March 5, 2004

Margaret Chu, Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
RW-1
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Dr. Chu,

As chair of The Council of State Governments’ (CSG) Midwestern Radioactive Materials Transportation Committee, I have had the opportunity recently to speak at meetings of the Nuclear Waste Technical Review Board and the National Academy of Sciences’ Committee on Transportation of Radioactive Waste. My presentation at both meetings highlighted the key issues for the Midwestern states with regard to OCRWM’s program for transporting spent nuclear fuel and high-level radioactive waste to a national repository at Yucca Mountain.

At the committee’s December 2003 meeting, the states met with Gary Lanthrum of your staff to begin discussing some of these issues. At the time, Mr. Lanthrum suggested it would be helpful for the region to develop a list of issues and to propose specific projects that the region would like to undertake as part of its cooperative agreement with OCRWM. On behalf of the committee, I am writing to respond to Mr. Lanthrum’s suggestion.

As you will see, these issues are largely the same as the ones we covered in our letter to you of August 12, 2003. In January, Lisa Sattler of the CSG Midwest staff submitted to DOE a draft scope of work for our FY05 activities, which included projects addressing some of the key issues. In addition, CSG Midwest recently distributed a brochure to state legislators and other government officials in the Midwest, identifying emergency response, routing, security, and rail shipments as the four issues on which the committee will focus over the next two years. We look forward to working with you, Mr. Lanthrum, and other members of your staff to move forward on these and other issues.
Please do not hesitate to contact either Ms. Sattler (920.803.9976) or myself (517.241.1252) if you have any questions about this letter or the Midwest’s list of issues. Thank you for your support of the Midwestern regional cooperative agreement.

Sincerely,

[Signature]

Thor Strong, Chair
CSG Midwestern Radioactive Materials
Transportation Committee, and
Acting Commissioner, Michigan Low-Level
Radioactive Waste Authority

enclosures

c: Members of the CSG Midwestern Radioactive Materials Transportation Committee
   Gary Lanthrum, OCRWM
   Doug Larson, WIEB
   Phillip Paull, CSG/ERC
   Christopher Wells, SSEB
The Council of State Governments  
Midwestern Radioactive Materials Transportation Committee

Key Issues for the Midwestern States Regarding OCRWM’s Transportation Program

Regional Planning Process

The Midwestern states have long advocated that OCRWM follow the established regional process for planning and conducting its shipments to Yucca Mountain. We are very pleased that OCRWM’s Transportation Strategic Plan identifies the regional groups as the “anchors” in the program’s collaboration with the states.

Record of Decision on Mode

The selection of the shipment mode is a critical decision that will influence many other decisions, such as routing. It is our understanding that OCRWM will soon issue a Record of Decision identifying its choice of a preferred mode. We eagerly await that Record of Decision.

Routing

Once OCRWM selects the mode, the states will undertake a review of the available routes through the Midwest. The committee believes we will be able to identify an acceptable suite of routes through the region, which will facilitate OCRWM’s planning as well as our own assessment of potential training and equipment needs along the routes. This project is one of the proposed additions to CSG Midwest’s scope of work for FY05.

Section 180(c) Assistance

At the NAS meeting in Chicago on February 2, Jozette Booth’s presentation included a slide showing 2005 as the target for re-issuing the current draft policy and procedures on Section 180(c). It is unclear why OCRWM would choose to wait until 2005, when it would take very little effort and be much more timely to publish the existing draft in 2004. As we previously observed, it took OCRWM and the states over five years to develop the current draft. We believe OCRWM should place a high priority on finalizing its policy and procedures on Section 180(c), beginning sooner rather than later. We are committed to working with OCRWM to finalize the document.

NRC Regulation of Transportation

At the December meeting, it became clear that neither the NRC nor OCRWM views the Yucca Mountain shipments as falling completely under NRC regulation. We believe this issue is of paramount importance given the heightened concern over shipment security in the post-9/11
environment. We would like to resolve the matter with OCRWM and the other regions, beginning in FY05.

**Rail Shipments**

Assuming OCRWM will select “mostly rail” as the mode, the Midwestern states will need to more thoroughly examine the unique operating environment and shipping practices for shipments by train. Currently, the Midwest is working with the other regions and DOE’s Office of Environmental Management to develop a program implementation guide for transuranic waste shipments by rail. We anticipate using that guide as the basis for identifying our preferences for DOE’s shipments of spent fuel and high-level waste by rail. This is another project we hope to pursue in FY05.

**Full-Scale Cask Testing**

Although we followed with interest the NRC’s progress on its Package Performance Study, it appears not much is happening with this study — not publicly, at least. We hope OCRWM will continue to work with the NRC to support the testing. As we have previously stated, we believe full-scale testing can go a long way toward convincing a skeptical public that OCRWM’s shipments are not as dangerous as some opponents might portray them to be. We believe the boost in public confidence that full-scale testing will provide may indeed be worth the additional expense.

**Barge Shipments**

Related to public confidence is the matter of barge shipments. As we previously indicated, it is highly unlikely the public and its elected officials in the Great Lakes states will accept the notion of barges carrying spent nuclear fuel across the Lakes. We would like to see OCRWM look at alternatives for getting this waste to rail terminals. If OCRWM chooses to conduct barge shipments despite our desire to avoid them, it will almost certainly be necessary to demonstrate through full-scale testing that shipping casks can withstand immersion in very deep water, and that we have the capability to retrieve them.

**Information and Outreach**

With new funding from OCRWM, CSG Midwest has been able to resume an important component of the Midwest’s transportation project — namely, outreach to state government officials and others in the Midwestern states. The new transportation project brochure is one way for the committee and staff to keep state government officials informed of the important work we’re doing to assist OCRWM in developing the transportation system. In the coming years, with OCRWM’s continued assistance, we hope to produce additional brochures as well.
as more in-depth reports, such as the *Handbook of Radioactive Waste Transportation* and the *Planning Guide for Shipments of Radioactive Materials through the Midwestern States*.

**Winter Shipments**

Several Midwestern corridor states have experienced difficulties with winter shipments due to weather-related delays or cancellations. We urge OCRWM to examine the feasibility of scheduling shipments so as to avoid shipping through the Midwest during December and January, which are the two worst months in terms of weather. Given the large number of sites that will be shipping to Yucca Mountain, we are hopeful that OCRWM will be able to accommodate this request in its schedule. We look forward to working with OCRWM to address this matter as shipments become more imminent.