

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairman Stan Clark at 9:30 a.m. on February 11, 2002 in Room 231-N of the Capitol.

All members were present except: Senator Karin Brownlee (excused)
Senator Susan Wagle (excused)

Committee staff present: Raney Gilliland, Legislative Research
Emalene Correll, Legislative Research
Bruce Kinzie, Revisor of Statutes
Ann McMorris, Secretary

Conferees appearing before the committee:
Otto L. Maynard, CEO, Wolf Creek Nuclear Operating Corporation

Others attending: See attached list

Chair opened hearing on:

SCR 1617 - Resolution urging the federal government to act quickly to approve and begin storage of radioactive waste at Yucca Mountain, Nevada

Proponent:

Otto L. Maynard, CEO, Wolf Creek Nuclear Operating Corporation, presented testimony supporting **SCR 1617**. (Attachment 1)

The testimony presented by Charles Benjamin before the House Utilities Committee on **HCR 5038** will be distributed to the committee. (Attachment 2) **HCR 5038** and **SCR 1617** are identical resolutions.

Chair closed the hearing on **SCR 1617**.

The committee questioned the cost involved in studying and evaluating the Yucca Mountain site as a potential location for permanent disposal of high level radioactive waste. Mr. Maynard explained various aspects that were included in the \$7 billion - geological, scientific, water, licensing and other sites. Further questions were asked regarding transporting the waste, routes used, how often the waste would be transported, type of transportation used and containers. Specific questions were aimed at the operations at Wolf Creek - license operating life, refueling, current storage for waste, and length of time waste can be stored.

The next meeting of the committee will be on February 12, 2002.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 2

**STATEMENT OF
WOLF CREEK NUCLEAR OPERATING CORPORATION
IN SUPPORT OF SCR 1617**

By: Otto L. Maynard, Chief Executive Officer
February 11, 2002

Senate Concurrent Resolution No. 1617 urges the US Government to take action to enable the prompt approval, construction and operation of a high-level radioactive waste disposal facility at Yucca Mountain, Nevada. Wolf Creek Nuclear Operating Corporation ("WCNOC") of Burlington, Kansas, operator of the Wolf Creek Generating Station, supports this resolution.

Commercial high level radioactive waste, the vast majority of which is used nuclear fuel produced in the generation of electricity at nuclear power plants, has been and continues to be stored safely at the more than 70 nuclear plants in the US. The Nuclear Regulatory Commission has determined that used fuel can be stored safely at plant sites without adverse health or safety consequences for at least 30 years beyond the licensed operating life of a nuclear plant. However, these plants never were intended to be permanent storage sites for used fuel. Some plants (not including Wolf Creek) already have reached maximum used fuel storage capacity in their on-site fuel storage pools, and they have had to utilize alternate storage methods in dry casks.

There has long been scientific consensus that the safest and most secure method for disposal of used fuel would be in an engineered repository deep underground. As a result, Congress passed the Nuclear Waste Policy Act in 1982 that established the federal government's responsibility for disposal of used fuel and other high level radioactive waste. Federal law mandated that the government begin accepting used fuel for disposal in 1998, but to date, the government has not been ready to do so.

For nearly 20 years, the federal government has been studying and evaluating the Yucca Mountain site as a potential location for permanent disposal of high level radioactive waste. Over \$7 billion has been spent in this effort. Kansas consumers of electricity from Wolf Creek already have committed over \$170 million to this effort. Scientific studies have shown that the site will be able to safely contain this waste for 10,000 years or longer. It now is time for the government to begin the process for licensing Yucca Mountain for high-level radioactive waste disposal. Failure to proceed with development of Yucca Mountain could mean much of the work and much of the money already expended will have been for naught. The process may have to start again with the selection of another site and perhaps another host state.

Therefore it is in the best interest of the citizens of Kansas and the nation for Yucca Mountain to be approved as the location for the high-level radioactive waste disposal facility.

Charles M. Benjamin, Ph.D., J.D.
Attorney at Law
P.O. Box 1642
Lawrence, Kansas 66044-8642
(785) 841-5902
(785) 841-5922 fax
cmbenjamin@msn.com

Testimony Before the House Utilities Committee
In Opposition to House Concurrent Resolution No. 5038
On Behalf of the Kansas Chapter of the Sierra Club
January 29, 2002

Mr. Chairman, members of the Committee, thank you for the opportunity to testify before you this morning on behalf of the Kansas Chapter of the Sierra Club in opposition to HCR 5038. The Sierra Club is the largest grass roots environmental organization in the world with over 700,000 members including 4,000 in Kansas. The mission of the Sierra Club is:

To explore, enjoy, and protect the wild places of the earth;
To practice and promote the responsible use of the earth's ecosystems and resources;
To educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

More information about the Sierra Club can be found at the web site of the Kansas Chapter of the Sierra Club at www.kssierra.org and at the national Sierra Club web site at www.sierraclub.org.

As you are no doubt aware, no energy issue engenders more controversy than nuclear power. One of the thorniest issues is what to do with high-level radioactive waste, a by-product of the generation of electricity through fission. The choices appear to be either to bury the waste at central repositories or to leave the waste at the sites where they are generated. In general, the Sierra Club prefers the latter.

What I want to talk about this morning is another aspect of this issue that is not discussed in HCR 5038. That is the transportation of this waste and who bears the risk of accident. I want to illustrate this problem by telling you the story of my experience as a Harvey County Commissioner in 1981, shortly after I took office for the first of my four terms. In early 1981, twenty years ago, reports appeared in the Newton Kansan that high level nuclear waste from the San Onofre Nuclear Power plant in Southern California would travel through Harvey County on U.S. Highway 50 on its way to a General Electric storage site in Morris, Illinois. The U.S. Highway 50 at that time was not like it is today – a super two. In fact, in those days the Harvey County Commission was actively lobbying with other county commissions and municipalities along U.S. 50 between Newton and Emporia to ask the legislature to spend the money to improve U.S. 50. Shortly after these news reports surfaced the Harvey County emergency preparedness director and the Harvey County Sheriff expressed their concerns that should an accident occur during the transportation of these nuclear wastes the first responders along the route would be local law enforcement and emergency personnel. There were several concerns raised

by the EMS director and sheriff. One was that the first responders to an accident would be local law enforcement and EMS personnel. The sheriff and EMS director had enquired of state and federal agencies and asked what would happen should there be an accident involving this nuclear waste. They had been told that should the waste leak from the containers everyone within one mile of the spill would be dead. Depending upon the prevailing winds, everyone within six miles of the spill would be dead. The trucks carrying this waste would not have the usual placards warning of hazardous materials on board. Furthermore, the federal agencies would not give advance warning of these materials traveling through the county because of concerns that word would leak out to potential terrorists. The sheriff and county EMS director asked us to try to stop these shipments. We contacted our state legislator, Karen Griffiths, and asked her to do something. Her response was that the state could do nothing since shipments of nuclear waste was "interstate commerce" that could only be regulated by the federal government.

Now fast forward to the present and why this is relevant to Yucca Mountain as a depository of high-level nuclear waste. Some of you may have read news accounts in the last couple of years that high level nuclear waste destined for Yucca Mountain would travel along Interstate 70 – including through Kansas. Because of this fact I would respectfully urge that if you decide to pass this resolution that you add an amendment asking that if the Yucca Mountain Repository becomes active that the federal government provide training, equipment and funds to first responders all along the route used to transport these wastes. We know that the transporters of these wastes claim that the probability of an accident causing harm to anyone is very small. However, given the toxicity of these kinds of materials all it takes is one accident. As we all saw during the events of September 11 first responders – policemen, fireman and EMS personnel – put their lives at risk everyday. Let's give them the tools they need to protect us from the unthinkable.

Thanks for your time and attention.

Will Nuclear Waste Travel Through Your State?

The Congressional decision to single-out Yucca Mountain as the nation's proposed site for the disposal of irradiated fuel from commercial nuclear power plants and high-level nuclear wastes from defense and weapons facilities raises the question of how this highly radioactive waste would be transported to Nevada. The Agency for Nuclear Projects has received numerous requests for specific transportation information regarding Nevada and the many other affected states.

Since 1989, the Agency has sponsored studies of the highway and rail routes that likely would be used for shipping spent nuclear fuel and high-level radioactive waste to the proposed repository site at Yucca Mountain, about 80 miles northwest of Las Vegas. Potentially, more than 43 states could be affected by nuclear waste transportation. The following routing maps are an essential part of the State of Nevada's assessment of the transportation impacts and risks associated with locating a national high-level nuclear waste repository at Yucca Mountain.

U.S. Map of Probable Routes

State of Nevada
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710
(702) 687-3744

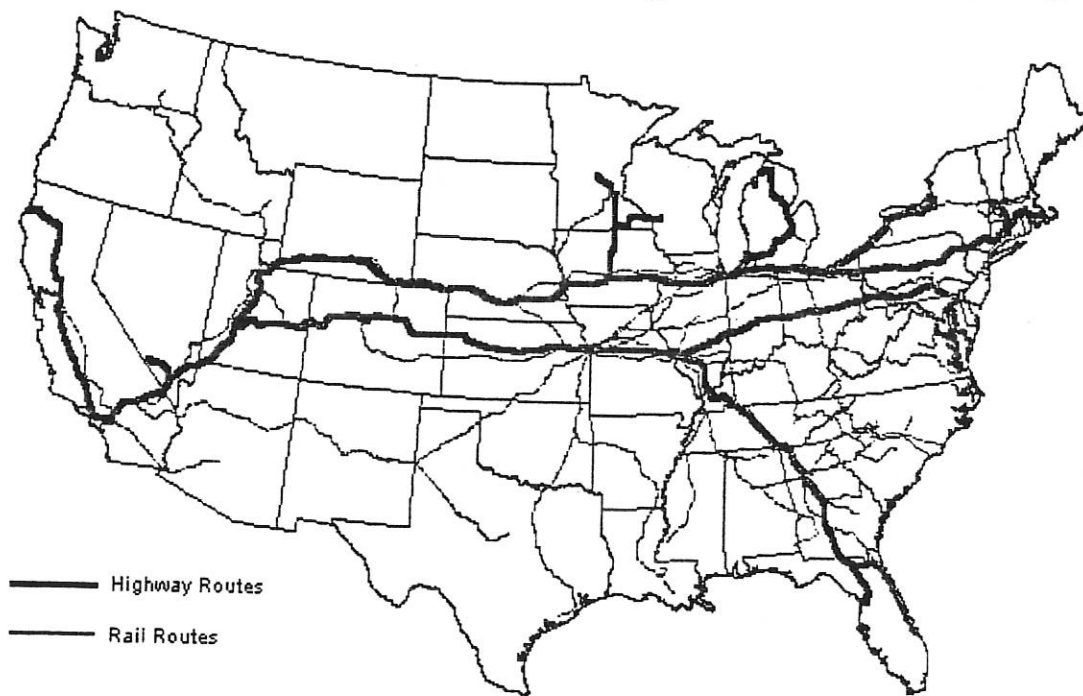
*

2-3

Nuclear Waste Transportation Routes

Highway and rail routes most likely to be used to transport high-level nuclear waste to Yucca Mountain, Nevada

Nuclear Waste Shipment Routes



A Closer Look at the Individual States

Return to the Nuclear Waste Project Home Page

...

State of Nevada
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710
(702) 687-3744

2-4