



MIDWEST

February 1, 2018

The Honorable Greg Walden
Chairman, Energy and Commerce Committee
U.S. House of Representatives
2185 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member, Energy and Commerce Committee
U.S. House of Representatives
237 Cannon House Office Building
Washington, DC 20515

The Honorable John Shimkus
Chairman, Environment Subcommittee of
the Energy and Commerce Committee
U.S. House of Representatives
2217 Rayburn House Office Building
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member, Environment Subcommittee of
the Energy and Commerce Committee
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Walden and Shimkus and Ranking Members Pallone and Tonko,

As Immediate Past Co-Chair of The Council of State Governments' Midwestern Radioactive Materials Transportation Committee, I am writing to thank you for addressing the important matter of transportation and its potential impacts on states in H.R. 3053, "The Nuclear Waste Policy Amendments Act of 2017."

On October 1, 2015, during the hearing "Transporting Nuclear Materials: Design, Logistics, and Shipment," I testified before the Subcommittee on Environment and the Economy of the House Energy and Commerce Committee. One of the topics I addressed in my invited testimony was Section 180(c) of the Nuclear Waste Policy Amendments Act of 1987, which requires the Secretary of Energy to provide technical assistance and funds to states and tribes through whose jurisdictions shipments of spent nuclear fuel and high-level waste will travel. I called attention to a significant limitation in the U.S. Department of Energy's (DOE) future implementation of Section 180(c):

"DOE has interpreted Section 180(c) assistance as solely intended 'for training,' and does not allow states to recoup operational costs. For example, a state could use 180(c) assistance to train inspectors, since safety inspections would be part of assuring 'safe, routine transportation.' But states would not receive any assistance for conducting inspections, nor would they receive assistance for escorting shipments.... As a result, because of the way Section 180(c) is currently written and the way DOE interprets the section, state taxpayers may be forced to bear the cost of safety inspections and security escorts that state personnel undertake as part of their duties."

If H.R. 3053 passes, the new Section 603 will remedy this shortcoming by making assistance available not just "for training" but also for "safety activities" in connection with shipments. My state colleagues and I greatly appreciate your efforts to act on the information I provided in my testimony to the subcommittee.



If any of you or your staff should ever have any questions about the CSG Midwestern Radioactive Materials Transportation Committee or nuclear waste transportation in general, please do not hesitate to contact Ms. Lisa Janairo at The Council of State Governments Midwestern Office (920.458.5910 or ljanairo@csg.org).

Sincerely,

A handwritten signature in black ink that reads "Kelly Horn".

Kelly Horn
Immediate Past Co-Chair
CSG Midwestern Radioactive Materials
Transportation Committee

cc: Congressional Delegations from the Midwestern States