however unlikely they might be. Those resources include information, access to training, equipment, and financial assistance.

In addition, the states know better than anyone else what the terrain is like — both literally and figuratively — within their borders. The representatives appointed to the Midwestern committee either are, or have direct access to, the experts on the state transportation infrastructure, emergency response assets and capabilities, laws and regulations, seasonal weather conditions, road construction projects, special events, and other state-specific matters. A shipping campaign cannot succeed without taking into account these local factors.

Furthermore, the involvement of the corridor states in planning is vital to the success of the transportation program because it reduces the likelihood of widespread public opposition. People, in general, are afraid of radioactive waste. We'll always have a small but dedicated core of anti-nuclear activists campaigning against waste shipments, and some elected officials will be receptive to their rhetoric. However, by enlisting the states as parties to the transportation planning process, OCRWM can increase the level of confidence that the mainstream American public has with regard to the program's shipments.

To illustrate this point, I call your attention to two fairly recent shipping campaigns. In 2001, DOE worked with the states to plan a shipment of spent fuel from West Valley, New York, to Idaho. As a result of an ongoing anti-nuclear campaign that targeted the shipment, newspapers in every state along the shipping corridor ran at least one article about the shipment. The state government officials who were quoted in the articles, for the most part, conveyed a high level of confidence with the safety of the shipment.

In stark contrast, when DOE prepared to ship MOX fuel from New Mexico to Canada in early 2000, the department chose to shut the states completely out of the planning process. In the media coverage of that event, state and local officials in the corridor states came across as deeply concerned about the shipment. Ultimately, the level of public alarm led DOE to treat the shipment as classified, even though the radiological risk posed by the cargo was far less than that posed by the West Valley spent fuel. The experience was so negative that the affected states commonly cite the MOX fuel shipment as an example of how *not* to conduct a shipping campaign.

The positive effect of involving the states in planning through the regional process cannot be overstated. Over the past few years, the Midwestern states have developed solid working relationships with DOE programs such as West Valley. Because of these relationships, we have a high degree of confidence in the ability of spent fuel to be moved safely to Yucca Mountain. In fact, during last summer's debate over Yucca Mountain, more than a few of us conveyed this

Dr. Margaret Chu

January 27, 2003

Page 3

high level of confidence to our members of Congress in response to inquiries we received. I believe much of the support in Congress for the Yucca Mountain site designation was due to the successes DOE and the states have had working together to plan shipments such as those to the Waste Isolation Pilot Plant. Last summer, DOE made many commitments to work with the states on developing the OCRWM transportation program. It is our sincere hope that OCRWM will do so through the highly successful regional planning process.

We were very pleased to hear both you and Secretary Abraham announce that OCRWM would publish a national transportation plan in 2003. We look forward to the opportunity to work with OCRWM on developing the plan, finalizing the policy on Section 180(c) implementation, and beginning the process of identifying routes. We hope that 2003 will mark the beginning of a renewed working relationship between OCRWM and the Midwestern region.

For your reference, I am enclosing a committee roster. Please feel free to contact either Ms. Lisa Sattler (920-803-9976) or me (217-786-6365) if you have any questions about the committee or this letter. Thank you very much for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. Runyon". The signature is fluid and cursive, with a large initial 'T' and 'R'.

Timothy A. Runyon, Chief
Division of Environmental Monitoring,
Illinois Department of Nuclear Safety, and
Chair, CSG Midwestern Radioactive Materials
Transportation Committee

Enclosure