

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

**Proceedings of the Fall Meeting**  
**Denver, Colorado ✧ May 10, 2011**

Paul Schmidt (Wisconsin) called the meeting to order at 10 am and welcomed all attendees. He began the business session with his **report from the committee co-chairs**. Mr. Schmidt observed that the last few months had been an interesting time for the emergency management and radiation control communities because of the accident at the Fukushima nuclear power plant in Japan. He expected to see some potential changes in emergency preparedness as a result, and wondered to what extent transportation emergency preparedness would be affected. Mr. Schmidt said it would be important for the U.S. Department of Energy (DOE) to hear what the concerns of the states were during the National Transportation Stakeholders Forum (NTSF) meeting on May 11-12. The committee would spend a good deal of time at today's meeting preparing for the sessions during the NTSF meeting. Tim Runyon (Illinois) agreed and added that, because of the Japanese accident, spent fuel storage would come to the forefront. He had attended a Nuclear Energy Institute (NEI) conference the previous week and many of the sessions related to this committee's interest in emergency preparedness and storage. Mr. Runyon saw the future of the committee becoming more and more solid, particularly as the group began to delve into those issues.

Lisa Janairo (CSG Midwest) provided an **update on the Midwestern Radioactive Materials Transportation Project**. She noted that funding continued to be a challenge for the project and expressed hope that possible new funding from the U.S. Nuclear Regulatory Commission (NRC) would give the committee a chance to branch out formally into issues related to spent fuel storage as well as transportation, as Mr. Runyon had suggested. The committee had two new gubernatorial appointees: Michael Snee from Ohio and Major Lance Evans from Iowa. Ms. Janairo had held off on seeking new legislative appointments because of the funding uncertainty, but three legislative members were continuing on the committee: Senator LeRoy Loudon (Nebraska), Representative Carl Holmes (Kansas), and Representative Steve Olson (Iowa). Once new funding was received from DOE, Ms. Janairo would redouble her efforts to recruit new legislators to serve on the committee. In the area of information and communication, Ms. Janairo would be updating the online version of the Midwest's *Planning Guide for Shipments of Radioactive Materials through the Midwestern States*, as well as the region's flyer on state fee programs. Ms. Janairo asked committee members for help in updating the state-specific information in both of these documents.

Finally, Ms. Janairo had created a wiki site for the benefit of committee members. The site was similar to the NTSF wiki site she had set up, except it was only open to members of the committee and other Midwestern state representatives. She encouraged all members to sign up for a wikidot account so that they could take advantage of the Midwestern and NTSF wiki sites. CSG Midwest had redesigned its web site, and after the NTSF meeting Ms. Janairo would turn her attention to fixing the broken links and page navigation problems that were affecting the Transportation Project's pages.

Kevin Leuer (Minnesota) reported on the activities of the committee's **NRC Rulemaking Review work group**. Mr. Leuer served on the group with Melanie Rasmusson (Iowa) and Mr. Runyon. Mr. Leuer reminded everyone that, at the committee's December meeting in Milwaukee, Earl Easton (NRC) had walked the attendees through the NRC's proposed rulemaking on physical protection for shipments of irradiated reactor fuel. The proposed rulemaking contained enhancements to existing procedures as well

as new things like a requirement that licensees preplan shipments with states. In follow-up to the December discussion, the committee had requested a 90-day extension of the comment periods for both the rulemaking and the draft guidance document. The NRC had granted the region's request, which had given the work group time to hold several calls to develop comments on the rulemaking. After being reviewed by the full committee, those comments had been submitted on April 11. The deadline for commenting on the draft guidance document was May 11, so the committee would be discussing the draft comments during the afternoon and Ms. Janairo would revise and submit them the next day.

Regarding the committee's comments on the rulemaking, Mr. Leuer said the committee had agreed that it was important to establish performance standards by rule instead of through NRC orders. The region had also expressed appreciation for the new language that would require preplanning and coordination with the states. The Midwest's letter expressed some concern that the rule did not quite "ensure early and substantial involvement," as stated in the rulemaking. The committee's goal was to deliver the message "involve states early and often." Toward this end, the region had suggested that the NRC add a timeframe and emphasize the need to involve states throughout the process. In other comments, the Midwest had requested that the rule be changed to require that states *receive* advance notification 10 days before a shipment as opposed to requiring that the licensee send the notification seven or four days in advance (depending on delivery method).

The draft comments on the guidance document had been distributed to the Midwestern states on Monday, May 2, and would be the topic of discussion during the afternoon. The work group had identified a need to specify "safe parking area" instead of "safe haven." The group also thought the guidance document needed more information on preplanning and coordination and suggested the NRC look at the *Planning Guide* for ideas. Members had also discussed the concept of primary and alternate routes – specifically, what would happen if there was something wrong with a shipment while en route and what would happen with follow-on shipments. Finally, background checks were a topic of discussion. There appears to be some conflicting information in the draft guidance document on who should be exempted from background checks. Mr. Leuer said the comments were 90% done and, with input from the full committee, the Midwest would be prepared to submit comments on May 11.

Mr. Runyon reported on the activities of the **NTSF Planning Committee**. He said the Midwest had set the bar high last year when it hosted the first NTSF meeting. This year, the Planning Committee changed the format to include breakout sessions. Mr. Runyon said the Midwest had a great deal of influence when it came to deciding on the meeting content as well as the topics addressed by ad hoc working groups. He said DOE had been receptive to the suggestions made by the Midwest and other stakeholders. Ms. Janairo added that it was a challenge to balance the need for DOE to accept outside input while still taking ownership of the meeting and the NTSF as a group. Mr. Runyon seconded Ms. Janairo's comments and said he would like to see the Midwest send the message to DOE that its commitment to the NTSF was important. States were coming to the meeting to get information on DOE shipments, so if DOE pulled its staff from attending the meetings, that was a big problem.

Jane Beetem (Missouri) reported on the activities of the **NTSF Financial Guidance ad hoc working group**, which was the first NTSF ad hoc working group to become active. The purpose of the group was to provide input to DOE's Carlsbad Field Office (CBFO), which had planned to develop written guidance for states and tribes that received funding in connection with transuranic waste shipments to the Waste Isolation Pilot Plant (WIPP). The ad hoc working group was an outgrowth of recommendations from a CSG Midwest project documenting the states' experiences receiving funding for WIPP and other

shipments. That project had identified difficulties related to timing and a lack of clarity among the areas for improvement cited by the states. Ms. Beetem saw the new written guidance as a way to help staff or states that were new to the WIPP funding process.

The ad hoc working group had held a total of seven conference calls and reviewed 10 documents as they developed the final work product. The group had recommended to DOE that the guidance document not change from year to year, but rather be accompanied by a new cover letter each year with new shipment information and any others changes highlighted. Among the topics the group recommended for inclusion were an introduction explaining the purpose; background information; a clear definition of "carryover funding;" and reporting requirements. On February 14, the group sent their recommendations to the CBFO's Bill Mackie. In the transmittal cover letter, the members emphasized three things:

1. Maintaining flexibility in the use of funds was key to the long-term viability of state programs;
2. It was important for the CBFO to establish a process and timeline for receiving financial assistance so that recipients could count on reliable, dependable, and consistent funding.
3. The written guidance should not replace direct negotiations with the CBFO.

Ms. Beetem concluded her report by noting that the working group was awaiting a response from the CBFO. Mr. Runyon said the recommendations appeared to be very good and very detailed. He asked about indirect costs. Ms. Beetem said those would be recouped. Mr. Runyon said Illinois recognized the need to be a very good steward of WIPP dollars. He wondered, however, whether the state was shortchanging itself by not billing salaries in its attempt to spend as little of the available money as possible. He said he had been doing the state's WIPP budgets for years and no one had ever commented on whether the scope and budget he put together was good or bad.

Dan Fisher (Ohio) said that funding from the U.S. Department of Transportation's Motor Carrier Safety Assistance Program (MCSAP) requires itemization of indirect costs. Kelly Horn (Illinois) said that he considered attending training to be a service that he was receiving, so he did not want to bill his time to WIPP. He also cautioned that MCSAP paid for commercial vehicle enforcement for point of origin inspections, so states that conduct those inspections must be careful not to double bill. Major Evans said he was funded 80% through MCSAP, but could write it up in the Commercial Vehicle Safety Plan (CVSP) that the state would fund so many people with WIPP funding. He said Iowa had a division of 128 officers that did MCSAP functions and enforced state codes. Each officer, when submitting timesheets, had to budget so much toward MCSAP. Level VI inspections were not in the CVSP because not every officer was Level VI-certified. Mr. Horn said when he billed a shipper for the state's fee, the inspection portion was for the Illinois Emergency Management Agency's (IEMA) portion. The escort cost was for both IEMA and the Illinois State Police. Ms. Beetem added that, as budgets got tighter, it would be interesting to see whether people were billing more time to their agreements. Mr. Runyon suggested holding an NTSF webinar that would consist of a walkthrough of the guidance document once the CBFO had completed it.

Kevin Blackwell (Federal Railroad Administration) said DOT, like DOE, was looking for ways to cut expenses. He urged states to be especially careful about inadvertent double dipping. The FRA had stopped funding salaries for state inspectors because the agency found out that states were double dipping. Mr. Blackwell liked the description of the guidance document being like a "menu" of items from which states and tribes could choose. He said the description reminded him of the plan for

implementing Section 180(c) assistance. Ms. Janairo added that, while the ad hoc working group had developed the recommendations specifically for WIPP funding, the framework could also work for other programs.

Ms. Janairo reported on the activities of the **NTSF ad hoc working group on Improvements to the DOE Prospective Shipment Report (PSR)**. The PSR was the document DOE used to provide states and tribes with long-term shipment planning information. The PSR was updated twice each year. For six years, the Midwest had been suggesting to DOE ways to make the PSR a more useful tool for the states. The creation of the NTSF gave the region the opportunity to move these ideas for improvement forward on a national level. The group had held four conference calls to develop recommended improvements. DOE had already implemented some of the changes in the most recent edition of the PSR. Sticking points for the group had included the states' strong preference for including site points of contact, to which DOE objected. The compromise was to add language explaining the criteria that led to shipments being included in the PSR, along with a single point of contact in DOE's Office of Environmental Management (DOE-EM). After two editions of the revised PSR have gone out, the group will evaluate whether it works or not to have just one point of contact. Another sticking point had been the inclusion on the PSR of "pass-through tribes" in addition to pass-through states. Ms. Janairo had suggested adding tribes, but DOE did not think the change necessary or feasible. One of the tribes involved in the NTSF had submitted formal comments requesting a separate column for tribes. Ella McNeil (DOE-EM) had all the comment letters and would prepare DOE's response.

Ms. Beetem added that she had received a follow-up message from Ms. McNeil on her request for a comprehensive list of carriers that were shipping on behalf of DOE. Ms. McNeil had told Ms. Beetem that DOE did not maintain such a list. Ms. Beetem was considering other means of obtaining the information. Mr. Blackwell asked if there was punitive action if a shipper or carrier did not pay the state's shipment fee. Ms. Beetem said the statute did include a penalty for noncompliance. The state made every effort to inform shippers and carriers so they would not find themselves facing a penalty.

Mr. Horn provided an update on the **NTSF ad hoc working group on Notifications**. He said the group, staffed by Cort Richardson (CSG/ERC) had held one conference call on February 16 and would be meeting a second time on Wednesday at the NTSF meeting. Mr. Horn said Mr. Richardson had not distributed minutes from the first call. Ms. Janairo mentioned that a few group members had participated in a call on May 6 to prepare for the face-to-face meeting. In her view, based on what she learned on the May 6 call, it was not clear what the mission of the group was. Mr. Horn agreed. Ms. Beetem suggested that perhaps the group could articulate who would receive shipment notification and how. Ms. Janairo said that, on the May 6 call, Mr. Richardson had raised the possibility of preparing a fact sheet on notifications. She had responded that the NTSF Communications ad hoc working group should be consulted on any new fact sheets that would be produced.

Ms. Beetem reported on the **NTSF Communications ad hoc working group**. Jennifer Clark (Kansas) and Ms. Janairo also served on the group. The purpose of the group was to provide input to DOE on revising public information materials, including fact sheets, informational videos, and other items. The goal was to help DOE effectively and accurately communicate with the public and stakeholders. One question the group had addressed was whether DOE should follow a "one size fits all" approach or was there value in preparing some materials targeted at a specific audience, like emergency responders. The Communications ad hoc working group had held three calls and would be meeting on May 11. The group had already submitted input to the CBFO on a communications plan for WIPP.

Jon Schwarz provided a report on the activities of the committee work group that is reviewing **DOE's draft environmental impact statement (EIS) on Greater-Than-Class C (GTCC) low-level radioactive waste**. The work group consisted of Ms. Beetem, Mr. Runyon, and Mr. Schwarz. The group had held one conference call to discuss the draft EIS, with a focus on transportation-related provisions. Comments on the draft EIS would be due on June 27. The committee's discussion during the afternoon would include the draft comments. The work group planned to have at least one more conference call after the meeting to incorporate committee feedback and revise the comments.

Mr. Runyon added that GTCC waste was, in essence, transuranic waste, and for that reason he thought it made sense to send it to WIPP. Ms. Beetem said that was logical, but the draft EIS did not identify a preferred alternative. John Heaton (Carlsbad Department of Development) said WIPP could not take civilian waste, so DOE could not identify it as a preferred alternative. He said the EIS was very unusual in that it had to go to Congress to make the decision to amend the WIPP Land Withdrawal Act to open it up for civilian waste. The committee discussed the likelihood of the Midwest being affected by shipments, particularly because of the large amount of GTCC waste at West Valley. Shipments of remote-handled transuranic waste could serve as a model for a campaign to move GTCC waste. Ms. Beetem said she had sent the EIS summary and the draft comments to the staff in Missouri responsible for working with federal facilities. Those colleagues had brought up the fact that the Missouri University Research Reactor (MURR) wanted to produce molybdenum. She wondered whether that would produce transuranic waste or GTCC waste. Ms. Janairo said the draft EIS does mention MURR as one of the source locations for GTCC waste.

Ms. Rasmusson reported on the **Midwest's Fee States Caucus**. The group had held two calls since the last committee meeting. Ms. Rasmusson said the calls were very useful and she encouraged all states to participate, not just those that have fees. She said the big activity related to fees had been Ohio's decision to eliminate the fee from its statutes. Ohio HB 73 would have taken away the authority from the Public Utilities Commission of Ohio (PUCO) to conduct inspections and escorts of highway route-controlled quantity (HRCQ) shipments. In May, the states learned that the Ohio legislature had passed amended legislation that retained the PUCO's authority but eliminated the shipment fee. Ms. Beetem mentioned that Westinghouse was doing a big cleanup, so Missouri was experiencing a number of shipments every day.

Mr. Runyon reported on his attendance at the **NEI conference on Used Fuel Management**, which had taken place in Baltimore the previous week. He found the meeting to be well worth attending. There had been a great deal of discussion surrounding the events at the Fukushima nuclear power plant in Japan. According to Mr. Runyon, with the information the federal agencies and other attendees had access to in Japan, it became clear that no one really had hard facts – everything was speculation, at this point because it was too early to piece together things like external dose rates. Was fuel inside the reactor uncovered? What about the fuel in the pool? Mr. Runyon said people were uncomfortable making definitive statements about these matters just yet.

Mr. Runyon said the presentations NEI and the NRC had made had caused him to reflect upon spent fuel pool management. He said transferring spent fuel to dry storage was a pretty complex activity. Old fuel, for example, was key to managing newly discharged spent fuel. NEI was already predicting that public reaction would be that it was risky to have spent fuel in reactor pools, so the push might be to get it all out. Mr. Runyon thought it would benefit the committee to be educated on this topic. He suggested having an extended session on spent fuel storage, particularly pool storage at the next meeting or at the

next NTSF meeting. One thing Mr. Runyon had heard was that the utilities were interested in dry storage, but every few years DOE would come to them with new specifications for the casks. As a result, the utilities were reluctant to make the investment.

Mr. Runyon had attended the conference to give a presentation on state expectations for the proposed changes to NRC shipment security regulations. In his presentation, he had mentioned the Midwest's *Planning Guide*. He said he did not get a lot of questions, but judging from what he saw the audience clearly heard what he said. Overall, he found the experience to be very positive and suggested the committee try to get a representative to the annual conference on a regular basis. Next year, the conference would move to St. Petersburg.

Sen. Louden asked about recycling spent fuel. He noted that the nation was living with a political policy made back when Jimmy Carter was president and perhaps it was time to revisit that decision. Mr. Runyon said he thought recycling, or reprocessing, was being looked at on a continual basis and had attracted the attention of DOE. He mentioned DOE's research into "advanced fuel cycles." But the presentations he had seen on recycling were clearly focusing on the long term and new technologies for reactor fuel that would be more suitable for reprocessing. In the short term, near-reactor fuel storage was the only option. He said people were increasingly asking questions like was it safe to have a spent fuel storage facility on the shore of Lake Michigan?

Steve O'Connor (DOE-EM) mentioned the extended storage project led by the Electric Power Research Institute (EPRI). DOE's Office of Nuclear Energy (DOE-NE) had the lead on advanced reactor design. Mr. O'Connor noted that the NTSF agenda did not include a speaker from DOE-NE, nor would anyone be representing the President's Blue Ribbon Commission on America's Nuclear Future (BRC) to address the matter of long-term storage. Mr. O'Connor thought the BRC would recommend broad options with pros and cons, not necessarily make a specific recommendation such as for the nation to begin reprocessing. The "H-Canyon" at Savannah River Site, for example, was where DOE dissolved spent fuel, with the resulting waste converted to logs of glass. DOE was trying to figure out what to do with H-Canyon and was considering whether to permanently shut it down. Mr. O'Connor said there were options available to the nation, but until the BRC comes out with its report, DOE was still trying to figure out how to fund various storage-related activities.

Sen. Louden said he represents the district in Nebraska with the state's only uranium mine. He thought the cost of reactor fuel would be rising because of the need to use new uranium instead of using material recovered from recycled spent fuel. He wondered about the possibility of having a resolution on recycling. Ms. Janairo said the Energy Committee of the Midwestern Legislative Conference might be a better forum for developing a resolution, given the limitations of the transportation committee. Sen. Louden said he would be attending the meeting but emphasized that legislators need to hear from the technical experts.

Mr. Heaton said the problem at Fukushima was the spent fuel storage pool being elevated and losing its cooling water. With high consequence activities, it was important to do everything possible to reduce risk. He thought it made sense to get fuel out of existing pools and possibly to move it into centralized dry storage. Reprocessing had been on the table for a number of years and there were good arguments, pro and con. He said MIT had recently published a [report](#) co-authored by Ernest Moniz, one of the members of the BRC. The report was very negative about reprocessing, so Mr. Heaton suspected Dr. Moniz's position would influence the BRC's recommendations on recycling.

Mr. Heaton praised the committee's work as being central to the success of the WIPP transportation program. He said the repository at WIPP only takes up 2/3 of a square mile, but the WIPP Land Withdrawal Act had removed 16 square miles. The salt at WIPP was 600 meters thick. Mr. Heaton was an advocate for studies of salt as a medium for disposing of spent nuclear fuel. He thought a new repository at WIPP could be completed in around 12 years, at a cost of a couple billion dollars.

The committee members moved on to the **regional roundtable of state activities:**

Nebraska: Mr. Schwarz had lost a radiological emergency preparedness (REP) planner so he had been very busy catching up on everything. Other than trying to replace the REP planner, the biggest thing to happen in Nebraska was the need to put a WIPP shipment into safe parking. With the accident in Japan, both of Nebraska's power plants had been talking with the states. Mr. Schwarz had received an email from Allan Barker at the NRC and learned that both the NRC and FEMA might be looking at additional offsite response plans in the wake of the Japanese accident. Mr. Schwarz said both plants in Nebraska were well protected from flooding.

Illinois: Mr. Runyon said the staff in Illinois had detected some Iodine 131 in grass and milk samples as well as air and water samples from different parts of the state away from the reactors. He said some Cesium 137 had also been detected, but that it had ramped down over time. Mr. Horn said he had been interacting with several WIPP shipments and lots of HRCQ shipments now that Nordion was shipping back through the Midwest. Urenco was making 14 to 16 shipments of uranium hexafluoride each week headed to New Mexico. In response to a question from Ms. Beetem, Mr. Horn said the material was product, but it was not HRCQ, so the Missouri fee would not apply.

Ms. Beetem asked whether Illinois routinely conducted sampling as part of its obligation as an agreement state. Mr. Runyon said sampling was not an agreement state obligation, but that Illinois did perform routine monitoring around the nuclear power plants. The state technicians knew, based on all the meteorological data, what to expect from routine plant operations, so they were out looking for Fukushima-caused contamination. The state has its own lab for analyzing the samples. Mr. Runyon's office had received a lot of calls from the public and the media. He said the staff were trying to explain to people what to believe and what not to believe on the web. For example, several companies were selling potassium iodide tablets, and one was marketing a "radiation suit." IEMA was trying to collect the information to turn it over to the Attorney General's office for follow-up. Mr. Schwarz added that people had tried to get old CDV-17 instruments from his agency so that they could sell them on e-Bay. Mr. Runyon said his agency had learned a little about its own programs, namely that they were very well prepared to respond to bigger incidents/accidents. When there is a need to fill in the gaps shorter term, however, the state needs to do a little more preparation. He said IEMA had put information out on the web and made useful comparisons to help people understand.

Iowa: Ms. Rasmusson said her office had received a lot of inquiries after Fukushima. Also, the Duane Arnold plant had gone into alert status because a hydrogen truck had caught on fire outside the protected area. A couple of local fire departments responded and they wound up letting the truck burn up the hydrogen. The alert at the power plant was necessary because it led to the evacuation of a building that was in the protected area. Ms. Rasmusson relayed well wishes from Rep. Olson.

Major Evans introduced himself to the committee. He said he had been dealing with commercial transportation for the past 17 years. Captain Dean House had gone to the field and so Major Evans was assuming some of Captain House's responsibilities. He thanked Ms. Rasmusson for helping him get up

to speed on committee-related issues. Major Evans said things were going relatively smoothly with transportation in Iowa. A week ago, some shipments were expected to come through but there had been a major accident on I-80 with a truck rollover. The detour was not a good one because it was based on a flood plan from 2008 and the route made a significant diversion. He had made a few phone calls checking on the route and was able to work out the situation without any problems. Major Evans said there would be a meeting in June with all the involved agencies in Iowa so that everyone would be on the same page. He worried about security and incidents and wanted to keep surprises from happening. He added that Iowa had a good partnership with Illinois.

Minnesota: Mr. Leuer said his agency had experienced the same Fukushima-related phenomena as other states. Like Illinois, Minnesota also conducts monitoring at plants and offsite at designated sites. The state utilized both its own lab and the EPA's lab. His agency had considered opening a hotline to handle the volume of calls it was receiving.

In other activities, Mr. Leuer had been busy with rulemakings, including the most significant change to power plant rules since the accident at Three Mile Island. An NRC task force had developed 30-60-90-120 day reports on Mark IV reactors. On May 12, the task force would make its first report to the full commission. The reports would look at a number of parameters both on and off site. One concern was the volume of spent fuel in the pools.

On the subject of transportation, Mr. Leuer said that, after last fall's meeting, he had followed up with Nordion, the U.S. Department of Transportation (DOT), and the state DOT. Since his outreach efforts, he had not seen a single Nordion shipment. He concluded that the spike in shipments that Wisconsin and Minnesota had seen was the result of a shipper routing around states that charged shipment fees.

Missouri: Ms. Beetem said Missouri's legislative session was wrapping up this week. Last year, Ameren tried to overturn the state's law forbidding cost recovery for construction work in progress, which dated back to the 1970s. The bill did not go anywhere last year, so this year the company tried to get ratepayers to cover the cost of an early site permit. That bill died, too. As a result, Ameren had asked the NRC to cease reviewing its application for a second reactor (Callaway II). Ms. Beetem added that Missouri had seen the first Nordion shipments since the state enacted a fee. She noted the fee statute included a mileage surcharge. Nordion disputed her estimate of the mileage on a particular route, so she had asked the Missouri Highway Patrol to confirm her estimate, which she generated using Googlemaps. It turned out the route was actually longer than Googlemaps had estimated. Nordion had not used the route since, choosing instead to use a shorter route that did not incur the mileage surcharge. Ms. Beetem was not sure whether that route, which entered Texas, was used for California-bound shipments. Finally, Ms. Beetem said she was still trying to transfer the responsibility for fees to the state's hazardous waste program but doing so was an ongoing issue involving information technology.

Ohio: Mr. Snee said his agency had not seen any elevated readings from Fukushima. However, a professor from Case Western Reserve said he found elevated I-131 readings in rainwater and he attributed his findings to nuclear plants and fuel processing facilities in the state. It turned out, however, that the professor used faulty methods and analysis, but his report nevertheless did generate attention. Ohio was in the midst of hospital training for transportation routes. Usually these training sessions attract 4-5 people, but now the state was seeing lots of training requests, even for hospitals far away from the highway routes. Regarding the state's fee, Mr. Fisher reported that HB 114 was signed into law on March 30 and would go into effect on June 29. PUCO had stopped collecting the fee. A new penalty



clause in the statute would fine shippers a minimum of \$25,000 for failure to follow the state's notification requirement. The penalty, however, was a civil one, not administrative, so to enforce it would mean going to court. In other words, it would be difficult to enforce.

Kansas: Ms. Clark said Kansas had seen a handful of non-HRCQ shipments. The state has a new governor and a new adjutant general. Ms. Clark said a grant from Homeland Security allowing for the purchase of radiological equipment was the one funding source that the state has available to help it prepare for shipments. State troopers were still using old civil defense instruments along I-70, but Ms. Clark hoped to purchase new equipment for them through the grant. Shipment fees had come up in the state as a way to generate revenue for the states. Ms. Clark had provided a copy of the fees table and the *Planning Guide* to the people considering fees.

Wisconsin: Mr. Schmidt said he had seen a lot of public/media interest in the Fukushima incident. Like the other states, Wisconsin had found I-131 in rain water, plus Cesium 134 and 137 in the air. There was a potential concern about radiation getting into the dairy products that are vital to the state's economy. Mr. Schmidt said, however, that none of the sampling had shown anything in milk. No shipments of any kind had been coming through the state.

Mr. Schmidt commented that, as a result of the Fukushima accident, he had an opportunity to talk to one of the NRC commissioners that was visiting Madison. Mr. Schmidt said he thought it took people by surprise how much public interest there was in an incident outside the country. People had to ramp up fast to respond to public inquiries. The result was that the information flow from the federal government to the states was not very good. He hoped the situation would be a lesson learned for everyone — namely, that the states really do need help from the federal government to address public concerns. Ms. Rasmusson added that there was a lot of talk among the “federal family,” but the one place that was almost completely overlooked was the airports. There was talk about need for urine samples from people coming from Japan, and the federal government assumed the airports were taking care of it. Ms. Rasmusson had called the airports in Iowa, however, and they were not taking any action. Mr. Runyon confirmed that some contaminated people had come through O'Hare Airport in Chicago.

Mr. Schwarz commented that the federal government had not followed the response framework. Mr. Runyon agreed. He added that Illinois had the same problem in-state, with some agencies wanting to treat the situation as a radiological incident in Illinois while others, including the nuclear safety division, said it was not. In retrospect, he said it would have been a lot easier for all the state agencies to treat it as a radiological incident response. In follow-up to Mr. Schmidt's comment about Wisconsin not finding iodine in milk, Mr. Runyon said dairies in Illinois are mostly on stored feed at this time of year, so his staff had to look for someone that grazed cows. Those samples turned up positive for iodine. Mr. Schmidt agreed that the Fukushima incident had definitely increased the level of interest in radiological emergency preparedness. He thought the heightened interest and awareness might translate over to transportation, too.

The committee then turned to the **update on WIPP shipments**. Bill Mackie (DOE-CBFO) introduced J.R. Stroble, the new director of the National Transuranic (TRU) Program. Casey Gadbury had formerly held the position, but had moved on to become director of site operations at WIPP. Mr. Stroble said he had spent most of his 21 years at WIPP working with the contractor and with certification requirements for waste. Transportation would be a new issue for him, and he was looking forward to being part of the regional organizations' activities going into the future.

Mr. Mackie began with an overview of Dr. Inés Triay's "Journey to Excellence." Dr. Triay used to be the manager at Carlsbad, but was now the Assistant Secretary for Environmental Management. She was very interested in TRU waste and cleaning up around the country. The Journey to Excellence had seven goals, two of which were directly related to the CBFO. Goal 3 states that DOE-EM will complete disposition of 90% of the legacy transuranic waste by 2015. Mr. Mackie said that would involve a great deal of waste. Goal 4 was to reduce the EM legacy footprint by 40% at the end of this fiscal year, with a 90% reduction by 2015. To meet this goal, the CBFO would have to make 30 contact-handled and five remote-handled waste shipments on a weekly basis. Mr. Mackie said WIPP had come pretty close to meeting this goal, with 29 CH shipments and five RH shipments having taken place the previous week. One concern, however, was that the waste might not be available to keep up the pace because of constraints on the sites that would have to characterize and certify the waste.

Mr. Mackie said WIPP's five-year transportation contracts would expire later this year, so a new contract was currently under negotiation. Cast and Visionary Solutions had the current contracts and both were rebidding. Proposals from all interested carriers would be due in the latter part of May, with the Request for Proposal having been issued March 30. Mr. Mackie said he could not share much information other than to say these contracts would probably be let in early to mid-2012. He said Captain Bill Reese of Idaho was serving on the source evaluation board as the stakeholder representative, so if committee members had questions or comments, they should contact Capt. Reese.

Mr. Mackie said he had not issued the budget call to the regions or the states yet because of uncertainty over next year's budget. He recommended that states prepare budgets for FY12 understanding that budget increases will not be considered. Instead, states should be prepared to take a 6% reduction, which was the same reduction DOE had been told to take across the board. Mr. Schwarz asked what Mr. Mackie would do in terms of giving the states more flexibility in how they budget for activities and purchases. Mr. Mackie said states already had that flexibility and could move 10% of the total award around without getting approval. States did need to notify the CBFO of those types of changes, however.

Ms. Beetem asked Mr. Mackie if he had been able to look at the recommendations from the NTSF ad hoc working group on Financial Guidance. Mr. Mackie said he had reviewed the recommendations and had, in fact, been prepared to issue written guidance that reflected the recommendations. He had been told not to do so, however, because of the ongoing budget uncertainty. Mr. Mackie said the states would see written guidance in the future and he thought they would be pleased. He said he thought the ad hoc working group had done a great job, but he was simply unable to issue the guidance for the upcoming fiscal year.

Mr. Schwarz thanked Mr. Mackie for giving Nebraska four hours notice on the request to put a shipment into safe parking. He noted, however, that bad weather had been forecast long before that shipment left Argonne. He wondered why the shipment had not been postponed. Mr. Mackie said that unless there are warnings or watches issued, a shipment would not be postponed. Mr. Schwarz said he thought there had been a blizzard warning, but was not certain.

Second, Mr. Schwarz asked about hospital training. He said it was important for DOE to have a course that was certified for continuing education credits for both nurses and doctors. Mr. Mackie said that, during Wednesday's breakout session on training, Lynn Eaton would speak about hospital training. Mr. Schwarz said Mr. Eaton did a fine job as a trainer, but he was not a doctor. To attract doctors to the courses, it was important to have one of their peers do the teaching. Mr. Mackie said if the CBFO had to

contract with a doctor to get doctors to attend and receive credit for the courses, he would make it happen. Mr. Mackie added that Mr. Eaton would soon be retiring and he did not know who would assume his responsibilities. If anyone was in need of training and had a hard time reaching Westinghouse TRU Solutions, Mr. Mackie suggested calling him directly.

Ms. Janairo asked what states would need to do if they wanted to participate in the pre-dispatch conference calls. Mr. Mackie explained that Andy Walker had the responsibility for scheduling and dispatching shipments. He said if anyone had a reason to request a delay or postponement, they should call him or Mr. Walker. Mr. Walker can be reached in his office at (575) 234-7407 or on his cell at (575) 706-5068. Mr. Horn added that, because Illinois is the point of origin for shipments from Argonne, he routinely received a call prior to the shipments.

On the subject of incidents or accidents involving WIPP shipments, Mr. Mackie said there had been four route deviations over the past year. Mr. Mackie had committed to keeping trucks on the approved route. If a driver deviates once, he or she would receive a letter of reprimand and days off without pay. If a driver deviates twice, that driver would no longer be allowed to drive for WIPP. Mr. Mackie said at least one driver was no longer driving for WIPP because of too many deviations. The CBFO had taken a lesson learned and did a corrective action report that concluded carriers have to take additional steps to make sure the drivers know the routes. The CBFO had also asked the carriers to look into installing turn-by-turn navigation units for 18-wheelers, although the WIPP contracts would not mandate their installation. The CBFO was also asking drivers to sign a statement that they were familiar with the routes and understood their obligations.

Mr. Mackie said the WIPP transportation plan had been written, vetted, and the final changes were coming. He said the plan would be distributed electronically and that it was based on the Midwest's *Planning Guide*, the WGA WIPP PIG, SSEB's plan, and whatever plan would come out of the Northeast. In terms of shipping activities on the horizon, Mr. Mackie said the CBFO would complete 29 shipments from Argonne in 2011 and 48 shipments in 2012. In June, DOE would move three shipments out of NRD in New York. The shipments would travel as a convoy of three trucks, and as long as they were escorted they would stay a convoy. When the trucks get to Nebraska, however, they will spread out.

Finally, Mr. Mackie said the CBFO anticipated receipt of the first production unit TRUPACT III container at the end of July. The TRUPACT III would be used only for shipments out of Savannah River Site, which he estimated at 275-300 shipments heading directly to WIPP. The goal would be to make five shipments per week using the new container. After the CBFO gets all the units, more "roadshows" would be scheduled to help state and local personnel become familiar with the cask. Mr. Mackie described it as similar to an ISO container but bigger. The TRUPACT III was designed to hold a large waste box.

Mr. Runyon asked whether the 48 shipments from Argonne planned for 2012 would travel two at a time. Mr. Mackie said they could, if needed. Mr. Runyon asked about convoys of three. Mr. Mackie said that would not be feasible given the limited number of containers. In closing, Mr. Mackie introduced Greg Sahd, the Security officer for the CBFO. Mr. Sahd would be speaking during the NTSF breakout session on Enhancements to Shipment Security on Wednesday afternoon.

**Committee Discussion:** The committee resumed its discussion of the NRC's draft guidance document. Mr. Leuer explained that the proposed rule would require safe havens to be identified. The work group thought the term might be in conflict with the U.S. DOT definition of safe haven, which required certain

measures to be taken for shipments of explosives. The work group therefore recommended “safe parking area.” Mr. Leuer and Ms. Beetem said their states did not maintain a list of safe parking areas but would look for a state- or federally controlled location if safe parking were needed. Ms. Rasmusson pointed out that it would be hard for states to maintain a list of safe havens or parking areas unless the term were well defined. The committee agreed with the work group’s recommendation to use “safe parking area” as a substitute for the term “safe haven.” Regarding how to achieve the purpose of involving states in the selection of safe parking, the committee agreed to add language regarding the need for licensees to coordinate with states on the selection.

Mr. Horn said that CVSA, in its comments, had noted that “safe haven” was defined differently in NRC Parts 37 and 73 and had asked for consistency in the definitions. Capt. Reese had also raised a concern about using private land for safe parking areas, given his experience with a truck stop owner not wanting to have the property used for safe parking.

Mr. Leuer also explained the work group’s recommendation with regard to background checks. He said Minnesota would not be supportive of being more restrictive – that is, requiring background checks for state personnel. He thought private personnel should be checked, but said states already had policies that applied to state personnel. Mr. Runyon countered that security was only as good as the weakest link in the chain. Ms. Beetem noted that financial stress was a concern. Mr. Horn thought background checks that were federal mandates should not be paid by the state. Major Evans said Iowa checks state and federal records, because a felony in Illinois, for example, might not be a felony in Iowa. Major Evans said financial background checks often involved calling the financial institutions for help understanding the information because it was difficult for people outside the financial sector to decipher. He noted that a bankruptcy could be the result of health problems, so the circumstances would need to be taken into consideration.

The committee agreed not to suggest requiring background checks for state personnel, too. The comments with changes were approved and Ms. Janairo said she would submit them before the May 11 deadline.

The committee then resumed its discussion of the draft EIS on GTCC low-level waste disposal. Mr. Schwarz had covered several of the main points during his morning report. Committee members did not have additional comments to add at the time but agreed on the need for the Midwest to submit comments and obtain more information. The suggestion was made that it would be a good idea for DOE to hold a webinar on the draft EIS. The Midwest would forward that input for consideration by the full NTSF. Ms. Janairo added that comments on the draft EIS would be due June 27. She asked the committee members to send her and Mr. Schwarz any additional feedback by May 27 so that the committee’s work group could revise the draft comments on its next conference call.

At the request of the NTSF Communications ad hoc working group, the committee discussed the draft template for campaign-specific fact sheets. Mr. Snee raised a concern about wording in the introduction that appeared to make it the states’ role to influence public opinion. Other members shared Mr. Snee’s concern, and Ms. Clark proposed a wording change to address the concern. Mr. Leuer suggested elevating the status of the bullet on emergency preparedness information. On the subject of the 1999 DOE document “Answers to Your Questions,” the committee said such a long document might be of value to a specific audience. Shorter fact sheets, however, could serve the purpose of informing most

people. Ms. Beetem, Ms. Clark, and Ms. Janairo said they would relay the committee's comments to the ad hoc working group during its meeting on May 11.

Mr. Horn provided a report on **CVSA's activities related to the Level VI inspection program**. He said the Level VI program used to be at the level of a subcommittee, but now it was a program all its own. Funding for the program came directly from the CBFO. CVSA usually scheduled 7-9 training sessions each year and Mr. Horn encouraged anyone not certified to be a Level VI trainer to go through the course. He said courses were open to personnel from the states, industry, and even commercial drivers. Only motor vehicle enforcement officers could actually be certified as Level VI inspectors, however. There were currently 769 Level VI inspectors, including those based in Canada. Refresher training was required every two years unless the inspector could maintain a certain number of inspections per year. Training would be offered in Salina, Kansas, on July 11-14; in Las Vegas on August 22-25; in Sacramento on October 17-20; and on November 7-10 in Austin. In February 2012, CVSA would hold a train-the-trainer session in Phoenix. Mr. Horn said Illinois would try to host a Level VI session in 2012, but the CVSA budget was tight.

Mr. Horn said CVSA was getting ready to do a peer review of the Level VI program. The purpose of the peer reviews is have people from other states audit a Level VI program to share best practices. Illinois hosted one a few years ago and it turned out to be a real learning experience. New Mexico had one in 2005 and the state personnel liked it so much they agreed to host another one this year. Idaho would be the second state undergoing a peer review. Mr. Horn would be the Midwest's liaison to the peer reviews. He encouraged other states to consider hosting a peer review of their Level VI programs in the future.

Mr. Horn said Duane Sammons was still doing the Level VI program outreach, attending over 44 events since 2005. On the technical side, Mr. Horn said Larry Stern and Carlisle Smith had served on an ANSI standard development board. The standard – N 14.36 on "Measurement of Radiation Level and Surface Contamination for Packages and Conveyances" – was nearly complete and was waiting for a signature. Mr. Horn said the standard would be on the ANSI web site when it was completed.

Finally, Mr. Horn reported on CVSA's ad hoc committee that had evaluated safety and security technologies. The committee had conducted site visits, held conference calls, and participated in breakout meetings at CVSA workshops. The final report identified nine emerging technologies that were either currently available or would be in the not-too-distant future. Among the technologies was the RFID-based tracking system developed by Argonne National Laboratory, which was demonstrated last year at the NTSF meeting in Chicago. The CVSA report also encouraged DOE to make changes to the TRANSCOM system. Mr. Horn added that, while the CVSA ad hoc committee was working, DOT contracted Battelle to look at security technology for all hazardous materials shipments. The Battelle report (HM-04) was in the final stages. Because the two topics were so similar, CVSA wound up working closely with Battelle. Mr. Horn said there was a large number of emerging technologies and said it would behoove committee members to read the final Battelle report. Capt. Reese would be discussing the CVSA security technologies report during the security breakout session on May 11.

Ms. Janairo had also attended the CVSA meeting in April. She mentioned that Mr. Stern had report that North Dakota and South Dakota were among the small number of states that did not have certified Level VI inspectors. She said she had offered to assist Mr. Stern, if needed, to try to make training in those states a priority. Ms. Janairo also suggested that, if CVSA's budget could not accommodate a Level VI training session in Illinois in 2012, Mr. Horn should consider billing the cost to the Illinois WIPP

agreement. Mr. Horn said he would think about it for either the current fiscal year or the one that would begin July 1.

The committee reviewed its list of **committee work group assignments** and discussed the need for more volunteers. Ms. Janairo said she had added a new work group to work on tasks related to any new project funded by the NRC in FY12. Mr. Runyon suggested having that group prepare comments on the BRC's recommendations and other documents. The committee agreed to the suggestion. Mr. Runyon and Mr. Leuer volunteered to serve on the new work group. Ms. Janairo said she would circulate the revised list of committee work groups to all members and would appreciate hearing from members regarding their preferences no later than May 27.

Mr. Schwarz suggested having the committee's e-newsletter address training more often. He mentioned the training conducted in Nebraska by Ron Edmond, which had attracted 50 people. He also described a new three-day hazmat course that was unlike anything he had ever seen before. Ms. Janairo asked him to send her information on the course to share with the committee. She also welcomed newsletter articles written by "guest authors" in the event that a committee member had a great experience along the lines of Mr. Schwarz's training sessions.

With regard to the NTSF meeting, Ms. Beetem said she thought it would be a good idea to ask Cynthia Anderson, the keynote speaker from DOE, about Dr. Triay's vision of an expedited shipping schedule. Given an increase in shipments as part of the Journey to Excellence, that is, DOE would need to engage states more, not less. How would DOE balance increased shipments and the increased need to coordinate with stakeholders with a loss of funding to the regional groups? Mr. Runyon added that the Midwest had preserved the structure of the regional committee despite the significant loss of funding from the former Office of Civilian Radioactive Waste Management. If the region were to lose even more funding, however, that institutional knowledge and long-standing structure would be lost. He thought the committee should emphasize the "big bang for the buck" that DOE gets from regional projects like the one in the Midwest. The issues are cross-cutting, too – they go beyond just WIPP, therefore so should the source of funding.

On the subject of possible NTSF ad hoc working groups or webinars, Mr. Horn mentioned that CVSA was interested in putting together a training module on safeguards information sharing. Ms. Beetem said she thought there was training available, specifically on CD. Mr. Schmidt said he had asked for training on safeguards information from the NRC back when Wisconsin was gearing up for shipments from the University of Wisconsin research reactor. He said the NRC had responded with not a formal training course but a briefing. He thought a classroom setting would be better for teaching people about safeguards information, particularly how to share it with appropriate protection. The committee agreed that the training module Mr. Horn described could be a good task for a new NTSF ad hoc working group.

Alex Schroeder (WGA) joined the meeting briefly to discuss the West's idea of conducting a study related to bad weather and its impact on shipments. He said this issue had come up at just about every Western meeting for years. The concern relates to the need for states to be involved in dispatch decisions. Mr. Schroeder said DOE has always resisted because DOE wants the drivers to make the final decision. Mr. Schroeder said the states understand, but in the West, with mountainous terrain, conditions change and not everything was monitored. The states have expertise and should be involved in decisions so that they can be confident in shipments leaving the sites. When a non-DOE shipment jackknifed in Oregon recently, one of the U.S. Senators in the West became very involved. The West has tried different options

for addressing the issue, such as asking DOE not to ship in the winter to just asking for notification when shipments go into safe parking. DOE rejected the West's idea for study on the grounds that the current policy works.

Mr. Schroeder said the Western states were interested in seeing what the other regions felt about bad weather and decision making. Ms. Janairo said the Midwest's *Planning Guide* recommended that shipments not take place in the winter months. DOE had avoided shipping in winter from Argonne, but only because loading had to take place outdoors and the winter weather conditions were not favorable for loading. Mr. Schroeder added that, on the data side, Wyoming had volunteered to collect information from states on shipments to populate a database. The goal was to put data behind the decisions. He said it would be helpful to get input from the other regions, recognizing that the weather-related delay might not be a blizzard but rather tornadoes or flooding. Sen. Loudon said weather information is available everywhere – airlines have it, cattle ranchers have it, so DOE's dispatchers should have access to it. Mr. Schroeder added that the West had put together a breakout session on technology to monitor weather and road conditions for Wednesday afternoon's agenda. The Midwest was open to the idea of contributing to the West's bad weather study, as appropriate.

The committee discussed ideas for the **fall committee meeting**. Ms. Janairo said the only open dates appeared to be December 6-7. The only problem was that Nebraska was next in line to host the meeting, but Mr. Schwarz had reported that he would not be available on those days. Mr. Schmidt had a conflict the week of December 12; he said he would look at his schedule again and let Ms. Janairo know whether he might be available. The committee discussed other locations for the meeting, including the WIPP site. A show of hands revealed that most of the members had not been to WIPP, so the group agreed to focus on a southwestern location with a WIPP tour for the December meeting. Ms. Janairo will confirm the date and location after she has heard from DOE regarding funding for FY12. She said a tour of WIPP could be a great way to introduce new legislative members to the committee's work.

Mr. Schmidt adjourned the meeting at 5:15 pm.

Prepared by Lisa Janairo on June 3, 2011.