

STATE OF NEBRASKA

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February 29, 1996



E. Benjamin Nelson
Governor

Honorable Hazel O'Leary
Secretary
United States Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Secretary O'Leary:

I am writing to express concern for the burden placed on Nebraskans by the failure of the federal government to honor its obligations under the *Nuclear Waste Policy Act of 1982*.

Since passage of the Act, ratepayers of Nebraska's utilities have paid over \$141 million into the Nuclear Waste Fund to cover the costs of constructing and operating a permanent storage facility for nuclear waste. The facility was to have been constructed and in operation by 1998. There are two nuclear power plants in Nebraska—Fort Calhoun Station operated by Omaha Public Power District and Cooper Station operated by Nebraska Public Power District. The two electric utilities have incurred additional costs to provide on-site storage of nuclear wastes, but these storage facilities will become inadequate and the facilities may be forced to either spend millions of dollars more for on-site storage or close before the expiration of their operating licenses.

It appears a 1998 deadline for construction and operation of the high-level waste facility may result from Congressional action or litigation by the nation's utilities and the State of Nebraska. Nebraska will be a major thoroughfare for the shipment of nuclear wastes. Yet, the U. S. Department of Energy has done little to assure that Nebraska and other similarly situated states have received the training and technical assistance to ensure the safety of its residents as increasing volumes of nuclear wastes from all over the nation are transported through the state.

The spent fuel from nuclear powered electric power plants is but part of the wastes destined to traverse Nebraska. Add to these the increased shipment of nuclear waste generated by the Department of Defense and the increased acceptance and storage of spent nuclear fuel from foreign reactors as provided for in the *Nuclear Nonproliferation Treaty*.

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It is imperative that the state and local officials in Nebraska who will be responsible for safeguarding the public in the face of nuclear waste shipment are properly trained to handle increased shipments and to cope with any emergencies which may occur. Nebraska's Nuclear Waste Transportation Working Group estimates that \$982,465 start-up costs and \$731,770 annually will be required for this effort.

As you may know, we do not intend to allow shipments of nuclear waste to enter the state unless adequate preparations have been made. Making funds available for training and technical assistance as provided by Section 180(c) of the *Nuclear Waste Policy Act* is an important obligation to the states. I urge you to budget for this direct assistance, understanding that no new assessment should be made to defray the costs because it has already been paid for by the ratepayers of our utilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Nelson", with a long horizontal flourish extending to the right.

E. Benjamin Nelson
Governor