

Approved: 1-31-95
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on January 19, 1995 in Room 254-E-S of the Capitol.

All members were present except:
Phil Martin, Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mike Corrigan, Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:
Frank Moussa, Technological Hazards Administrator,
Division of Emergency Management

The meeting was called to order by Chairman Sallee at 8:05 a.m.

Frank Moussa, Technological Hazards Administrator, Division of Emergency Management, appeared before the committee to present information on the Midwestern High-Level Radioactive Waste Committee. (Attachment 1)

Mr. Moussa related to the senate committee concerns about the level of training volunteers and local level entities who could be dealing with possible emergencies related to transportation of high-level radioactive waste through the state. Issues addressed were 1) The Midwestern High-Level Radioactive Waste Committee strongly urge DOE to resume immediately all activities related to developing a policy for implementing Section 180(c) of the Nuclear Waste Policy Act, with the goal of having the capability to provide training assistance by no later than 1998; 2) the Department of Energy should actively solicit the input of the Midwestern states and other stakeholders in developing a policy for implementing Section 180(c); 3) The U S Congress should amend the Nuclear Waste Policy Act to provide states, tribes, and local governments with technical assistance and training funds to prepare for any large-scale shipment of spent fuel to centralized storage facilities, whether publicly or privately owned.

Chairman Sallee called attention to a proposed resolution shown in attachment 1 as Resolution 94-2, suggesting a concurrent resolution applying to Kansas be prepared.

Senator Hardenburger made a motion to draft the concurrent resolution. Senator Vancrum seconded the motion and the motion carried.

Committee minutes for January 11 and 12 were presented for approval.

Senator Lee, with a second by Senator Morris, moved approval of the minutes. The motion carried.

The meeting adjourned at 8:45 a.m.

The next meeting is scheduled for January 24, 1995.

**The Council of State Governments'
Midwestern High-Level Radioactive Waste Committee.**

CSG is a non-profit service organization supported and directed by state governments. Through its headquarters in Lexington, Kentucky, four regional offices, and an office in Washington, D.C., CSG is dedicated to preserving the role of the states in America's federal system.

In 1990, CSG's Midwestern office entered into a cooperative agreement with the U.S. Department of Energy (DOE) to study issues related to the transportation of high-level radioactive waste. DOE's purpose in establishing this agreement was to seek the input of affected state governments in developing the transportation system. One of the activities supported by the cooperative agreement is the Midwestern High-Level Radioactive Waste Committee, which is composed of regulatory and legislative officials from the 12 Midwestern states. The committee identifies transportation issues of particular concern to the states and works with DOE to resolve these issues.

Members of the committee are appointed by the Midwestern state governors and by the chairman of CSG's Midwestern Legislative Conference.

*Senate Energy & Natural Resources
January 19, 1995
Attachment 1*

1

Midwestern High-Level Radioactive Waste Committee

Information Briefing on Section 180(c) of the Nuclear Waste Policy Act

The committee will be asked to identify and discuss issues related to OCRWM's plans to provide training funds and technical assistance to states under Section 180(c). The goal of this discussion is to develop a draft resolution stating the committee's opinion on how OCRWM should implement Section 180(c) in light of the possibility that a private rather than federal storage facility will begin operating early next century.

Background

In its 1987 amendments to the Nuclear Waste Policy Act, Congress added Section 180 to the original act's requirements regarding transportation of spent fuel under the Civilian Radioactive Waste Management Program. Section 180(c), which has particular significance for state, tribal, and local governments, reads as follows:

The Secretary shall provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste under subtitle A or under subtitle C. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Waste Fund shall be the source of funds for work carried out under this subsection. [42 U.S.C. 10175]

OCRWM's Strategy for Implementing Section 180(c)

In November 1992, after consulting with stakeholders on two earlier drafts, OCRWM published its *Strategy for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments* (DOE/RW-0374P). The Strategy listed the steps for OCRWM to take prior to providing assistance, including developing a paper describing the different options for providing assistance, issuing a policy statement, and developing an implementation plan. The Strategy also contained a schedule for reaching each of the proposed milestones.

Shortly after publication, the proposed schedule slipped by one year (i.e., the Strategy indicates a date of 1/95 for providing assistance, whereas many OCRWM and TEC/WG documents refer to 1/96). In early 1994, OCRWM announced that it would not be able to meet its obligation to accept spent fuel starting in 1998. As a result, all work on developing 180(c) assistance has been put on hold (or is proceeding at a very slow pace). The new target date for providing training assistance — January 2007 — is geared toward supporting an opening date of 2010 for the repository.

Milestone	Original Date	Revised Date	Current Date
Develop Policy Options Paper*	early 1993	3/94	3/00
Develop Policy Statement	late 1993	1/95	1/03
Develop Implementation Plan	late 1994	1/95	1/05
Provide Assistance	1/95	1/96	1/07

*OCRWM released a draft policy options paper in 1993. A revised draft is scheduled for publication in July 1998.

The Policy Options paper has been superseded by the Notice of Inquiry (see under (over) Desell's presentation).

Current Status

TEC/WG Activities. Despite the slip of 7-12 years in target dates, the TEC/WG continues to work on defining and clarifying terms found in the statute. At its July 1994 meeting, the TEC/WG approved the following definition of "safe routine transportation:"

"Safe routine transportation is the uneventful movement, from origin to destination, of hazardous materials in a manner that does not present an undue risk to human health or the environment and is in compliance with applicable federal, state, tribal, and local laws and regulations."

The TEC/WG also reviewed a draft definition of "technical assistance:"

"The term Technical Assistance as it is used in Section 180(c) implies that the Department of Energy will, in general, provide planning guidance, training support, available definitions of technical standards and criteria, practical support, and expertise to ensure that state, and tribal governments are trained for safe routine transportation practices as well as capable of responding to SNF/HLW transportation emergencies within their jurisdictions. More specifically, activities may include: aide in developing, implementing, and evaluating readiness and response plans; assistance in developing, conducting and evaluating exercises and training programs, support for coordination between neighboring groups, coordination between other government agency programs, and for public information and education efforts; on-site response support in the event of an accident or incident; logistical and scientific expertise for recovery, reentry, and remediation activities at an emergency site. Technical Assistance may include activities that monitor and assess the capabilities of groups in order to make funding decisions. Financial assistance or direct funding, however, is considered to be beyond the scope of this definition."

Both definitions will be used to determine the types of activities that will qualify for either training funds or technical assistance once OCRWM begins providing assistance.

Mescalero Apache Proposal. The possibility that the Mescalero Apache tribe, in partnership with a number of utilities, will build and operate a private interim storage facility on tribal lands has raised the question of whether Section 180(c) applies to shipments of spent fuel between private facilities. The language of the statute indicates that DOE must provide training funds and technical assistance only for shipments the Secretary plans to make. Nevertheless, if a storage facility opens up in Mescalero, New Mexico, state, tribal, and local governments — particularly in the Midwest — will have to prepare for a high frequency of shipments starting as early as 2001.

In response to the likelihood of shipment to a Western storage facility, the Western Governors' Association passed a resolution this summer recommending that DOE "expeditiously promulgate regulations to implement Section 180(c)." The governors also recommended that "such regulations should . . . [a]pply to all shipments to a Monitored Retrievable Storage facility and repository regardless of whether such facility is operated by the Department of Energy or another entity." A copy of that resolution is attached.

Given the seven-year process OCRWM anticipates leading up to actually providing assistance, and the 3-5 year lead time required by states for training, OCRWM needs to decide immediately what its options are for ensuring that state, tribal, and local governments are prepared to respond to transportation emergencies involving spent fuel. If OCRWM can make Section 180(c) funds available to states, then the agency must continue to work with stakeholders to develop the final policy options paper. If 180(c) funds cannot be used to support private shipments, then OCRWM would have to pursue legislation to remove this restriction (at least with regard to centralized private storage facilities) or devise some other means to assist states.

Midwestern High-Level Radioactive Waste Committee

Information Brief on Full-Scale Testing of Spent-Fuel Shipping Casks¹

Scale-Model Testing

Advantages:

- More facilities are capable of testing scale-model packages.
- Overall cost of the testing program can be reduced with scale models (depending on the type of construction). These savings stem from lower costs for both production and testing (e.g., less expensive equipment is required, handling is easier).

Disadvantages:

- Depending on the model scale, fabrication methods may be more difficult (e.g., welding extremely thin material).
- Scale relationships do not currently exist for closure, seal, and impact-limiter performance.
- Thermal behaviors do not scale easily because scale models are typically designed to examine the structural performance of a package.
- Reduced scale components and package materials may not be available off the shelf (e.g., sheet material may have to be used where the full-scale design specifies forging).
- Performance of the containment system cannot be examined directly using a scale model.
- Robust size and strength of a full-scale package are lost in the appearance of a scale model (public perception factor).

Full-Scale Testing

Advantages:

- A single test article can be subjected to *all* normal and hypothetical accident conditions defined by the regulations, with results directly demonstrating the compliance of a design with the radiological acceptance criteria of 10 CFR 71.
- Prototypic full-scale package closure and seal response can be measured directly.
- Fabrication of full-scale prototypic hardware allows evaluation and monitoring of the fabrication process before producing and manufacturing several packages. It also provides an accurate measure of the cost and fabrication schedule.
- Full-scale package can be used to perform operational testing of the system (e.g., loading and unloading).
- Data collected during testing, such as acceleration and surface deformations, are direct measurements of the structural response.
- Visual impression of full-scale testing is significant (public perception factor).

Disadvantages:

- Fewer facilities are available for testing full-scale packages.
- Overall testing cost and time may be significantly greater than for scale-models.

¹Excerpted from Steven E. Gianoulakis (Sandia National Laboratories, Transportation Systems Development Department), "A Description of Technical Issues Relative to Testing of the Cask Systems Development Program (CSDP) Radioactive Material Package Designs," May 14, 1993.

Normal and Hypothetical Accident Conditions Specified in 10 CFR 71

Normal Conditions of Transport (10 CFR 71.71[a]):

- Hot (100°F) and cold (-40°F) environments.
- External pressure changes from 3.5 psi to 20 psi
- Normal vibration experienced during transportation.
- Water spray simulating exposure to rainfall of two inches per hour for at least one hour.
- Free drop from one to four feet (depending on the package weight) onto a flat, essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.²
- Impact of a 13-lb. steel cylinder with rounded ends dropped from 40 inches onto the most vulnerable surface.

Hypothetical Accident Conditions (10 CFR 71.73):³

- Free drop from 30 feet onto a flat, essentially unyielding horizontal surface in a position for which maximum damage is expected.
- Free drop from 40 inches in a position for which maximum damage is expected onto the rounded end of a six-inch-diameter steel bar in a vertical position.
- Exposure for not less than 30 minutes to a temperature of 1,475°F.
- Immersion in at least three feet of water for at least eight hours in an orientation most likely to result in leakage.
- Water pressure equivalent to immersion in 50 feet of water for at least eight hours.⁴

Relative Costs of Full- and Scale-Model Testing

Activity	Comments
Five regulatory impacts at different orientations of the package	Reduced-scale testing costs approximately 50% of full-scale testing.
One 30-minute and one 100-minute thermal test	Reduced-scale thermal testing is not typically performed.
Analyses to predict package response to prescribed tests	Similar for full- and reduced-scale testing.
Instrumentation and data acquisition calibration	Similar for full- and reduced-scale testing.
Test articles, including four sets of impact limiters and one fuel basket	Relative fabrication costs can vary greatly depending on level of model detail.
Simulated fuel	Relative costs depend on level of detail and quantity of simulated fuel.

²Most casks used for shipping spent fuel would be test-dropped one foot (10 CFR 71.71(c)(7)).

³Tests must be performed sequentially.

⁴This test must be performed on a separate, undamaged cask.

Scaling Relationships

- All physical dimensions are the scale factor of the full-scale dimension. A one-quarter scale model is one-quarter as long, one-quarter as wide, and one-quarter as high as the full scale.
- Model weight is equal to the scale factor cubed of the full-scale weight. Weight is proportional to volume for a given material, and each of the three dimensions defining the volume is scaled by the scale factor. Therefore, for a half-scale model, the weight is one-eighth ($1/8$) of full scale, and for a quarter scale model, the weight is one-sixty-fourth ($1/64$) of full scale.
- Model velocities at impact are the same as full-scale velocities since velocity is governed by gravitational acceleration, which is not scaled.
- Angular orientation for scale models is the same as full scale.
- The materials used to construct the model should be the same as those used for the full-scale package.

Response Relationships for Scaled Packages

- Model linear displacements are equivalent to the scale factor of full-scale displacements at scaled times and homologous locations. For a half-scale model, the displacements are one-half of the full-scale displacements at scaled times.
- Model impact duration is equivalent to the scale factor of the full-scale duration at scaled times since the duration is proportional to deformed displacement. For a half-scale model, the impact duration is one-half that of the full-scale impact duration. Scaled times imply that the dynamic events of a half-scale model occur in half the time of the full scale.
- Model accelerations are equal to the inverse of the scale factor of full-scale accelerations at scaled times. This is true because model impact durations are equivalent to the scale factor of full-scale durations when the package comes to rest and the velocities at the onset of impact are equal. Therefore, a one-half scale model would have two times the full-scale accelerations and the acceleration times would be reduced to one-half of full-scale times.
- If the same materials are used in the scale model and the full scale, the stresses and strains are the same.



DOE Status Report

Linda Desell

*Acting Director, Environmental and Operational Activities Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy*

**Western Interstate Energy Board
High-Level Radioactive Waste Committee**

*San Diego, California
December 8, 1994*



Council of State Governments

MIDWESTERN HIGH-LEVEL RADIOACTIVE WASTE COMMITTEE

RESOLUTION NO. 93-1

FULL-SCALE TESTING OF SPENT-FUEL SHIPPING CASKS

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WHEREAS, the U.S. Congress, in the Nuclear Waste Policy Act of 1982, as amended, structured a major role in the development of the civilian radioactive waste management program for states, units of local government, and Indian tribes affected by the program and for the general public; and

WHEREAS, the U.S. Department of Energy has stated that "transportation of radioactive waste may do more to bring radioactive-waste disposal to widespread public attention than any other aspect of the Federal waste-management program;" and

WHEREAS, the U.S. Department of Energy has further stated that it will "emphasize demonstrating the safety of transportation to the public as well as the technical community;" and

WHEREAS, the U.S. Department of Energy has acknowledged that public trust and confidence in the waste management program is vital to its success; and

WHEREAS, the Secretary of Energy Advisory Board's Task Force on Radioactive Waste Management has concluded that the Office of Civilian Radioactive Waste Management has a serious problem with public trust and confidence in its ability to manage the entire waste-management program in a safe and open manner; and

WHEREAS, numerous studies of public opinion concerning radioactive-waste transportation have revealed a general fear of shipments and lack of confidence in the ability of the U.S. Department of Energy and the scientific community to adequately predict and openly communicate risks to the public; and

WHEREAS, the program to test TRUPACT-II containers for shipping transuranic waste to the Waste Isolation Pilot Plant in New Mexico successfully incorporated input from major stakeholders and, through full-scale testing of the shipping containers, managed to increase public confidence in the transportation of transuranic waste; and

WHEREAS, the State of Nevada and other groups have vowed to continue to seek full-scale testing requirements for spent-fuel shipping casks through legislation, rulemaking, and, if necessary, litigation; and

WHEREAS, delays in the development of the transportation system as a result of possible litigation are likely to create significant costs and to exacerbate the lack of public trust and confidence; and

WHEREAS, the Midwestern states are likely to serve as major corridors for shipping spent fuel and high-level waste to federal facilities for storage and/or disposal; and

WHEREAS, the Midwestern High-Level Radioactive Waste Committee is an independent, multi-state advisory committee representing the interests of the twelve Midwestern states;

NOW, THEREFORE BE IT RESOLVED that the Midwestern High-Level Radioactive Waste Committee supports the development and implementation of a federal program to conduct full-scale testing of the design and integrity of spent-fuel shipping cask prototypes that includes sequential tests (drop, fire, puncture, and immersion), reflects the input of major stakeholders, and serves as an integral component of the process for certifying spent-fuel shipping casks.

Approved by the Midwestern High-Level Radioactive Waste Committee
July 15, 1993


Harold R. Borchert, Chairman



MIDWESTERN HIGH-LEVEL RADIOACTIVE WASTE COMMITTEE

RESOLUTION NO. 94-2

DOE'S ROLE IN HELPING STATES TO PREPARE FOR SHIPMENTS OF SPENT NUCLEAR FUEL

WHEREAS, Section 180(c) of the Nuclear Waste Policy Act (NWP) requires the Secretary of Energy to "provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste" to federal facilities for storage or disposal; and

WHEREAS, in 1992, DOE published its *Strategy for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments*, which stated that, in developing a policy to implement Section 180(c), "OCRWM will seek input from the diverse and broadly representative sources using a cooperative approach," with an emphasis on input "from representatives of transportation corridor jurisdictions;" and

WHEREAS, based on the recommendation of the Midwestern states and other stakeholders that states, tribes, and local governments will need at least 3-5 years to prepare for shipments of spent fuel, DOE's *Strategy* identified January 1995 as the date on which DOE would initiate training assistance in anticipation of shipments to a monitored retrievable storage facility beginning in 1998; and

WHEREAS, in early 1994, DOE announced that it would no longer pursue monitored retrievable storage as an integral component of the Civilian Radioactive Waste Management System, thereby moving the projected date for initiating shipments from 1998 to 2010, the projected date for opening the permanent repository; and

WHEREAS, to conform with the projected shipping date of 2010, DOE significantly increased its time frame for developing a policy on Section 180(c), with a new target date of 2006 for providing training assistance; and

WHEREAS, despite a shortage of funding, the Nuclear Waste Negotiator's Office continues to work with Indian tribes and other potentially interested parties to site a federal facility for monitored retrievable storage of spent nuclear fuel; and

WHEREAS, a venture between the Mescalero Apache tribe in New Mexico and 33 utilities may result in the operation of a private interim storage facility for spent nuclear fuel as early as the year 2002; and

WHEREAS, shipments to a private storage facility in New Mexico would not be conducted by the Secretary of Energy and, therefore, under a literal interpretation of Section 180(c) of the NWP, states, tribes, and local governments affected by these shipments would not qualify for training or technical assistance under the Act; and

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MIDWESTERN HIGH-LEVEL RADIOACTIVE WASTE COMMITTEE

RESOLUTION NO. 94-2

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WHEREAS, shipments of spent fuel to a storage facility in Mescalero, New Mexico, from many of the utilities involved in the private venture would either originate in or cross 10 Midwestern states; and

WHEREAS, from a practical perspective, large-scale shipping campaigns to remove spent fuel from nuclear power plants will have a similar impact on states, tribes, and local governments regardless of whether the destination is a federal or private facility; and

WHEREAS, to ensure adequate preparation for shipments in 2002, states, tribes, and local governments must begin planning no later than 1998; and

WHEREAS, the Midwestern High-Level Radioactive Waste Committee is an independent, multi-state advisory committee representing the interests of the 12 Midwestern states and operating under the auspices of the Midwestern Governors' Conference and the Midwestern Legislative Conference of the Council of State Governments; now, therefore be it

RESOLVED, that the Midwestern High-Level Radioactive Waste Committee strongly urges DOE to resume immediately all activities related to developing a policy for implementing Section 180(c) of the Nuclear Waste Policy Act, with the goal of having the capability to provide training assistance by no later than 1998; and be it further

RESOLVED, that DOE should actively solicit the input of the Midwestern states and other stakeholders in developing a policy for implementing Section 180(c); and be it further

RESOLVED, that the U.S. Congress should amend the Nuclear Waste Policy Act to provide states, tribes, and local governments with technical assistance and training funds to prepare for any large-scale shipment of spent fuel to centralized storage facilities, whether publicly or privately owned.

Approved by the Midwestern High-Level Radioactive Waste Committee
December 12, 1994



Council of State Governments

August 30, 1993

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The Honorable Hazel O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
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Dear Madam Secretary:

At its last two meetings, the Midwestern High-Level Radioactive Waste Committee discussed the manner in which the U.S. Department of Energy's Office of Civilian Radioactive Waste Management plans to test the high-capacity casks it is developing to ship spent fuel from reactors as part of the federal waste management program. As a result of those discussions, the committee has decided to add its voice to the call for OCRWM to test full-scale models of spent-fuel shipping casks and to incorporate such tests into its procedures for securing NRC certification of the casks. A resolution stating the committee's position on this matter is enclosed for your review.

The committee understands OCRWM's current position that full-scale testing of casks is not necessary from a technical standpoint. We further understand that conducting such tests will entail greater costs than would be the case if scale models were used. In the long run, though, full-scale testing may save money for the program by helping OCRWM avoid potential legal challenges by affected governments, environmental groups, and other segments of the public.

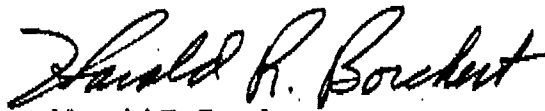
Clearly, there is no guarantee that full-scale testing will win public acceptance of OCRWM's radioactive waste transportation activities. Yet it is equally clear that, unless OCRWM makes a good faith effort to demonstrate the safety of these casks to the general public, widespread opposition will continue to thwart DOE's efforts to develop and operate the waste management program in a timely manner.

Secretary Hazel O'Leary
August 30, 1993
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DOE has gone on record as recognizing the need to increase the level of stakeholder involvement in program decisions. As a major step in this direction, the committee urges OCRWM to change its current policy and develop a plan for testing full-scale shipping casks that includes stakeholder input and constitutes an integral component of the cask certification process.

Thank you for your time and consideration.

Sincerely,



Harold R. Borchert
Director, Division of Radiological Health
Nebraska Department of Health and
Chairman, Midwestern High-Level Radioactive
Waste Committee

enclosure

cc: Lake Barrett
Jim Carlson
Susan Smith
Elissa Turner



MEMORANDUM

The Council of
State Governments
MIDWESTERN
OFFICE

Date: December 22, 1994
To: Members of the Midwestern High-Level Radioactive Waste Committee
From: Lisa R. Sattler, Policy Analyst *LRS*
Re: Resolution on Section 180(c)

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Regional Director
Michael H. McCabe

The committee approved the resolution on Section 180(c). Enclosed is a final version of the resolution for your information.

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The other committees seem reluctant to urge Congress to revisit the Nuclear Waste Policy Act; in my opinion, however, Congress is going to revise the Act, so the committees should take this opportunity to have some input into what changes will be made. I will work with the staff of the other committees to develop a joint resolution that is acceptable to all the regions. The draft resolution will be available before the April meeting.

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