

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol
at 3:30 p.m. on January 27, 2000.

requires that the Kansas Corporation Commission prepare an annual Remediation Site Status Report. This report for the period January 1, 1999 through December 31, 1999 contains information for each of the sites with regard to the following: (1) A description and evaluation of the site; (2) the immediacy of the threat to public health and environment; (3) the level of remediation sought; (4) any unusual problems associated with the investigation or remediation; (5) any remedial efforts completed during the review period; (6) current contaminate level; (7) status of the site; (8) direct and indirect costs associated with remedial efforts; and (9) an estimate of the cost to achieve the recommended level of remediation or an estimate of the cost to conduct an investigation sufficient to determine the cost of remediation. Questions and discussion followed.

The Chairperson welcomed James J. O'Connell, Kansas Commissioner, Central Interstates Low Level Radioactive Waste Compact Commission. Mr. O'Connell gave the committee an update on the Interstate Compact on Low Level Radioactive Waste. (See attachment 4) Kansas participates as a member of a 5-state Compact under the authority of K.S.A. 65-34a01, enacted by the Legislature in 1982 and amended in 1993. Consent of Congress to the Compact was granted in 1986. Its purpose is to provide for disposal of low-level radioactive wastes generated by users of radioactive materials, including power plants, hospitals, universities research facilities and businesses, within the 5-state region. The other four states in the Compact are: Arkansas, Louisiana, Nebraska and Oklahoma.

A site for the development of an initial disposal facility was selected in the late 1980's in Boyd County, Nebraska and an application for a license for the facility was submitted and was deemed complete by the Nebraska Department of Environmental Quality in December, 1991. Over the ensuing years, much local and ultimately statewide opposition developed in Nebraska when the project became an issue in Governor Ben Nelson's campaign for the Governor's office. Candidate Nelson vowed that the facility would never be built and his administration acted consistent with this pledge during his 8 years in office.

In December, 1998, one of the two Nebraska utilities that operate nuclear power plants and all of the owners of nuclear power plants in the other four states filed a lawsuit in the U.S. District Court for Nebraska. In that lawsuit, the State, the agencies involved in the license review and certain individuals were named as defendants, along with the Compact Commission. Nebraska appealed to the 8th Circuit Court from the grant of the Preliminary Injunction and oral argument was heard by the Circuit Court on January 10. A decision is expected in 6 to 8 weeks and it is expected to be favorable to the Commission. Questions and discussion followed.

Chairperson Ray welcomed Attorney General Carla Stovall to the committee. The Attorney General gave the committee an update on the water lawsuits, Kansas versus Colorado and Kansas versus Nebraska. She reported that the hearing by the special master on the state's lawsuit against Colorado, for its alleged excessive consumption of water from the Arkansas River, is in progress as she spoke. This part of the lawsuit will determine how much money and water, Kansas will receive from Colorado. The U.S. Supreme Court adopted the special master's findings in 1995 that Colorado was liable for excessive depletion of Arkansas River water flows. The state is seeking approximately \$77 million in damages. Questions and discussion followed.

The Attorney General reported that a special master heard arguments concerning the lawsuit against Nebraska over water flows in the Republican River on January 4. Nebraska has filed a motion to dismiss the case based on its contention that groundwater taken by wells drilled in the Lower Republican basin didn't have anything to do with alleged depletion of water flows in the Republican River. The special master does not feel this case should string out for a long, long time and his decision is expected the end of the month or the first of February. Questions and discussion followed.

The Chairperson thanked the guests for their participation and the committee for their attention. She announced that Tuesday, February 1, will be the last day for bill requests.

The meeting adjourned at 5:20 p.m. The next meeting is scheduled for February 1, 2000.