

**The Council of State Governments
Midwestern Radioactive Materials Transportation Committee**

**Proceedings of the Spring 2010 Meeting
Chicago, Illinois
May 25, 2010**

Committee business session

Committee co-chair Melanie Rasmusson (Iowa) convened the meeting and welcomed the group. Tim Runyon (Illinois) then welcomed the group to Illinois on behalf of the host state. Mr. Runyon mentioned that the meeting had a great location in Chicago, especially with a hotel located on the “Magnificent Mile,” Chicago’s famous commercial district. He also hoped that everyone would enjoy the National Transportation Stakeholders Forum (NTSF) meeting the following day. Ms. Rasmusson encouraged people to attend the organized night out dinner outings following the meeting.

Ms. Rasmusson provided the report from the committee co-chairs. Several of the committee projects had been put on hold while Ms. Rasmusson and project staff prepared for the committee meeting and NTSF meeting, which the Midwest was hosting. The NTSF meeting has been in the planning stage since October and Ms. Rasmusson expressed her hope that it would be a success. She encouraged committee members to provide constructive criticism on the NTSF meeting, as the goal was to meet the needs of the attendees.

Ms. Rasmusson updated the group on strategic planning for the committee. She mentioned that the committee is still grappling with how to function in tight budgetary times. Much of the project funding comes from the Department of Energy (DOE) Office of Environmental Management (EM). The staff will ask for an increase this year, but already has been told to expect the same funding amount as this year. The Midwest does not get as much funding as other regions, even though some have fewer states affected by DOE shipments. The Midwest has a tentative commitment from the Nuclear Regulatory Commission (NRC) for funding in the next fiscal year. Ms. Rasmusson encouraged the committee to talk to Earl Easton (NRC) to let him know this committee is important to the states and the NRC should provide funding to keep it going.

Mr. Runyon asked if the staff had figures on regional equity of funding. He noted that the Midwest produces a lot in terms of work products. This should be emphasized to DOE when making the case for more funding. The Midwestern Committee is an active committee. Mr. Runyon believes the committee is a leader among the regions with the *Planning Guide* it publishes, two routing studies that have been completed, and group members that are active on committees.

Lisa Janairo (CSG Midwest) mentioned that someone at the meeting had complimented her on CSG Midwest’s *Handbook of Radioactive Waste Transportation*. The person uses the document when he conducts training and he wanted to know when a new edition would be available. Ms. Janairo said there is no funding to produce an update at this time.

Thor Strong (Michigan) asked what the basis for possible NRC funding was. Ms. Janairo said she would cover this in her project update.

Ms. Rasmusson mentioned DOE's Used Fuel Disposition Campaign for commercial spent fuel and wondered what role the states may play. She said that the group may hear more at the NTSF meeting tomorrow. This might be an area for exploration by the Strategic Planning Work Group. The Blue Ribbon Commission (BRC) is up and running and this committee should be involved. This is an area where the committee should pursue funding. DOE turned down the committee's request for funding made last year in conjunction with the BRC, but the committee was prepared to try again.

Ms. Rasmusson offered a special welcome to Representative Jim Soletski from Wisconsin. She added that it was very important to have legislators be involved in the committee's work.

Ms. Janairo provided the project update. She explained that this year she was able to carry over funding from the Office of Civilian Radioactive Waste Management, which has since been eliminated from DOE. This funding must be spent by the end of the fiscal year. At that point, funding sources for the project will be WIPP, EM, and potentially the NRC. NRC funding would be provided in conjunction with the NRC's new Integrated Spent Fuel Management Plan. Under this plan, NRC is trying to integrate all activities related to the back-end of the nuclear fuel cycle, including transportation, very long-term storage, and eventual disposal. Ms. Janairo recently delivered a presentation at the Nuclear Energy Institute's Dry Storage Information Forum on how the regional groups can integrate storage, disposal, and reprocessing into their traditional work on transportation. The regional committees had previously had the luxury of focusing on transportation because storage and disposal were fairly settled. Now with Yucca Mountain off the table, the nation will need a new disposal site. The states needed to be involved in any policy decisions regarding long-term management of spent fuel.

Ms. Janairo mentioned a bill in Minnesota that would have required payments to nuclear plant host communities for dealing with very long-term storage. She thought the bill demonstrated a growing awareness that there might be a down side to hosting a nuclear facility, particularly when it ceases operation. Reprocessing may also be an issue that the committee might need to address. In her presentation at the NEI conference, Ms. Janairo had made the case that regional committees could bring in others with knowledge of back end issues – as well as ties to governors' offices – to supplement the committees' knowledge. A transformed, integrated approach would serve the states well and make use of the years of experience the regional committees have. She has been invited to give a similar presentation at the NRC's Fuel Cycle Information Exchange in July.

Ms. Janairo has been spending a lot of time on planning the NTSF and on the committee work groups this spring. Regional committees from the Midwest, West, and South had all sent letters to Secretary Chu last April suggesting that the committees play a role in the deliberations of the Blue Ribbon Commission. DOE's response to the letters had been disappointing. The regions could not all coordinate on sending follow-up letters this year. The Western Governors' Association sent a letter yesterday to Secretary Chu requesting money to be engaged in BRC activities. The Midwest will likely follow up with its own request in the coming months.

Ms. Janairo explained that DOE's Used Fuel Disposition Campaign is a DOE effort to research what to do with commercial spent fuel. She hoped to get someone from the office handling this project come to the committee's next meeting in the fall. DOE, the NRC, and the Electric Power Research Institute (EPRI) are studying extended spent fuel storage. DOE is transitioning all of the Yucca Mountain people who are left to this new project. Someone from the program had told Ms. Janairo that they would have funding for transportation in next year's budget and there would be spent fuel shipments sometime in the future. The project involves a demonstration with one or more filled spent fuel storage casks. Ms. Janairo had suggested that the collaborative project reach out to the decommissioned sites as potential candidates for participating in the demonstration.

Work Group Updates

Jon Schwarz (Nebraska) and Melissa Bailey (CSG Midwest) delivered the report from the State Experiences Working Group. The group was comprised of Melissa Bailey, Jane Beetem (Missouri), Tom Breckenridge (Ohio), Carol O'Claire (Ohio), and Mr. Schwarz. This group conducted an online survey and interviews of states from all regions to document their experiences receiving DOE funds. The survey was sent to 32 states, and 20 responded.

This project found that there was wide variation in the states' experiences receiving funds from DOE. States expressed challenges in terms of unclear guidance from DOE, difficulties related to the timing of receiving funds, a lack of flexibility in spending funds, and a lack of accurate shipment information from DOE. States stressed that while more standardized guidance may be helpful to the states, flexibility is also needed to accommodate the states' individual needs.

The WIPP program was cited by many states as a model of a successful transportation program. Many felt that WIPP should be used as a template for other DOE programs, or that eligible expenses for this program should serve as the minimum for what expenses are funded by DOE. However, several Midwestern states recently received guidance on spending WIPP funds in 2011 that reflects some of these state concerns.

The challenges cited by the states – timing of funding, clarity of guidance, and communication between states and DOE – are topics that could potentially be addressed through NTSF ad hoc working groups. The state experiences report will be provided to DOE and the other regional groups, and posted on the Midwestern Committee's website. Ms. Janairo added that she was very pleased with the report and Ms. Bailey's management of the project. She thought the report was an example of the kind of useful original research the Midwest contributes to DOE's and the states' transportation planning activities.

Mr. Runyon provided the update from the Midwestern Fee States Caucus. This group focuses on states that have implemented fees to cover the costs to the states of escorts, emergency management, inspections, and other shipment-related activities. There has been a lot of good discussion and information shared among the states on these conference calls. States are able to share experiences and discuss challenges. Some states require pre-pay for their fees, but it is hard to do this if shippers cannot report the time and date of the shipment for security reasons. This also becomes an issue if a shipment gets cancelled and the state has to reimburse the shipper.

In January, the group finalized the Midwestern states' flyer on fees for shippers and carriers. It includes details on the fees for various kinds of radioactive material imposed by the seven Midwestern states that charge fees for transporting these materials. The Midwest's fee flyer is posted on the committee website, and will be included as an appendix in the next edition of the *Planning Guide*. DOE has expanded the Midwest's state fee table to cover the entire country.

Mr. Runyon added that the Fee Caucus had considered producing a report on Midwestern state fee programs. The group may take this up next year. Also, the group discussed a trend that the region has seen – namely, a drop in shipments because shippers are avoiding the Midwest to avoid fees. In the coming year, the group will hold more conference calls, which will be open to all Midwestern states. The group may engage in discussions with commercial carriers. The group may talk to DOE about defense exemptions for certain shipments and the impact these have on states.

Kevin Leuer (Minnesota) mentioned that he is seeing more cobalt and HRCQ shipments through Minnesota because of Missouri's fee. Shippers are now going into Wisconsin and Minnesota. Ms. Janairo wondered why the Missouri fee was having such an effect, considering shippers were avoiding Iowa but still passing through Illinois, which has a fee. Someone suggested that shippers had been avoiding Iowa all along, but with Missouri now having a fee, there were fewer choices for getting around the state. In Iowa, there is a provision where shippers can negotiate with the state. The Fee Caucus calls had caused Ms. Rasmusson to look into Iowa's rules and prompted some rule changes. Mr. Runyon said that if Illinois could negotiate or reduce the fee for shorter routes or for two trucks together, he would do it, but the statute does not allow it. The legislature does not want to re-open the statute.

Carlisle Smith (Ohio) said that Ohio's rules are going before the commissioner for approval today. He suggested that legislators discuss any proposed legislation with the agencies that will need to implement rules when they are drafting fee legislation. He suspects that the industry will go to the Department of Transportation in the near future and ask for federal preemption of state fees. Some caucus members offered suggestions to other states who might be considering instituting fees. Some state fees are retained in a dedicated fund (as required by federal law), while the Minnesota fee goes into the General Fund. This fee would therefore be the most vulnerable to a legal challenge, however it is not being applied to any shipments at this time.

Mr. Smith delivered the update for the Reciprocal Rail Inspections group. This group evolved out of DOE's old Transportation External Coordination Working Group (TEC/WG). The object was to come up with something similar or comparable to the Commercial Vehicle Safety Alliance (CVSA) Level VI inspection procedures so that downstream states could understand and be confident in the earlier inspections. The work group reached consensus in January on the detailed inspection forms. The Association of State Rail Safety Managers sent a letter to the FRA, which was followed by a letter from the Midwest. Several months later, some group members proposed a shorter, streamlined set of forms. The Midwest felt it was best to stick with the detailed forms, with the option of adjusting the forms later. The Midwest also felt that the point of origin inspections should be the same as the inspections down the line to preserve continuity. The group is looking for a campaign on which to pilot test the forms, possibly rail shipments of foreign spent fuel. Another possibility would be the

Portsmouth and Paducah shipments of uranium oxide, which will be weekly shipments over a very long term, once they get started. The other question for the group is determining who could carry the effort of developing a program forward. Because of funding constraints, the Midwest project may not be able to continue supporting this activity in FY11. Mr. Smith mentioned that, in the past, federal officials had expressed concern about states stopping a train at every state line to do an inspection. He said this work group wants to avoid exactly that scenario by developing a reciprocal program.

Tony Dimond of the Brotherhood of Locomotive Engineers and Trainmen mentioned that some of the inspection could be done during the already mandated wheel-tests. Ms. Rasmusson mentioned that in doing quality assurance, detail is important because she would want to know exactly what an inspector looked at. Mr. Smith added that, on the truck side, inspectors have a blank sheet and they fill in the violations. They will only mark something that is a violation. Otherwise they will not mark that they looked at something, even though they did check it. The forms the rail inspection group is developing need to be really clear for “non-inspection” types. Mr. Runyon pointed out that no other campaign will look like a spent fuel campaign, which makes the pilot test challenging.

Ms. Janairo stated that at the recent NEI meeting where she presented, a fellow panelist from the Nuclear Waste Technical Review Board asked her what to do about the problem of states wanting to stop shipments and inspect them. She told them that states will always reserve the right to stop a shipment, but they might not always exercise that right. States would generally want to see shipments pass through quickly, especially if another state has done a comprehensive inspection. She said she would ask Jim Wade (DOE) about the foreign research reactor spent fuel shipments going to the Savannah River Site. The shipments may be truck or rail. She speculated that any shipments conducted by DOE’s Used Fuel Disposition Campaign would have to utilize rail and the rail inspection program could be useful for those.

Ms. Rasmusson asked about how frequently Level VI inspections should be done. Larry Stern of CVSA said the cornerstone of the program is that a point of origin inspection should be sufficient to get the shipment to its destination without re-inspection. However, CVSA does not discourage states from doing en route inspections. He thought DOE was concerned more about having rail shipments stopped.

Bob Owen (Ohio) reported on the *Planning Guide* work group’s activities. The *Planning Guide* gets updated every two years, and the group has proposed a set of changes. Committee members had a hard copy of the proposed revisions in their meeting packet. There were several changes proposed. The language was to be finalized later on during this meeting, and the state information in Appendix B would be updated in June. The document would go to print in July, funding permitting, with final distribution scheduled for August.

Ms. Janairo told the committee about the OCRWM Issues Archive project. The main purpose of the OCRWM carryover funds was to archive all of the old transportation issues that have been considered during the history of the Yucca Mountain Project. The staff identified 55 issues and were now writing up topic papers on who raised the issue, what has been done to address it, what were the key documents, what work remained to be done, and whether the Midwest had taken a position on that issue. The key

document overall has been DOE's 1986 *Transportation Institutional Plan*, which was a really good document that should have been maintained by OCRWM. The project would be completed by June 30th when the funding runs out.

Mr. Leuer and Ms. Rasmusson offered a toast to Mr. Strong and Mr. Owen, two long-serving committee members who will be retiring this year. They have provided invaluable insight and guidance to the committee. Mr. Strong hopes to travel in his retirement. Mr. Owen plans to move down south.

Roundtable of State Activities

Illinois- Illinois is seeing a lot of WIPP shipments from Argonne National Lab. They are currently moving remote handled material. They are trying to work out notification because DOE is not adhering to the WIPP 8-week rolling schedule. In order to improve overall efficiency Illinois would prefer that WIPP ship two trucks at one time, once or twice a week. This has not been possible because of the number of available casks with shipments from multiple generators. There will be 40 shipments in all before this summer ends. Illinois usually sees approximately 75 trucks a year of radioactive material, but that has decreased as a result of Missouri's fee. The fees generated support the inspection and escort program in Illinois and the consistent flow of shipments helps keep inspectors at a high proficiency level. Illinois anticipates that the HRCQ routing issue will become a topic of interest for USDOT in the near future.

Mr. Runyon said there would likely be refresher training available for the people who attended the Illinois sponsored "Peak Easy" training a few years ago. If they determine that additional slots are available, he will email the committee members with training dates and they will be responsible for passing the word on to people in their states who participated in the previous training.

Indiana- Laura Dresen told the committee that Indiana passed S. 186 that changed the fees for HLW transport. The fee for low-level waste did not change. The bill also changed how the funds would be utilized, and implemented a penalty for those shippers who do not obtain a permit. There is a balance of \$75,000 in the fund, but it is not accessible to Ms. Dresen's agency. Like Illinois, Indiana is seeing fewer HRCQ shipments. The state does not charge fees on HRCQ shipments.

Ohio- Mr. Owen reported that the state's fee rules were being considered today and were expected to pass. So far, there has not been a lot of pushback from shippers. Inspections and escorts are covered by a grant, so the state will not need to use fee revenue for those activities. Most shipments do not have armed escorts. Mr. Owen added that Ohio is trying to figure out when DOE's cleanup of the Portsmouth facility will begin. That will be a 30-year shipping campaign. Ohio expects to see the shipments begin soon with federal stimulus dollars available.

WIPP shipments from NRD in New York to Idaho National Lab are expected to occur in June 2011. WIPP staff met with Ohio in early spring to discuss the shipments. WIPP will provide funding once the state submits its statement of work. Mr. Smith said that the waste from NRD in New York is "legacy waste" from the Cold War, so it may be exempt from the Ohio fee. He added that Nebraska has exempted WIPP shipments from the state's fee because of their connection to national defense.

Mr. Owen heads the transport committee of the Conference of Radiological Control Program Directors, which drafts model regulations for states to use on transportation.

Minnesota- Mr. Leuer mentioned that John Kerr, formerly of the committee, retired recently. There had been an increase in shipments through Minnesota, with six shipments of cobalt-60 taking place since the beginning of the year. Normally, the state would see only one per year. Mr. Leuer said the state did not charge fees or escort shipments unless they involved spent nuclear fuel, but his agency does notify the localities. Minnesota was looking at its shipment policy and the potential dangerous uses of cobalt-60. Mr. Leuer said the state might decide to escort shipments to alleviate security concerns. On a different topic, he added that the town of Red Wing and the Prairie Island Indian community were concerned about long-term spent fuel storage on-site at the Prairie Island Nuclear Plant.

Sen. Amy Koch reported that the legislative session had ended the previous week. Last year, legislation to lift the state's moratorium had passed overwhelmingly in the Senate, but did not move in the House. This year, Sen. Koch introduced a similar bill, which received a hearing. Sen. Koch thanked Ms. Janairo and Mr. Easton for their help in obtaining speakers to testify at a legislative hearing on the bill. Her bill was significantly amended in committee, so Sen. Koch withdrew it. The bill Ms. Janairo had referred to earlier did not go forward either. Sen. Koch said the original bill would have held the Nuclear Waste Fund fees in escrow, but the utilities objected out of concern for the possible impact on their place in line when the federal government comes to collect the waste. She hoped the federal government would get the message that states are moving forward with addressing issues related to nuclear energy, including storage and disposal. She added that Minnesota may be the first state to be having this type of discussion, but the state would not be the last.

Kansas- Jennifer Clark reported that Kansas had only seen a few shipments that were HRCQ, possibly because of Missouri's fee. She said the state had been receiving TEPP training recently because so many responders needed it. Rep. Carl Holmes said Kansas was moving forward trying to attract a new nuclear power plant. The state allows utilities to charge for construction work in progress, or CWIP. Plus, if a utility wanted to build at a site that already housed a nuclear plant, it was possible to streamline the site permitting process. The following week, Rep. Holmes and others would be touring the reservoir above the existing Wolf Creek nuclear plant to see whether there is enough water to support a second reactor. The Kansas River might be an option, as well. Rep. Holmes added that the state legislature might need to look at the authority for erecting dry storage casks at the plant because it was not clear whether Kansas law would allow dry storage on site. One utility in Kansas was tentatively interested in the concept of modular nuclear power plants. Finally, Rep. Holmes mentioned the issue of "fee sweeps," whereby the legislature diverts funding in a dedicated fund for use elsewhere. He had asked the Attorney General in 2002 for a legal opinion on fee sweeps. The Attorney General had found them to be illegal, but Rep. Holmes said the finding had not stopped the practice.

Michigan- Mr. Strong began by thanking the members for their toast and their kind words. He said his involvement with the committee had been very rewarding and he would look back on this as one of the highlights of his many years of service. Regarding shipments, he said Michigan does not have a fee for radioactive waste shipments, but there were other rules in place that pertained to shipments. He

shared an anecdote about an incident involving a community college making a call to his office on a late Friday afternoon. There had been renovation work going on, and some workers came across something that said “radioactive” on it. They opened it up, then called the hazmat squad. Four people wound up going to the local emergency room, where the hospital set up an outdoor decontamination tent and decontaminated the people head-to-foot. Mr. Strong and a member of his staff went to the college to investigate and found the object was a long-forgotten 30-lb. chunk of depleted uranium from a military aircraft. He thought the incident helped illustrate the perspective people sometimes have about things that are radioactive.

Sgt. Fries said the Nordion shipments were the most common in the state, with typically 50-70 coming in during a year. The frequency was going down, partly due to the fees other states charged. Sgt. Fries added that, within a year, half of Michigan’s CVSA-certified state inspectors would be retiring. She expressed interest in participating in the Fee States Caucus calls. Right now, Michigan uses MCSAP funding from DOT to cover the costs of the state inspections. Mr. Strong added that it was his hope that Sgt. Fries would become his replacement on the committee. Ms. Janairo explained the process of seeking a new appointment and encouraged Mr. Strong to work behind the scenes to recommend Sgt. Fries.

Wisconsin- Mr. Schmidt reported that one shipment from the UW research reactor had taken place the previous year and another was expected sometime this year. For the first shipment, Wisconsin had coordinated closely with Illinois, with Kelly Horn and Sgt. Todd Armstrong coming to the state to do the CVSA inspection. There were no media problems or political issues associated with the shipment. Mr. Schmidt added that Wisconsin had liberally used the *Planning Guide* as a resource to get ready for the shipment. Mr. Schmidt also reported that, once he noticed the pattern of more HRCQ shipments coming through Wisconsin, he started to think about reevaluating Wisconsin’s statute. It turns out the state is a good resting stop for the shipments, with carriers choosing to spend the night in the state. This situation could create a resource issue for the state, so Mr. Schmidt felt it prudent to look at the long-term implications.

Rep. Soletski reported that, in 2008, the Wisconsin Assembly voted to lift the state’s moratorium on building new nuclear power plants, but the senate did not follow suit. In the legislation session that just concluded, the state attempted to pass a Clean Energy Jobs act that would have lifted the moratorium, but the bill died. One introduced bill would have required local communities near the plants along Lake Michigan to get reimbursed for having dry cask storage. The payments would have been \$450,000 for the first cask and \$150,000 for each additional cask. The bill did not get taken up. Rep. Soletski said he did not object to addressing the issue of waste, but he thought it would be counterproductive to give municipalities a significant amount of money just for hosting nuclear waste.

Iowa- Rep. Olson said Iowa had considered expanding nuclear power partly because of objections to two proposed coal plants. He thought the legislators found nuclear preferable to coal, but it might take 8-10 years to study the issue thoroughly. Ms. Rasmusson said that, despite shippers avoiding the Iowa fee, there were still a couple hundred shipments of low-level radioactive and other material passing through the state, including rail shipments. She added that the Argonne WIPP shipments Mr. Runyon

had mentioned come through Iowa as well. Ms. Rasmusson said more WIPP shipments had come through than expected this past spring.

Nebraska – Mr. Schwarz had no additional information to report.

Ms. Rasmusson then asked other meeting attendees to provide updates from their organizations. Barry Miles of the Naval Nuclear Propulsion Program (NNPP) said his program shipped spent fuel each time a ship is refueled. The volume is three shipments per year of 5-7 containers. Every four years, NNPP refuels an airline carrier, which generates 15 containers of spent fuel. The spent fuel gets shipped to INL, where it is examined so that the NNPP can make improvements for the future. Mr. Miles said a nuclear reactor on a ship now lasts 33 years, which is the same as the life of a ship. This advance in technology would ultimately result in fewer shipments. Mr. Miles added that NNPP shipments are national security shipments, so states are not pre-notified and the rail cars are not placarded. NNPP shipments meet all DOT, DOE, and NRC requirements. They use Type-B certified containers and all shipments are escorted by people with radiological response training.

About every two years, NNPP does a full-scale exercise. The last one was in Denver in August 2009. NNPP invites neighboring states to come observe the exercise. There is an accident scenario and then they do the response. The next exercise will be in Washington in August 2011. In 2013, NNPP will probably come to Indiana, since Ms. Dresen's agency has expressed interest in doing an exercise.

Mr. Stern provided an update from CVSA. There have been changes to how state people maintain Level VI certification. They need to get eight hours of refresher training every two years. In September, CVSA will be putting out an inspection report covering 2008 and 2009 and a report recommending technology to DOE. Next year, there will be a peer review of the Level VI inspection program.

Planning Guide Update

Ms. Janairo reviewed the changes proposed by the *Planning Guide* Work Group. Committee members had marked-up copies of the *Planning Guide* text. Most of the changes to language were approved by the committee. The group discussed changing "materials" to "material," which is inherently plural. This change will be made in the *Planning Guide*, but the name of the committee will not be changed at this time.

Language was changed to say that states "recommend the development of transportation plans," because states have no power to require this. One substantial change was made on page six of the *Planning Guide*. The states are now requesting the proposed route one year in advance rather than two. Ms. Janairo asked if the states had any objections. This change would not apply to large-scale campaigns, such as spent fuel shipments, where more notice would be given. The committee discussed the need to define small and large campaigns. It was decided that the term "long-term, large-scale," used on page four, was sufficient.

Mr. Smith cautioned that the DOT language of "satisfactory rating" may change in the next year. Ms. Janairo said she would make a note to review the reference to DOT ratings in the 2012 version of the

Planning Guide. Ms. Janairo expressed hope that the 2012 version might also be able to reflect the findings of the State Experiences Project if DOE follows up on the recommendations.

Nuclear Regulatory Commission Update

Mr. Easton updated the group on the NRC's activities. The NRC has had to change gears somewhat now that Yucca Mountain does not appear to be moving forward. For now, the review of the Yucca Mountain License Application is continuing. However, the NRC is now moving ahead with its Integrated Spent Fuel Management Plan, which includes very long-term storage, potential reprocessing, and eventual disposal. Transportation will occur to storage facilities, reprocessing facilities, and/or an eventual repository. Mr. Easton said commercial spent fuel could potentially be reprocessed once. After that, the benefits of reprocessing likely do not outweigh the costs.

The states talked about the opportunity to expand beyond transportation in light of the cancellation of Yucca Mountain. Like the NRC, the committee may take a more integrated approach to spent fuel storage, transportation, and disposal. Doing so might require bringing in more people with different experience and qualifications. Mr. Easton suggested that the committee get in front of the BRC to influence federal policy. This may be an activity for the strategic planning group. Mr. Leuer pointed out that the committee structure works well because the states have a gubernatorial appointee and a legislative appointee. He said it would be important to make sure that the committee appointments are appropriate for an expanded mission.

Discussion of Midwestern Perspectives to Share at the NTSF Meeting

Ms. Janairo explained the purpose of the new NTSF, and asked for state input on their priorities and preferred format. Many committee members indicated that they would rather not see webinars as a substitute for face-to-face meetings. Ms. Janairo pointed out that she thought webinars could be useful for training. Committee members agreed that this format is acceptable for training, but not for policy discussions.

Ms. Janairo then asked about topics for NTSF ad hoc working groups, which would be short-term and product-oriented. Ms. Janairo suggested recommendations from the state experiences project related to guidance and flexibility would be a good topic for a working group. Another potential topic is developing the reciprocal rail inspection protocol. Mr. Smith said the problem with the rail inspections effort was the pushback the states had gotten from the Federal Railroad Administration in pursuing detailed inspection forms. Also, the Southern states have not yet shown an interest, which was understandable because most of those states did not have state rail inspectors. It might therefore be difficult to pilot test the procedures on the foreign research reactor shipments in South Carolina. He commented that a push from the top (i.e. DOE) would be useful. Ms. Janairo also suggested the Prospective Shipments Report as a topic for an ad hoc working group. Finally, communications could be the subject of a work group since the fact sheets produced by the former National Transportation Program need updating.

In terms of future agendas for NTSF meetings, the group would like to see presentations on the transportation impacts of regional storage. This would address "where is the waste now and where is it going?" Another topic of interest to the group is transportation after extended storage. Mr. Easton suggested that the NRC could give a presentation on how it regulates storage and the interface between

storage and transportation. These topics will be shared with the NTSF at the closing session of the meeting, with the NTSF Planning Committee following up on a future conference call.

Committee Discussion

The committee moved on to a discussion of the WIPP funding guidelines. Mr. Schwarz talked about the recent guidance on spending WIPP funds for equipment. He was told that WIPP people came up with a list of equipment in consultation with WIPP Health Physicists. Ms. Janairo said she spoke with Bill Mackie about the guidance and he told her the states can request funding for equipment that is not on the list as long as they defended their requests in their scopes of work. The states may or may not receive funding for these items, depending on the justification they provide. Mr. Schwarz was so displeased with the restrictions in the guidance that he said Nebraska may consider re-writing their fee legislation to get rid of the national defense exemption and then collect fees for WIPP shipments and buy the equipment they want.

The meeting ended with a discussion of the fall committee meeting. Wisconsin is next in the host state rotation, so the next meeting will be held in Milwaukee. The dates tentatively selected by the committee are December 7th and 8th. Mr. Schmidt will check whether these dates conflict with a planned FEMA training event before the staff finalizes the dates for the committee meeting.

Ms. Bailey read the action items and the meeting was adjourned.

Prepared by Melissa Bailey, June 3, 2010.