

## Assembly Joint Resolution No. 21

### RESOLUTION CHAPTER 78

Assembly Joint Resolution No. 21—Relative to spent nuclear fuel.

[Filed with Secretary of State July 24, 1997.]

#### LEGISLATIVE COUNSEL'S DIGEST

AJR 21, Migden. Spent nuclear fuel.

This measure would memorialize the President and Congress of the United States to call upon the United States Department of Energy to halt indefinitely the 5 planned shipments of spent nuclear fuel rods through the San Francisco Bay to the Concord Naval Weapons Station for land transport to Idaho and would memorialize the Department of Energy to prevent these shipments until specified actions are taken with regard to notice, safety and environmental impacts, and compensation.

WHEREAS, The United States Department of Energy has planned five shipments of spent nuclear fuel rods from seven Asian nations through the San Francisco Bay to the Concord Naval Weapons Station over the next 13 years, with the first shipment scheduled for early 1998; and

WHEREAS, From the Concord Naval Weapons Station, the spent nuclear fuel rods will be transported by rail or truck through northern California, including Sacramento, and through Nevada and Utah before arriving at the United States Department of Energy's National Engineering and Environmental Laboratory in Idaho; and

WHEREAS, The proposed rail route from California to Idaho will involve the shipments passing through the Feather River Canyon where trains have derailed 28 times in 16 years; and

WHEREAS, The combined shipments of spent nuclear fuel rods will involve approximately one-half ton of uranium and small amounts of plutonium; and

WHEREAS, The planned shipments of spent nuclear fuel rods will be made by private foreign flag ships; and

WHEREAS, The United States Department of Energy intends to ship the spent nuclear fuel rods to the Concord Naval Weapons Station in a total of 38 20-ton steel casks purportedly able to withstand airdrops from 200 feet and immersion in water depths of 650 feet; and

WHEREAS, The policy of bringing spent fuel from foreign countries to the United States was adopted as a part of the Atoms for Peace program enacted 50 years ago, when 41 countries agreed not to make nuclear weapons in exchange for enriched uranium to use in research reactors; and

WHEREAS, Under the Atoms for Peace program, the United States agreed to take the used fuel to relieve foreign countries of problems with disposal and ease fears about terrorists abroad using the fuel to make bombs; and

WHEREAS, Shipments of similar nuclear fuel rods began on the east coast of the United States with no public notice as early as 1958, with a total of 150 shipments through the Charleston Naval Weapons Station in South Carolina; and

WHEREAS, The Concord Naval Weapons Station has been the secret west coast shipping point for nuclear bombs and missiles since the beginning of the Cold War; and

WHEREAS, The proposed route for the shipments to the Concord Naval Weapons Station runs through the San Francisco Bay area, placing over 6.5 million residents of California's second largest metropolis in harm's way; and

WHEREAS, Portions of the San Francisco Bay area are subject to intense shaking amplification and are still recovering from major damage caused by the 1989 Loma Prieta earthquake; and

WHEREAS, The planned shipments will result in unreimbursed local government expenditures for enhanced emergency and hazardous materials response systems; and

WHEREAS, The United States Department of Energy has inadequately addressed potential environmental and safety impacts in the Final Environmental Impact Statement for the shipment project, failed to fully inform local communities in California of the catastrophic impacts of a potential shipment accident, and failed to adequately document the necessity of using the Concord station rather than alternative shipping points, such as the naval base at Bremerton, Washington; and

WHEREAS, If the steel casks containing the spent nuclear fuel rods are breached, there is no assurance that persons, land, and waters will not be exposed to dangerous radioactive materials; and

WHEREAS, This state is committed foremost to protecting the health and safety of its people and environment; and

WHEREAS, On behalf of, and in addition to, local government officials in the nine-county San Francisco Bay area, including those with the City and County of San Francisco, the County of Contra Costa, the City of Concord, the San Francisco Bay Conservation and Development Commission, and the Association of Bay Area Governments, 11 Members of the Assembly have requested that the state Attorney General sue the United States Department of Energy for a federal court injunction to halt the shipments through the San Francisco Bay region to Concord; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States to call upon the Department of Energy to halt indefinitely the five planned



shipments of spent nuclear fuel rods through the San Francisco Bay to the Concord Naval Weapons Station for land transport to Idaho; and be it further

*Resolved,* That the Department of Energy is further memorialized to prevent any planned shipments of spent nuclear fuel rods until appropriate public notice has been provided and the safety and environmental impacts are fully addressed, including how the full catastrophic impacts of a potential shipment accident would be addressed by federal, state, and local governments; and be it further

*Resolved,* That the Department of Energy is further memorialized to prevent any planned shipments of spent nuclear fuel rods until there is a legally binding agreement that the federal government will fully compensate local governments, the state, individuals, and businesses that might be impacted by the shipments, including compensation for any accidents or security costs associated with the shipments; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and the Secretary of the Department of Energy.

