

FROM: THE OFFICE OF U.S. SENATOR BOB DOLE  
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FOR IMMEDIATE RELEASE

WASHINGTON, D.C., JULY 20, 1971 -- U.S. Senators Bob Dole and James Pearson today introduced an amendment to preclude the Atomic Energy Commission from acquiring land for the proposed nuclear depository to be located near Lyons, Kansas.

The amendment would restrict the AEC from taking any action other than to proceed with the design of the project and undertake research and development until a Presidentially-appointed Advisory Council has reported to Congress that construction of the Repository and transportation of waste materials to it can be accomplished safely with full protection for the public health and the quality of the environment.

SENATOR DOLE'S STATEMENT AND DOLE-PEARSON AMENDMENT ATTACHED:

FROM: THE OFFICE OF U.S. SENATOR BOB DOLE  
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SENATE FLOOR STATEMENT

FOR RELEASE UPON DELIVERY

LYONS NUCLEAR REPOSITORY  
ATOMIC ENERGY COMMISSION PROJECT

*H.R. 9388*  
Mr. President, ~~S. 2150~~ would authorize FY 1972 appropriations for an Atomic Energy Commission project of particular importance to Kansas: A National Waste Repository to be located near Lyons, Kansas.

ENERGY CRISIS

With increasing urgency, we have been informed of the impending threat of brown-outs and black-outs. What was originally thought to be a restricted, regional problem is now seen as a national threat which has spurred policy reviews by the Executive Branch and the Congress. President Nixon found the threat so great that he sent a message to Congress on June 4, 1971, containing comprehensive proposals to meet what he described as the two challenges faced by all great industrial societies: "one, to find new sources of energy that will not pollute the environment."

As these energy requirements, both of the citizens of Kansas and of this nation increase nuclear power will serve a vital role as an environmentally safe and reliable source of electricity. An integral part of assuring the success of this nation's nuclear energy system is the requirement for nuclear waste repositories and as a national goal we must insure that regardless of where located the first nuclear waste repository will be a model for the construction and operation of future sites and must be a facility which minimizes all associated environmental and public health risks.

I recognize that construction and operation of a nuclear repository within the next five years is critical to the development of nuclear power in this country. Radioactive wastes are accumulating which require disposal and, should an ultimate waste disposal site not be developed within this period, the anticipated quantities of accumulated wastes will present a potentially grave hazard to public health and the environment.

Funds for the first such nuclear waste repository at a proposed site near Lyons, Kansas, are contained in ~~S. 2150~~.

*H.R. 9388*

QUESTIONS MUST BE RESOLVED

As expected, considerable attention has been focused on the environmental and safety aspects of this project by proponents and opponents alike. Many Kansans question the desirability and feasibility of allowing solidified high-level nuclear waste to be transported across the state or stored there without further scientific research into the environmental and public health implications of this project. Because this is the first repository these concerns are intense and well-founded.

The same environmental and public health questions raised with regard to the Lyons, Kansas, site would undoubtedly be raised with regard to any other site; therefore, it is imperative that a mechanism be established to resolve these issues in the public domain and to the satisfaction of all parties.



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The alternative is potential delay and aggravation of our existing energy shortages.

IMPLICATIONS FOR KANSAS

When I was informed of the AEC's tentative selection of a site near Lyons, Kansas, for the storage of radioactive wastes, I was concerned with the broad implications of this project for Kansas, and I am still concerned. I ask unanimous consent that correspondence and statements relating to the Lyons Repository be placed in 'the Record at this point. On August 11, 1970, during hearings before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I questioned Mr. Russell Train, Chairman of the Council on Environmental Quality, on the jurisdiction of the council over this proposed project.

Later, on December 1, 1970, during confirmation hearings on William D. Ruckelshaus' nomination as Administrator of the Environmental Protection Agency, he assured me that his Agency would take the necessary action to help insure that this Repository would not pose any dangers to either the citizens or the environment in Kansas.

In recent months, I and other members of the Kansas Delegation have repeatedly raised questions on the environmental and public health implications of this project and called for more funds for research and development to resolve the remaining unanswered questions.

ENVIRONMENTAL IMPACT STATEMENT

On several occasions, I have stressed that the AEC must comply, in a satisfactory and meaningful way, with the requirements of Section 102 of the National Environmental Policy Act, by conducting a thorough study of the environmental and safety implications of the proposed project in the public domain.

Following the Atomic Energy Commission's issuance of the Draft Environmental Impact Statement, I undertook to obtain an independent scientific evaluation. With the approval of Senator Randolph, Chairman of the Senate Public Works Committee, the draft statement was circulated to members of the committee's Scientific Advisory Panel, and their comments appear in the hearing record on this authorization bill. My statement on the Draft Environmental Impact Statement appears in the Congressional Record on March 19, 1971. The Advisory Panel's comments included the suggestion of an alternative which has been termed the "Thermalt Process." On exploring this process, I found it was still in the developmental phase and not applicable to radioactive disposal at this time. I ask unanimous consent that a letter from Dr. Glenn Seaborg, Chairman of the AEC, on this subject, be placed in the Record at this point. Several basic questions were raised by the Public Works' Advisory Panel regarding the potential environmental and safety of this project, and these questions appear in the Record. Some of these questions, while recognized by the Atomic Energy Commission, have not been answered in the final Environmental Impact Statement. Many of these questions, however, cannot be answered except during the design and development phases of this project. Funds for studies to answer these questions are contained in H.R. 9388.

AEC ASSURANCES

On June 4, Mr. John A. Erlewine, Assistant General Manager for operations of the Atomic Energy Commission, wrote and assured me that these matters will be studied during the course of the design and development of operational procedures for the proposed Lyons Repository. He further assured me that these matters will be resolved during the design and development phase, and before construction of the Repository is undertaken.



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The Kansas State Geological Survey contends that purchase of the land and construction of the Repository should be deferred until scientific tests can be completed and the safety of the project determined to the satisfaction of the citizens of Kansas, scientists, and elected officials.

To move this project from dead center and enable measured and responsive progress to be made, I send to the desk an amendment, and ask unanimous consent that it be printed in the Record at this point.

### PREVENT LAND ACQUISITION

My Senior Colleague, Senator Pearson, joins me in this amendment to restrict the Atomic Energy Commission from acquiring land for the Repository for a maximum of 3 years. While this authority will permit the AEC to proceed with the design and research necessary to answer the environmental and safety questions, it will prevent the commission from initiating construction or any other action that would be potentially detrimental to the health and safety of Kansans. It will also prevent land prices from escalating during the period required to complete the additional research.

### ADVISORY COUNCIL

Another element of this amendment to protect the citizens of Kansas is of crucial importance.

Previously, because of my belief that there was a need for a continuous and independent review in the public domain of the risks attendant to this project, I asked the President to appoint an advisory council composed of representatives of interested Federal agencies and Kansas citizens.

I am pleased to note that the Joint Atomic Energy Committee, in acting on the AEC request for authorization for this Nuclear Repository, has endorsed this proposal and recommended that the Council On Environmental Quality or the Environmental Protection Agency create such an Advisory Council.

I still believe such an Advisory Council should be appointed by the President and this amendment accomplishes that purpose.

By this amendment we also preclude the AEC from taking any action other than to proceed with the design of the project and undertake research and development until a Presidentially-appointed Advisory Council has reported to Congress that construction of the Repository and transportation of waste materials to it can be accomplished safely with full protection for the public health and the quality of the environment.

This Advisory Council will be in a position to publicly raise questions regarding the environmental and safety implications of this project and require their resolution, not only to the satisfaction of the scientific community, but to the satisfaction of Federal, State and local public officials and the public at large, as well.

### NEW SITE MAY BE REQUIRED

Not until all interested parties are reasonably assured of the safety of this project, should operation of this project be permitted. It may very well turn out that the questions raised concerning the Lyons Site cannot be resolved within the three years provided by the lease, and, if so, then another site will be required.

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### JOINT COMMITTEE WILL REVIEW

The Joint Atomic Energy Committee has recognized the importance of proceeding with this project and answering the questions which have been raised and for this purpose and additional \$1 million is authorized for research and development. Only \$3,500,000 is provided for design and initial construction instead of the \$21,500,000 requested by the AEC. In addition to the continuing review provided by the Advisory Council, semi-annual written reports are required on this project. The Joint Committee will have the opportunity to review all of the data of the remaining environmental and safety questions during 1973 authorization hearings.

Additional expenditures will not be authorized if research or the reports of the Advisory Council indicate adverse environmental or safety implications.

This position is clearly stated twice in the Committee's report. If the research and demonstration program at the Lyons, Kansas site does not meet reasonable standards before commercial operations begin, the project "will be cancelled and appropriate steps will be taken to safely terminate any activities undertaken prior to that decision." This amendment would require this issue to be resolved within three years or a new site would have to be selected.

LYONS NUCLEAR REPOSITORY  
AMENDMENT TO H.R. 9388

Offered by Mr. Dole (for himself and Mr. Pearson)  
Page 3, line 10

After the figure "\$3,500,000"  
Strike out the period and  
Insert:

" , except that no funds shall be obligated or expended for the acquisition of a fee simple interest inland, or any other interest in land which exceeds three years from the date of enactment of this Act, until an advisory council appointed by the President of the United States reports to the Congress that construction of such project and the transportation of waste materials to the project can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region".