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The Council of  
State Governments  
MIDWESTERN  
LEGISLATIVE  
CONFERENCE

August 23, 1994

Honorable Hazel R. O'Leary  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

641 East Butterfield Road  
Suite 401  
Lombard, Illinois 60148-5655  
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Dear Secretary O'Leary:

On behalf of the officers and members of the Midwestern Legislative Conference (MLC) of The Council of State Governments, I would like to call your attention to the enclosed resolutions, which were adopted by the MLC during its 50th Annual Meeting earlier this month. The first resolution pertains to the transportation of spent nuclear fuel. The second addresses the testing of spent-fuel shipping casks. Both now represent the positions of the Midwestern Legislative Conference on these issues.

The Midwestern Legislative Conference is a bipartisan association of state legislators representing the eleven Midwestern states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The purpose of the MLC is to foster the intergovernmental exchange of information and ideas and to promote regional interstate cooperation on issues of common concern.

As chair of the Midwestern Legislative Conference, I urge you to review the recommendations set forth in the enclosed resolutions. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dale L. Shugars".

Dale L. Shugars  
Michigan State Senator and  
Chair, Midwestern Legislative Conference

enclosures

Chairman  
Sen. Dale L. Shugars  
Michigan

1st Vice Chairman  
Rep. Steve Cutler  
Assistant Majority Leader  
South Dakota

2nd Vice Chairman  
Sen. Paul "Bud" Burke  
President of the Senate  
Kansas

Regional Director  
Michael H. McCabe

**50th Annual Meeting**  
**Midwestern Legislative Conference**  
**of**  
**The Council of State Governments**

Grand Traverse Resort  
Traverse City, Michigan

July 30 - August 2, 1995

**Resolution**  
**on**  
***Spent Nuclear Fuel Shipments***

- WHEREAS, Section 180(c) of the Nuclear Waste Policy Act 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, the U.S. Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM) published its *Strategy for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments*, which states 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, In early 1994, the U.S. Department of Energy 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, the U.S. Department of Energy 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, Proposals to amend the Nuclear Waste Policy Act would require the U.S. Department of Energy to begin accepting spent fuel for storage as early as January 31, 1998; and
- WHEREAS, During the past 12 months, three separate entities in the states of New Mexico, Utah, and Wyoming have expressed tentative interest in hosting a private interim storage facility for spent nuclear fuel; and
- WHEREAS, Shipments to a private storage facility would not be conducted by the Secretary of Energy and, therefore, under a literal interpretation of Section 180(c) of the Nuclear Waste Policy Act, states, tribes, and local governments affected by these shipments would not qualify for training or technical assistance under the Act; 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,** After the U.S. Department of Energy initiates assistance under Section 180(c), state, tribal, and local governments will need at least three years to prepare for the first wave of shipments of spent fuel and high-level radioactive waste; and
- WHEREAS,** In order to implement Section 180(c), the U.S. Department of Energy must first select the routes it will use to transport spent fuel and high-level radioactive waste to a site or sites for storage and/or disposal; and
- WHEREAS,** The U.S. Department of Energy has consistently declined to select shipping routes until a site or sites for storage and/or disposal have been designated; and
- WHEREAS,** The Midwestern states, by virtue of their central location, will be significantly affected by shipments of spent fuel and high-level waste to facilities for storage and disposal; and
- WHEREAS,** The Midwestern High-Level Radioactive Waste Committee is an independent, multi-state advisory committee that represents the interests of the 12 Midwestern states and operates under the auspices of the Midwestern Legislative Conference and the Midwestern Governors' Conference of The Council of State Governments; now therefore be it
- RESOLVED,** That the Midwestern Legislative Conference of The Council of State Governments strongly urges the U.S. Department of Energy to place a high priority on developing a policy and procedures for implementing Section 180(c) of the Nuclear Waste Policy Act; and; and be it further
- RESOLVED,** That the U.S. Department of Energy should actively solicit the input of the regional cooperative-agreement groups, such as the Midwestern High-Level Radioactive Waste Committee, and other program stakeholders in developing a policy and procedures 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 and tribes with technical assistance and training funds to prepare for any large-scale shipment of spent fuel to a repository and/or centralized storage facilities, whether publicly or privately owned; and be it further
- RESOLVED,** That no such large-scale shipments shall occur unless assistance under Section 180(c) has been provided at least three years prior to the start of shipments; and be it further
- RESOLVED,** That the U.S. Congress should amend the Nuclear Waste Policy Act to provide technical assistance and training funds under Section 180(c) directly to tribes in the same manner as states; and be it further
- RESOLVED,** That the U.S. Congress should amend the Nuclear Waste Policy Act to state explicitly that the U.S. Department of Energy will provide technical assistance and funds to States and Indian tribes for training public safety officials of appropriate units of government through whose jurisdiction spent nuclear fuel and high-level radioactive waste are to be transported; and be it further
- RESOLVED,** That the U.S. Congress should amend the Nuclear Waste Policy Act to designate a site or sites for the U.S. Department of Energy to use for storing and/or disposing of spent

fuel and high-level radioactive waste; and be it further

**RESOLVED.** That the Midwestern Legislative Conference will transmit this resolution to the Office of the President of the United States, the Office of the Vice President, the Secretary of Energy, the Speaker of the House, the Chairman of the Senate Energy and Natural Resources Committee, the Chairman of the House Commerce Committee, and the Director of the Office of Civilian Radioactive Waste Management.

**50th Annual Meeting**  
**Midwestern Legislative Conference**  
**of**  
**The Council of State Governments**

Grand Traverse Resort  
Traverse City, Michigan

July 30 - August 2, 1995

**Resolution**  
**on**  
***Testing of Spent-Fuel Shipping Casks***

- 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,** Full-scale cask testing may increase public confidence in the ability of the U.S. Department of Energy to predict and communicate the potential 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 Midwestern states, by virtue of their central location, will be significantly affected by shipments of spent fuel and high-level waste to facilities for storage and disposal; and
- WHEREAS,** The Midwestern High-Level Radioactive Waste Committee is an independent, multi-state advisory committee that represents the interests of the 12 Midwestern states and operates under the auspices of the Midwestern Legislative Conference and the Midwestern Governors' Conference of The Council of State Governments; now therefore be it
- RESOLVED,** That the Midwestern Legislative Conference supports the development and

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implementation of a federal program to conduct full-scale testing of the design and integrity of new generation spent-fuel shipping cask prototypes and shipping container systems that includes sequential tests (free drop, puncture, thermal, and immersion); and be it further

**RESOLVED.** That the U.S. Department of Energy should conduct full-scale testing as an integral component of the process for certifying spent-fuel shipping casks; and be it further

**RESOLVED.** That the federal full-scale cask testing program should be developed in consultation with major program stakeholders, including the Midwestern High-Level Radioactive Waste Committee; and be it further

**RESOLVED.** That the Midwestern Legislative Conference will transmit this resolution to the Office of the President of the United States, the Office of the Vice President, the Secretary of Energy, the Speaker of the House, the Chairman of the Senate Energy and Natural Resources Committee, the Chairman of the House Commerce Committee, and the Director of the Office of Civilian Radioactive Waste Management.