

**The Council of State Governments**  
**Midwestern Radioactive Materials Transportation Committee**  
Proceedings of the Spring Meeting  
June 5, 2018 • Omaha, Nebraska

**Committee Business Session**

Welcome and Introductions

Committee co-chair Greg Gothard (Michigan) welcomed the group and asked attendees to introduce themselves. Mr. Gothard thanked the group for attending the annual meeting of the National Transportation Stakeholders Forum (NTSF) and semi-annual meeting of the Midwestern Radioactive Materials Transportation Committee (Committee). He noted that the Council of State Governments Midwest Office (CSG Midwest) and the Tribal Radioactive Materials Transportation Committee (TRMTC) are co-hosts of the NTSF meeting.

Report from the Co-Chair

Mr. Gothard presented an update from the Committee co-chairs. He offered well wishes for Katelyn Tye-Skowronski, who ceased work with the Council of State Governments in April. Mr. Gothard welcomed Melissa Bailey, who previously served as staff to the Committee and is filling in on a temporary basis. He noted the good attendance at this meeting, noting that nine states were represented. Jonathon York will be the new Committee appointment from Kansas. Mr. Gothard reminded the Committee that shipments to the Waste Isolation Pilot Plant (WIPP) are expected to resume this fall, affecting at least three Midwestern states. Lastly, he noted that the Committee appreciates the continued support and engagement from the Department of Energy (DOE).

Project Update

Lisa Janairo (CSG Midwest) told the group that a new five-year agreement has been signed with the Office of Packaging and Transportation within DOE's Office of Environmental Management (EM), which is the principal source of funding for the NTSF. The disbursements of money occur in a piecemeal fashion, which is challenging for the Midwestern Radioactive Materials Transportation Project. She is hoping that arrangements can be made for quarterly or annual funding allocations. Ms. Janairo said that the committee is seeking new appointments from Missouri to round out the Committee roster. Legislative appointments from the Midwest states will be sought after the 2018 elections. The workload associated with planning the NTSF meeting has been significant, especially with Ms. Tye-Skowronski gone. The online edition of the *Planning Guide for Shipments of Radioactive Materials Through the Midwestern States* will be updated soon after the committee meeting. Committee members should expect an email from staff requesting updates to each state's information. The *Planning Guide* is one of the principal information products for the Midwestern Project under the cooperative agreements with DOE. Ms. Janairo concluded by informing the group that Mike McCabe, director of CSG Midwest, would be welcoming NTSF attendees the following day.

NTSF-Related Reports

*Planning Committee*

Kaci Studer (Indiana) serves on the NTSF Planning Committee, which has been helping to plan this NTSF meeting as well as the NTSF meeting to be held in 2019. Ms. Studer noted that the draft charter for the

NTSF has been circulated and the Midwestern representative on the Charter Subcommittee (Ms. Janairo) had contributed to the draft.

#### *Communications Ad Hoc Working Group*

Heather Westra (Prairie Island Indian Community) noted that the Communications Ad Hoc Working Group (AHWG) would meet that afternoon. That AHWG is looking to update the state fee matrix and draft and distribute a newsletter in July. Ms. Westra indicated that, due to Ms. Tye-Skowronski's departure, the Communications AHWG was seeking a co-chair.

#### *Management Plan Ad Hoc Working Group*

Ms. Janairo represents the Midwest on the Management Plan AHWG. This group is responsible for documenting the instructions for meeting planning, leading an AHWG, etc. CSG Midwest has the most experience doing these things. She indicated that the Management Plan was finalized in October and the AHWG would be meeting Wednesday morning to review the Plan and make sure it is working. Ms. Janairo reminded the Committee that AHWG meetings are open, and people are welcome to attend. The Planning Committee would be soliciting webinar ideas from the states and Tribes.

#### Report on Resumption of TRU Waste Shipments

Brian Folts (Nebraska) informed the Committee that five shipments from Argonne National Lab are expected this year. The I-80 corridor will be used for the first time since WIPP closed temporarily in 2014. A road show is being organized for August 20-23 with stops in Illinois, Iowa, and Nebraska. This will be an opportunity for first responders, local officials, and residents to observe the transportation process and ask questions.

Mike Neller (Michigan) asked whether any of the states were concerned about possible protests. Mr. Folts said the states recognize the risk of protests against the shipments, but they want to be open with the public about what is happening. Angela Leek (Iowa) added that there are other shipments happening all of the time. Radiation is a concern, but the states would rather be out in front on the issue than have a bad reaction about something that was kept secret.

#### Report from Committee Work Group on Outreach

Chris Boswell (Iowa) updated the Committee on the Regional Work Group's efforts to plan a tour of WIPP for state officials. The tour has been scheduled for October 16<sup>th</sup> and hotel rooms have been reserved in Roswell, New Mexico. The tour will be capped at 20 attendees and priority will be given to the four states that will be affected: Illinois, Iowa, and Nebraska. The committee is planning a visit to the Eddy-Lea site in conjunction with the WIPP tour.

#### Other Meetings Attended

##### *Tribal Radioactive Materials Transportation Committee (TRMTC)*

Ms. Janairo told the Committee that she and Ms. Tye attended the most recent TRMTC meeting in January in Omaha. Isotope Crossroads was a topic of discussion at that meeting, which is what inspired the inclusion of an NTSF breakout session on this topic. Mike Stead (Illinois) spoke to the TRMTC group on Monday about state oversight of rail shipments. The states and regions are making an effort to

coordinate with the Tribes through the TRMTC. The next TRMTC meeting will likely be in January and Ms. Janairo would like a state member from the Midwest Committee to attend.

#### *Isotope Crossroads*

Kelly Horn (Illinois) participated in the Isotope Crossroads tabletop exercise. This was a joint initiative by DOE, the FBI, and the National Nuclear Security Administration. The exercise was designed to test preparedness and response to a terrorist incident involving a shipment of Category 1 or 2 radiological material. This type of exercise allows parties to identify where communication can break down in the event of an incident. There was participation from the Northeast Task Force and the Western Interstate Energy Board as well as the Midwestern states. Fire departments, HazMat specialists, State Police, and the National Guard were all represented. There are exercises coming up in Memphis, Tennessee, and Watertown, New York. Travel funding is available through CSG Midwest for other states that are interested in observing.

#### *NEI Used Fuel Management Conference*

Mr. Horn had also attended the recent Used Fuel Management Conference put on by the Nuclear Energy Institute (NEI) and reported that this forum was beneficial. Mr. Horn spoke on the subject of public perception of and state involvement in shipments of spent nuclear fuel. His presentation was well-received. NEI is interested in sponsoring an industry site visit to the Kewaunee plant in Wisconsin. Mr. Horn had suggested that representatives of the Midwestern committee be invited to attend, as well.

#### Presentation on Cask Testing at the Savannah River Site

Bradley Loftin (SRS) provided an overview of activities at the Savannah River Site (SRS), which is a large site covering more than 300+ square miles. SRS is an environmental legacy site that is in the process of being cleaned up. SRS is one of 17 national laboratories across the country. They utilize a fleet of packages to contain and transport different types and volumes of waste. SRS conducts package development and testing. Under the Safety Analysis Report for Packaging (SARP), packages need to be tested for normal conditions as well as accident conditions, which include subjecting packages to a drop, immersion, crush, puncture, and fire. Regulations allow for small amounts of material to be released in the week following an incident; however, SRS designs packages to be leak tight after testing. Mr. Loftin will coordinate with the Midwest to let the Committee know when testing is taking place so interested people can come watch at SRS.

Mr. Horn asked whether Mr. Loftin could give Committee members public data and information that could be used for outreach. Mr. Loftin replied that videos of many of the tests as well as reports from the tests are publicly available and he would be happy to provide them.

Ronald Johnson asked whether the heating of the material increased the internal temperature. Mr. Loftin answered that the heat load is based on the contents, and there is a 38-watt load limit based on the maximum load.

Ms. Janairo asked whether there are public information materials or fact sheets on testing. Mr. Loftin replied that DOE does papers on most of the testing they conduct to present at many conferences. He will provide fact sheets for the Committee's use.

### CVSA Update

Carlisle Smith said CVSA was established in the 1980s to promote uniformity in inspection procedures. One of the many inspection programs is the Level VI program, which operates under a cooperative agreement with DOE. They do certification classes (8 per year), public outreach, train the trainer, and industry awareness. They also track violations each year. Mr. Smith said data on inspection results are available on the FMCSA Analysis & Information (A&I) website: <https://ai.fmcsa.dot.gov/default.aspx>.

### Strategic Planning Discussion

Mr. Gothard let the committee know that the Strategic Planning work group was recommending changes to the committee rules. The “Purposes and Objectives” language has been cleaned up to align with current committee activities. A paragraph on committee legislative liaisons has also been added. There is a new set of duties for the “immediate past chair” of the committee, which calls on this individual to fill in if the co-chairs aren’t available to run a meeting. Co-chairs will be elected in the fall but not take the role until January of the following year. Finally, the procedures were modified to allow for electronic voting. There was voice vote to approve the rule changes. There were no objections.

Next Mr. Gothard reviewed the Midwestern representation on the NTSF ad hoc working groups and membership of internal committee work groups. He informed the committee that there are several spaces that need to be filled and asked the members and other state attendees to consider volunteering. The NTSF Spent Fuels Materials AHWG is on hold because DOE is not interested in developing public information materials at this time. This is unfortunate, in his view, because Congress is considering spent nuclear fuel transportation and consent based siting and it would be useful to have materials that could be provided to the public on these topics. This group may be repurposed in 2019 to complete other tasks or it could be merged with the Communications AHWG. There is a need for new, timely, public information material.

There are new groups forming to address regional tribal integration and decommissioning guidance for states that will experience the premature closing of nuclear plants. Both of these groups are currently envisioned as specific to the Midwest, but there could be an opportunity for broader NTSF engagement.

### Regional Roundtable

*Illinois* – Kelly Horn reported that it has been business as usual in his state. Rodney Pitchford from the Radiation Field Services will be the alternate for Illinois. They have seen roughly 30 shipments this year, two of which were spent fuel. Illinois is gearing up for five Argonne shipments that are expected to take place this fall.

*Indiana* – Kaci Studer reported that Laura Dresen has left the Indiana Department of Homeland Security, but she sent her regards to the Committee. A replacement for Ms. Dresen has not yet been identified. Ms. Studer noted that there are three Level VI inspectors at the NTSF meeting. Highway Route Controlled Quantity (HRCQ) shipments travel through Indiana regularly at a volume of 50-60 per year. There have been three shipments of radioactive material so far this year. Indiana is working on the shipment notification process for local officials. The Modular Emergency Response Radiological Transportation Training (MERTT) program is up and running in Indiana.

*Iowa* – Mr. Boswell reported that his state is preparing shipments from Argonne to WIPP this summer. The Iowa Department of Transportation is coordinating with other state agencies to prepare. They plan

to monitor these shipments in TRANSCOM so they are working on training new staff on the TRANSCOM system.

*Michigan* – Mr. Gothard reported that Mike Neller had recently taken the position previously vacated by former committee member Ken Yale over a year ago. Michigan will not be affected by the upcoming WIPP shipments. They have had some normal, routine medical shipments and HRCQ highway shipments from Canada. He is looking to get additional training for Michigan staff. Mr. Gothard said there seemed to be more interest in training and exercises coming from the Detroit area. He added later that the state had recently begun seeing shipments of HRCQ material through the Upper Peninsula of the state, which was an unusual occurrence.

*Missouri* – Tiffany Drake thanked the members for their timely responses to an inquiry she had sent through Ms. Janairo. Missouri is looking at funding emergency responder training through fee revenue. She was working on updating training and trying to make retraining shorter to fit in one shift. The state was on deck to host the next Naval Nuclear Propulsion Program (NNPP) exercise, scheduled for 2020. Ms. Drake anticipated there might be a need for MERRTT training in conjunction with hosting the exercise. Missouri is the home of one of three facilities that is being constructed to produce medical isotopes. (The other two are in Wisconsin.) The state has seen 30 HRCQ shipments this year. On June 1, the Lt. governor became the state's new governor.

*Nebraska* – Brian Folts reported that Nebraska is working with Iowa and Illinois to prepare for the resumption of shipments to WIPP and also to organize the October tour of WIPP for state officials.

*North Dakota* – Dale Patrick reported that North Dakota sees Nordion shipments from Canada. However, there are no nuclear reactors in North Dakota.

*Ohio* – Michael Snee told the committee that one incident had occurred a few months ago when radiation detectors were set off by a truck driving by a scrap yard with contaminated material. There was a cesium source in one shipment conducted by Bionomics. State inspectors went to inspect the truck, but they were unable to determine why the alarms were triggered. The packaging of the source was intact.

Mr. Snee also reported that the First Energy nuclear plants in Ohio (Davis-Besse and Perry) would close in 2020, as well as Beaver Valley in Pennsylvania. The company has declared bankruptcy and will also close its coal plants. There is speculation that the federal government may try to keep old coal and nuclear plants operating for reliability reasons. One legal question being explored in Ohio is whether plants need to continue funding state monitoring programs once the plant ceases operations. Finally, Mr. Snee noted that Steve Bertonaschi from the Emergency Management Agency was attending his first Midwestern committee meeting.

*Wisconsin* – Paul Schmidt reported that a Prairie Island exercise was currently taking place, which explains the absence of Minnesota representatives and Governor Walker's appointee to the committee (Adam Davenport). This year two shipments from Chalk River in Canada had travelled through Wisconsin. Advance notification for those two shipments went to the governor instead of the Emergency Management Agency and Department of Health, which are the points of contact listed in the *Planning Guide*. The Governor's office is not used to receiving this type of notification. Mr. Schmidt had considered this mix-up to be a fluke until it happened again with other shipments. When Mr. Schmidt

looked into the issue, he discovered that the NRC website said that HRCQ advance notification should go to the Governor's office in Wisconsin. This information has since been updated, and he recommended that other committee members confirm their states' information on the NRC website. Mr. Patrick said the same problem had occurred in North Dakota. Ms. Janairo will circulate NRC web address for states to check their state information.

*TRMTC* - Richard Arnold from the Consolidated Group of Tribes and Organizations (CGTO) and Ms. Westra provided an update on Tribal activities. No fuel has yet been shipped from the Prairie Island nuclear plant, which is adjacent to Tribal lands. Ms. Westra thanked Mr. Stead for attending the TRMTC meeting and informing the Tribes about the Association of State Rail Safety Managers. The Tribes appreciate the increasing interaction with states and regions. The Prairie Island Indian Community had also sent a letter to legislators in support of Representative John Shimkus's bill currently in Congress. All but one of their House members supported that bill.

Several other Tribal members in attendance made comments on Tribal activities. Ronald Johnson (PIIC) state that they are looking to improve access to the Prairie Island lands by making bridge improvements.

Dan King from the Oneida Nation reported that the Midwest Alliance of State Sovereign Tribes (MASST) had heard nuclear material was being transported across Tribal land and wondered whether Tribes are being notified of shipments. He thinks 8 tribes are likely affected by existing shipments and that states may not know the exact Tribal boundaries. The Tribes want to know which routes are being utilized and when shipments are coming through. He is participating in the NTSF and committee meetings in an effort to become informed.

Ms. Janairo said she would follow up with Nordion regarding the shipments referenced. She noted that tribal governments need to have training on NRC advance notification safeguards requirements in order to receive shipment notification. She also informed the group that a regional tribal integration work group was being formed by the Midwest and this could be a good forum for addressing these concerns. However, Ms. Janairo pointed out that it is not the responsibility of the states to notify Tribes of shipments; this is a shipper responsibility. She asked Mr. King to share information with her regarding MASST.

Richard Arnold told the group that he is working to integrate Tribes that aren't already participating in TRMTC. Orville Cayou, Vice Chair of the Omaha Tribe of Nebraska, stated that this is his second NTSF meeting and he has had very limited involvement. His Tribe has rail tracks going through their reservation and they want the governor to work with them in good faith on shipments of radioactive material. Isaac Sherman, also with the Omaha Tribe, noted there is a need for better communication on transportation. The Tribe is not aware of all highway shipments and thus he feels they can't be prepared if an incident were to occur. Clifford Wolfe with the Omaha Tribe chimed in and raised questions about what is going through Omaha tribal lands by truck, train, and barge. He also said the Santee and Winnebago Tribes would want to know about shipments affecting their lands, too. Ms. Janairo assured Mr. Wolfe that he had come to the right place because, even though the committee members might not be able to fully answer his questions, they would be able to help put him in touch with the people who can.

## **Federal Program Reports on Shipments and State Engagement Activities**

### DOE Carlsbad Field Office

James Mason provided an update on WIPP shipments. They hope to soon be making ten shipments per week. Current shipments are mainly from Idaho and they hope to commence shipments from Argonne this fall, pending preparation by the site. There would be three Midwestern states affected by the Argonne shipments. Jeff Carswell, the Deputy Manager of the Carlsbad Field Office, was in attendance and was introduced to the group. Ms. Janairo asked about the status of funding for the regional groups and Mr. Mason responded that he was done with his part and the request is currently sitting with the finance division. Angela Johnson, the WIPP transportation manager, told the group that all of their trainers retired last year, taking 80 years of experience with them. She now has a new team of trainers, including Eddie Royball, Gaylon Fuller, and Dan Whitmer.

### DOE – EM Office of Packaging and Transportation

Joanne Lorence from the Office of Packaging and Transportation in DOE's Office of Environmental Management (EM) provided an update. Her office supports transportation for the entire Department, but most of DOE's shipments are conducted through EM. Ms. Lorence introduced Demitrous Blount. She told the committee that the Midwest's cooperative agreement was renewed in March. One challenge related to funding is that funding is authorized in 30-day increments. They try to manage the cash flow, but it is difficult. The Office of Packaging and Transportation evaluates motor carriers and packaging. There were plutonium shipments from Los Alamos by air, which is not permitted so their authority to ship in Type B packages will need to be reinstated.

### DOE Office of Nuclear Energy

Ned Larson provided an update from DOE's Office of Nuclear Energy (DOE-NE), which takes care of commercial waste while EM handles waste from the weapons program. Mr. Larson reported that the funding for next year looks good. Last year's draft budget included no funding for their office, but Congress eventually provided minimal funding. They expect to be able to maintain current programs in 2019. DOE-NE is conducting research on cask performance now that the casks are storing waste for much longer than anticipated. The expectation is that casks will perform well. Mr. Larson said, however, that the casks were being asked to do things they were never intended to do, therefore research is needed to confirm their ability to perform.

Mr. Gothard asked Mr. Larson to comment on his expectation for the Transportation Core Group and overall state and Tribal interactions. Mr. Larson replied that they plan to keep interactions with states and Tribes within the NTSF for now because Congress has not yet authorized a transportation program.

### Nuclear Regulatory Commission

Tony Hsia said there is no new funding for the NRC to continue a full-fledged review of the Yucca Mountain license application. The NRC had been using old funding to make sure all the needed documents are in order and available publicly. All the staff with experience on the Yucca Mountain license application are scheduled to retire within the next five years.

In 2017, Waste Control Specialists had requested that the NRC suspend its review of the company's application for a license to construct a storage facility as the company was undergoing a business acquisition. The transaction had been finalized, but the NRC has not yet received a request to resume

the review. The Holtec Consolidated Interim Storage Facility, to be located in southeastern New Mexico, was the subject of five public scoping meetings that the NRC had recently concluded as part of its review of the license application. There was a great deal of interest in the licensing process from the public.

Jerry Jackson (NRC) addressed the February 26 letter by the NRC regarding notifications of nuclear waste shipments and other activities with the potential to affect the Great Lakes. Notifications are required under the Great Lakes Water Quality Agreement, which the U.S. and Canada amended in 2012. The NRC's position is that notifications outside the existing regulations are not required. Ms. Janairo wondered how the U.S. could live up to its obligations under the GLWQA without licensees or the NRC notifying the Canadian government about shipments of spent fuel on the Great Lakes, should they occur in the future.

### **Committee Business Session – continued**

#### Engagement with the Office of Nuclear Energy

Ms. Janairo noted the “on again/off again” nature of the states’ relationship with the DOE-NE. The regional groups are largely in a holding pattern because there are not many activities to be undertaken at this point. The FY 2019 Cooperative Agreements will be funded with carryover funds from FY2018.

#### Ideas for NTSF Webinars, Working Groups, and Meetings

Ms. Janairo wondered whether there are other activities that should be undertaken through NTSF Ad Hoc Working Groups, such as guidance for states with decommissioning plants that are shutting down early. Mr. Gothard expressed support for this concept so that those with plants closing could learn from others that have been through that experience. Ms. Janairo will also reach out to other regions and Tribes regarding whether the Tribal integration efforts that the Midwest plans to undertake should be done on a regional or national level.

Another initiative that could be taken up by an AHWG is the development of transportation fact sheets. The NRC has some of these developed and the NTSF Communications AHWG could create these, possibly in coordination with the Nuclear Energy Institute. Mr. Horn supports the idea of developing one transportation fact sheet that includes all types of shipments and involving industry in the development of this product.

Mr. Gothard asked whether the committee had ideas for NTSF webinars and Ms. Studer requested a webinar on packaging, similar to what Mr. Loftin had provided. Mr. Bertinaschi suggested a webinar for NTSF newcomers focusing on what the Forum means for individuals in their roles and how they can become involved. The idea would be that these attendees can come away with knowledge of what NTSF means for each state agency and learn how they and others from their states can be involved, even if they don't attend NTSF meetings. Ms. Janairo asked the members to send her webinar ideas as they think of them.

#### Committee Work Group Assignments

The group turned its attention to Committee Work Group Assignments and Mr. Gothard noted that each state should strive to be on at least one work group.

Currently, Ms. Studer and Mr. Folts are on the NTSF Planning Committee, but Mr. Folts will be leaving. Participation involves being on a monthly conference call until a few months prior to the Annual Meeting, at which point the calls become more frequent. Mr. Snee volunteered to join the NTSF Planning Committee.

Ms. Studer is stepping down from the NTSF Communications AHWG, which handles internal and external communication for the NTSF. For now, it will just be Aaron Kallunki (Minnesota) but Mr. Bertonaschi is tentatively interested in this subject.

Mr. Gothard and Ms. Studer will participate in the committee's Regional Tribal Integration work group and Nebraska may be interested.

Mr. Horn and Mr. Bertonaschi will serve on the committee work group on Decommissioning Guidance for States.

Rodney Pitchford (Illinois) will be added to the committee's Route Evaluation work group. Once he is up to speed, Mr. Horn will transition off this group.

Nikki Weber will replace Mr. Folts on the committee's Regional Outreach work group.

Mr. Schmidt, Mr. Snee, and Mr. Pitchford will participate in the group tasked with updating the *Planning Guide*.

#### Training Needs

Ms. Janairo asked the Committee to think about their training needs as she develops her budgets for the Project. Committee members should let her know if they are interested in training such as MERRTT, T-MERRTT, Rad Specialist, or other training so she can determine whether there is funding available. The training would need to be related to radioactive materials transportation to be eligible for funding. Ms. Drake will see if there is interest in MERRTT training in connection with Missouri hosting the 2020 NNPP exercise. Ms. Studer highly recommended doing so and beginning to plan the training well in advance of the exercise. If the states affected by upcoming WIPP shipments are planning training in advance of the resumption of shipments, that can be built into the cooperative agreement for FY19, as well.

Ms. Janairo told the committee that there had been interest in revising the format of the Prospective Shipments Report (PSR). The PSR was the subject of one of the first NTSF working groups in 2010. Mr. Pitchford volunteered to participate in this working group, should it be established.

#### Fall 2018 Committee Meeting

The Committee discussed possible dates and locations for the Fall Committee Meeting. The meeting is tentatively scheduled for October 31 and November 1 in Madison, WI. Ms. Janairo will confirm that senior co-chair Kevin Leuer is available to attend that meeting. The backup dates are November 28-29.

#### Action Items

Melissa Bailey reviewed the **Action Items** and new working group assignments for the group. The meeting was adjourned at 2:35.