



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

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Speaker
New Hampshire House
President, NCSL

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Staff Chair, NCSL

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May 24, 2013

The Honorable Ron Wyden
Chairman
Energy and Natural Resources Committee
United States Senate
221 Dirksen Senate Office Bldg
Washington, DC 20510

The Honorable Lisa Murkowski
Ranking Member
Energy and Natural Resources Committee
United States Senate
719 Hart Senate Office Bldg
Washington, DC 20510

The Honorable Dianne Feinstein
Chairman
Energy and Water Development
Appropriations Subcommittee
United States Senate
331 Hart Senate Office Bldg
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member
Energy and Water Development
Appropriations Subcommittee
United States Senate
445 Dirksen Senate Office Bldg
Washington, DC 20510

Re: Nuclear Waste Administration Act of 2013 Discussion Draft

Dear Chairman Wyden, Senator Murkowski, Chairman Feinstein and Senator Alexander:

The National Conference of State Legislatures (NCSL) applauds your continued efforts to develop bipartisan legislation needed to establish a program to manage the nation's spent nuclear fuel and high level radioactive waste with the release of a discussion draft of the Nuclear Waste Administration Act of 2013 (NWAA).

NCSL has long been on record in support of efforts by both Congress and the administration to address the fundamental questions necessary for developing a solution to address spent nuclear fuel storage and high level radioactive waste management. NCSL urges Congress to move expeditiously to review and act on legislation that builds on the recommendations for a new national radioactive waste management strategy made in Jan. 2012 by the Blue Ribbon Commission on America's Nuclear Future (BRC) and in the Department of Energy's Jan. 11, 2013 report, "Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste."

Consent Based Siting

NCSL recognizes the need to develop repository and storage facility siting processes that are efficient and effective in order to enable a constructive environment for these efforts. However, efforts to streamline this process do not necessitate overlooking the role of state legislatures in the process. In order to ensure that such a decision accurately reflects appropriate levels of state consensus, state legislators, and not just a state's governor, must be consulted regularly. Ensuring

such consultation respects the traditional role of state legislatures in the appropriation of funds and performing programming oversight.

There are a number of legislative options for ensuring the consultation process can integrate all aspects of state government and assure state legislative input. One option to consider would be to add “presiding officer of each legislative chamber” to all references to the “Governor or duly authorized official of the state” when mentioned with regards to site selection, study and siting for both the repository and storage facility processes. This would make it consistent with the Nuclear Waste Policy Act of 1982 section 117, which clearly states that the Department of Energy “shall consult and cooperate with the Governor and legislature of such State.” NCSL strongly urges this committee, as it moves forward to develop a program for the long-term treatment and disposal of high-level radioactive waste, to ensure adherence to this requirement.

Nuclear Waste Administration

NCSL supports the creation of a public-private partnership to manage the back end of the nuclear cycle, as was recommended by the final report of the BRC, rather than establishment of a new federal agency. Additionally, in response to the questions put forth by the senators, NCSL would note that given the importance placed on state, local, and tribal consultation in the draft, the senators should consider adding such representation to the Oversight Board and other advisory committees, as discussed in Section 205. In order to not overburden the board structures, the appointments could be made through the national organizations representing state, local and tribal elected officials such as NCSL.

Interim Storage Linkages

NCSL supports federal action to develop consolidated interim storage facilities to temporarily house high level radioactive waste inventories until a permanent repository is operational. With respect to the senators’ questions pertaining to establishing a linkage between progress on development of a repository and progress on development of a storage facility, NCSL neither supports nor opposes such a linkage. However, NCSL does believe that consolidated interim storage facilities should be licensed for a specific, limited period of time not to exceed 25 years.

Working Capital Fund

NCSL supports your efforts to direct annual funding within the Nuclear Waste Administration Working Capital Fund and the Nuclear Waste Fund for their intended purpose of managing radioactive wastes and ensure that they not be subject to non-related federal discretionary spending. These funds should be isolated for developing permanent disposal, consolidated interim storage facilities and for the use of financing mechanisms and incentives to voluntary host communities.

Nuclear Waste Transportation

NCSL supports the draft’s language that provides for advanced notification to states through which transportation of spent nuclear fuel and high level radioactive waste will take place. NCSL also supports efforts to provide assistance from the administrator of the Nuclear Waste Administration to states to train public safety officials, acquire safety response equipment and other safety programs related to the transportation of nuclear waste. Additionally, state, local and tribal governments should be involved in a meaningful manner with regard to development and implementation of transportation quality assurance measures including radiation emissions standards, cask designs, support facilities, and transportation equipment.

NCSL has an extensive history of working on issues related to nuclear waste management and welcomes the opportunity to work with Congress to continue to move the conversation forward. Please feel free to contact NCSL staff Ben Husch (202-624-7779 or ben.husch@ncsl.org) or Tamra Spielvogel (202-624-8690 or tamra.spielvogel@ncsl.org) for more information.

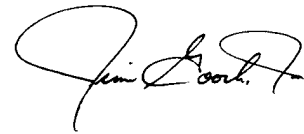
Sincerely,



Representative John McCoy, Washington
Co-Chair, NCSL Environment Committee



Senator Ross Tolleson, Georgia
Co-Chair, NCSL Environment Committee



Representative Jim Gooch Jr., Kentucky
Co-Chair, NCSL Energy, Transportation and
Agriculture Committee



Senator John C. Watkins, Virginia
Co-Chair, NCSL Energy, Transportation and
Agriculture Committee

Attached: NCSL Radioactive Waste Management Policy Directive