

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

**Proceedings of the Spring Meeting
May 15, 2012 • Knoxville, Tennessee**

Tim Runyon (Illinois) called the meeting to order at 9 am, welcomed attendees, and began the round of introductions.

Mr. Runyon then provided a **report from the committee co-chairs**. He began by announcing that he would be retiring from the Illinois Emergency Management Agency (IEMA) in late May. He approached his retirement with mixed emotions because he thought this was an exciting time for the committee. After a few years of uncertainty with regard to the long-term future of the project, the U.S. Department of Energy (DOE) is now in the beginning stages of implementing the recommendations of the Blue Ribbon Commission on America's Nuclear Future (BRC). DOE's Office of Nuclear Energy (DOE-NE) had requested that the Midwest submit a proposal for re-establishing the regional cooperative agreement with DOE to plan shipments of commercial spent nuclear fuel and high-level radioactive waste. The committee would be discussing project ideas later in the meeting.

Mr. Runyon gave the state attendees a heads-up to pay attention to what is happening in their legislatures because of recent efforts by industry lobbyists to repeal state laws that charge fees on shipments of highway route-controlled quantity (HRCQ) material. He also urged states to keep an eye on what happens with the proposed changes to U.S. Department of Transportation (DOT) rules as part of "harmonizing" requirements in the U.S. with those required internationally by the International Atomic Energy Agency (IAEA). He encouraged states to attend the Wednesday afternoon breakout session during which Michael Conroy (DOT/PHMSA) will be speaking about the proposed changes. Committee members should be on the lookout for any proposed changes that could limit the ability of states to enforce their laws and carry out their responsibilities as co-regulators of transportation.

Lisa Janairo (CSG Midwest) provided a brief **project update**, calling attention to a few key points raised in her written update.

Status of the cooperative agreement: Ms. Janairo said a new cooperative agreement with DOE-NE would help quite a bit on the funding front. The region would still continue to engage in activities with DOE's Carlsbad Field Office (CBFO) in connection with shipments to the Waste Isolation Pilot Plant (WIPP). State funding, however, would be phased out after the coming fiscal year because of shipments through the region coming to an end. In addition, Ms. Janairo hoped the Midwest would continue to receive funding from DOE's Office of Environmental Management (DOE-EM). CSG Midwest is in the process of working with these offices to renew the cooperative agreement for a new five-year period.

Appointments: Rep. Mark Honadel from Wisconsin is the newest member of the committee. Ms. Janairo said she had not been pursuing legislative appointments aggressively because of the uncertainty in funding and in the committee's mission. Funding from DOE-NE and the possibility of a significant increase in regional activities would heighten the need to engage more legislators on the committee. Ms. Janairo will seek new appointments after the fall elections.

Teri Engelhart (Wisconsin) reported on the activities of the committee's **Integrated Spent Fuel Management work group**. Ms. Engelhart said the work group had recently been focusing on three areas:

U.S. Nuclear Regulatory Commission (NRC) Waste Confidence Decision (WCD): CSG Midwest co-hosted two webinars. On December 13, the NRC updated the states on the WCD, with 42 people attending. The NRC issued a draft report entitled "Background and Preliminary Assumptions for an Environmental Impact Statement – Long-Term Waste Confidence Update." A second webinar on the report, held on January 31, attracted 145 people. The committee's work group held a conference call on January 26 to prepare questions for the webinar. On February 16, the committee submitted comments on the draft report.

NRC Extended Storage and Transportation Technical Information Needs: CSG Midwest hosted a webinar on this topic on December 14, with 49 people attending. The webinar focused on the potential changes to the regulatory framework for licensing spent fuel storage facilities that might operate for as long as 300 years.

BRC Report: in 2011, the committee devoted a great deal of time to reviewing the BRC's draft report and submitting comments. On January 26, 2012, the BRC published its final report. One of the recommendations made by the committee was for the BRC to address the need for transportation planning to begin at the same time as the site-selection process. The final report included a new recommendation urging "prompt efforts" to prepare for shipments.

Going forward, the work group will review the recently-released NRC draft report "Identification and Prioritization of the Technical Information Needs Affecting Potential Regulation of Extended Storage and Transportation of Spent Nuclear Fuel." If the work group finds that the region should submit comments, the comment letter will be due on June 18. The work group will also track the implementation of the BRC's recommendations and will spearhead any projects funded under a new cooperative agreement.

Ms. Janairo added that she would circulate a copy of the NRC's draft report to the work group and schedule a conference call by the end of May. She asked committee members to consider replacing Mr. Runyon on the work group.

Mr. Runyon began the series of **reports on the committee's activities related to the National Transportation Stakeholders Forum (NTSF)**. He noted that Kelly Horn (IEMA) had been representing the Midwest on the **NTSF Planning Committee** but was unable to attend the meeting. Besides planning the annual meeting, the Planning Committee had also revised the NTSF charter to allow industry representatives to participate on ad hoc working groups in an informal, information-sharing capacity. Michael Snee (Ohio) asked why representatives of industry had not previously been allowed to participate. Ella McNeil (DOE-EM) explained that, if DOE only invited a few members of industry to be involved and did not publish notices of meetings in the *Federal Register*, then DOE would not be meeting its obligations under the Federal Advisory Committee Act. Under the act, it is very important to make sure no stakeholder group has greater access to the policy-making process than other groups. Mr. Runyon asked for a volunteer to replace Mr. Horn on the Planning Committee. There being none, Mr. Runyon said he would ask Mr. Horn to continue. *[Editor's note: Jane Beetem will be the new Midwestern representative on the NTSF Planning Committee.]*

Jane Beetem (Missouri) reported on the progress of the **NTSF Communications Ad Hoc Working Group**. The working group's purpose is to provide input to DOE on developing, revising, and improving various DOE public information materials. She commented that there are different audiences that need information from DOE and it is a challenge to meet all needs with a single fact sheet. Ms. Beetem encouraged members to check out the NTSF wiki site, which was the source of all the information she used to prepare her update. She encouraged committee members to become members and to use the site.

Since the last committee meeting, the working group had held two conference calls. On January 19, the group approved the revised "key messages" document. A writing subcommittee had tried to apply the group's template to an existing DOE factsheet as a demonstration. During the course of their work, the writing group had developed a "crosswalk" of the template, which was a useful tool for making sure new factsheets incorporate all the elements recommended in the template. The group had decided to use a factsheet for the Naval Nuclear Propulsion Program (NNPP). By the group's next call on April 5, the writing subcommittee had made significant progress. The original NNPP factsheet was well written, but the subcommittee recommended adding more information such as a general timeframe for shipments and a statement regarding the roles and responsibilities of the states with regard to the shipments.

At the working group's meeting later today, the members would review the suggested revisions to the NNPP factsheet and conduct a final review of a factsheet on low-level waste that Ms. McNeil had prepared. The group would also discuss whether to turn its attention to DOE websites. At one point, the group had planned to work on social media with DOE, but later the group learned that things like Facebook are not something the department encourages offices or sites to use.

Jon Schwarz (Nebraska) asked how the working group had addressed the challenge Ms. Beetem had mentioned about different audiences for public information products. Ms. Beetem said one possibility would be to have a one-page factsheet with information for a general audience, with a second page of information on emergency response actions that would be attached for that particular audience. Mr. Schwarz also asked about using DOE's website to list shipping campaigns. Ms. McNeil said DOE used to post information on shipping campaigns on its public-facing website. After 9/11, however, DOE management decided to remove most of that information. After-action reports from Transportation Emergency Preparedness Program (TEPP) exercises, for example, cannot be posted. Ms. McNeil noted there seemed to be inconsistency between what is required for DOE headquarters organizations and the sites, recalling that Ken Niles (Oregon) had told her the Richland Site Office maintains a Facebook page. Ellen Edge (DOE-EM) now works closely with the DOE communications office. Ms. McNeil was hopeful that, working together, the two offices might be able to come up with a new approach that allows for better communication with stakeholders about transportation.

Ms. McNeil added that she had talked to Chuck Messick with the National Nuclear Security Administration (NNSA) about using the working group's template to develop a factsheet for a shipping campaign that he is planning. He was receptive to the idea, so the working group would be taking on this task in the coming year.

Kevin Blackwell (Federal Railroad Administration, or FRA) asked where the factsheets are posted. Ms. McNeil said DOE's current factsheets are on the public-facing website and on the NTSF wiki site. She said Ms. Edge was working on a slight redesign of the DOE website to make it more user-friendly. Ms. Janairo added that instructions for joining the NTSF wiki site were in the meeting briefing packets. She offered to help anyone that wanted to become a member. The Midwest has its own wiki site open only

to committee members and other Midwestern state personnel. Ms. Janairo posts conference call summaries, documents for review, and other information on this site. To become a member of either site, the first step is to create a free user account at wikidot.com.

Ms. Janairo reported on the activities of the committee's **Information and Communications work group**. Ms. Beetem, Melanie Rasmusson (Iowa), and Jennifer Clark (Kansas) serve on the work group. The big project for the group was the Midwestern Radioactive Materials Transportation Project brochure, which was recently distributed to over 1,900 state government officials in the Midwest. Due to a lack of funding and uncertainty about the federal waste-management program, the region had not produced a brochure for five years. Ms. Janairo mentioned that a legislative aide for a Missouri state representative had requested an electronic copy of the brochure to share with the entire Democratic caucus in the Missouri House. Ms. Janairo had also updated the flyer on state fees, as well. Other information and communications activities include articles in *Stateline Midwest* and the committee's e-newsletter.

Mr. Runyon commented that he had not received the brochure. Other members reported the same, but Mr. Schwarz said he received his copy. Ms. Janairo said she would check her distribution list to make sure it included all committee members. Mr. Blackwell mentioned that the photo of Mr. Horn was flipped. Ms. Janairo said she would fix it in the posted version.

The committee commenced discussion of the **regional *Planning Guide for Shipments of Radioactive Materials through the Midwestern States***. Mr. Runyon reminded the members that, in keeping with the two-year revision process, CSG Midwest would publish a new edition of the *Planning Guide* this summer. Ms. Janairo reviewed the changes suggested by the work group, including comments relayed by Paul Schmidt (Wisconsin) and Mr. Blackwell. Mr. Blackwell brought up the new rail routing regulations for certain hazardous materials. The committee agreed with Mr. Blackwell that it would be useful to include a few new sentences in the *Planning Guide* regarding the new rail routing requirements for Class 7 and other hazardous material. When asked about the status of implementing the regulations, Mr. Blackwell noted that the FRA had completed the audits of all the Class 1 railroads. He said the designated routes were not available on the web anywhere.

Mr. Schwarz raised a question about the audience for the *Planning Guide*. Ms. Janairo explained that the primary audience is state personnel. CSG Midwest publishes a handbook on radioactive waste transportation for state legislators.

Ms. McNeil brought up the new Compliance, Safety, and Accountability (CSA) program for carriers. After some discussion, the members felt the program was in such a state of flux that it would be prudent to wait until the 2014 edition to include any specific references to it in the *Planning Guide*.

Mr. Runyon emphasized that, with the *Planning Guide*, the committee was not trying to satisfy or serve DOT or the NRC, but rather the states. The document is intended to compile the best practices recommended by the Midwestern states, not all the relevant laws and regulations. Earl Easton (NRC) expressed concern about a reference to the NRC in establishing rail inspection procedures. Ms. Janairo explained that the text included the NRC because security coordination would be important. If Mr. Easton was uncomfortable with the reference, however, the committee would drop the NRC from the sentence. Mr. Easton said he would provide language to Ms. Janairo. Mr. Easton also suggested including a reference to the forthcoming NRC regulations that would require "preplanning and

coordination” between shippers and the states. Ms. Janairo said general language on the new requirement could be included if the final rule comes out before the *Planning Guide* goes to print.

Ms. Janairo asked the states, Mr. Blackwell, and Mr. Easton to provide her with their final comments and language suggestions by May 31. She will schedule a conference call in June for committee members to finalize the text.

Bill Mackie (CBFO) provided an update on the activities of the Carlsbad Field Office (CBFO) and the Waste Isolation Pilot Plant (WIPP).

As of April 30, WIPP had made a total of 10,462 shipments of transuranic (TRU) waste: 9,921 shipments of contact-handled (CH) waste and 541 shipments of remote-handled (RH) waste. Of these, 15 CH shipments had taken place in the new TRUPACT III container. A total of 124 shipments of RH waste had come from Argonne National Laboratory near Chicago. Other shipments from small-quantity sites had also passed through the Midwest. The shipments covered a total of 12,562,619 miles free of accidents, injuries, and radiation leaks.

From October 1, 2011, through May 10, 2012, DOE had made 464 shipments to WIPP and six intersite shipments. In the coming fiscal year (October 1, 2012 – September 30, 2013), DOE plans to make 1,240 shipments, including 40 shipments from Argonne that would empty the site of its legacy transuranic waste. Mr. Mackie said these figures are based on the information the generator sites provide.

Mr. Mackie showed a list of incidents/accidents involving WIPP shipments. Some tractors had broken down, windshields had cracked, and one truck had an expired hazmat permit on the vehicle. In such circumstances, WIPP has to prepare a non-conformance report, which puts it into the WIPP system for quality assurance. The carrier has to explain why the problem arose and what the company will do to prevent future occurrences. On another shipment, a driver had to be replaced because weather delays caused him to go over the mandatory number of hours. WIPP brought the driver home and sent another one to replace him. Occasionally, the Central Monitoring Room (CMR) failed to make the required two-hour notification to the states on the shipping route. Mr. Mackie asked the committee members to let him know if this ever happens in the Midwest. A route deviation on a Hanford shipment (exiting the site) cost the driver two weeks’ pay. With a second deviation, the driver would no longer be allowed to drive for WIPP. In another driver-related incident, a driver had been cited for causing an accident, however the case was thrown out. The carrier petitioned DOE to reinstate the driver. DOE did so, but since the accident was a “chargeable accident,” the carrier lost 5 cents per mile (or \$70,000) on their safety bonus. The driver is still driving for WIPP.

As a result of all the notification problems, there is talk about moving the tracking portion of TRANSCOM out of the CMR and putting it in the TRANSCOM offices. Mr. Runyon asked what the advantage would be. Mr. Mackie explained that the primary function of the CMR is monitoring the systems at the WIPP site, with shipment tracking being a secondary function. If there was a fire at the site, for example, the CMR would concentrate on that incident and they might not catch shipment-related incidents. This was news to Mr. Runyon and other attendees, who said they had always thought the CMR’s primary function was to monitor shipments.

WIPP was closing or proposing to close several routes in the coming year. Route closure means DOE does not anticipate any future WIPP shipments along the routes. In some cases, if only a few shipments are anticipated, DOE might negotiate other arrangements with the affected states. Affecting the

Midwest would be the closure of the I-70 route from NRD in New York. DOE was preparing a letter to notify the governors of New York, Pennsylvania, Ohio, Indiana, and Illinois that the route would be closed. Mr. Mackie said the KAPL site in eastern New York had waste, but it might be low-level waste, not TRU waste. Mr. Mackie said he did not think the Rock Island site in Illinois would be making any TRU waste shipments. The waste at SPRU in New York turned out to be all low-level waste. Regarding West Valley's RH-TRU waste, DOE cannot certify the waste as defense-related. Until the situation changes, the waste cannot go to WIPP. Options for making this happen include declaring the waste defense-related in the Greater-Than-Class C environmental impact statement and/or changing the WIPP Land Withdrawal Act to allow WIPP to take non-defense TRU waste from West Valley. The shipments will likely by-pass the Midwest because the waste may go to Oak Ridge National Laboratory for processing. In answer to a question from Ms. Janairo, Mr. Mackie said it was not clear whether Argonne would have any future shipments of newly generated TRU waste.

WIPP received the first shipment in a TRUPACT III on August 25, 2011. The package is not used for shipments in the Midwest. DOE expects to have a total of six TRUPACT IIIs, with the final package to be delivered by late summer 2012. Once all the packages are received, DOE expects to use them to make five shipments per week, probably all from DOE's Savannah River Site in South Carolina.

In January, WIPP awarded new five-year carrier contracts to Cast Specialty (Henderson, CO) and Visionary Solutions (Oak Ridge, TN). Cast's new contract became effective in March 2012. The contract for Visionary Solutions would go into effect in September 2012. Annual audits of both carriers were completed in March 2012 under their old contracts, so DOE received a waiver on conducting new audits this calendar year. State audits for the two carriers were recently completed. Mr. Mackie would share the audit results with the states when they are available.

On April 20, DOE awarded Nuclear Waste Partnership, LLC, the five-year M&O contract for WIPP. One of the two primary contractors (URS) is the parent company of WTS, the company that has the current M&O contract. The contract spans a five-year base period, with the option of renewal after five years. The new contract will begin October 1, 2012. Farok Sharif may remain the general manager.

Budget-wise, the CBFO anticipated receiving \$202 million with a 10% decrement. The 10% funding cut would apply across the board. Mr. Mackie did not know what would happen in FY14 and beyond. For the states, allowable activities would be those as stipulated in the WIPP Land Withdrawal Act. Travel will be limited to WIPP-related functions only. Training that is unrelated to WIPP would likewise not be funded. Ms. Janairo stated that the Midwest already follows a policy of not billing non-WIPP travel to the WIPP cooperative agreement. Mr. Mackie was pleased.

Mr. Mackie mentioned that Lynn Eaton, a former trainer who retired from the CBFO, was now working for Tom Clawson teaching TEPP's Modular Emergency Response Radiological Transportation Training (MERRTT). WIPP's team lead for training is health physicist Marsha Beekman. She teaches the hospital course, does the RAP training, and is now training in MERRTT. David Lewis and Ron Macaluso are the two instructors that work with Ms. Beekman. The CBFO will be teaching MERRTT, compressed MERRTT (as it relates to WIPP), medical examiner training (for coroners), a communication-training course for dispatch centers, and the Federal Emergency Management Agency (FEMA) hospital training. All of the courses will have continuing education credits available. Mr. Mackie said the WIPPTREX exercise that took place on April 17 in Walton County, Georgia, was a big success. When he gets the video from the Southern States Energy Board, he will share it with the regional groups. In Spring 2013, a WIPPTREX will take place in Louisiana. Mr. Mackie encouraged the states to send staff to observe the exercise.

The CBFO was seeking comment on the TRU Waste Transportation Plan. Comments are due June 15. Final edits are being incorporated into the WIPP Strategic Communication Plan. WIPP sponsored a February meeting of the NTSF WIPP Security Communications Protocol Ad Hoc Working Group. The group will be meeting later in the day to continue its development of the protocol that, with concurrence from the Western Governors' Association (WGA), WIPP will use for security communications. On the subject of bad weather data, Mr. Mackie said he had pledged to verify shipment stoppages if the regional groups provided data regarding the dates in question. To date, he had not received any data from the regions. He acknowledged that this issue pertained mostly to one region, not the Midwest.

Mr. Mackie commented that DOE supported the provisions in the House-passed American Energy & Infrastructure Jobs Act of 2012, which would preempt routine en route inspections of shipments that bear a valid CVSA Level VI inspection sticker. Mr. Mackie was not sure what the status of the bill was in the Senate. Larry Stern (CVSA) added that the original bill would have prohibited all inspections en route. CVSA took the position that the states should have the flexibility of doing some sort of inspection on shipments while en route, such as a Level II inspection. Mr. Smith had brought to Mr. Stern's attention a paragraph in the bill that would allow the shipper and carrier to self-inspect. Mr. Stern said, if that was the intent of the section, CVSA would work on changing the proposed language. Mr. Mackie said two states in the West inspect every WIPP shipment. Colorado does so by statute, but the inspection station is not open 24-hours per day, thereby causing delays. New Mexico also inspects every shipment, but the CBFO was working through a state legislator to try to change the policy.

Carlisle Smith (Ohio) explained that the legislation could allow a state to conduct an en route inspection, but not a full-fledged Level VI inspection. Mr. Runyon again urged committee members to pay attention to lobbying in their states. He said Illinois's inspection and escort program has been defensible since 1983 because the state provides a service for the fee. He predicted that, as soon as the level of service declines, gamma industry lobbyists will begin lobbying state legislatures to eliminate state fees.

Mr. Mackie reported that Joe Franco had become the new CBFO site manager in February. He has a background in the nuclear navy and in the nuclear industry, having worked for the South Texas reactor project. He worked for the WIPP M&O contractor for 17 years in various capacities. In 2006, Mr. Franco became assistant manager along the Columbia River corridor at the Richland site. Mr. Mackie said Mr. Franco will be quite an asset to the CBFO.

Finally, Mr. Mackie commented on the BRC recommendations. He said the BRC's report strongly endorsed the WIPP transportation system, which had precipitated a number of information requests for the CBFO. Mr. Runyon asked about the Carlsbad area's support for siting a storage facility near WIPP. Mr. Mackie confirmed that there is a group near Carlsbad that is lobbying to bring an above-ground storage facility to the area.

Mr. Stern reported on the activities of the **Commercial Vehicle Safety Alliance (CVSA)**. He explained the different inspection levels and the training that CVSA offers to prepare inspectors to conduct Level VI inspections. Level VI is currently the only inspection level mandated by federal statute. The current tally was 788 certified inspectors in 44 states, Puerto Rico, Canada, and within the federal government. To attend the Level VI course, personnel had to have Level I training as a prerequisite and be HAZMAT certified. Training would take place in June in Illinois. Additional training during the year will take place in Pennsylvania, California, and Texas.

DOT maintains a [website](#) for “Roadside Inspection” data. To access the data, viewers should select “Level VI Inspection” or “Level VI Violation” from the menu of options. All CVSA program reports are available on the CSVA [website](#) under Programs following the Level VI inspection program link. Mr. Stern shared information to show that WIPP trucks continue to log far fewer violations than regular commercial shipments. The data also showed that, prior to the Level VI program becoming a requirement, cobalt-60 shipments had a defect-free rate of around 76%. Now that inspections are required for these shipments, the rate has gone up to 88.99% defect free. By comparison, WIPP trucks logged a rate of 95.38%.

Level VI peer reviews began in 2007 and continue today. Eight states have been visited so far: Colorado, Idaho, Illinois, Michigan, New Mexico (twice), South Carolina, Tennessee, and Washington. An updated report on the Peer Reviews would be published in May.

CVSA conducts many public outreach activities as part of the Level VI program. The goal of the outreach is to educate the public regarding the program’s successes and to provide information on shipments of TRU waste and HRCQ material. CVSA representatives have attended over 48 events since 2005.

Mr. Smith is the chair of the Level VI committee, with Idaho’s Bill Reese serving as vice chair. The committee focuses on WIPP and HRCQ shipments in the U.S. Industry representatives attend the Level VI committee meetings but cannot vote on policy changes.

In recent developments, CVSA finished working on the ANSI N14.36 standard, which had been a four-year project. The standard applies to methods of radiation and contamination measurement in packaging and transporting radioactive material. In addition, CVSA had partnered with Battelle on a study of safety and security technologies. Areas covered by the report include inspections, security, electronic shipping papers, shipping and tracking, and dose measurement and isotope quantification. Bill Tate from Battelle would be speaking about the report in one of the breakout sessions on Wednesday.

The states conducted the **roundtable of state activities** during the working lunch.

Illinois:

- Illinois was inspecting a lot of WIPP trucks. Mr. Runyon’s agency had hired two new staff members who were working for Mr. Horn. Funding from WIPP had enabled the state to send these new staff members to high-quality training. This was important because, these days, it was hard to find good entry-level staff who have strong health physics backgrounds. The new staff had gone to HAZWOPER and CVSA Level VI training, as well as the Energy Solutions training on DOT and NRC packaging and transportation regulations. Mr. Runyon said the Energy Solutions training is an expensive but excellent four-day, intensive course.
- Illinois is on the lookout for fee-related legislation to be introduced in the state. Traditionally, the fee in Illinois has been set at a level that recovers the state’s average cost for the inspection and escort. Mr. Runyon had previously talked about possible plans to modify the state’s fee structure so that, for example, if a shipper moved two trucks at once, the fee would be reduced. The proposal had not gone anywhere, though.
- Mr. Runyon commented that he thought Mr. Horn would do a great job with the IEMA transportation program. Major Evans thanked Illinois for welcoming two of his inspectors into the CVSA Level VI training that the state would be conducting.

Indiana:

- The two positions that remained with the Indiana State Department of Health have moved over to the Department of Homeland Security. Moving these positions in the radiation safety program had taken a year to complete through a memorandum of agreement (MOU) between the two agencies. The agencies are now working on legislative changes that would allow for joint radiation control for the state.
- Indiana has scheduled a meeting with Ray English on June 26 to begin planning an NNPP exercise in the state. The exercise will take place in 2013. Ms. Dresen had approached CSX about participating, based on DOE's interest, but the company declined.

Iowa:

- Iowa's legislative session finally ended the previous week. The legislature had not passed the bill allowing MidAmerican Energy Corp. to charge consumers for construction work in progress for new nuclear reactors. Major Evans commented that Iowa was second in the nation for wind energy.
- Iowa is moving towards making the Motor Vehicle Enforcement Office a branch of the Department of Public Safety. Iowa is the last state to have two state police agencies with jurisdiction over the same activities. Major Evans has been in discussions over merging the two police agencies. Changes to the Iowa code will be needed to effect the change. Major Evans said the changes would not affect any of the things he does with regard to shipments.
- The Department of Public Health and Division of Motor Vehicle Enforcement Office had just finished a new MOU to replace the one that will expire later this year.

Kansas (written report provided by Jennifer Clark, who could not attend):

- Kansas has had six RAMQC shipments go through since the beginning of the year.
- In early May, a reporter had contacted Ms. Clark's office to ask a lot of questions about shipments of radioactive waste and material through Kansas. The reporter's interest was the result of the legislation in Missouri, which had been reported in the *Kansas City Star*. The reporter worked through the public information officer for Ms. Clark's office. The article had appeared on May 4 and was available [online](#).

Michigan:

- Ken Yale (Michigan) said that, in researching information for a presentation Ms. Rasmusson was preparing, his agency had uncovered an interesting wrinkle in a state statute regarding transportation of spent fuel. The wording is such that spent fuel cannot be moved from one "generating facility" to another. The question arose as to whether Big Rock Point, a shutdown plant, could be considered a "generating facility." Mr. Yale did not expect the question to be answered anytime soon. Mr. Runyon asked Mr. Yale what he thought the state's perspective would be on consolidating spent fuel at one operating facility or sending it to a consolidated storage facility. Mr. Yale was fairly certain there would be opposition to moving spent fuel from operating facilities to the storage facility that exists at Big Rock. But shipping from Big Rock to an operating facility in the state might not generate as much opposition. Mr. Yale added that the spent fuel stored at Big Rock is preventing development of a fairly large area that is right on Lake Michigan. Mr. Blackwell asked about the security zone. At Big Rock, the spent fuel is far enough away from the shore that the security zone did not extend to the water. At Palisades, which is an operating plant, the zone does

extend into Lake Michigan, so the Coast Guard is involved in exercises. Palisades has two storage pads, one close to the lake and one further away.

Minnesota:

- Minnesota has not seen any Nordion shipments through the state since the FBI issued its bulletin about problematic routing practices last year. DOT had decided not to take any action on the FBI report. Mr. Runyon added that the FBI had not contacted his office for information. He said he wished the DOT had put in writing the rationale for its decision not to take action against shippers that violated the routing requirements.

Missouri:

- Ameren has partnered with Westinghouse to produce small modular nuclear reactors (SMR). The partnership will seek funding from DOE. The SMRs would take the place of a second unit at the Callaway nuclear power plant.
- A provision eliminating the state's fee on HRCQ shipments had been tacked onto a transportation bill after it passed the state Senate. Ms. Beetem's agency has had a number of meetings with the governor's office, the legislature, and industry to reach a compromise. The Department of Natural Resources was willing to change the fee to a per-truck basis instead of per-cask. Ms. Beetem had prepared talking points on the need for state fees, in case any other committee members are interested. The legislative session would be over by the end of the week. Ms. Beetem added that not only would the fee be eliminated by the proposed legislation, but inspections would be curtailed, as well.

Nebraska:

- The state's new Emergency Operations Center was coming on line soon.
- Mr. Schwarz encouraged states to take advantage of any opportunity to have Ron Edmonds conduct a risk-communication course. Nebraska had sponsored a three-day class and Mr. Schwarz found it highly useful. He plans to hold a similar course in the coming year and will pass along the dates to Ms. Janairo in case any of the Midwestern states would like to send staff to the training.
- The Fort Calhoun plant continued to generate activity for the state. The site should be up and running again in September, if everything goes as planned.

Ohio:

- Mr. Smith said a cobalt-60 shipment had taken place in December over the holidays. The state's involvement with the shipment was costly because of holiday pay, but the state no longer has a fee to recover those costs. Mr. Smith did not intend to stop inspecting, however.
- On the subject of the recent Level VI committee meeting, Mr. Smith reported on four things:
 - Since July 1, 2011, there were 95 point-of-origin inspections of Cobalt-60 shipments in North America and 118 en route inspections of those shipments. Most of the en route inspections were less than a Level VI inspection. Ms. Beetem asked for clarification about Ohio's inspections. Mr. Smith said that his agency had always inspected and escorted shipments, even before a fee was enacted. The inspectors were not law enforcement, however. On the subject of security, Mr. Runyon mentioned a report by V.F. Mannan that had made the case for these shipments being potential targets for

- terrorists. He encouraged the other states to read the document. Ms. Janairo mentioned that the report included pictures of Nordion shipments.
- Kansas had pulled inspection equipment from its inspectors due to a low frequency of shipments. Without inspection equipment, however, it would be impossible to do training. Mr. Runyon said Illinois was willing to send Kansas some of its surplus equipment.
 - A question had come up regarding where to affix the CVSA Level VI inspection sticker in inclement weather. The resolution was to affix the sticker to the inspection report in such circumstances, with the inspector noting the problem in the report. A related issue is what would happen if the sticker came off while the truck was in transit. The Level VI committee had not reached resolution on this issue. It may be as simple as purchasing decals that can be applied on the inside of the windshield.
 - Nordion is decommissioning one of its facilities. Shipments from the facility will affect Michigan, Indiana, Illinois, and either Missouri or Iowa. Four trucks would travel at once sometime later this year.

Wisconsin:

- Ms. Engelhart echoed Mr. Runyon's comment about difficulties in hiring. She had 17 candidates apply for a job in the state's radiological program, none of which had any radiological background at all.
- Lately, Wisconsin has been taking a "wait and see" approach to fee legislation. The state had only seen one HRCQ shipment since December. There had been some talk about looking at ways to recover the state's costs for conducting an inspection or providing an escort for shipments.
- A bill introduced in the Assembly would have charged nuclear plants for dry cask storage. A flat fee of \$250,000 would go to the municipality along with a per-cask fee of \$5,000. The bill had not passed. Mr. Leuer said similar legislation had failed in Minnesota a few years ago. Ms. Engelhart added that the same legislation had been introduced in Wisconsin a few years ago but then it died.

Mr. Easton provided an update on NRC activities.

- Commissioner Apostolakis has prepared a regulatory framework for using risk-informed information in licensing. The report is focused on reactors and will be available on the NRC website.
- One of the Tier 3 items to come out of Fukushima is the expedited movement of spent fuel from wet to dry storage. "Tier 3" means the NRC does not have enough information to make a regulatory decision. The commission will gather the information needed to make a decision about whether to move all spent fuel aged five years or more from wet storage to dry storage. This decision would affect 80% of the spent fuel currently in pool storage. The NRC's research group is studying two scenarios, looking at Peach Bottom (which is the same design as Fukushima): a relatively empty pool versus a relatively full pool based on current practices. Questions to answer include what the potential differences and consequences of each scenario would be, and whether and how the commission should use this information as the basis for licensing power plants.
- On Wednesday, there would be five NRC-related breakout sessions. Mr. Easton provided a brief preview of the five sessions so that committee members could decide which sessions they would like to attend.

Ms. McNeil reported on the activities of the **Office of Packaging and Transportation within DOE's Office of Environmental Management.**

DOE is working on a new order, 460.3, "Physical Protection of Spent Nuclear Fuel and other Radioactive Material in Transit." When the NRC publishes its final regulations on shipment security, Mike Wangler will revive the working group that is developing order 460.3. When the draft order is written, DOE will share it with external stakeholders for input. As part of the department's new approach, DOE's Radioactive Materials Transportation Practices Manual (460.2-1A) will become an appendix to DOE's order on transportation (460.2). Because the revision of this document will affect what DOE-NE does on transportation, Ms. McNeil had been in contact with that office about the upcoming revision process. Ms. McNeil plans to stand up a working group with representatives of the four regions.

Ms. McNeil said DOE had not issued the Prospective Shipment Report (PSR) for about a year. One problem was that, under the definition for "campaign" in the manual, almost no shipments of low-level waste were required to be reported. Ms. McNeil had talked to Alice Williams and Tracy Mustin at DOE headquarters, and they will be sending a letter to the sites encouraging them to post their shipments to the PSR. Mr. Blackwell asked if, in the transition from manual to appendix, DOE would change the definition of shipping campaign. Ms. McNeil said that would likely happen.

Based on preliminary data from the Waste Information Management System, DOE would be making fewer and fewer shipments each year. There had been a spike in activity in FY11 because of the stimulus money being available. In FY12, however, DOE expected to make fewer than half as many shipments as in FY12. Shipments would drop by half again in FY13. Ms. McNeil showed a table on quarterly low-level and mixed low-level waste shipments to the Nevada National Security Site (NNSS). She said states could download this table and others from the [NNSS website](#). NNSS's annual report provides additional information, including a list of approved generators, a list of carriers, and shipment volumes by site and type. A route map is available, too.

Following Ms. McNeil, Tom Clawson reported on **TEPP activities.**

2012 Training Activities: In 2012, TEPP had conducted a total of nine classes in the Midwest, all the Compressed MERRTT training. Six took place in Nebraska and the remaining three were held in Sioux Falls, South Dakota. A total of 130 students attended. Another Compressed MERRTT course would be held in North Platte, Nebraska, on May 23, with 25 students registered. TEPP was planning to conduct TMERRTT sessions in Massachusetts, California, and Maryland later this year. Rad Specialist sessions were planned for Boulder, Colorado; Forsyth, Georgia; and Albuquerque, NM. In 2013, Rad Specialist courses would be taught in Pennsylvania and New York. More information on these courses is available on the [TEPP website](#).

MERRTT: The MERRTT curriculum would be undergoing revision soon. Mr. Clawson said the revision process would be similar to those in the past. Each regional group will provide a representative to work with the DOE Task Group to decide whether to accept or reject the offered comments. Approximately 40 comments had been gathered from course evaluation forms filled out by instructors and students. Ms. Janairo suggested the group organize as an NTSF ad hoc working group. The revision will include updating references and videos to the 2012 Emergency Response Guide and adding more pictures and graphics of equipment and responses. In addition, the Incident Command module would be merged with the one on Incident Control. The time opened up by this merger would make way for new Case Histories module.

TEPP Improvement Project: DOE was planning to develop two interactive computer-based training (CBT) programs for TEPP. The first would be a refresher program based on the IS 302 modules. The second would be awareness level CBT based on the existing MERRTT modules.

TEPP Sponsored Exercises: Upcoming exercises included September 2012 in South Carolina and Tennessee; Irving, NY, in October; and Amarillo, TX, in November. No exercises are currently planned for the Midwest.

Website Resources: Mr. Clawson described the TEPP website as providing “one-stop shopping” for the MERRTT training schedule, model procedures, case histories, and other information. The site is at www.em.doe.gov/otem.

Because of changes to the TEPP contract support, the TEPP contract coordinators were being reassigned effective May 15. Mark Linsley had been hired to be the TEPP Contract Coordinator for Region 1 and 5. Ken Keaton will be the Region 3 and Region 2 coordinator. John Riley would work on TEPP activities part-time.

Mr. Blackwell asked whether TEPP had considered interactive CBT similar to a video game. Mr. Clawson said his team would make the CBT interactive and visual, but he stopped short of describing it as being like a video game. Mr. Runyon asked if TEPP could track who was downloading the CBT, and Mr. Clawson said he could. Mr. Runyon said Illinois had contracted with a company to design CBT that was like a video game. The problem was that the company had modeled the training on the classroom setting instead of providing a real-world example.

Mr. Blackwell briefly reported on the **FRA’s activities**. A notice of proposed rulemaking on dedicated trains is due out this summer. In addition, an internal team at FRA was reviewing the Safety Compliance Oversight Plan (SCOP), which is now 14 years old. Ms. Janairo suggested Mr. Blackwell consider working with Ms. McNeil to organize an NTSF ad hoc working group to solicit external stakeholder input on the SCOP revision. On the subject of inspections, Mr. Blackwell said the effort to develop reciprocal rail inspection procedures had languished when the Northeast took the lead on the project. Mr. Blackwell took an action item to ask Mel Massaro (FRA) about the status of the project. Mr. Blackwell added that Pat Edwards (Pennsylvania) would be retiring.

The committee resumed its **business session**.

NTSF meeting goals, emerging issues: After much discussion, the committee agreed to submit the following suggestions for ad hoc working groups: MERRTT revisions, Section 180(c) (finalizing the policy and procedures), and Transportation Planning Process. For webinars, the Midwest would suggest the following topics: Routing practices and experiences (to include NRC security reviews, FRA rail routing requirements); an update from DOE on the BRC recommendations and their implementation; a status report on the NRC security rulemaking; and the spent fuel transportation risk assessment (a repeat of the Wednesday breakout session for a wider audience). Gary Lanthrum (NAC) mentioned that the Nuclear Infrastructure Council would be hosting a meeting for the eight states that had communities who were interested in interim storage. He suggested that any routing exercises be conducted with those states in mind.

Ideas for new projects: The committee discussed ideas for the new project that would be funded by DOE-NE. Ms. Engelhart suggested the committee develop a briefing packet for states to use when

presenting information on waste-management program developments. The committee also agreed to propose travel for more state attendees to participate in meetings. Currently, travel is limited to one gubernatorial attendee and one legislative attendee. A trip to WIPP for legislators was another project idea that received the committee's endorsement. The members also liked the idea of having a webinar on Canada's waste management program and perhaps other international programs. This webinar could be focused on the Midwestern states (e.g., because of the possible impact of a Canadian repository on the Great Lakes) or it could be conducted through the NTSF. Ms. Janairo said she would include all these idea in the proposal she would submit to DOE-NE on June 4.

Other meetings attended: Ms. Janairo reported that she had helped Ms. Rasmusson put together a presentation for the NEI Used Fuel Management Conference on May 9. Ms. Rasmusson's presentation was well received. Ms. Janairo thought the committee should routinely plan to send a representative to this conference each year.

PATRAM 2013: Ms. Janairo mentioned that the international conference on Packaging and Transportation of Radioactive Materials (PATRAM) would take place on August 18-23, 2013, in San Francisco. She said it might be a good idea to piggy-back a working group meeting onto the conference so that some states could attend the conference and possibly submit papers.

HMCRRP HM-16: Mark Abkowitz (Vanderbilt University) had contacted Ms. Janairo about having a representative of the Midwest participate in a one-day workshop on October 4 to review a draft model curriculum on "safety, security, and efficiency of hazardous materials transportation in the United States." Mr. Smith declined the invitation to attend. Major Evans suggested Ms. Janairo recruit Mr. Horn to attend.

Nuclear Waste Technical Review Board (NWTRB): Mr. Runyon had been planning to attend an October 17 meeting of the NWTRB, but would now have to decline the invitation. Major Evans said he would be able to fill in. The meeting was originally scheduled to be in Chicago but had been relocated to Idaho Falls. Ms. Janairo would likely attend, as well. She would discuss agenda topics with Dan Metlay of the NTWRB professional staff.

Next meeting: The survey of dates revealed that November 13-15 and November 6-8 were open for most committee members. Ms. Janairo said she would conduct a hotel search for the later dates, with November 6-8 as backup. She was mindful of the need to avoid travel on either Election Day or the Veterans Day holiday on November 12. The committee agreed to hold the meeting in Omaha. Mr. Schwarz suggested looking at hotels near the Qwest Center.

Tribute to Mr. Runyon: Ms. Beetem closed the meeting with a song she had prepared in honor of Mr. Runyon. She also presented Mr. Runyon with a retirement card and gave the committee a picture of Mr. Runyon to keep on hand at future meetings. Mr. Runyon said he hoped to stay in touch with the committee in the coming years.

Mr. Runyon adjourned the meeting at 3:10 pm.

Prepared by Lisa R. Janairo, June 19, 2012.