

Approved 4-10-87  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at  
Chairperson

8:00 a.m./~~p.m.~~ on April 1, 1987 in room 123-S of the Capitol.

All members were present except:  
Senator Dan Thiessen

Committee staff present:  
Ramon Powers - Research  
Don Hayward - Revisor  
Nancy Jones - Secretary

Conferees appearing before the committee:  
Stevi Stephens, Nuclear Awareness Network  
David Ebbert, Quinter, Ks.  
Shaun McGrath, Sierra Club  
Adrian Arnoldy, Mayor, City of Tipton, Ks.  
H. J. Mathias, Lyons, Ks.  
Marsha Marshall, Kansas Natural Resource Council

Hearing continued on:

SB 406 - Relating to the creation of a low level radioactive waste disposal authority

Marsha Marshall stated unless SB 114 is passed Kansas will appear to be expecting and accepting the roll of host state for the Compact. Communities across the state no longer have faith in decisions of the Compact Commission due to errors made regarding site studies and figures on generation of waste volume. State jurisdiction for waste management is the primary issue to consider and there must be resistance to efforts mandating responsibility for waste generated outside the borders of Kansas. Ms. Marshall recommends the term "management" be substituted for disposal throughout the proposed bill.  
(Attachment A)

From the view of environmental impact, Ms. Marshall expressed uncertainty about passage of SB 406 this session.

Shaun McGrath stated the Sierra Club favors withdrawal from the Compact and establishment of a LLRW Authority by amending SB 406 with the addition of the language "withdrawing Kansas from the Compact" at the beginning of New Section 1. Mr. McGrath suggested language changes based on the word "land-fill" in order to establish a clear policy on technology to be used by the Authority. The word "management" should be substituted for "disposal". Policy regarding any type of burial should be considered only if retrievability is possible.  
(Attachment B)

Written testimony from Greg Hattan was given to Committee members. (Attachment C)

Stevi Stephens stated passage of SB 406 must be coupled with SB 114 to address concerns of Kansas citizens regarding participation in a compact. An intensive interim study on SB 406 was proposed along with passage of SB 114. Concerns were expressed regarding technical language for storage of LLRW. It is imperative that Kansas gain control of LLRW with its own policy.  
(Attachment D)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S, Statehouse, at 8:00 a.m./p.m. on April 1, 1987

David Ebbert testified it is essential to withdraw from the Compact and establish an alternative structure to provide for waste management. The Authority should be given the power to use available processing and storage options as well as disposal. Clarification could be achieved by substituting "management" for disposal in language of SB 406. Mr. Ebbert reviewed suggested line changes throughout the proposed bill. (Attachment E)

Mr. Ebbert stated inadequacy and mistrust of the Compact is in evidence throughout the state and Kansans are more willing to accept an Authority which could act promptly in the best interest of the state. Mr. Ebbert feels there should be consideration given to input and control on a more local basis relating to site location. Mr. Ebbert stated that he takes the position that the five states should withdraw from the Compact in the interest of the best environmental policy. Economics has influenced NRC in not advocating this policy and the creation of compacts expresses only a "near term" solution to managing LLRW problems. (Attachment E)

Adrian Arnoldy stated he strongly supports SB 406 as a positive step for Kansas. Choice of the site and technology to be used should be with the state rather than the Compact. Whatever decisions are made on this issue must be those that Kansans of the future can live with. (Attachment F)

H. J. Mathias read testimony of Jack Dysart expressing concern that withdrawal from the Compact will lead to Kansas receiving waste from all over the nation unless the state joins with another state. Mr. Mathias endorsed a storage site at Wolf Creek. (Attachment G)

Meeting adjourned. The next meeting will be April 2, 1987.

Swate Energy - Guest List  
4-1-87

PAUL F. BURMEISTER

(316) 587-3919

R.R.1, Box 168

CLAFLIN, KANSAS 67525

H.J. Matthias - Box 54 - LYONS Ks.	67554-316-2572942	
Marshall Clark	Topeka	LEACo
Jerry Leonard	Topeka	KG&E
Alice McClain	Doff	Ks
David Spiker	Topeka	KDH&E
John D. Mollure	Glen Elder	NCK Citizens
David Ebbert	Quinter	
Adrian Arnoldy	Fuiston	Mayer
Shari Wilson	Topeka	KNRC
Robi Somerville	Lawrence	GT PM for MPOSE
Ed Reinert	Topeka	Ks LWUS
John Rouse	Coring	Ks
Kenneth Feldkamp	Centralia	"
Eugene Holahan	Centralia	Ks
Don Martin	Topeka	KRC
Sophie George	Topeka	Sen. Schaend
Rex Buchanan	LAWRENCE	Ks. GEOLOGICAL SURVEY
James Power	Topeka	KDHE
M.H. Murphy	Topeka	
Paul Q. Milcaren	Syracuse	
Terry D. Tait	Idaho Falls, ID	EG&G Idaho, Inc.
Stevie Stephens	Lawrence	NAN

# Kansas Natural Resource Council

Testimony before the Senate Energy and Natural Resources Committee  
Concerning SB 406, establishing a low-level waste authority  
April 1, 1987

Presented by Marsha Marshall

This legislation is the result of considerable effort on the part of committee members to respond to citizen's concerns about the management of low level radioactive waste in Kansas. The bill is, in fact, an essential companion to SB 114, which would withdraw Kansas from the Central Interstate Compact. We appreciate your efforts and your responsiveness.

Without SB 114, however, the bill sends a dangerous signal to both concerned citizens and other states in this compact, giving the appearance that this legislature contemplates and anticipates being chosen as the compact's host state. Therefore, KNRC cannot support passage of SB 406 this session unless Kansas also withdraws from the Central Interstate Compact.

This committee must understand, in light of the compact's errors, both in site exclusionary studies and in estimation of waste volumes, the Central Interstate Compact has shattered the faith of Kansas citizens. In my opinion, no community in this state will any longer accept decisions made directly or indirectly by that body.

In our view, Kansas cannot manage its radioactive wastes responsibly if the state remains in the Central Interstate Compact. Therefore, following or in conjunction with withdrawing from the compact, we recommend passage of SB 406.

At issue here is the matter of state jurisdiction. We must not surrender any state sovereignty in the matters of site selection and management of low level radioactive waste. This waste is a reality in Kansas. The state is legally responsible for managing low level radioactive waste generated within its borders. The legislature and governor should, however, resist any efforts by the federal government or any compact to make this state responsible for wastes generated outside our borders.

We recommend that the term "management" be substituted for "disposal" throughout the bill to allow the authority as much flexibility as possible to choose alternatives to disposal. Further, we recommend that in New Section 3, that site selection of the authority be subject to legislative approval.



March 31, 1987

To: Senate Energy and Natural Resources Committee  
From: Shaun McGrath, Sierra Club

Re: SB406 establishing the Kansas LLRW Authority

The Sierra Club is a non-profit organization concerned with the preservation and protection of wildlife and the environment. Our Kansas Chapter membership is nearly 1800.

The Sierra Club commends the Chairman and this committee for your concern and efforts in response to the extremely sensitive and important issue of LLRW management. The bill before you today, SB406 establishing the Kansas LLRW Authority, is a good bill provided it follows passage of SB114, withdrawing Kansas from the Central Interstate Compact. However, if membership is not first terminated, approval of SB406 will fail to resolve issues surrounding LLRW management, and instead further confuse an already complicated leadership challenge.

As now stands, Kansas has limited authority to manage a LLRW site, should it be chosen to host the site for the Compact. In fact, the operator, who most likely will not even be from Kansas, chooses the location of the site and the method of managing the waste. But the state, and the people, bear the ultimate responsibility for that operator's profit motivated decisions.

SB406 empowers Kansas to manage LLRW generated in the state in the manner the Authority determines to be most prudent and responsible. With SB406, the state regains powers now vested in the Compact.

Passing SB406, however, might have dire consequences for the state, if it is not done in conjunction with withdrawal from the compact. First, provisions in SB406 appear to conflict with compact laws by designating the authority as the developer of the facility. Unless there is a volunteer state, compact laws appear to reserve that choice to the compact.

Secondly, is the intent of SB406 to volunteer Kansas as the host state? If not, does it signal the other compact states and potential developers that Kansas has resigned itself to host the first site? Bear in mind the first site will house the remains of as many as seven nuclear reactors. This debris includes elements which remain dangerously radioactive for 20,000 years.

Finally, this is a sensitive issue on which many citizens have taken time to educate themselves. These people are dissatisfied with the compact arrangement, as evidenced by the 8000 who attended the public hearing in Beloit. The majority of those who spoke voiced concern about issues surrounding the compact. They distrust the compact's motives. They are wary of the Dames and Moore studies. They are upset about the apparent lack of fairness. The overall mood was captured when an elderly woman,

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Energy  
4-1-87

helped to the microphone, simply asked the overflow crowd if they favored withdrawing from the compact. The response was a resounding 'yes'. I do not believe remaining in the compact is acceptable to Kansans under present circumstances. Furthermore, SB406 does not provide adequate assurance that their concerns are allayed. Kansans understand their responsibility to the future generations of the state. This responsibility supercedes responsibility to any contract.

Therefore, the Sierra Club suggests that the Legislature withdraw Kansas from the compact and then establish a LLRW authority. This can be accomplished by amending the complete language contained in SB114, withdrawing Kansas from the Compact, to the very beginning of SB406 as "New Section 1." The Sierra Club strongly encourages that you take this approach.

Withdrawal will invoke the go-it-alone option for Kansas. Many contend going it alone will open up the state as a dumping ground for the rest of the country. These concerns are speculative. Case law in this area is scant, but commonly cited cases indicate it is possible to prohibit other states from dumping their waste in a go-it-alone state. Under SB406, Kansas could pursue other options as well. For example, the state could enter into another compact, thereby circumventing concerns that Kansas could become a go-it-alone dumping ground. But most importantly, Kansas must first extricate itself from the Central Interstate Compact where it has virtually no control over the management of its LLRW.

I would now like to draw your attention to page four (4) of the bill, line 155. Section 5b4 reads: "No LLRW may be disposed of in a landfill below the natural level of the disposal site unless:" With all due respect to this committee and your staff, based on the word "landfill", it could be interpreted that traditional shallow land burial in some circumstances would be tolerated. Other methods of below surface isolation clearly seem acceptable. The hazards of shallow land burial and other below grade technologies were addressed in testimony on HB2108 banning below surface burial, so I will not repeat these here.

The opposition to shallow land burial, and any other methods of isolation which is below the natural grade, has been expressed through the overwhelming support of HB2108 by many citizens statewide. In addition, the House passed the bill 111 to 11, the Attorney General endorsed it in testimony before you, as has the Governor in interviews with the press. For these reasons, and reasons delineated in my testimony on HB2108, the Sierra Club urges a second amendment to delete lines 155 through 165 (inclusive), and substitute it with the complete language contained in HB2108.

Inclusion of this language would greatly strengthen SB406 by establishing a clear policy directive for the type of technology the Authority could pursue. A policy of above ground (and thus retrievable) isolation of the LLRW would enhance public acceptance of the Authority and would diminish opposition to an

issue which has already proved to be highly sensitive.

The Kansas Chapter of the Sierra Club applauds this committee for taking the monumental step towards responsibly managing LLRW generated in the state of Kansas. On condition that these amendments suggested are made, we fully endorse passage of SB406.

Thank you for hearing my testimony today.

City of  
**Concordia**

135 E. 6TH ST. - P.O. BOX 603 - CONCORDIA, KANSAS 66901

TESTIMONY OF  
GREGORY L. HATTAN  
BEFORE  
THE SENATE ENERGY & NATURAL RESOURCES COMMITTEE

March 31, 1987

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I am here to testify in strong support of Senate Bill 406. It is a comprehensive and well-written response to the misguided attempt of the Compact Commission to exclude our legislators and the people they represent from the selection process.

We need a Kansas waste authority to provide desperately needed technical expertise and oversight.

When the director of environment for KDHE states that we would need "a section of land (640 acres), maybe a section and a half (960 acres) to dispose of 30 years of Kansas waste--when in fact, utilizing modern technology, that amount of waste could be stored on ONE acre--We need help.

When the KDHE studies the Dames & Moore reports for two years and is unable to recognize serious flaws in these reports--We need help.

In a recent interview, executive director Raymond Peery stated that he expected proposals from only two contractors: Westinghouse and U.S. Ecology. Westinghouse has had little experience in operating a low-level waste facility. U.S. Ecology has operated two dumps that have failed and are currently being sued for 99 million dollars by the state of Illinois for clean-up costs.

Some say that U.S. Ecology has turned over a new leaf. In fact, Richard Paton, assistant to the president of U.S. Ecology, said that the "firm intends to borrow some designs from technology used in other countries such as France and Canada, where some waste is stored above ground in concrete modules or individual cells." "We've tried to borrow from known technology from both the United States, Canada, and the French experience..." Paton said.

This sounds great. Unfortunately, this is all news to the developers and marketing representatives of the French technology. In a phone conversation only yesterday, Cheryl Hutchinson, Marketing Manager of NUMATEC, the exclusive representative of the French technology in the United States, made it perfectly clear that U.S. Ecology had not contracted for or made a request to obtain any aspect of the French technology.

C  
Energy  
4-1-87



There are those who say that we do not need a waste authority, because the cost for Kansas to store its own waste would be prohibitive and unreasonable. Let us examine this contention. In February of this year, a California court established legal precedent by recommending a "rate hike of \$53.6 million yearly to cover the cost of safely dismantling Diablo Canyon Nuclear Power Plant by about 2015." This rate hike would result in a \$1.5 billion fund to decommission the plant. Is it unreasonable to spend 2% of the decommissioning costs to provide a facility to accept the decommissioned wastes as well as the operating wastes?

In addition, NUMATEC is currently working with MartinMarietta at the Oak Ridge facility to develop an economic model for a low volume facility utilizing modern technology.

In closing, I want to thank you for your attention and express my appreciation for the concern you have shown on this issue.



March 31, 1987

# nuclear · awareness · network

1347½ massachusetts · lawrence, kansas 66044 · (913) 749-1640

My name is Robert Eye and I am the Associate Director and Counsel for the Nuclear Awareness Network. This testimony is intended to assist this Committee in its consideration of Senate Bill 406.

NAN contends that SB 406 must be preceded by or coupled with SB 114. If it is not, then NAN opposes SB 406. The reasons for our position are as follows:

- 1) Kansas citizens are concerned about Kansas participation in the Compact. They are concerned about inequities, unfairness, uncertainties about the reliability of consultant studies and reliance on private developers. Enactment of SB 114 responds to Kansas citizens' concerns that Kansas is not sufficiently in control of low-level radioactive waste policy.
- 2) A rush to enact a comprehensive law during this session can be avoided by enactment of SB 114 with deferral of SB 406 for intensive interim study.
- 3) Many questions exist regarding SB 406. If Kansas is going to get control of low-level radioactive waste policy we should give ourselves the benefit of allowing the controversies regarding the Compact to die down and then deal with the many substantive issues of how best to handle low-level radioactive waste generated in Kansas.
- 4) Enactment of SB 406, or HB 2108 without passage of SB 114 may be sufficient to have the Compact Committee revoke our membership and trigger penalties for revocation.
- 5) Enactment of SB 114 allows only the withdrawal liabilities to be applied making withdrawal much less expensive.
- 6) Ray Perry's characterization of the "ripple effect" caused by Kansas withdrawing from the Compact is probably correct. If Nebraska and Arkansas did indeed follow our lead, it would effectively end the Compact and hence there would be no Compact to impose penalties.

SB 406 still assumes, wrongly, that a technology for permanent and complete isolation exists that will be effective for the duration of the hazardous lives of the low-level radioactive waste. For example, reactor sludges and resins contain Cesium-137 which is hazardous for 300 years (with a 30 year half-life) and Niobium-94

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Energy  
4-1-87

with a 20,000 year half-life is present in internals from decommissioned reactors.

Our policy should recognize that complete isolation of low level radioactive waste has not been achieved heretofore and that a "disposal" effort at this point is simply throwing good money after bad and allowing an "out of sight - out of mind" attitude to prevail.

Our policy should presume that a storage site at or adjacent to The Wolf Creek Generating Station is the preferable alternative. This option minimizes transportation risks and costs.

Those who argue that Wolf Creek is not an acceptable storage site overlook the facts:

- 1) Wolf Creek already stores low-level radioactive waste on site. If it is safe for storage now on site it should be acceptable for a longer term and a higher volume using above ground monitored retrievable engineered facilities.
- 2) Wolf Creek stores high-level waste in the form of spent fuel rods which are kept in a large water-filled pool adjacent to the reactor building. The pool is designed to hold the reactor's spent fuel throughout the operational life of the plant. Indeed, until a high-level waste repository is located and developed, all the high-level waste that Wolf Creek produces will remain on site.
- 3) Currently, various reactors utilize long-term on site storage of low-level radioactive waste. This method has been reviewed and approved by the Nuclear Regulatory Commission. [See attachment.] In this study the NRC considered on-site storage at the Brown's Ferry Nuclear Plant (BFNP). They concluded that this management method is acceptable.
- 4) If low-level radioactive waste storage is not acceptable at Wolf Creek because of environmental impacts, how can the continued operation of a pressurized water reactor and storage of high-level spent fuel at the site possibly be justified?

SB 406 is a commendable attempt at dealing with our state's low-level radioactive waste problem. However, a comprehensive act of such importance should not be the result of a process that is compressed into an unreasonably short time period.

Future generations of Kansans are depending on this body to enact legislation that will protect them and their environment from needless radiation exposure. It is imperative that this legislature pass SB 114 withdrawing Kansas from the Compact as the first step toward gaining control of our low-level radioactive waste policy.

DOCKET NO. 30-19102

JUNE 1982

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## 6.0 SUMMARY AND CONCLUSION

The action proposed by TVA for the storage of BFNP LLRW has been evaluated. Alternatives to the proposed action were also evaluated and found not to be viable because they fail to provide an immediate solution to reduce the uncertainty associated with the availability of disposal space for LLRW at near-surface disposal facilities and thereby provide TVA with the capability for reliable and responsible management of LLRW generated at BFNP. The proposed action provides TVA with a means to responsibly manage BFNP LLRW in the near term and does not foreclose options (of Alabama, the region, TVA or NRC) regarding the long-term management of BFNP LLRW.

The proposed action involves 30 acres which is within the BFNP site boundary. The land used at BFNP had already been disturbed during construction of the nuclear plants and possible societal impacts were considered at that time.

The LLRW Storage Facility is designed so that operations will be conducted in accordance with all applicable regulations concerning radiological protection of the general public and work force. Furthermore, activities involving radiation exposures will be subject to the TVA BFNP ALARA program. The radiological doses associated with the proposed action are small and within the limits of 10 CFR Part 20. Also when combined with the doses of the BFNP, the dose to the nearest resident is within the requirements of 40 CFR Part 190. The radiological impact to the work force is expected to be only a small fraction of that existing at BFNP.

In regard to compatibility with waste management policies, TVA options, and possible future NRC licensing actions for the BFNP, the proposed action has no large impacts. The proposed action is compatible with the development of a regional low-level waste management compact. The proposed action would simply fill a gap until the Southeast Interstate Low-Level Radioactive Waste Management Compact is formed and assures capacity for the disposal of the wastes while providing LLRW management flexibility. The proposed action does not irrevocably commit TVA to any one option for the long-term management of

BFNP waste. Other options may require a licensing action by the NRC. The proposed action does not force, nor does it preclude, any future NRC licensing action.

Given the present status concerning the formation of waste management compacts, particularly in regard to the Southeastern Region including the State of Alabama, we have reasonable assurance that, near the end of the license term, there will likely be adequate space available for offsite disposal of the wastes being generated at BFNP as well as those placed into storage. Should space for disposal not be available for the stored LLRW at the end of the license term, continued storage can be accomplished in an environmentally acceptable manner, for no expected conditions are known that would cause degradation of container integrity that could not be identified in a timely manner by the container and module monitoring programs. Should preventive actions be necessary, TVA has the capability to repackage the LLRW at the BFNP.

Lastly, the proposed action would serve an immediate useful function. It provides TVA an environmentally acceptable alternative to shutting down the BFNP if space is not available for disposal of LLRW from the facility.

On the basis of this Environmental Impact Appraisal, the Staff concludes that the proposed action will not significantly affect the quality of the human environment and that there will be no significant environmental impact from the proposed action. Therefore, the staff has found that an environmental impact statement need not be prepared, and that pursuant to 10 CFR 51.5(c) the issuance of a negative declaration to this effect would be appropriate.

TO: Senate Energy and Natural Resources Committee  
FROM: David Ebbert Quinter, Kansas  
RE: SB 406 establishing the Kansas LLRW Authority

My name is David Ebbert. I am a citizen from Gove county. I would like to thank this committee and particularly the chairmen and staff for drawing up this new approach to low-level radioactive waste management in Kansas.

You have heard from citizens, public interest organizations, and state and local officials of the shortcomings of our present approach and are responding in a dutiful fashion.

Because of the deadlines that our state faces in these matters, I feel it is essential that we take certain policy initiatives this session, namely withdrawing from the Central Interstate Compact; and it is certainly prudent to establish the alternative institutional structure necessary to provide for waste management.

I strongly support this concept of a state authority and would like to offer some clarifications to this bill.

In order to give this new authority the widest possible latitude to successfully cope with a rapidly changing field of technology and regulation it is important to make clear the authority's power to use available processing and storage options as well as disposal. The bill does this, but states it somewhat awkwardly.

I would propose that a term be added to the definitions to include the three functions foreseen for the authority: definition "(j) 'Management' means the processing, storage or disposal of low-level radioactive wastes." Also definition "(k) 'Disposal' means the permanent isolation of low-level radioactive wastes from the environment."

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This could help clear up inconsistencies in the bill where the word "disposal" has been used to include processing and storage. In those places in the bill where all three of the functions are intended the word "management" should be substituted for "disposal". This language is meant to be inclusive and clarifying. Only in those places where the disposal function alone is intended should "management" not be substituted.

For example, line 0017 would read "AN ACT relating to the management of low-level radioactive wastes; establishing the Kansas low-level radioactive waste management authority;". Starting at line 0028 the bill would read "(c) 'Management site' means the property and facilities acquired, constructed and owned by the authority at which low-level radioactive waste may be processed, placed in storage or disposed of." The word "permanently" would be struck here because permanence is explicitly part of the definition of disposal.

This substitution does run throughout the bill, but wouldn't, I believe, change its intent. It just more logically states the inclusion of all the functions of the authority.

I have marked a copy of the bill with substitutions that appear appropriate to me given these conditions.

I personally feel that because of the immaturity of truly permanent isolation methods the federal call for disposal is early and irresponsible. Citizens testifying before you have called the options they prefer "storage" recognizing the difficulty of projecting permanence.

This committee does not need to find the actual technology to be used. We are willing to let the authority choose, through a public process, the storage or disposal methods used, with the exception of burial. The exception on the matter of burial is for the following reasons.

The authority could develop disposal facilities with the good faith intention and reasonable expectation that they last for the dangerous life of the materials. The possibility of failure should be allowed for, and thus the materials should be fully retrievable. Above ground facilities aid in both the retrievability and early detection of failure. Retrievability and segregation by type are also important if the federal government should decide at a later time to accept class C wastes or certain decommissioning wastes for high level management.

Whether I like it or not, the present federal mandate will, I think, push a state authority toward disposal. If the committee feels that the "management" language I have proposed in this bill does not focus toward disposal well enough, new sections could be added to do so. However, I think the management language subtracts nothing from the bill.

In consonance with providing the authority with the full range of options allowed under federal and state regulations I suggest line 0121 be changed from "one disposal site" to "a management site or sites". The authority may find, for instance, that a short term storage or processing facility for hospital wastes in Topeka or Wichita may be indicated. Or that in the future new facilities may be needed to replace the original site.



In recognition that llrw management policy is an issue of state importance, not only local interest, I suggest that at least one official site selection hearing be held outside the county containing a proposed management site. I suggest Topeka as a good place; or the authority could be given the mandate to select one or more hearing dates outside the host county.

Control and accountability are the heart of this issue. Will we have a system where Kansas controls the activities within its borders vitally affecting its people and environment? Will there be clear lines of authority that will function properly and that people can trust?

Citizens concerned with llrw management policy have carefully expressed their desire to take care of this problem correctly. Looking squarely at the possibility of hosting millions of cubic feet of radioactive waste does gain one's attention. Most reasonable people react with a loud "NO!" or "Wait a minute!" You have all heard those reactions and the press has widely reported them.

With every person I am familiar those initial reactions are followed by serious thoughts about what should be done with these materials. Many citizens have spent weeks representing those serious thoughts to you and any other decision makers that we could think would have influence on our ultimate policy.

New evidence of inadequacy on the part of the compact comes to light daily. After the people of Kansas revealed the Dames and Moore study for what it is the compact director states that he will recommend against its acceptance. As late as March 18th Ray Peery

recommended against passage of HB 2108, that it would be in conflict with the compact. Now he says he is encouraging states to make this kind of additional regulation. Extensive questioning of Mr. Peery yesterday did not clarify the rights of a host state to regulate technology or the selection of a developer. The compact as a foundation for llrw management is shifting sand.

I doubt that an amorphous compact, whose word changes, will be welcomed into any rural community in this state. Kansans are more willing to accept an arrangement where the governor has the final vote, not one fifth of a vote, where they know who to complain to in Kansas, who has the authority to act or take the political consequences of refusing to act.

If Dames and Moore Phase II is rejected and the Kansas Geological Survey objections to Phase I stand, the compact's siting process is back to ground zero. Kansas may be able to site facilities well before the compact would.

A Kansas authority could do the whole job promptly and well. The smaller scale of facilities for Kansas may actually make the problem more manageable rather than less.

It is time for this committee to take action on the central questions before it. People concerned about this issue have waited patiently while this committee has moved from one proposal to another. A logical group of proposals has come together. It is time these issues come to the full legislature. It is time to quit clinging to this compact as if there are major advantages to it.

Kansas is capable and willing to carry out this task. We must face our neighbor states and say, "We are sorry, we find what our

best interests and yours as well, appear to be best served by owning and managing our own facilities. We do appreciate whatever cooperation and good faith you have shown us in this process. But we feel that to be responsible we must bring this matter back home."

I do support SB 406 with the inclusion of SB 114 and HB 2108. I will not support SB 406 without the inclusion or previous passage of SB 114. Although I see no reason to delay the establishment of the Kansas waste authority, its creation this session is not as critical as withdrawal from the compact. To avoid penalties Kansas must withdraw before further commitments are made in the compact process in the coming few months. Our neighbors in the compact would surely appreciate the earliest possible resolution of Kansas' position. Withdrawal is surely preferable to revokation of our membership based on our tighter regulation of facilities or developers.

Kansans have stated over and over that they find unacceptable the burial of these materials, their importation from other states, or their dispersal through lack of care. I think we are very close to a program that will substantially accomplish that. Thank you.

CITY OF TIPTON  
ADRIAN ARNOLDY, MAYOR  
TIPTON, KANSAS 67485

March 31, 1987

Dear Concerned Official:

I am from a small rural farm community which has strong support for SB 406. This is a positive step in the process of getting out of the compact. What is good for the Five State Compact is not good for Kansas.

If we were to look back in history and see why there is so much concern about this issue, we will find that our concerns are rightly based on the mistakes of other communities before us. There was at one time a trust between the nuclear industry and the people on this planet. This trust has been shattered by the mismanaged history of the nuclear industry.

We are angry that the Compact allows the developer of the waste dump to choose both the site and the technology to be used. Kansas itself must choose the site and the safe technology, not the Five State Compact.

Why are all other waste compacts in the United States requiring the state that produces the most waste to become the host state for the the dump site? The Central Interstate Compact does not. Kansas generates the least amount of waste of the five states in the Compact.

The theme "No way Ray" was the spoken word at the Beloit nuclear meeting. It was a good feeling that so many had the same concerns about their future. The strong feelings that were present of the dangers of such a long term nuclear dump possible being in there community were very impressive.

Whatever the decision is, we must be sure that it is a long term solution that Kansans can live with.

Sincerely,

Adrian Arnoldy, Mayor  
City of Tipton

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Jack C. Dysart M.D. of Sterling, Kansas

Formerly with the Trueheart Clinic which specializes in the treatment of Cancer and other diseases with radiation (Xray and Radium)

Chairman of Rice Co. Concerned Citizens

We must first remember that over 90% of low level waste comes from Nuclear reactors, such as Wolf Creek and this waste must be contained and monitored for 300 years, where as the small amount coming from institutions and hospitals needs to be monitored for less than 1/10 of 300 years.

Secondly there is a real possibility of Kansas receiving waste from all over the nation, if we withdraw from our present compact, unless we join another.

Thirdly, North Dakota is looking for a suitable compact to join. This state generates only a moderate amount of waste from hospitals etc, and does not have a nuclear reactor. Therefore I believe we should try to form a compact with them. Contracting that we will take their low level waste providing that they forbid the construction of any nuclear reactor or reprocessing facility in their state.

Furthermore, to avoid across-state transportation of Wolfe Creeks waste our storage site should be at the reactor site.

Jack C. Dysart