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 NATIONAL CONFERENCE OF STATE LEGISLATURES

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September 15, 1997

 Ms. Corinne Macaluso
 U.S. DOE-OCRWM
 1000 Independence Ave., SW
 Washington, DC 20585

RE: Nuclear Waste Policy Act, Section 180c comments

Dear Ms. Macaluso:

The Notice of Revised Proposed Policy and Procedures issued July 11, 1997 by the department regarding Section 180c appears to reflect most of the comments submitted by the National Conference of State Legislatures on July 25, 1996. The issue of being able to use the funding for drills and exercises was addressed adequately. The revised policy also reflects NCSL concern about providing funding to jurisdictions that lack an adequate base of emergency response capability. NCSL is pleased that route and risk assessments can be conducted under the revised policy. The problem of funding emergency response from neighboring jurisdictions that have mutual aid agreements or the like was also addressed to our satisfaction. Funding a base amount for every jurisdiction with additional increments available based on identified needs is a sensible approach.

Two areas are still not adequately addressed. One is infrastructure improvements. DOE must be cognizant of state infrastructure needs and make provision for funding those improvements deemed necessary for safe routine transportation of spent fuel and high-level waste. Finally, NCSL believes that shipments ultimately destined for an NWPA facility should be covered by Section 180c, even though they may reside for a period of time at a private storage facility. DOE is interpreting Section 180c too strictly by disallowing funding for activities related to this important and potentially sizable amount of spent fuel transportation.

Thank you for the opportunity to comment once again.

Sincerely,


 James B. Reed
 Program Principal, Transportation