

Ron Thornburgh  
Secretary of State



2nd Floor, State Capitol  
300 S.W. 10th Ave.  
Topeka, KS 66612-1594  
(913) 296-2236

STATE OF KANSAS

March 30, 1995

The Honorable Hazel R. O'Leary  
U.S. Secretary of Energy  
Forrestal Building  
100 Independence Ave, S.W.  
Washington, D.C. 20585

Dear Secretary O'Leary:

Kansas Senate Concurrent Resolution 1604 is a concurrent resolution urging the Department of Energy to work closely with the Midwestern High-Level Radioactive Waste Committee and to resume immediately all activities related to developing a policy for implementing Section 180(c) of the Nuclear Waste Policy Act.

My office is directed by this resolution to send you an enrolled copy, which is enclosed.

If my office can be of assistance to you, please feel free to call.

Sincerely,

RON THORNBURGH  
Secretary of State

Brad Bryant, Elections Division  
Deputy Assistant Secretary of State

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enclosure

SENATE CONCURRENT RESOLUTION No. 1604

A CONCURRENT RESOLUTION requesting that the U.S. Congress amend the Nuclear Waste Policy Act to provide states and their political subdivisions with funding and assistance to prepare for shipments of spent fuel from nuclear facilities.

WHEREAS, Section 180(c) of the Nuclear Waste Policy Act (NWPA) 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 1988, the U.S. Department of Energy (DOE) published its *Strategy for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments*, which stated 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, based on the recommendation of the Midwestern states and other stakeholders that states, tribes, and local governments will need at least 3-5 years to prepare for shipments of spent fuel, DOE's Strategy identified January 1995 as the date on which DOE would initiate training assistance in anticipation of shipments to a monitored retrievable storage facility beginning in 1998; and

WHEREAS, in early 1994, DOE 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 1995 to 2010, the projected date for opening the permanent repository; and

WHEREAS, to conform with the projected shipping date of 2010, DOE significantly increased its time frame for developing a policy on Section 180(c), with a new target date of 2008 for providing training assistance; and

WHEREAS, despite a shortage of funding, the Nuclear Waste Negotiator's Office continues to work with Indian tribes and other potentially interested parties to site a federal facility for monitored retrievable storage of spent nuclear fuel; and

WHEREAS, a current private monitored retrievable storage proposal may result in the operation of a private interim storage facility for spent nuclear fuel as early as the year 2002; 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 NWPA, states, tribes, and local governments affected by these shipments would not qualify for training or technical assistance under the Act; and

WHEREAS, shipments of spent fuel to a storage facility from utilities involved in a private venture would either originate in or cross many midwestern states; 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, to ensure adequate preparation for shipments in 2002, states, tribes, and local governments must begin planning no later than 1998; and

WHEREAS, The Midwestern High-Level Radioactive Waste Committee is an independent, multi-state advisory committee representing the interests of the 12 midwestern states and operating under the auspices of the Midwestern Governors' Conference and the Midwestern Legislative Conference of the Council of State Governments; Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring thereto: That we strongly urge DOE to work closely with the Midwestern High-Level Radioactive Waste Committee and to resume immediately all activities related to developing a policy for implementing Section 180(c) of the Nuclear Waste Policy Act, with the goal of having the capability to provide training assistance by no later than 1998; and

As it further resolved: That DOE should actively solicit the input of the Midwestern states and other stakeholders in developing a policy for implementing Section 100(e); and

As it further resolved: That the U.S. Congress should amend the Nuclear Waste Policy Act to provide states, tribes, and local governments with technical assistance and training funds to prepare for any large-scale shipment of spent fuel to centralized storage facilities, whether publicly or privately owned; and

As it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Secretary of the United States Department of Energy and each member of the Kansas congressional delegation.

I hereby certify that the above CONCURRENT RESOLUTION originated in the SENATE, and was adopted by that body

February 9, 1995

SENATE concurred in  
HOUSE amendments

March 23, 1995

Phillip E. Burdick  
President of the Senate

Pat Saville  
Secretary of the Senate

Adopted by the HOUSE  
as amended

March 22, 1995

Tom Huddleston  
Speaker of the House

Just E. Quisenberry  
Chief Clerk of the House