



June 27, 2019

The Honorable Lisa Murkowski  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Lamar Alexander  
United States Senate  
455 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Diane Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

**Toi Hutchinson**  
State Senator  
Illinois  
President, NCSL

**Jon Heining**  
General Counsel  
Legislative Council  
Texas  
Staff Chair, NCSL

**William Pound**  
Executive Director

Dear Chairwoman Murkowski, Chairman Alexander, Ranking Member Feinstein:

On behalf of the National Conference of State Legislatures (NCSL), the bi-partisan organization representing the legislatures of our nation's states, commonwealths, and territories, we applaud your continued efforts to develop much needed bipartisan legislation that would establish a program to manage the nation's spent nuclear fuel and high-level radioactive waste. The release of the Nuclear Waste Administration Act of 2019 (NWAA) represents a much-needed step forward in this conversation, and NCSL urges Congress to move expeditiously to debate and act on this legislation.

NCSL has long supported efforts by both Congress and the administration to develop a solution that addresses spent nuclear fuel storage and high-level radioactive waste management. NCSL recognizes that nuclear power is an integral part of a national energy plan and that the nuclear industry continues to safely and securely store used fuel at its facilities, but also understands the need to address certain issues including transportation, storage and disposal of used nuclear fuel. State legislators can and do play a significant role in developing nuclear energy policy, whether it be in statehouses across the country, town hall meetings with our constituents or meetings with our respective congressional delegations.

Most importantly, NCSL strongly supports this bill's goal of implementing a consent-based siting process for disposal of spent nuclear fuel and high-level nuclear waste. Such a process mirrors recommendations made by both the Blue Ribbon Commission on America's Nuclear Future (BRC) in 2012, and the Department of Energy in 2013. Although neither this bill, nor NCSL, takes a position on the Yucca Mountain Nuclear Waste Repository, it has been a pillar of NCSL's Radioactive Waste Management policy that the siting of facilities for both interim storage and long-term disposal, be the result of a consent-based approach and that it involve all affected levels of government, including state legislatures. Ensuring such consultation respects the traditional role of state legislatures in the appropriation of funds and performing program oversight.

Further, NCSL encourages federal action to develop consolidated interim storage facilities to temporarily store high-level radioactive waste inventories until a permanent repository is

operational. With respect to the issue of 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.

Additionally, NCSL endorses 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 the establishment of a new federal agency. NCSL also 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. These funds should be isolated for developing storage facilities as well as for the use of financing mechanisms and incentives to voluntary host communities.

NCSL supports the bill's language providing for advanced notification to states through which transportation of spent nuclear fuel and high-level radioactive waste will take place. Further, we support provisions that would enable assistance to states from the administrator of the Nuclear Waste Administration to train public safety officials, acquire safety response equipment, and other safety programs related to the transportation of nuclear waste.

NCSL has an extensive history of working on issues related to nuclear waste management and welcomes the opportunity to continue working with Congress to enact a realistic solution to storing our nation's nuclear waste. Please feel free to contact NCSL staff Ben Husch (202-624-7779 or [ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)) for more information.

Sincerely,



Representative Stephen Handy  
NCSL Natural Resources and Infrastructure  
Committee Co-Chair  
Utah House of Representatives



Representative Andrew McLean  
NCSL Natural Resources and Infrastructure  
Committee Co-Chair  
Maine House of Representatives