



May 31, 2006

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Michael H. McCabe
Regional Director

Dear Chairman Diaz:

As chair of The Council of State Governments' Midwestern Radioactive Materials Transportation Committee (MRMTC), I am writing to share the committee's views on a recent recommendation by the National Academies of Sciences (NAS) for an independent examination of transportation security for spent fuel shipments, and the need to develop a closer partnership with the U.S. Nuclear Regulatory Commission (NRC) on transportation security issues. The MRMTC is a group composed of gubernatorial appointees and state legislators that work together to develop policies and procedures for the safe transportation of radioactive materials through the Midwestern states. While the MRMTC supports this NAS recommendation, a beneficial first step would be for the NRC to partner with the states and use existing research and experience to assist them in preparing for spent fuel shipments.

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As you know, on February 9th of this year the NAS released a report on the safe transport of spent nuclear fuel in the United States. One of the report's recommendations was that "an independent examination of the security of spent fuel and high level waste transportation should be carried out prior to commencement of a large scale shipping campaign to a national repository or interim storage facility." The report recommended that the independent examination should include evaluations of the existing threat environment, the package response to credible malevolent acts, and the operations security requirements for physical protection of shipments. We are aware that the recommendation for an additional independent assessment was based, in part, on the fact that the NAS study was unable to evaluate

transportation security issues due to the restricted access to security information and the lack of security clearances among the study group members.

The MRMTC is not opposed to an independent examination of these security issues as recommended in the NAS report. We believe that such an examination could aid in increasing public understanding and confidence. However, it is not certain when or if an independent examination would be undertaken, and whether the examination would provide our states with the information on security matters we feel is necessary to plan for spent fuel shipping campaigns.

We believe that the NRC has already completed a substantial body of work with regard to the transportation design basis threats and shipping package performance under various threat scenarios that would be useful in helping state radiation safety agencies, emergency response organizations, and local law enforcement to prepare for and support spent fuel shipments. We are writing to urge the NRC to make it a priority to develop appropriate versions of its package security assessments and to share this information with the state organizations involved in ensuring the safety and security of shipments. By doing so, the NRC will deliver to these organizations a clear and consistent message with regard to package security and performance. We believe that sharing this information is a necessary first step to improving coordination among those government agencies that will have oversight authority for shipments of spent fuel to a repository or interim storage facility.

Thank you for your attention to this matter. I look forward to a reply from your organization. If you have any questions about this subject, please do not hesitate to contact Sarah Wochos (630-925-1922) at the Council of State Governments' Midwestern Office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Owen", with a long horizontal flourish extending to the right.

Robert Owen, Chief
Bureau of Radiation Protection
Ohio Department of Health, and
Chair, CSG Midwestern Radioactive Materials
Transportation Committee