

**National Conference of State Legislatures
National Association of Counties
National League of Cities
U.S. Conference of Mayors**

Dear Senators:

On behalf of state and local governments, we write to express our concern over the Consolidation and Preparation (CAP) proposal included in H.R. 5427, the FY 2007 Energy and Water Appropriations legislation. While we understand the many complexities and constraints involved in achieving the goals set forth by Congress in the Nuclear Waste Policy Act of 1982, we are troubled that such a proposal would be advanced through the annual appropriations process.

An issue such as the siting and implementation of interim storage sites for spent nuclear fuel requires greater review and consideration than is currently being given to the consolidation and preparation program. Prior to the markup of the FY 2007 Energy and Water appropriations bill there was no hearing or opportunity for comment on the proposal. The legislative language outlines a very limited state consultation process which runs counter to current efforts to include state, local and tribal officials in the development of a national repository for spent fuel.

In addition, the proposal as outlined in H.R. 5427 does not include any reference to associated issues such as transportation requirements and limitations, emergency response training and equipment, and public education. Each of these issues will be critical to the implementation of the CAP proposal and requires the involvement of state legislators and local elected officials. The language also remains silent on the role of state and local permits in the process of siting and licensing these interim storage facilities. **Given the plethora of unanswered questions on this proposal we urge the Senate to strike the CAP proposal during floor consideration of H.R. 5427, the FY 2007 Energy and Water Appropriations, and refer the issue to the appropriate authorizing committee for further examination.**

Thank you for your consideration. If you have any questions, please contact our staff: Tamra Spielvogel with the National Conference of State Legislatures at 202-624-8690, Julie Ufner with the National Association of Counties at 202-942-4269, Leslie Wollack with the National League of Cities at 202-626-3029, or Judy Sheahan with The U.S. Conference of Mayors at 202-861-6775.

Sincerely,

William T. Pound, Executive Director
National Conference of State Legislatures

Larry Naake, Executive Director
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Tom Cochran, Executive Director
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Donald J. Borut, Executive Director
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