

# MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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## Office of the Commissioner

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The Honorable Jane Ranum, Chair  
The Honorable Thomas Neuville  
Senate Public Safety Budget Division

The Honorable Steve Smith, Chairman  
The Honorable Mary Murphy  
House Public Safety Policy and Finance Committee

The Honorable Leo Foley, Chair  
The Honorable Dave Kleis  
Senate Crime Prevention and Public Safety Committee

Dear Colleagues:

Pursuant to Minnesota Statute 116C.731, subd. 4, the Department of Public Safety shall report to the legislature on the status of the plan and the ability of the state to respond adequately to an accident related to the transportation of high level radioactive waste.

Attached, please find the 2004 report developed by the Department of Homeland Security and Emergency Management. The Department views this correspondence as satisfying the reporting requirements as provided in M.S. 116C.731, subd. 4.

If you need further information, please do not hesitate to contact me or Al Bataglia at 651-296-0450.

Sincerely,

  
Michael Campion  
Commissioner

cc: Governor Tim Pawlenty  
Legislative Reference Library

**2004 Report to the Legislature<sup>1</sup>**  
**On**  
**The Status of Emergency Planning For**  
**High-Level Radioactive Waste Transportation Accidents/Incidents,**  
**And the Ability of the State to Respond Adequately to an Accident**

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

**December 2004**

Minnesota Statutes, Section 116C.731 requires the Commissioner of the Department of Public Safety (DPS) to "...prepare a plan for emergency response to a high-level radioactive waste transportation accident..." In response to this requirement, in 1984 the Department's (then) Division of Emergency Services (DES) coordinated the development of such a plan. In conformance with Section 116C.731, the Department of Health (MDH), the Department of Transportation (Mn/DOT), the State Patrol and the Minnesota Pollution Control Agency (MPCA) also participated in the development of this document. In 1987 DES became DEM (Division of Emergency Management), and DEM coordinated the updating of the plan in March 1988, and April 1993. In 1995, in light of the growing emphasis on all-hazard emergency planning and preparedness, DEM concluded that a change in the State's approach to emergency planning would be beneficial. Specifically, the decision was made to eliminate the stand-alone high-level radioactive waste (HLRW) transportation plan, as well as the *Minnesota Emergency Response Plan for Nuclear Power Plants*, and to incorporate their contents into an all-new, all-hazard *Minnesota Emergency Operations Plan* (MEOP). Copies of the new plan were distributed to all affected State agencies and departments, as well as a large number of other government entities and private organizations. Lastly, in February 2004, the former (State) Office of Homeland Security, and the Division of Emergency Management, were consolidated into a new agency known as the Division of Homeland Security and Emergency Management (HSEM). Concurrent with the change in its name, the Division inherited certain new, homeland security-related responsibilities. Those new responsibilities will likely be reflected in the next update of the MEOP.

Section 116C.731 also requires the DPS Commissioner to report annually to the Legislature on the "...status of the plan and the ability of the state to respond adequately to an accident." The Division addresses the "status of the plan" issue in two ways. First, in order to meet federal requirements in this area, it normally updates the *Minnesota Emergency Operations Plan* at least annually. The Division coordinates this task, and in so doing, obtains the participation of and solicits comments from all of the State agencies represented on the Minnesota Emergency Preparedness and Response Committee. Following this approach, since 1996, the MEOP has normally been updated every year. The 2004 update is currently underway. It can be anticipated that during the next several years the federal government will likely continue to require that certain new, homeland security-specific items be added to state emergency operations plans such as the MEOP.

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<sup>1</sup> Prepared in compliance with Minnesota Statutes, Section 116C.731, Subd. 4.

Second, the Division annually contacts the State Patrol, MDH and Mn/DOT and asks those agencies if they have any specific comments regarding the "status of the plan" question. (The MPCA no longer has any accident assessment responsibilities with respect to radioactive materials.) This year, of the aforementioned agencies, only the State Patrol forwarded comments that pertain directly to the content of the MEOP. Specifically, the Patrol indicated that there may be some degree of disconnect between the (HLRW accident) responsibilities assigned to it in the Plan on the one hand, and the dissemination of information about those responsibilities to the Patrol field staff that would have to carry out those responsibilities, on the other. The Patrol also commented that the MEOP doesn't include much specific information regarding the role of its troopers in the response to a HLRW incident, an issue that can certainly be reviewed during the next update of that document.

At the same time that it asks for comments regarding the status of the plan, HSEM enquires as to whether the Department of Health, the State Patrol, and the Department of Transportation have any comments regarding "...the ability of the State to respond adequately to an accident." In response, this year all three agencies forwarded such comments. The *Department of Health's* comments focused on two areas: emergency response staffing, and (radiological detection) equipment calibration and maintenance schedules. With regard to the first issue, the MDH stated that at present its emergency response staffing is focused on nuclear power plant Radiological Emergency Preparedness (REP) activities. However, it plans to enhance its ability to respond to other radiological accidents, as well as REP incidents, by training additional staff to serve in various advisory capacities. The Department believes that accomplishment of that goal should ensure that "...sufficient personnel are available for all types of radiological responses including high-level radioactive material accidents and incidents..." In terms of equipment calibration and maintenance, the MDH noted that it has been upgrading its response capabilities by enhancing its ability to detect and identify sources of radiation. That effort entailed selecting calibration services as well as implementing appropriate calibration and maintenance schedules. The *State Patrol* commented that it believes it is "...unprepared or at least under-prepared..." to handle a HLRW incident when one occurs on the highway. The reasons identified for this conclusion were: a.) The MEOP issues referenced above, b.) The Patrol no longer carries radiological detection instruments in its vehicles, and c.) Training regarding what (HLRW) is being transported, and how an accident should be handled is needed. *Mn/DOT* commented that its ability to respond to a HLRW incident is affected by the limited release of information regarding the routes used to transport HLRW. That is, in the absence of designated routes, it's necessary to train a much larger number of field staff. *Mn/DOT* also stated that work needed to be done on current shipment notification procedures. Specifically, information concerning shipments frequently doesn't get beyond a small number of (*Mn/DOT*) central office staff. Finally, *Mn/DOT* mentioned two items that it believes would improve its ability to respond in a timely and coordinated fashion to an incident: expanding the 800 MHz radio system statewide, and having preloaded and locked trailers at strategic locations. It was noted that both of these items have already been identified as homeland security issues for *Mn/DOT*.

In 1998 HSEM began focusing on an issue that relates directly to Minnesota's preparedness for and response to a potential HLRW transportation accident/incident. In that year the division initiated discussions with Xcel Energy regarding the possible shipment by that Corporation of HLRW to a private storage facility that has yet to be constructed in the State of Utah. Because of State legislation enacted in 2003, whereby Xcel can store whatever additional casks at the Prairie Island Dry Cask Storage Facility as may be necessary to permit operation of that Plant until the end of its operating license in 2013 (Unit 1) and 2014 (Unit 2), work on PFS has slowed, but is still going forward. Currently, Xcel anticipates that in the coming year the Atomic Safety and Licensing Board will issue a recommendation to the Nuclear

Regulatory Commission (NRC) as to whether that body should grant the Utah facility a license. If a license is granted in 2005, Xcel anticipates that it will take approximately two years to construct the facility, and that it could be operational sometime in 2007. Barring a decision by the NRC to not grant a license, an extended delay in the completion of the facility, or the termination of the project altogether, in the next few years division staff will be coordinating closely with both Xcel personnel and other affected state and local government agencies on this project.

Another related HLRW issue of continuing concern has been discussed in the last several Annual Reports. That issue is the lack of funding for State agency HLRW transportation accident/incident preparedness and response activities. There are two parts to this problem. First, Minnesota Statutes, Section 116C.731, Subdivision 3, requires shippers of HLRW to pay a \$1,000 fee for each vehicle carrying HLRW through the State of Minnesota. The statute also mandates that the fees be paid to the DPS commissioner, who in turn is to deposit them in the State's General Fund. As explained in several previous Reports, because the fees in question are deposited in the General Fund, they are not accessible by the State agencies that will likely incur considerable expenses in order to prepare for and respond to HLRW shipments. Secondly, because the (potential) Xcel shipments discussed above would be considered shipments by a private company rather than U.S. Department of Energy shipments, they would 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 would not be eligible to receive any DOE funding to cover the cost of the shipment-related planning, training, and exercising that might well be deemed necessary in order to prepare for the shipments. Nor would federal funding be available to purchase additional radiation detection/protection equipment, should Minnesota determine that such equipment would be beneficial. Lastly, because both the starting date of the potential Xcel shipments to Utah and the number of those shipments each year can only be estimated at this time; planning for them is extremely difficult.

In the coming year the division will continue to track high-level radioactive waste issues that may impact the State of Minnesota.