

Offered: 2/5/88
Referred: Rules

5-1079B

Original sponsors: Uehling and Rodey

1 IN THE SENATE BY THE RULES COMMITTEE
2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 42 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 Relating to the use of state airports
6 for plutonium shipments under a proposed
7 United States agreement with Japan.
8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 WHEREAS plutonium is a long-lived, highly radioactive, and extremely
10 toxic material that is used to construct nuclear weapons and as fuel in
11 nuclear reactors; and
12 WHEREAS the proposed Agreement for Cooperation between the Government
13 of the United States of America and the Government of Japan Concerning
14 Peaceful Uses of Nuclear Energy establishes a 30-year nuclear cooperation
15 agreement that would permit the shipping of plutonium as reprocessed reac-
16 tor fuel from reprocessing plants in Europe to Japan; and
17 WHEREAS the shipments would begin by air carrier in the early 1990's
18 and would occur every two weeks in amounts of 500 to 600 pounds each, which
19 is enough plutonium to build 40 bombs of the size dropped on Nagasaki,
20 Japan at the end of World War II; and
21 WHEREAS the plutonium will be shipped in the form of plutonium oxide
22 powder, and the amount of the powder that is the size of a sugar cube can
23 cause 3,000,000 fatalities from lung cancer; and
24 WHEREAS the polar route planned for the shipments would necessitate a
25 refueling stop in Alaska; and
26 WHEREAS a cask for the economical and safe transportation of plutonium
27 that meets the requirements of the Nuclear Regulatory Commission has not
28 been developed; and
29 WHEREAS a loophole in the Atomic Energy Act (42 U.S.C. 2011-2296) may

1 allow the cask standards of the Nuclear Regulatory Commission to be over-
2 looked in favor of the standards of the International Atomic Energy Agency
3 that require the cask to meet only 1/10th of the impact velocity required
4 by the Nuclear Regulatory Commission; and

5 WHEREAS a cask that met the standards of the International Atomic
6 Energy Agency recently failed a test that simulated an airplane crash; and

7 WHEREAS a cask should not be considered safe unless the cask loaded
8 with test materials can survive both a test crash of a cargo aircraft that
9 has been fully loaded with full-scale samples of loaded casks, and a test
10 drop from the maximum cruising altitude of the aircraft; and

11 WHEREAS the signing of the agreement would substitute a blanket
12 30-year approval for the present case-by-case review process that gives the
13 United States ongoing control over the safety and security of plutonium
14 shipments; and

15 WHEREAS both the United States Senate Foreign Relations Committee and
16 the United States House Foreign Affairs Committee have requested that the
17 President withdraw or renegotiate the proposed agreement because each has
18 independently concluded that the agreement is not consistent with the
19 provisions of 42 U.S.C. 2153(b) (Atomic Energy Act of 1954) which is de-
20 signed to protect the Nation against unreasonable risks to common defense
21 and security; and

22 WHEREAS an environmental impact statement has not been prepared for
23 the proposed agreement, although there is court precedent for the proposi-
24 tion that the movement of nuclear fuel qualifies as a major federal action
25 requiring preparation of an impact statement; and

26 WHEREAS state law (AS 18.45.027) expressly prohibits the transporta-
27 tion of used nuclear reactor fuel except for purposes of disposal outside
28 the state; and

29 WHEREAS allowing the planes carrying the plutonium to land in the

1 state would have tremendous consequences for the health and safety of the
2 state's residents and the protection of the state's environment;

3 BE IT RESOLVED that the Alaska State Legislature opposes the proposed
4 30-year nuclear cooperation agreement between the United States and Japan
5 that would allow the shipment of plutonium by air between Europe and Japan
6 by polar route, resulting in refueling stopovers in the state during the
7 shipments; and be it

8 FURTHER RESOLVED that the Legislature respectfully requests the Gover-
9 nor to prevent to the greatest extent possible under the authority of
10 AS 18.45.027 the use of state airports for shipments of plutonium by air
11 between Europe and Japan.

12 COPIES of this resolution shall be sent to the Honorable Ronald
13 Reagan, President of the United States; the Honorable George Bush, Vice-
14 President of the United States and President of the U.S. Senate; the Honor-
15 able Frank C. Carlucci, Secretary of the U.S. Department of Defense; the
16 Honorable John S. Herrington, Secretary of the U.S. Department of Energy;
17 the Honorable George P. Shultz, Secretary of the U.S. Department of State;
18 the Honorable James H. Burnley IV, Secretary of the U.S. Department of
19 Transportation; the Honorable Jim Wright, Speaker of the U.S. House of
20 Representatives; the Honorable Claiborne Pell, Chairman of the U.S. Senate
21 Foreign Relations Committee; the Honorable Dante B. Fascell, Chairman of
22 the U.S. House Foreign Affairs Committee; the Honorable Lando W. Zech, Jr.,
23 Chairman of the U.S. Nuclear Regulatory Commission; the Honorable Steve
24 Cowper, Governor of the State of Alaska; and to the Honorable Ted Stevens
25 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
26 Young, U.S. Representative, members of the Alaska delegation in Congress.