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Bill Graves,
Governor

STATE OF KANSAS
THE ADJUTANT GENERAL

2800 S.W. TOPEKA BLVD.
TOPEKA, KANSAS 66611-1287



Major General Gregory B. Gardner
Adjutant General

September 18, 2001

09.18.2001

Mr. Lake Barrett, Acting Director
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, DC 20585

Dear Mr. Barrett:

On behalf of Governor Graves, we appreciate the opportunity to comment on the Federal Register notice (66FR43850). Kansas supports the Nuclear Waste Policy Act, which establishes a Federal responsibility for final disposition of spent nuclear fuel and high-level radioactive waste in the United States. We believe the Department of Energy (DOE) not only has a moral responsibility for identifying a long-term repository, but also has the legal mandate as established by federal courts to commit to a long-term safe, credible, and secure repository site.

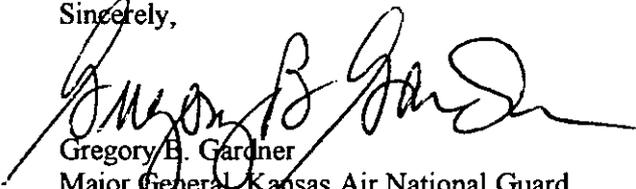
Although not all the tests have been validated, we take the position that current site characterizations for the Yucca Mountain site have been positive. Staff is working closely with DOE and the Committee of Midwestern States on high-level radioactive waste, and we are confident with the preliminary characterization of Yucca Mountain as a suitable site.

In light of the current terrorism incident on September 11, 2001, we would urge DOE to re-evaluate all security measures regarding storage, transportation, and coordination with state agencies regarding high level radioactive waste.

Our nuclear industry in the United States and Kansas has invested approximately \$17 billion toward a permanent repository and will soon run out of space. Likewise, the rest of the nuclear industry faces this dilemma. Our state does not advocate any dry cask storage at the industry site.

In conclusion, if the final environmental analysis and the confirmation of state's technical staff in conjunction with EPA and NRC support the suitability study, Kansas would support the Yucca Mountain as a permanent repository.

Sincerely,


Gregory B. Gardner
Major General, Kansas Air National Guard
The Adjutant General