



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

2023 Annual Report to the Legislature: High-level radioactive waste transportation emergency response plan status and the state's accident response capability

In compliance with Minnesota Statutes, section 116C.731, subdivision 4

COMPILED BY:



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

IN COOPERATION WITH:



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
MINNESOTA STATE PATROL



MINNESOTA DEPARTMENT OF HEALTH



MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF FREIGHT AND COMMERCIAL VEHICLE OPERATIONS

Legislative Requirement

Minnesota Statutes, section 116C.731, requires the commissioner of the Department of Public Safety (DPS) to report annually to the Legislature on the status of the plan for emergency response to a high-level radioactive waste transportation accident and the ability of the state to respond adequately to an accident.

The DPS Division of Homeland Security and Emergency Management (DPS-HSEM) updates the Minnesota Emergency Operations Plan (MEOP) annually. DPS-HSEM coordinates this task with all state agencies represented on the Minnesota Emergency Preparedness and Response Committee. The MEOP addresses response to all hazards, including high-level radioactive waste (HLRW). The 2023 MEOP update was completed in September 2023.

DPS-HSEM annually contacts the Minnesota State Patrol, the Minnesota Department of Health (MDH) and the Minnesota Department of Transportation (MnDOT) to solicit specific comments regarding the status of HLRW transportation aspects of the MEOP. The Minnesota Pollution Control Agency no longer has any accident assessment responsibilities with respect to radioactive materials.

This year, several agencies forwarded changes pertaining to the content of the MEOP. Those changes were incorporated into the plan.

Minnesota Department of Health

To ensure sufficient personnel are available for all types of radiological responses, including HLRW accidents and incidents, eight MDH staff members attended a Nuclear Regulatory Commission Federal RASCAL training on the computer code for making dose projections for atmospheric releases during a radiological emergency.

Additionally, MDH continues to partner with Minnesota Responds Medical Reserve Corps in maintaining and expanding a registry of radiation professionals willing to assist during a radiological event. Minnesota Radiation Emergency Volunteers (MREV) currently has 84 members throughout the state. Trainings and exercises for these volunteers are coordinated through MDH in conjunction with Department of Human Services.

Minnesota Department of Transportation, Office of Freight and Commercial Vehicle Operations (OFCVO)

MnDOT OFCVO currently has one Hazardous Materials (HM) Specialist who completed the United States Department of Transportation (USDOT), Transportation Safety Institute (TSI), Specialized Radioactive Materials Course.

The USDOT, Federal Motor Carrier Safety Regulations (FMCSR) require that a Commercial Vehicle Safety Alliance (CVSA) level VI pre-trip inspection be completed on each vehicle carrying highway route-controlled quantities (HRCQ) of radioactive materials. In 2023, there were no shipments of HRCQ radioactive materials identified as originating in Minnesota. Thus, there were no level VI inspections needed meeting the criteria for HRCQ radioactive materials.

2023 Annual Report to the Legislature

High-level radioactive waste transportation emergency response plan status

OFCVO currently has HM Specialists on-call 24-7, through the Minnesota Duty Officer, for any incident where HM, including radioactive materials, is being transported. MnDOT HM Specialists review HLRW pre-shipment notices, submitted to DPS-HSEM pursuant to Minn. Stat. §116C.731, for compliance with HM transportation regulations. If MnDOT HM Specialists discover discrepancies, they can contact the shipper or transporter to ensure each shipment is properly documented before it enters Minnesota. There were no transportation incidents involving high-level radioactive materials reported during this calendar year.

Carriers transporting HRCQ of radioactive materials must possess a hazardous materials safety permit from the USDOT. To maintain the safety permit, carriers must maintain a satisfactory safety rating with the USDOT. Carriers with less-than-satisfactory ratings, or high crash or out-of-service inspection rates, are not issued safety permits or will have existing permits suspended. MnDOT HM Specialists can check for valid safety permits during all HLRW shipments. This is an additional safety measure intended to ensure only carriers with good safety management practices in place are used to transport HRCQ of radioactive materials on the roadways.

Minnesota Department of Public Safety Minnesota State Patrol

The Minnesota State Patrol currently has one Commercial Vehicle Inspector and one State Trooper in Minnesota trained and certified to conduct CVSA Level VI radioactive inspections. The CVI is located in the Detroit Lakes area, the Trooper is located in the Metro area. Both CVI and Trooper will perform specialized inspections on Transuranic and HRCQ (Highway Route Controlled Quantities) of radioactive materials entering Minnesota from another country and HLRW (High Level Radioactive Waste) shipped through Minnesota. At this time no shipments requiring Level IV inspections have come into Minnesota from Canada. State Patrol receives notification from DPS-HSEM on all shipments of Transuranic and HRCQ of radioactive materials and HLRW passing through Minnesota.

Minnesota Department of Public Safety Division of Homeland Security and Emergency Management

DPS-HSEM coordinated the collection and dissemination of information to state and federal agencies on the shipments of high-level radioactive materials in Minnesota. No shipments of high-level radioactive materials occurred in 2023.

Minnesota Department of Public Safety State Fire Marshal Division

DPS-SFMD maintains an on-call hazardous materials response person 24 hours a day, seven days a week.

Long-Term Spent Fuel Storage Update

The Department of Energy is charged with taking all actions necessary to permit the future shipment of HLRW and spent nuclear fuel to a federal repository. A new location for a repository remains under review.

The Nuclear Regulatory Commission is reviewing the licensing for onsite dry-cask storage and is expected to extend these licenses until interim or long-term storage facilities are available. The Monticello and Prairie Island Nuclear Generating Plants continue to add capacity to their onsite dry cask storage facilities and will need to continue expanding capacity until a federal repository is established and spent fuel can be shipped.

Note: Substantial planning, training and exercising will be needed in Minnesota in advance of any spent nuclear fuel shipment campaigns.

Transportation Fees

An ongoing concern is the availability of funding for state agency HLRW transportation accident and incident preparedness, security escorts, and response activities.

Minn. Stat., §116C.731, subd. 3, requires shippers to pay a \$1,000 fee for each vehicle carrying HLRW through the state of Minnesota. This fee applies only to spent nuclear fuel shipments, and does not offset the true cost of inspection and escort. Fees charged by other states include HRCQ of radioactive materials and radioactive material in quantities of concern (RAMQC), and vary from \$2,500 per truck to \$3,100 per cask, with some trucks carrying as many as six casks in a single shipment.

The Minnesota statute does not require fees for HRCQ of radioactive materials or RAMQC, although HRCQ shipments require higher level inspections and may require security escorts in the future. There were no fees collected in Minnesota last year because no radioactive material shipments contained spent nuclear fuel.

The statute also mandates the fees be deposited in the state's general fund, not a dedicated revenue fund for transportation security, preparedness and response, making them inaccessible to the state agencies incurring expenses to prepare for, escort and respond to HLRW shipment emergencies. This seems to be in conflict with the federal law, which requires the fees to be used exclusively for the costs associated with safe radioactive material transportation or response to a radiological incident.

Because the two Minnesota nuclear generating plants are owned by a private company, future spent nuclear fuel shipments to a repository from the plants may not be subject to the provisions of section 180(c) of the U.S. Nuclear Waste Policy Act. As a result, the state of Minnesota may not be eligible to receive Department of Energy funding to cover the cost of the planning, training and exercising necessary to adequately prepare for the shipments. Nor will federal funding be available to purchase additional radiation detection and protection equipment, should Minnesota determine such equipment would be beneficial. Because the starting date and number of the potential Xcel Energy shipments to a repository each year can only be estimated at this time, planning for them is extremely difficult.

2023 Radioactive Material Shipments

Minnesota saw a decrease in the number of shipments of radioactive materials (cobalt 60) in the last year. In 2023, there was one shipment, down from two the previous year. No HRCQ shipments transited Minnesota in 2023.

In the coming year, DPS-HSEM will continue to track HLRW issues that may impact the state.