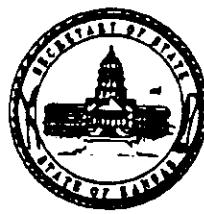


Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
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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

Brad Bryant, Elections Division
Deputy Assistant Secretary of State

bac

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 1993, 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 1998 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 2004, 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 1998 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, state, tribal, and local governments affected by those 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 13 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

SENATE CONCURRENT RESOLUTION No. 1804—page 3

Be it further resolved: That DOE should actively solicit the input of the Midwestern states and other stakeholders in developing a policy for implementing Section 180(e); and

Be 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

Be 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

Frank Sargeant
Pat Saville
President of the Senate
Secretary of the Senate

Adopted by the House
as amended

March 22, 1995

Tom Bliley
Pat Saive
Chairman of the House
Chief Clerk of the House