

1 **NUCLEAR WASTE STORAGE OPPOSITION**

2 **RESOLUTION**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ralph Becker**

6 A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR
7 ENCOURAGING FEDERAL REGULATORS, UTAH'S CONGRESSIONAL DELEGATION,
8 AND THE CONGRESS, TO STOP THE SITING OF A NUCLEAR WASTE STORAGE
9 FACILITY IN SKULL VALLEY; STATING PUBLIC SAFETY, ENVIRONMENTAL,
10 SOCIOECONOMIC, AND GEOLOGICAL CONCERNS POSED BY THE PROPOSED
11 FACILITY; AND REQUESTING THAT THE INDUSTRY CONSORTIUM ATTEMPTING
12 TO ESTABLISH THE FACILITY BE REQUIRED TO DEMONSTRATE ABILITY TO
13 ASSUME THE RESPONSIBILITY AND COSTS FOR ALL MEASURES NECESSARY TO
14 ENSURE THE SAFE TRANSPORTATION OF THE NUCLEAR WASTE THROUGH THE
15 STATE PRIOR TO ANY ACTION REGARDING THE FACILITY.

16 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

17 WHEREAS Private Fuel Storage, a consortium of members of the nuclear energy industry,
18 referred to in this resolution as the consortium, have applied to establish a nuclear waste storage
19 facility on the territory of the Skull Valley Goshute Tribe to store spent nuclear fuel rods from
20 nuclear power facilities;

21 WHEREAS these nuclear power facilities are mostly located in Eastern and Midwestern
22 states;

23 WHEREAS the Skull Valley location is within the boundaries of the State of Utah;

24 WHEREAS the Skull Valley location is within 40 miles of the Wasatch Front, which is
25 where the majority of Utah's population resides;

26 WHEREAS this high-level nuclear waste would remain lethal for at least 10,000 years,
27 posing a long-term risk to Utahns;

1 WHEREAS the geography and geology of Skull Valley raises significant questions that
2 have not yet been answered regarding the safety of both people and the environment in storing the
3 high-level nuclear waste at that location;

4 WHEREAS travel and tourism ~~is~~ is ~~including the 2002 Winter Olympics, would~~ COULD ~~be~~
4a stigmatized
5 by the location of a nearby high-level nuclear waste repository;

6 WHEREAS the citizens of the State of Utah have experienced documented consequences
7 as "downwinders" from radioactive fallout from nuclear testing;

8 WHEREAS the Skull Valley site is proposed, and would be designed, as a "temporary"
9 storage facility, but as there is no approved permanent disposal facility for this waste, there is
10 concern that Skull Valley would become a permanent storage location for this nuclear waste;

11 WHEREAS the transportation of this high-level nuclear waste to the proposed Skull Valley
12 site would involve movement annually of an estimated 200 or 300 casks, each containing
13 approximately ten tons of high level nuclear waste, through Utah's population centers, posing to
14 these populations the risks associated with transporting this waste;

15 WHEREAS addressing these risks realistically requires careful planning and the creation
16 of a costly transportation safety and response program, including public safety personnel and
17 emergency response equipment;

18 WHEREAS the federal agencies, in reviewing the consortium's application for the site,
19 should require the consortium's establishment of a transportation safety plan to the satisfaction of
20 the State of Utah, Tooele County, and affected Utah local governments, and proof of the ability
21 of the consortium to fund and act on that plan before any further consideration is given to the
22 application;

23 WHEREAS the consortium is a private entity, and federal law does not provide any
24 funding for states affected by the transportation or storage of this waste;

25 WHEREAS the financial incentives and benefits resulting from the proposed disposal site
26 would accrue to the Skull Valley Goshute Tribe and the consortium;

26a is WHEREAS TO THE EXTENT THE STATE OF UTAH, TOOELE COUNTY, AND NEIGHBORING
26b LANDOWNERS WOULD SUFFER SIGNIFICANT ECONOMIC HARM AS A RESULT OF THE PROPOSED
26c DISPOSAL SITE, THESE PARTIES SHOULD BE COMPENSATED FOR THESE LOSSES; is

27 WHEREAS if as consortium representatives indicate, the cask storage method is safe and
28 the proposed storage site would only be temporary, it would be, by no small measure, most
29 practical and reasonable for the consortium members to provide this temporary storage in close
30 proximity to the facilities that generate the waste, rather than impose on Utah and the states on the
31 transportation route the significantly increased transportation risks and public safety costs

1 associated with long-haul movement across the country;

2 WHEREAS the citizens should have the right of final approval of both the adequacy of the
3 transportation safety plan and the adequacy of the consortium's financial ability to carry out that
4 plan; and

5 WHEREAS the State of Utah recognizes the desire on the part of the Skull Valley Goshute
6 Tribe for economic development:

7 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Utah, the
8 Governor concurring therein, strongly urges the federal Nuclear Regulatory Commission to
9 provide the State of Utah and interested parties the opportunity for full and timely participation
10 in the permitting and environmental impact statement processes.

11 BE IT FURTHER RESOLVED that the Legislature of the State of Utah, the Governor
12 concurring therein, urges the NRC to ensure that the consortium's establishment of a transportation
13 safety plan be subject to review and approval of the State of Utah, Tooele County, and affected
14 Utah local governments.

15 BE IT FURTHER RESOLVED that the Legislature, and the Governor concurring therein,
16 urge the Utah congressional delegation and other members of Congress to take every action
17 necessary to block approval of the siting of a nuclear waste repository at the location proposed by
18 the nuclear waste industry consortium in Skull Valley without the approval of the State of Utah.

19 BE IT FURTHER RESOLVED that the Legislature of the State of Utah, the Governor
20 concurring therein, commit itself to stopping the progress of the proposed high-level nuclear waste
21 storage facility in Skull Valley ^h **UNLESS AND UNTIL THE ISSUES IDENTIFIED IN THIS RESOLUTION**
21a **ARE RESOLVED AND THE REQUIREMENTS OF THE STATE OF UTAH ARE MET** ^h .

21b ^h **BE IT FURTHER RESOLVED THAT THE LEGISLATURE, THE GOVERNOR CONCURRING**
21c **THEREIN, URGE THE FEDERAL NUCLEAR REGULATORY COMMISSION, THE UTAH CONGRESSIONAL**
21d **DELEGATION, AND ANY FEDERAL OR STATE COURTS OR AGENCIES TO ENSURE THAT LAND OWNERS**
21e **ADJACENT TO AND IN THE VICINITY OF THE PROPOSED NUCLEAR WASTE REPOSITORY BE**
21f **CONSIDERED IN ANY ANALYSIS OF IMPACTS, AND THAT THESE PARTIES BE FULLY COMPENSATED**
21g **BY THE CONSORTIUM FOR THE LOSS OF VALUE TO THEIR PROPERTY, INCLUDING DIMINUTION IN**
21h **POTENTIAL VALUE OF THESE PROPERTIES FOR FUTURE USES OR DEVELOPMENT AS A RESULT OF**
21i **THE PROPOSAL TO ESTABLISH OR THE ACTUAL ESTABLISHMENT OF A NUCLEAR WASTE**
21j **REPOSITORY.** ^h

22 BE IT FURTHER RESOLVED that the Governor of the State of Utah and state agencies
23 work with the Skull Valley Goshute Tribe to address alternative economic development programs.

24 BE IT FURTHER RESOLVED that copies of this resolution be sent to the leaders of the
25 Skull Valley Goshute Tribe, the federal Nuclear Regulatory Commission, the federal Department
26 of Energy, the Utah Department of Environmental Quality, the members of the Utah Congressional
27 Delegation, and the Private Fuel Storage consortium.

Legislative Review Note
as of 11-13-97 1:50 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel