

#### UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D. C. 20555

February 2, 1990

The Honorable Thomas S. Foley Speaker of the United States House of Representatives Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with Section 5(e)(1)(E) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act), I am transmitting Certifications that we have received to date from the Governors of 30 States and from the District of Columbia (See Enclosure 1). Section 5(e) of the Act sets forth a number of specific milestone requirements. States and interstate compacts are obligated to comply with these milestones in order to secure continued interim access to existing low-level radioactive waste (LLW) disposal facilities in what the Act calls "sited" States. To meet the 1990 milestone, non-sited States, by January 1, 1990, must have either (1) submitted a complete license application to NRC or to the appropriate Agreement State agency, or (2) submitted to NRC a written certification by the Governor that the State will be capable of providing for, and will provide for, the storage, disposal, or management of any low-level radioactive waste generated within the State and requiring disposal after December 31, 1992. This certification is to include a description of the actions that will be taken to ensure that such capacity exists. Section 5(e)(1)(E) of the Act directs NRC to transmit to the Congress any State certifications submitted to us.

The requirements of Section 5(e) are intended to ensure that certifying States continue to progress toward the fulfillment of the policy that each State, either by itself or in cooperation with other States, will be responsible for providing for the disposal of LLW generated within the State. Failure to comply with these requirements could result in denial of any rebate of disposal surcharges paid by waste generators into an escrow fund maintained by the Department of Energy (DOE) and loss of access by waste generators to currently operating disposal facilities.

Although designating the NRC as the appropriate Federal agency to receive written certifications from the States, the Act assigns responsibility to DOE and the "sited" States to determine whether each certification complies with the Act's requirements for the respective purposes of releasing escrowed disposal surcharge rebate funds and allowing continued interim access to existing

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disposal facilities. Therefore, we have already forwarded copies of the enclosed certification statements to DOE in view of its statutory obligation to make rebates of surcharges within 30 days of the required submission date of January 1, 1990. We also are submitting the Governors' certifications for publication in the Federal Register and transmitting the certifications to designated officials in the "sited" States and to the affected States' Congressional delegations. Once these notifications are completed, the NRC will have fulfilled its obligations under the Act.

Sincerely,

Kenneth M. Carr

Enclosures:

Certifications for 30 States
 and the District of Columbia
 Summary of State Certifications

### SUMMARY OF STATE CERTIFICATIONS

### Not Required to Certify (19 States)

### Alabama Alaska Colorado Florida Georgia Hawaii Idaho Mississippi Montana Nevada New Mexico North Carolina Oregon South Carolina Tennessee Utah Virginia

Washington

Wyoming

# Certifications Received (31 States)

- Arizona Arkansas - California Connecticut Delaware District of Columbia Illinois Indiana Iowa . Kansas Kentucky Louisiana - Mary land Massachusetts . Maine Michigan - Minnesota Missouri Nebraska New Hampshire · New Jersey New York North Dakota
- West Virginia
  Wisconsin

Ohio
Oklahoma
Pennsylvania
Rade Island
South Dakota

# Certifications Not Received

Puerto Rico - NRC has been informed that a Certification is forthcoming.

Vermont