

THE UNIVERSITY OF MICHIGAN FORD NUCLEAR REACTOR PHOENIX MEMORIAL LABORATORY

50-2

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: 5

DATE: 6/28/00

TO: GLORIA BENNINGTON
SFPD - NMSS
US NRC

FROM: BERNARD DUCALA
UNIV of MICHIGAN
PNL & FNR

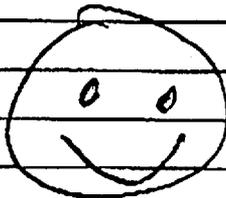
PHONE: (301) 415-8524
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CONFIRMING #: (734) 764-6220

ACCOUNT #: —

MESSAGE:

STATE OF OHIO - US-23 approval/support
For R28-2000 shipment sequence.



NMSS05 Public

(Enclosure is Publically available)

Jun-28-2000 07:41 am From:PUCO TRANSP

614 752 8348

T-021 P 001/004 F-050

The Public Utilities Commission of Ohio
Transportation Department
180 E. Broad St.
Columbus, OH 43215
(614) 466-3191

Fax

To: Chris Becker, University of Michigan **From:** Diane Vanderson, Law Clerk
Fax: (734) 836-1571 **Pages:** 4
Phone: **Date:** 6-28-00
Re: Commission entry approving routing **CC:**
request.

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

If you have any further questions please do not hesitate to give me a call at (614) 466-3191 or Carlisle Smith.

Thank you,
Diane

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Ordered)
 Investigation into the Request by the Michigan)
 Department of Environmental Quality for the) Case No. 99-904-TR-COI
 Designation of an Alternate Route for the)
 Transportation of Radioactive Materials.)

ENTRY

The Commission finds:

- (1) Under the regulations adopted pursuant to the Federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101-5127, as amended, the governor of each state may designate a state routing agency to supervise, coordinate and approve the highway routing of hazardous materials, including radioactive materials. By letter dated February 26, 1998, Governor George V. Voinovich designated the Commission as the state routing agency, as defined by 49 C.F.R. § 397.203(c), for the state of Ohio for the highway transportation of radioactive materials and as the lead agency for the highway routing into, within and through this state of high-level radioactive wastes and spent nuclear fuel.
- (2) Under the federal regulations governing the highway transportation of radioactive materials, highway route controlled quantities (HRCQ) of radioactive materials may be transported only on preferred routes. 49 C.F.R. § 397.101(b). Preferred routes are defined as an Interstate System highway for which an alternative route has not been designated by the state routing agency, an alternative route designated by the state routing agency, or both of the above. 49 C.F.R. § 397.101(b)(1).
- (3) In June 1999, the Commission received a request by the Michigan Department of Environmental Quality (Michigan DEQ), to designate a three-mile segment of U.S. 23 between the Michigan-Ohio border and Interstate 475 as a preferred route for the transportation of four HRCQ radioactive materials shipments. The four shipments were offered by the United States Department of Energy from the University of Michigan, located in Ann Arbor. By Entry dated September 2, 1999, the Commission approved the proposed designated route for the transportation of the four identified spent nuclear fuel shipments through Ohio from Michigan.
- (4) Pursuant to the Michigan DEQ's first request in 1999 and consistent with federal guidelines, the staff of the Commission's Transportation Department conducted a review of the proposed routing designation by the Michigan DEQ and filed, in a Staff

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Report on August 30, 1999, the results of its investigation. The Staff Report demonstrated, based upon information available at the time it was prepared, that the alternative route, suggested by the Michigan DEQ, presented less radiological risk than the existing preferred route. Accordingly, on September 2, 1999, the Commission approved the request by the Michigan DEQ to designate a portion of U.S. 23 as the alternative route for the transportation of four HRCQ radioactive materials shipments.

- (5) The Commission has received another request by the Michigan DEQ to redesignate the previously approved alternative route for four new shipments of spent nuclear fuel from Ann Arbor, Michigan to the Department of Energy, Savannah River Site in South Carolina. This new request is for four shipments that are to be shipped no later than October of 2000.
- (6) On June 1, 2000 the Commission issued an Entry establishing a twenty-day comment period regarding the proposed routing designation. The Commission solicited comments on whether there had been any substantial changes along the proposed alternative route.
- (7) One comment was filed in the docket. The city of Oregon filed a one-sentence comment indicating that they had no opposition to the proposed routing designation.
- (8) Because the routing designation proposed by the Michigan DEQ reduces radiological risks, the routing designation should be adopted by the Commission as the alternative route. Pursuant to this routing designation, the four shipments of HRCQ radioactive materials offered for transportation by the U.S. Department of Transportation must utilize the alternative route. No other shipments shall be effected by the routing designation. In accordance with 49 C.F.R. § 397.103(c), the routing designation should take effect immediately upon notification to the Federal Highway Administration; and, unless otherwise ordered by the Commission, the routing designation should terminate effective October 31, 2000.

It is, therefore,

ORDERED, That the request of the Michigan Department of Environmental Quality to designate U.S. 23 as the alternative route for the transportation of four HRCQ radioactive materials shipments offered for transportation by the U.S. Department of Energy is granted. It is, further,

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ORDERED. That the Staff shall provide the notification of the routing designation to the Federal Highway Administration in accordance with 49 C.F.R. § 397.103(c). It is, further,

ORDERED, That a copy of this Entry be served upon all persons identified in the attachment.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

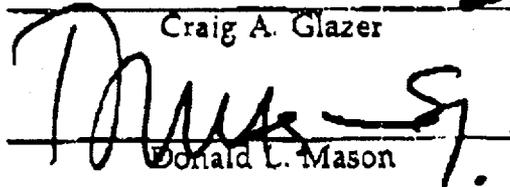


Ronda Hartman Fergys



Craig A. Glazer

Judith A. Jones



Donald L. Mason

DV:ct

Entered in the Journal

JUN 22 2000

A True Copy



Gary E. Hignite
Secretary