

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

**Proceedings of the Spring Meeting
May 13, 2014 • Bloomington, Minnesota**

Jane Beetem (Missouri) called the meeting to order, welcomed the members, and reviewed the agenda.

Report from the Co-Chairs: Ms. Beetem observed that the Midwest has a very strong state regional group and has always been one of the leaders in partnering with federal agencies and other organizations. She thanked Lisa Janairo and Kathy Treland (CSG Midwest) for their efforts to plan the National Transportation Stakeholders Forum (NTSF) meeting. She commended the committee members who are serving on NTSF ad hoc working groups. Ms. Beetem encouraged the members to join the NTSF wiki site if they had not already done so.

Laura Dresen (Indiana) added that, as co-chair, she intends to learn a lot from the committee members and is grateful that she has a new staff member who will be getting more involved in the work of the committee.

Project update: Ms. Janairo highlighted a few activities from the past six months. She had devoted much of the past five months to planning the NTSF meeting. She thanked Ms. Beetem and Mr. Leuer for their help in planning the meeting, and acknowledged Ms. Dresen and Lance Evans (Iowa) for agreeing to speak during sessions at the meeting.

Ms. Janairo said she was hopeful she will be able to hire a staff member to help with CSG Midwest's transportation project. Unfortunately, the regional projects were all being cut by \$50,000 in FY15 in order for the Tribal Caucus to have funding for its own activities. This happened despite the tribes' repeated urging that DOE's Office of Nuclear Energy (DOE-NE) not provide the tribes with funding at the expense of the regions. She reported that the funding from DOE's Carlsbad Field Office (CBFO) had come in and lamented the fact that tours of the Waste Isolation Pilot Plant (WIPP) would not be in the picture for the foreseeable future until the site resumed operation after the February incidents. Funding from other projects put the transportation project in good shape, financially, but it would be difficult to bring on board another staff person. She would try, however, because there are things that need to get done and she cannot do them all.

NTSF Updates:

Planning Committee: Ms. Beetem reported that she and Mr. Leuer had been actively participating in monthly conference calls to plan the meeting. She was very pleased with the plans for the meeting and how they had changed from previous years. She encouraged members to use the resources they have available – the wiki site, the website, their colleagues in the Midwest and elsewhere – to help fill in gaps in their knowledge.

Communications working group: Ms. Janairo explained that the committee has "work groups" and the NTSF has "working groups." In the Midwest, whoever participates on a committee work group is also active on the corresponding NTSF working group. Michael Snee (Ohio), Jennifer Clark (Kansas), and Ms. Beetem are the committee's representatives on the Communications working group. The group had been around since 2011 and had, among other things, helped to develop fact sheets for the Midwest's briefing packet in 2013. She and Ken Niles (Oregon) had co-led the group from March 2011 until June 2013, when Mr. Niles stepped down as the state lead. Ms. Janairo has recently stepped down as the staff lead. She said the group had lost its sense of urgency because there were no new products for the members to review. She noted that the original plan for ad hoc working groups was to organize, work on a set of tasks, and disband when the tasks were complete. This group had become a standing committee and had produced some very good products. But without new work products to develop, she did not see a compelling reason to keep the group going. She said the members would be meeting on May 14 and would decide whether to continue or disband.

Security Communications Protocol ad hoc working group: Major Evans said the leadership of the group had changed when Josh Downing from Colorado took a new position. Carla Schreiber (Nebraska) is the new state lead

for the group. The group members were interested in becoming a standing committee. There were some problems with “what-iffing” the draft protocol that had been the working group’s principal task. Major Evans thought that, once the group could finalize the protocol, they could move on to other things.

Ms. Beetem asked what the group was working toward. Major Evans explained that the group was developing a framework for the actions everyone would follow if there were a security-related incident. Kelly Horn (Illinois) said it was a guidance document and he hoped to see it put out for review. Major Evans added that it is understood the states will have their own protocols to follow, so each one would tweak the framework as needed. Ms. Beetem added that, for states that do not yet have a protocol, the document would likely be a big help. Carlisle Smith (Commercial Vehicle Safety Alliance) said CVSA had expressed interest in what the group was doing because CVSA was planning to update its own security module. He was not sure whether CVSA would consider adopting the document as the new security module. He had not yet seen the document. Ms. Janairo said the document was posted on the wiki site.

She added that the task to write the protocol had originated over three years ago after an incident in Wyoming involving a suspect package attached to a bridge, with a WIPP shipment headed toward the bridge. Wyoming was not satisfied with DOE’s actions in connection with the incident. Originally, the task was completely WIPP-related, but had changed to be DOE-wide. She made a note that ad hoc working groups need to have a well-defined purpose and they need to have dedicated staff. She said if the ad hoc working group finalizes the document during its meeting later in the day, it would be a good topic for a webinar. She asked if the group was still planning to have a tabletop exercise to test out the protocol. Major Evans said the plan had been to do it in Colorado, but Capt. Downing had retired. Ms. Janairo suggested the 2015 Annual Meeting might be a good place to hold a tabletop.

Transportation Emergency Preparedness Program (TEPP) Training ad hoc working group: Jon Schwarz (Nebraska) is the Midwest’s representative on the ad hoc working group and could not attend the meeting. Ellen Edge (DOE Office of Packaging and Transportation) is the DOE lead for the group and would attend the meeting later, so Ms. Beetem deferred the update until such time as Ms. Edge is in the room.

Transportation Plan ad hoc working group: Teri Engelhart (Wisconsin) explained that this group had been active briefly in mid-2013 and had reviewed the draft outline for the DOE-NE transportation plan. DOE-NE had ceased its activities with the states and tribes, however, so this group had been put on hold. DOE-NE’s Nuclear Fuels Storage and Transportation (NFST) Planning Project had continued to develop the plan and, in April, had re-engaged the working group. A draft plan was available for review and comment and the members would be meeting later in the day to go over the draft. Ms. Engelhart said the draft plan had been a good tool to help her understand all the activities that would be covered by the transportation program.

Ms. Janairo added that Paul Schmidt (Wisconsin), Mr. Horn, Ms. Beetem, and Ms. Engelhart were the Midwest’s representatives on the ad hoc working group. Ms. Engelhart was looking forward to the ad hoc working group moving forward with the review. She suggested that the individual sections of the plan could make good material for a series of NTSF webinars.

Ms. Beetem asked whether DOE had a timeframe for when comments would be due. She said for NEPA documents, reviewers are typically given at least 30 to 45 days to review materials. There did not appear to be a timeline in the plan. Ms. Janairo added that each group was supposed to have a timeline in their work plan to show what their intentions were. She added that, ideally, the states would have three or four months to go through the plan, have a conference call or two with their colleagues, have a webinar with DOE to go through the plan, and even coordinate with the other regions. Ms. Beetem agreed and said she might want to have some technical staff in Missouri review the document.

Ms. Janairo added that the current draft was the fourth time the committee had been presented with a transportation plan. She had compiled the committee’s comments from those past efforts, as well as comments from the Midwest to the Blue Ribbon Commission on America’s Nuclear Future (BRC). She said that body of correspondence was something the Midwest’s ad hoc working group members would want to review as they

prepared comments on the draft of the new plan. She mentioned that developing a reciprocal rail inspection protocol was one of the elements of transportation planning that the Midwest had repeatedly called attention to, but DOE and the BRC had not been persuaded of the urgency of this task.

Ms. Beetem observed that, for DOE-EM shipments, there is often a disconnect between the shipping sites and the EM Office of Packaging and Transportation. The sites are the ones who have authority over the shipments, and so they can choose not to do a fact sheet, for example. She wondered how transportation planning for the DOE-NE shipments would be consistent across the country so that the individual sites would be providing the affected states the same kind of information. Ms. Engelhart said the plan had a lot of good discussion about collaboration among federal, state, and local governments. She thought it was good to make clear who is responsible for what.

Ms. Beetem encouraged the members to think about best practices as they review the plan. Mr. Snee noted that, on p. 24, there was a reference to “communications planning” being “to be determined.” He wondered if that would be an appropriate task for the Communications working group, if it continues to operate.

Kevin Blackwell (Federal Railroad Administration) asked about the process for providing comments. Ms. Janairo suggested he talk to Jay Jones (DOE-NE) and consider attending the Transportation Plan ad hoc working group meeting later in the day.

Report on the Section 180(c) Interregional Team: Ms. Dresen reported on the work of the Interregional Team on Section 180(c) Implementation. She represented the Midwest on the Team along with Ken Yale and Greg Gothard, both from Michigan. Ms. Dresen explained that the Team had been active since late 2013 after DOE-NE put the NTSF’s Section 180(c) ad hoc working group on hold. She explained that Section 180(c) was part of the Nuclear Waste Policy Act (NWPA) and required the Secretary of Energy to provide funds and technical assistance to the states and tribes in connection with training for safe, routine transportation and for emergency response. No funding has as yet been provided to states or tribes. DOE had tried three times to work with states and tribes to finalize the policy for implementing this section of the NWPA. Over these phases, the set of implementation issues had grown to 11. The Blue Ribbon Commission, in its final report, had recommended that DOE finalize the policy and begin to provide assistance to the states and tribes.

Ms. Dresen said the Interregional Team had reached agreement on recommendations for 10 of the 11 issues. She reminded the members that the committee had reviewed an earlier version of the draft recommendations at the meeting in December 2013 in Kansas. A second document, the “Principles of Agreement,” was an updated version of a document that the committee had approved back in 2005.

Regarding the recommendations, Ms. Janairo reviewed the differences between the current recommendations and the document the Midwest had reviewed in December:

- Allowable activities: The list of activities had been revised to add salaries, benefits, and other items under each category, as appropriate. In addition, operations-related activities had been included under “management and administration.”
- Funding mechanism: The team had agreed to recommend that funding be in the form of a direct grant to states.
- Rulemaking: After researching options, the team had recommended that DOE implement a 180(c) pilot program following a policy, but then undertake an informal rulemaking to promulgate a binding rule for the full-fledged project.

Ms. Beetem asked whether the 180(c) pilot would be connected with shipments of spent fuel from shutdown sites or with some other type of shipping campaign. Ms. Janairo said she thought the pilot should take place soon, within the next few years, but that DOE likely would not have a candidate site for receiving the spent fuel from shutdown reactors in that timeframe.

Ms. Dresen relayed the Team’s recommendation that the states approve the two documents as written. Mr. Blackwell raised a general concern about the current transportation planning not reflecting the reality of rail as the

likely shipping mode. Specifically, railroads are selecting primary and secondary routes, based upon the requirements for routing. His concern was that there had not been enough discussion about rail routing and its implications for transportation planning – including the implementation of Section 180(c). Ms. Beetem observed that there were other operational considerations that would enhance the efficiency of DOE's shipments – for example, amending the shipping queue specified in the Standard Disposal Contract in order to reduce the number of shipments from each site. Steve Maheras (Pacific Northwest National Laboratory) added that the availability of casks was turning out to be the critical piece of infrastructure in the system.

Ms. Beetem asked the states to approve the "Principles of Agreement" and the "States' Recommendations on Section 180(c)." She noted that the issue of funding allocation had not been discussed yet – i.e., how to divide up the available funding among the recipients. Mr. Schmidt asked for clarification regarding whether input was being sought only from states that will be affected by Section 180(c). Ms. Janairo said all 10 of the active states on the committee could be affected by shipments of spent fuel someday and would, therefore, be eligible to receive Section 180(c) assistance.

Ms. Janairo explained that the Principles of Agreement had first been written in 2004 when the states were working on "Phase 2" of the Section 180(c) policy. The principles describe the common interests that the states shared across the regions. The Interregional Team had updated the principles in early 2014 as part of "Phase 3" of 180(c) policy development.

By a unanimous show of hands, the committee members approved the revised principles of agreement.

Mr. Leuer questioned whether it was appropriate to fold inspections and escorts into "management and administration." He applauded the decision to recommend that operations-related activities be covered by Section 180(c), but thought it would be more appropriate to separate them out into the category "operations." Ms. Janairo clarified that DOE had not seen the recommendations yet and so had not approved. She added that the operations-related activities had been included in their own category originally, but the Team members who compiled the final list had recommended folding them into "management and administration." She speculated that splitting these items out into their own category should not necessarily trigger a new round of review as long as the bullets were being reorganized but not changed. The committee decided to hold off on approving the recommendations until Lt. Schreiber could participate in the discussion during the working lunch.

Naval Nuclear Propulsion Program update: Ray English (NNPP) spoke briefly to the committee about activities related to the NNPP's shipments of spent nuclear fuel. He mentioned that the facility at Newport News, Virginia, was aging and it had been decided that it would be beneficial to have a new transportation system for aircraft carrier spent fuel so that the whole reactor could be shipped to Idaho intact with the structural material on it. The new container, the M-290, is much larger than the traditional M-140. For several years, the M-290 and its railcars had been in the works. NNPP was exerting its best efforts to meet the Association of American Railroads requirements, established in the past five-six years, for railcars to transport spent fuel and high-level radioactive waste. The cars had undergone extensive testing out at the testing facility in Pueblo, CO.

The railcar is very large because the load is so heavy. The AAR had provided a letter confirming that the railcar meets the standard, which includes taking the railcar out on the rails for "revenue service testing" – i.e., taking the railcar out on the road under typical load conditions to verify that it actually operates as designed. The NNPP was doing just that last week, moving two M-290 railcars, one loaded with an actual M-290 container, another loaded with a bunch of steel test weights, the escort caboose that is typically used, and several buffer cars. That train had moved from Newport News to Idaho and was in the process of returning from Idaho when it had a grade-crossing accident. A tractor trailer had gone through a road crossing, was making a turn, couldn't negotiate the turn, so started to back up and got stuck on the tracks. The railroad engineer saw the tractor trailer, radioed the escort crew to brace, then made an emergency stop. The engine contacted the trailer of the tractor trailer, spilling pineapples all over the tracks. The escorts were with the shipment because one of the aspects of the new railroad requirements is a "safety monitoring system" – the M-290 casks have sensors on them which detect in the trucks (wheels and axle assemblies) accelerations and whether the roller bearings might be overheating, and send signals back to a display in the caboose. That system was being tested out, as well.

The event happened at 10:12 am local time in Indianapolis and it took approximately five hours before the tractor trailer was pulled out of the way and the M-290 shipment could resume. There was no radiation hazard, of course, because there was no spent fuel in the casks. The engine was the only part of the train that had contact with the truck, so there was no damage to the train shipment. When the train came to a stop, the M-290 container was right on top of the crossing, which made for great visuals for the media who covered the event.

Because NNPP had done a regional accident exercise in August 2013 in Indiana, when Mr. English and the other NNPP staff came together in the emergency control center, they immediately agreed they should call Ms. Dresen to let her know what was going on so she could prepare for any calls she might get. Mr. English said his lesson learned was a positive one because the incident showed the value of the accident exercises that are conducted every two or three years.

Mr. English said the NNPP cannot exercise in every state they go through, so they try to bring in representatives of other states to observe exercises. The next one is being planned for 2015 in Wyoming, with the Northeast penciled in for 2017. Ms. Dresen added that the recent incident gave the state a chance to determine what the personnel had learned from the August exercise. She was pleased with the overall response, but noted that the public information side still needs some improvement. She was able to anticipate getting numerous calls from her management, and she was able to provide good information in advance using what the NNPP folks had shared with her. She did not think the process would have been as smooth had the state not been able to host or observe an exercise. It was her attendance at the Colorado exercise in 2009 that prompted her to request an exercise in Indiana.

Mr. English added that the question had come up, what if there had been spent fuel in the container – what would everyone have done differently? Since no cars were involved in the collision, very little would have been done differently. Probably the NNPP would have requested that the state conduct radiological surveys. In response to a question from Tony Dimond (Brotherhood of Locomotive Engineers and Trainmen), Mr. English said the NNPP does not make arrangements for the train crews and equipment – that is up to the railroads. But the NNPP did ask the railroad to inspect the engine and verify that it was okay to move.

Mr. English explained that the NNPP had originally been planning to ship the M-290 on a different route than the M-180 shipments at CSX's decision. But the railroad had changed that plan and would instead be using the same route the NNPP uses for all its shipments. Mr. English handed out updated route maps for the affected states (Missouri, Illinois, Indiana, and Ohio).

Ms. Beetem asked Ms. Edge to report on the TEPP Training ad hoc working group. Ms. Edge said the group had been on hiatus since last year. The meeting in the afternoon would consist of an overview of TEPP activities over the past year, plus a discussion of what the group might want to do in the coming year. She said the meeting would be a good opportunity for new members to join the group. She mentioned that it was her first year staffing this group.

Ms. Beetem resumed the 180(c) discussion by asking Lt. Schreiber about the placement of operations-related activities in the list of allowable activities. Lt. Schreiber said the Team had agreed to use a framework based on "PET" – Planning, Exercise, and Training – because that was recognized in other federal grant programs. The thought was that, by incorporating operations into planning, those activities would be covered even if DOE decided not to fund administrative activities. She said that, as long as an activity showed up on the final list, the states could include it in their justification no matter how it was categorized.

Ms. Janairo explained that the states were being asked to approve the recommendations that the Interregional Team had developed. The Team would present the approved recommendations to DOE at the Section 180(c) Ad Hoc Working Group meeting later that afternoon. Eventually, if DOE accepted the recommendations, they would be published in the *Federal Register*. She added that, before DOE is ready to publish anything in the *Federal Register*, the Tribal Caucus might take the opportunity to review the recommendations following a process similar to what the Interregional Team had done over the past eight months. By a show of hands, the states approved the recommendations unanimously.

Regional roundtable: Ms. Beetem asked the members to report on activities in their states.

Illinois: Mr. Horn said Cobalt shipments were continuing through Illinois, but transuranic (TRU) waste shipments from Argonne had stopped because of the situation at WIPP. Industry-backed legislation had been introduced to roll back the state's fee on highway route-controlled quantity shipments (HRCQ) – specifically Cobalt-60. The industry had been successful in persuading legislators, so there would be a fee reduction for shipments of less than 100 miles in Illinois. The reduction had not been decided yet. Mr. Horn said it could have been a lot worse. Todd Armstrong (Illinois) will be hosting a CVSA Level VI course in Illinois on June 16-19. The course is filled, with 45 people planning to attend. There will be five instructors. In answer to a question, Mr. Horn said Illinois charges a shipment fee to pay for the escort. All HRCQ, transuranic waste, and spent fuel shipments are inspected.

In other Illinois news, decommissioning is ahead of schedule at Zion and shipments of low-level radioactive continue from the site. The target date is 2020-2021 for completing the work, but it appears the site will be back to greenfield in 2018. Spent fuel is being moved to the storage pad.

Iowa: Major Evans said that Iowa had not been escorting shipments because the TRU waste shipments from Argonne were on hold. He acknowledged Angela Leek from the Iowa Department of Public Health, who was attending her first meeting. Ms. Leek thanked the committee for welcoming her and expressed her interest in working with the group. She added that Iowa's compatibility rules for the Part 37 regulations were set to be adopted and filed in May and would go into effect on July 16. No nuclear-related legislation had passed. Major Evans added that he had been in conversations with Mark Linsley (TRG) about having a full-scale TEPP exercise in Iowa, with the scenario involving rail, a commercial vehicle, and radiological material. The team was in the very preliminary stages of planning, with the target of 18 months to pull off the exercise. Ms. Dresen said Norfolk Southern had been a great partner to Indiana in planning the NNPP exercise. Ms. Janairo added that the CSG Midwest cooperative agreement might be able to support some of the expenses in connection with the exercise.

Kansas: Swapan Saha (Kansas) reported that not many shipments had taken place through Kansas this year, with just one non-HRCQ shipment and one Category 1 shipment. No training was currently planned, but the state was reaching out to counties to identify where training was needed or desired.

Wisconsin: Ms. Engelhart reported on a fee bill that would have imposed significant fees on storage of spent fuel at power plants. The legislation had been making progress, but in April it failed to pass. The state had had only two shipments since January (only one of which was HRCQ), and only eight in the past 12 months. With Kewaunee having shut down, the plant owners are planning to remove the fuel from the reactor by 2016. The state would have its first hostile action exercise in July, with a lot of interaction with Minnesota on that. Wisconsin put together a transportation work group, which would have its third meeting on May 16. So far, the group has decided on membership and is working on notifications and other things like criteria/thresholds for escorts. Mr. Schmidt added that the state had seen an increase in the number of HRCQ shipments in the past, with a small number of those being escorted on a case-by-case basis. The work group had discussed options and had decided to escort all HRCQ shipments in the future. When that "future" starts is yet to be determined. But the escort would be a joint escort from law enforcement and military. The wrinkle is how exactly the coordination would take place and how it would be funded. Wisconsin has no authority to charge fees to the shipper; however, there is statutory authority for the State Patrol to charge a responsible entity for cost recovery. So there is the potential that a fee could be assessed to the shipper.

Minnesota: Mr. Leuer reported that Minnesota's activities had largely consisted of power plant and hostile action exercise planning. He noted that the NRC has a new form to request from governors their designees for shipment notifications. There are now multiple categories instead of just the one or two designees. The process appears to be more complicated than in previous years. An additional change is that the letters went straight to the governor without a copy to the current designee.

Mr. Leuer added that planning, training, and exercising along rail corridors was something Minnesota is looking at because of the shipments of Bakken oil coming through the state. Legislation would soon pass that would fund these preparations. The Minnesota Department of Public Safety was being tasked to provide these services. Half

of the initial funding would come out of the general fund, with the other half being passed on to the railroads. It was likely the legislation would be expanded to cover pipeline routes, too. He said his agency was applying the model for radiological transportation preparations – e.g., communications, identifying responders in need of training – to this new activity. Legislative reports would be due every year with the statute reviewed every five years. Mr. Dimond asked whether Mr. Leuer anticipated the railroads avoiding shipments through the state after the legislation passes. He did not. He said the train lengths were being reduced.

Michigan: Mr. Yale said Michigan's legislature was full time. On the transportation side, there was nothing new to report. He asked Mr. Gothard to report on his outreach to tribes. Mr. Gothard recalled that, at the meeting in Kansas, he and Richard Arnold (Pahrump Paiute) had talked about reaching out to the tribes in northern Michigan. Mr. Gothard would be coordinating with Mr. Arnold and Ms. Janairo to move forward with that work, possibly putting together an abridged MERRTT-type training at some point. John Holder (Michigan) added that Michigan has six CVSA Level VI inspectors, who have done about 20 inspections in the past year.

Ohio: Mr. Snee said things had been pretty quiet in Ohio. This week, one of the source irradiators was being refueled. Also, Davis Besse had just finished an outage where they replaced both steam generators. They would be stored for a few years onsite before shipping. Mr. Snee commented that, during the outage, the workers cut into the containment building in the same place that they had cut into it when they replaced the reactor head. They discovered that there was a 20' by up to 1' gap in the concrete. The concrete had been poured incorrectly and the necessary inspections had not been performed, so the containment building had been compromised over the past three years while the plant was operating. The utility said it had determined there was no safety issue, but the NRC had not yet made its final determination.

After prodding from Mr. Horn, Mr. Snee noted that, the following week, he would become chair of the Conference of Radiation Control Program Directors, which has around 1,000 members from state and federal agencies as well as industry. The CRCPD would be holding its 2014 annual meeting in Atlanta.

Missouri: Tiffany Drake (Missouri) reported on training of emergency responders along rail and road routes. Finally, after purchasing equipment one year ago, her agency was able to get through the approval process to send out equipment to emergency responders who had been trained last year. There was still equipment to disperse, but they were slowly catching up. The state had conducted four trainings so far this year. Ms. Drake has a staff person who keeps track of all radioactive shipments that cross the state. The state had escorted a fair number of spent fuel shipments. Ms. Beetem added that the state's shipment fee was established to help train and equip local first responders. Now that the training had been conducted, the next step is to equip them. Eventually, she hoped to have the responders trained on the actual equipment they would be using, then take it with them when the training is over.

Ms. Beetem discussed legislation in the state. The fee had a sunset clause in it, so it was set to expire in 2015. The governor's office asked the Department of Natural Resources to prepare legislation to extend the fee. If the legislation passes, the fee would extend until 2024. The proposed legislation had clarified some other provisions, e.g. what is considered a "military shipment." Ms. Beetem explained that her perception of "military shipment" is along the lines of what Mr. English had been talking about – a shipment that does not require notification and has its own escort. Recently, a military shipper sent some HRCQ material via commercial truck carrier. The shipper claimed an exemption to the fee, but the state still inspected and escorted the shipment just like any other HRCQ shipment. The state ate the cost. Ms. Beetem also mentioned an HRCQ shipment that had passed through the state, gotten into Oklahoma, then learned of problems at the dock in Texas, so the shipment returned. This is not a normal occurrence, but it is not uncommon. The third week in August, Missouri would be hosting Rad Specialist training, with Mr. Linsley being the TEPP person coordinating the training. If there are any openings, she will let the other states know.

Indiana: Ms. Dresen mentioned that she hired a staff person who would be focusing on radioactive waste transportation. The state had dropped to only two Level VI inspectors in Indiana, so two more were being sent to the training in Illinois. Vibrant Response is coming up, so the state was preparing for that event at the end of July. Ms. Dresen added she is very grateful to the NNPP for making the contacts they did following the pineapple-truck

incident. Indiana does not currently require escorting. After the event last week, she thought there would be a greater appreciation for shipment escorts, if only to have someone onsite with a good base of knowledge who could keep the situation from escalating.

Ms. Beetem asked Melissa Bates (DOE Idaho) to share what she had learned about DOE-NE's plans for receiving comments on the National Transportation Plan. Ms. Bates said Mr. Jones had told her he would like to receive comments in July, after which he would produce another draft for review. He is planning to hold a webinar on the plan. Regarding how people can submit comments, Mr. Jones had said he would prefer to have the regional groups consolidate all their comments into one set. Comments can be submitted to him and to Judith Holm (North Wind). Ms. Bates added that all this information would be covered in the ad hoc working group meeting later in the afternoon.

Meet with DOE-EM OPT and CBFO: Steve O'Connor (EM-OPT) and Andy Walker (DOE-CBFO) visited with the committee briefly. Mr. Walker reported that Bill Mackie is doing well and enjoys his new position. The interviews had been completed for Mr. Mackie's replacement as Institutional Manager and it was hoped the position would be filled in the next few weeks.

In response to a question, Mr. O'Connor said uranium oxide shipments from Portsmouth and Paducah were on hold partially because DOE was originally planning to send the material to Nevada, but also because the waste has trace amounts of U-233. Other options might include Waste Control Specialists (WCS) in Texas, which would involve a longer route and additional costs since DOE would have to pay for disposal. DOE was evaluating whether the waste would meet the WCS waste acceptance criteria. Mr. O'Connor mentioned the West Valley melter shipments as something DOE hoped to accomplish during the fiscal year, but there were some challenges to overcome that might push the shipments past even the calendar year into next spring. He said Dan Sullivan would have more to say about the melter shipment during the breakout session on DOE Transportation Topics.

Ms. Beetem asked whether the Kansas City plant decommissioning has any radioactive component. Mr. O'Connor said the waste being shipped from the site is hazardous materials, not radioactive. Ms. Drake said her agency only recently learned about a NIOSH report from January that indicated uranium was used at the site at some point in the past.

Adam Levin (AHL Consulting) asked about Greater-than-Class-C (GTCC) waste disposal, specifically at nuclear power reactor sites. Given that the BRC recommended another entity be responsible for the spent fuel management program, he wondered whether DOE-EM would retain the responsibility for GTCC disposition or would that go over to a new organization. Mr. O'Connor thought EM would retain the responsibility. Mr. Levin explained to the attendees that nuclear power plants generate GTCC in the form of neutron-activated metal – metal that has been irradiated by neutrons and, thus, itself becomes radioactive. Of the radioactive constituents, the biggest contribution to the dose comes from Cobalt-60. Niobium-94 and Nickel-63 are the two isotopes that drive the metal into the category of GTCC. The waste is a solid waste form that is relatively easy to handle but is very radioactive. Mr. Levin said it would be easier to ship GTCC waste than spent fuel. The sites cannot complete their cleanup to greenfield status until the GTCC is removed. Mr. O'Connor said the GTCC environmental impact statement was still in the works but was on a back burner.

Ms. Janairo asked whether DOE had the authority to take the GTCC waste from the shutdown sites and ship it to a storage facility. If so, then perhaps the GTCC shipments could be the campaign on which DOE could pilot test the 180(c) program implementation. Mr. O'Connor said EM could not take the waste because it was commercial in origin. Jeff Williams (DOE-NE) added that the courts had decided the GTCC waste was high-level waste that should be disposed of with the spent fuel. He added that it would not be efficient to remove just the GTCC because of the resources that would be required. It would make more sense to remove the GTCC when the spent fuel is removed. Mr. Levin said it would make a lot of sense for the new operator to pick up all the waste together and perhaps deliver the GTCC to a different facility, if needed. He said he wanted to make sure the issue of GTCC as a stranded waste form did not fall off the radar screen.

Ms. Beetem asked Mr. Walker whether DOE had an estimated timeline for getting WIPP back online. Mr. Walker said DOE was still trying to determine what caused the incident and was getting good information, including pictures. It looked like it was an “energy event” as indicated by melting of magnesium oxide bags that cover the waste drums.

Meet with DOE-NE: Mr. Williams noted that DOE-NE was not just interested in getting comments on the National Transportation Plan but was actually intending to work closely with the states and tribes to refine the draft plan. He said he would like to schedule a meeting of the Core Group and possibly a webinar. Ms. Beetem said she was glad to hear DOE was not planning to rush the development process. Mr. Williams said the only thing in DOE’s schedule related to the plan was a request for funding to update the plan in the coming fiscal year.

Ms. Janairo said she liked the idea of having the Core Group meet to discuss the plan and 180(c) implementation, but she cautioned that the Core Group is made up of committee co-chairs and staff, not necessarily the people who are the leads for the transportation plan and 180(c) work. She strongly encouraged Mr. Williams and Mr. Jones to consider holding one face-to-face meeting with the Transportation Plan ad hoc working group because experience had taught her that those types of interactions are much more productive than conference calls. She suggested it might be possible to piggy back a meeting onto a regional committee meeting. She added that the regions all have funding available from DOE-NE to pay for that type of interaction. Ms. Beetem agreed that face-to-face meetings are a better option.

Ms. Janairo asked about an earlier comment related to a DOE-NE communications plan or new fact sheets. Mr. Williams said his program was not working on those at all but he would let the committee know if that changes.

Mr. Leuer brought up 180(c) implementation. He wondered how receptive DOE was going to be to the consensus recommendations being developed by the states, especially since some of them went beyond the original limited interpretation of what 180(c) would cover. Mr. Williams said DOE is hoping to come out with a new policy eventually. At the very least, he knew in the near term DOE would be receptive to what the regional groups were doing and would work with the states and tribes on activities like a tabletop to test out the revised policy and procedures.

Ms. Janairo asked whether DOE-NE had authorization to do an actual pilot test of 180(c). Mr. Williams said his office would need authorization from Congress before that could happen. No money has been requested to do a pilot, but DOE-NE has requested funding to do a tabletop.

Business Session, resumed

Revisions to the regional *Planning Guide* for 2014: Ms. Beetem reminded the committee that a new print edition of the *Planning Guide for Shipment of Radioactive Material through the Midwestern States* is produced in even-numbered years. The committee’s work group on *Planning Guide* revisions had developed revised text for the committee to review and approve. Ms. Janairo explained the process. At this meeting, the committee would provide feedback on the text and, if there weren’t any significant changes, their approval. If additional revisions are made, Ms. Janairo would circulate a new draft after the meeting. She will also send each committee member the state section for updating. She reminded the members that the task involves updating *all* the information for the state, not just the individual’s own contact information. She would like the updated state information by the end of June. In July-August, she will put together the document text and new photos, with the goal of distributing the final printed edition in late August or early September. Committee members could let her know in June how many copies they would like to receive.

Sgt. Holder asked about the reference to “exceptional performance records” for carriers. Mr. Horn and Major Evans said that language was taken directly from the WIPP contract requirement for the carrier.

Ms. Janairo noted this would be the sixth edition of the *Planning Guide*. Committee members suggested the following changes:

- Mr. Horn will provide language for incorporating Part 37 more fully into the document (e.g., on p. 7, notification requirements, should refer to 10 CFR 37.77, Subpart D, and the NRC's guidance on safe parking could be included). He will provide suggested language to Ms. Janairo.
- Mr. Leuer suggested adding all four NRC designees to the states' information section.
- Ms. Leek suggested putting a QR code on the cover of the document so that readers could pull up the most recent version online during the interim between print editions.
- Mr. Yale made the point that the terms "used nuclear fuel" and "spent nuclear fuel" are interchangeable. Mr. Maheras suggested including a footnote similar to what the BRC included in its final report.
- Ms. Engelhart observed that there were two inconsistent references to the timing of 180(c) funding. Ms. Janairo said each reference should indicate funding would be available four years in advance of shipments beginning.

Ms. Janairo added that she would be incorporating tribal points of contact into the guide. She said Ms. Westra had come up to her after Major Evans's morning presentation and told her she would send a list of tribal points of contact in the Midwestern region.

Fall meeting plans: Ms. Beetem said the committee poll had revealed the dates of November 5-6 and November 12-13 as the best options. Ms. Janairo said the meeting would start in the afternoon on the first day so that no one would have to travel on a holiday. Grand Rapids ranked the highest among cities, with Traverse City a close second. The committee decided to target November 5-6 in Grand Rapids, which has easier access via airplane. November 12-13 will be the backup dates. Mr. Gothard and Ms. Janairo will coordinate on outreach to tribal representatives who might be interested in attending. There is interest in doing a tour, possibly of the Palisades plant.

NTSF activities: After discussion, the committee had the following suggestions for webinars:

- Elements of the National Transportation Plan
- Periodic updates on the WIPP recovery (e.g., quarterly)
- Security Communications Protocol
- 180(c) policy and procedures
- NRC Safety Evaluation Report on Yucca Mountain

Ms. Dresen and Ms. Engelhart volunteered to serve on the NTSF Planning Committee starting in June. Ms. Janairo explained that the Planning Committee is more than a meeting-planning committee – it is supposed to oversee the working groups and the webinars. Ms. Drake and Mr. Gothard volunteered to represent the Midwest on the TEPP Training ad hoc working group.

Ms. Beetem encouraged committee members to let Ms. Janairo know if they see any good speakers for webinars or for the 2015 annual meeting. Ms. Drake said one of the New Mexico pueblos had done an authentic meal at a State and Tribal Government Working Group meeting she had attended. Ms. Janairo mentioned that Buffalo Thunder resort was not too far away from Albuquerque. Sgt. Holder asked whether the NTSF ever does fundraisers at the meetings. Ms. Beetem said that had not happened yet but, if anyone had ideas, to let the Planning Committee representatives know.

Ms. Janairo mentioned that a rail issues ad hoc working group might be a way to follow up on Mr. Blackwell's comments about rail routing. She said a group could work on rail routing, updating the FRA's Safety Compliance Oversight Plan, and possibly a reciprocal rail inspection protocol.

Ms. Beetem thanked the members for their participation and expressed her wish for a great NTSF Meeting. She adjourned the meeting at 3:30 pm.