

Midwest Interstate Low-Level Radioactive Waste Commission

Room 588 • 350 N. Robert Street • St. Paul, MN 55101 • (612) 293-0126

December 29, 1989

Mr. Robert M. Bernero
Director
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Bernero:

The Low-Level Radioactive Waste Policy Amendments Act of 1985 established certain milestone dates for state development of new waste disposal facilities. The Midwest Compact successfully met the first milestone by demonstrating that all of its member states had ratified Compact legislation by July 1, 1986. The Compact also met the January 1, 1988 milestone by submitting a siting plan and siting legislation for a new facility in the State of Michigan.

The third milestone requires submission of a complete license application to the Nuclear Regulatory Commission (NRC) by January 1, 1990, or certifications by Governors that the member states will be capable of managing waste generated after they lose access to the three existing disposal sites on January 1, 1993. Because Michigan does not expect to submit a license application until late 1991, our states began planning for certification early in 1988.

As a first step, each of our states agreed that the generators would be responsible for management and storage of waste between January 1, 1993, and May 1, 1995, when Michigan expects to begin operation of its new facility. Recognizing the possibility of delay, however, we conservatively extended the period until January 1, 1996.

A survey form was mailed to all licensees in our states to identify those who would generate waste during the interim period. Follow-up contacts were made if a generator indicated a lack of storage capacity for this waste. These generators were asked to develop and describe plans that provide for the necessary storage.

The generators identified in our states affirmed that they will be capable of managing and storing their waste during the interim period. Therefore, in accordance with Section 5(e)(1)(C)(ii) of the Low-Level Radioactive Waste Policy Amendments Act, we certify that our states will be capable of providing for, and will provide for, the storage of any low-level radioactive waste generated within our states and requiring disposal after December 31, 1992.

Indiana

Iowa

Michigan

Minnesota

Missouri

Ohio

Wisconsin

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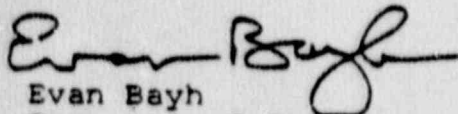
The enclosed state documentation includes our designations of responsible state agencies and individuals, our state implementation plans, and descriptions of actions that generators will take to ensure that such capacity exists. To further ensure that these necessary actions are taken, we will support the allocation of sufficient resources to our responsible state agencies and to our state institutions that generate this waste.

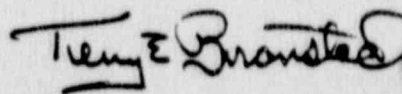
We wish to note the following with regard to this certification:


- a) It is based on the information provided to our states by the licensees.
- b) Our states will not take title to, possession of, or assume liability for waste during the interim period.
- c) The length of the interim period is based on operation of a new Michigan facility before January 1, 1996.
- d) An unforeseen accident or emergency could result in waste volumes that exceed the contingencies that licensees have incorporated into their storage plans.

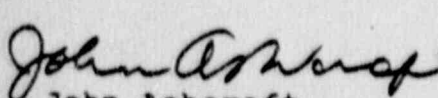
We are confident that our certification and enclosed documentation meets the requirements for our compliance with the January 1, 1990 milestone. The State of Michigan's certification will be provided under separate cover. If you have any questions regarding our certification, please contact the offices of the Midwest Compact Commission.

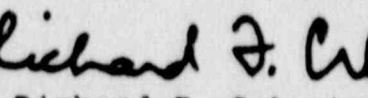
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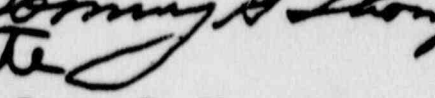

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Governor of Indiana


Terry E. Branstad
Governor of Iowa


Rudy Perpich
Governor of Minnesota


John Ashcroft
Governor of Missouri


Richard F. Celeste
Governor of Ohio


Tommy G. Thompson
Governor of Wisconsin

Preface

On December 2, 1988, the Midwest Compact Commission adopted a standard format for state documentation that would accompany, and be the basis for, Governors' Certifications. The standard format included a survey that was used to identify those licensees expecting to generate low-level radioactive waste during the interim period (January 1, 1993 - December 31, 1995). It also included four schedules that were based on the guidance provided by the U.S. Nuclear Regulatory Commission (NRC) and the Sited States (Nevada, South Carolina, and Washington). The schedules were prepared for the licensees that expected to generate waste during the interim period. The schedules contain the following information:

- Schedule #1. A single Schedule #1 was prepared for each state. It lists the licensees expecting to generate low-level radioactive waste during the interim period, the amount of waste generated by class, the total amount of waste, and the amount of mixed waste.
- Schedule #2. Schedule #2 was prepared for each generator listed on Schedule #1. It indicates whether or not a generator has an existing on-site storage facility that can accommodate the total amount of waste that the generator will produce during the interim period. It also indicates what action a generator proposes to take if the existing on-site storage capacity is insufficient.
- Schedule #3. If a generator indicated on Schedule #2 that there was insufficient, existing on-site storage capacity, Schedule #3 also was prepared. It provides information on the organizational responsibility for a generator's proposed action and the timing and scheduling of key steps.
- Schedule #4. Schedule #4 also was prepared for generators with insufficient, existing on-site storage capacity. It indicates whether or not the generator's proposed action is within existing legal authorities and consistent with NRC/Agreement State regulations and policies. If it is not, Schedule #4 provides information on what the generator will do to ensure compliance.

The documentation for the states making this certification includes the completed schedules and is accompanied by a state implementation plan, including a state agency and responsible individual designation.

GOVERNORS' CERTIFICATION

INDIANA, IOWA, MINNESOTA,
MISSOURI, OHIO, AND WISCONSIN

89 2290 124

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Indiana Iowa Michigan Minnesota Missouri Ohio Wisconsin 5

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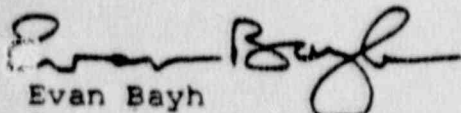
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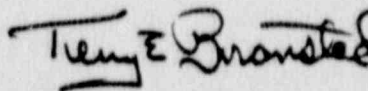
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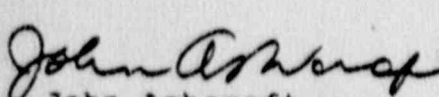
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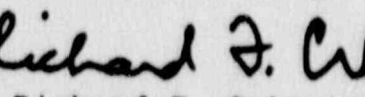
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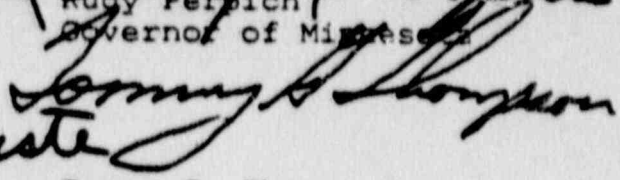

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UNIVERSITY