



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

**Terie T. Norelli**  
*Speaker*  
*New Hampshire House*  
*President, NCSL*

**Patsy Spaw**  
*Secretary of the Texas Senate*  
*Staff Chair, NCSL*

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*Executive Director*

March 12, 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 Diane 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

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

The National Conference of State Legislatures (NCSL) applauds you on 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.

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 fuel storage and high level radioactive waste management. Most recently, the Department of Energy advanced the discussion with its Jan. 11, 2013 report, "Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste," which builds on the recommendations by the Blue Ribbon Commission on America's Nuclear Future (BRC) for a new national radioactive waste management strategy. NCSL urges Congress to move expeditiously to review and act on legislation dealing with the issues addressed within these reports.

As you work together to draft legislation for consideration in the Senate, NCSL requests that you include the following components in your package:

- development and licensing of a permanent disposal facility for high-level waste/used nuclear fuel;
- establishment of consolidated interim storage facilities at technically and scientifically suitable sites;

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- creation of a public-private partnership to manage the back end of the nuclear cycle;
- efforts to ensure the Nuclear Waste Fund is used for its intended purpose of managing radioactive wastes; and
- modifications to allow for using the Nuclear waste Fund to provide interim storage financing mechanisms and incentives to voluntary host communities.

Additionally, NCSL strongly recommends that the siting of such facilities, both for consolidated interim storage and long-term disposal of high-level radioactive waste, be the result of a consent based approach that involves all affected levels of government, including state legislatures. NCSL commends the U.S. Department of Energy for their inclusion of state consultation in the consent based approach to siting for radioactive waste facilities that has been included in previous proposals before your committees. However, it is vital that state legislators, and not just a state's governor, be consulted regularly to ensure that such a decision is made with the appropriate levels of support.

As you move forward to develop a program for siting, NCSL urges that you ensure adherence to the requirements under the Nuclear Waste Policy Act, that clearly state the U.S Department of Energy will work with states, including state legislators.

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 ([ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)) or Tamra Spielvogel ([tamra.spielvogel@ncsl.org](mailto: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  
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