

1 | **COMMITTEE:** **Environment Committee and Agriculture**
2 | **& Energy Committee**
3 | **POLICY:** **Radioactive Waste Management**
4 | **TYPE OF POLICY:** **Draft Policy Directive**
5 |

6 | The federal government should work with NCSL and similar organizations in an effort to
7 | ensure that state legislators are included in all aspects of nuclear waste management
8 | strategies.
9 |

10 | **Low-Level Waste**

11 | ~~Congress mandated that the states assume total responsibility for providing commercial low-~~
12 | ~~level waste disposal capacity with the passage and enactment of the Low-Level Radioactive~~
13 | ~~Waste Policy Act 1980 and the Low-Level Radioactive Waste Policy Amendments Act of~~
14 | ~~1985. These laws encouraged states to develop regional solutions to siting low-level~~
15 | ~~radioactive waste disposal facilities.~~ NCSL believes maintains that states are best prepared
16 | to license and regulate low-level waste disposal facilities that operate within their borders in
17 | order to protect the health, safety and welfare of their citizens.

18 |
19 | ~~Since passage of the Low-Level Radioactive Waste Policy Act of 1980 and the Amendments~~
20 | ~~Act of 1985, many changes have occurred in the low-level waste public policy arena changes~~
21 | ~~in the industries and institutions that create low-level waste, and changes in state efforts to~~
22 | ~~pursue development of low-level radioactive waste disposal facilities.~~
23 |

24 ~~State legislators have examined closely the market forces and new trends that have altered~~
25 ~~many state and compact perceptions of what is needed to efficiently manage low-level~~
26 ~~radioactive waste (LLRW) disposal. Legislators have identified the following reasons that~~
27 ~~many states and compacts have abandoned efforts to build disposal capacity:~~

- 29 ~~• decreasing volumes of LLRW nationwide;~~
- 30 ~~• continued access to operational disposal facilities; and~~
- 31 ~~• the numerous barriers that hinder development of disposal facilities, including higher~~
32 ~~development costs than projected.~~

33
34 ~~South Carolina hosts a disposal facility in Barnwell that accepted low-level waste from~~
35 ~~generators in every state. Since June 30, 2008, acceptance was limited to organizations~~
36 ~~located in the Atlantic Compact Region, which includes South Carolina, Connecticut, and~~
37 ~~New Jersey. Washington State hosts a disposal facility that accepts waste from generators~~
38 ~~in the Northwest Interstate Compact and the Rocky Mountain Compact. Utah has licensed a~~
39 ~~private sector facility that also is open to generators across the country for Class A and lower~~
40 ~~low-level radioactive waste. Most states and compacts have slowed or stopped their work.~~

41
42 ~~NCSL believes that the Low-Level Radioactive Waste Policy Act of 1980 and the~~
43 ~~Amendments Act of 1985, the federal laws which governs low-level radioactive waste~~
44 ~~management, no longer address adequately the conditions of the marketplace and state~~
45 ~~efforts to provide disposal for low-level waste.~~

46

47 NCSL urges Congress the federal government to ~~review the Low-Level Radioactive Waste~~
48 ~~Policy Act and the Low-Level Waste Policy Amendments Act of 1985 especially Title II, the~~
49 ~~Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act to determine~~
50 ~~whether other options for disposal by regional compact or unaffiliated state are available. In~~
51 ~~doing so, Congress should:~~

52
53 ~~• Rely upon the U.S. General Accountability Office reports, Low-Level Radioactive~~
54 ~~Wastes: States Are Not Developing Disposal Facilities (GAO/RCED-99-238, September~~
55 ~~1999) and Low-Level Radioactive Waste: Disposal Availability Adequate in Short Term, but~~
56 ~~Oversight Needed to Identify Any Future Shortfalls (GAO-04-604, June 2004), in order to:~~

57 ~~• Analyze developments in the industries and institutions that generate low-level waste,~~
58 ~~such as waste minimization and volume reduction; and~~

59 ~~• Examine state and compact efforts to develop disposal sites and the difficulties~~
60 ~~encountered by the host states.~~

61 ~~• Continue to provide states both with support and flexibility in their efforts to provide~~
62 ~~generators with consistent access to dispose of low-level radioactive waste disposal to~~
63 ~~encourage and support alternative long term storage and disposal technologies, such as~~
64 ~~assured isolation.~~

65 ~~• Maintain sStates and state compacts should have authority to limit/allow the import~~
66 ~~and export of waste to and from their state or region.~~

67 ~~• Recognize that some states and compacts are concerned that future access to~~
68 ~~disposal facilities is uncertain and that these states and compacts may need alternative~~
69 ~~facilities in order to provide disposal and assured isolation to their generators.~~

- ~~• Acknowledge the role that licensed private disposal and assured isolation facilities can play in meeting generators' needs for safe, cost-effective disposal of low-level radioactive waste, while also recognizing and supporting state authority to regulate these facilities.~~
- ~~• Consider an evaluation of the feasibility of co-location of commercial disposal (or assured isolation) facilities at U.S. Department of Energy sites that would be licensed and regulated by the host states.~~
- Congress The federal government should adopt policies that clarify in statute the responsibility of the federal government for federal waste, identify any federal waste that might be disposed at compact facilities, and ensure that any federal waste disposed of at compact or unaffiliated state facilities is subject to negotiation and the same laws, regulations, fees and requirements as nonfederal waste. (See DOE National Low Level Waste/Mixed Low Level Waste Disposition Strategy, 2006)
- Closely monitor the progress of the involved federal agencies with regard to the issue of mixed wastes, ensuring that a clear policy is defined and interagency differences are resolved. (See DOE National Low Level Waste/Mixed Low Level Waste Disposition Strategy, 2006)
- ~~• Address the issue of the disposal of~~ Congress The federal government should adopt clear policies with regard to NORM and NARM (naturally occurring and accelerator produced radioactive material) waste and mixed wastes that respect states' authority to protect the health, safety and welfare of their citizens, in particular with regard to ~~reconciling the different regulatory actions of the Nuclear Regulatory Commission (NRC) and the U.S. Environmental Protection Agency (EPA).~~

94 ~~NCSL will continue to provide assistance to the states during the development and~~
95 ~~implementation of low-level waste management activities.~~ NCSL encourages the federal
96 government to work with NCSL toward the seat ends.

97

98 High-Level Waste and Used Fuel Management

99 ~~Congress passed the Nuclear Waste Policy Act of 1982, requiring the U.S. Department of~~
100 ~~Energy (DOE) to manage the program according to the process and schedule established by~~
101 ~~Congress. The success of this project requires public understanding and confidence, which is~~
102 ~~fostered by open communication and collaboration among all affected parties. To that end,~~
103 ~~Congress assigned DOE the responsibility to consult and cooperate with other federal~~
104 ~~agencies, state executive and legislative branches and affected Indian tribes.~~

105

106 ~~The Department of Energy missed the January 30, 1998 contractual deadline with utilities to~~
107 ~~begin accepting used nuclear fuel. In order to protect the integrity of the Nuclear Waste Fund~~
108 ~~against potential off-sets of the federal deficit, to expedite the timing of funding for DOE to~~
109 ~~refocus their efforts and eventually complete the licensing and construction of a repository,~~

110 NCSL urges ~~Congress and the Administration/DOE~~ the federal government to:

111

112 • ~~Expeditiously~~ expeditiously research, develop and license a high-level waste/used
113 nuclear fuel disposal and consolidated interim storage ~~facilities~~ iesy at a technically and
114 scientifically suitable site.

115 ~~In the event it is deemed necessary either to select another potential high-level waste/used~~
116 ~~nuclear fuel repository site, a second repository, interim storage sites, or recycling facilities,~~
117 The federal government should keep states informed, consult with them states at each step

118 of the process to ensure they play an integral role in ~~the determination of the development of~~
119 high-level waste/used nuclear fuel storage and disposal policies ~~site selection criteria~~ and
120 obtain state informed consent before locating permanent disposal or consolidated interim
121 storage facilities. ~~Congress and DOE~~ The federal government should provide fair and
122 equitable compensation to state and local governments of host states. This should include
123 funding of independent oversight activities by the state executive and legislative branches so
124 that the host state may participate in and conduct its own assessments of a proposed waste
125 repository site and disposal technology. The federal government should comply with state
126 laws and regulations during the process of site selection and characterization, and the
127 construction, operation and decommissioning of permanent disposal or consolidated interim
128 storage facilities.

129
130
131 • Consolidated interim storage facilities should be licensed for a specific, limited period
132 of time; not to exceed 25 years. NCSL encourages Congress and the Administration to
133 develop a high-level waste/ used nuclear fuel recycling policy that indicates that recycling is
134 should be a priority waste management strategy.

135
136 • Enact legislation to classify a Annual funding from the Nuclear Waste Fund should be
137 used for nuclear waste management and not subject to non-related federal discretionary
138 spending. as mandatory spending and ensure that levels are adequate to meet the changing
139 needs of the program as DOE refocuses waste management efforts; These funds should be
140 isolated for developing permanent disposal and an consolidated interim storage site(s)
141 facilities and permanent repository. It is critical that the Nuclear Waste Fund be given

142 ~~spending firewalls that ensure that user fees deposited in the fund will be used for nuclear~~
143 ~~waste management and will not be subject to non-related federal discretionary spending.~~

144 • ~~Congress should Ddirect DOE to expedite research, development and licensing for the~~
145 ~~recycling of nuclear waste as a fuel for nuclear power plants and as a means to reduce the~~
146 ~~volume of high-level waste/used nuclear fuel requiring final disposal in a permanent~~
147 ~~repository.~~

148 • ~~Provide adequate and necessary funds to DOE for their used nuclear fuel~~
149 ~~management program.~~

150

151 ~~NCSL urges Congress and the Administration/ DOE to expeditiously identify a “Blue Ribbon~~
152 ~~Panel” and define a path forward for used nuclear fuel, including interim storage and a long~~
153 ~~term repository. The “Blue Ribbon Panel” should consult with local and state government~~
154 ~~officials throughout this process. Once the BRP reaches conclusions, they shall expeditiously~~
155 ~~define and implement a path forward for used nuclear fuel.~~

156

157 ~~In an effort to clarify and enhance the role of host states in the high-level waste/used nuclear~~
158 ~~fuel repository site selection, characterization and licensing process, NCSL supports the~~
159 ~~following:~~

160

161 • ~~Host states, through their executive and legislative branches, should be fully informed~~
162 ~~and consulted at each step in the process of site selection, evaluation, planning and~~
163 ~~development and licensing, and a facility should not be located without the fully~~
164 ~~informed consent of that state.~~

165 ~~• Volunteer host states with appropriate geologic features should be considered during~~
166 ~~the site selection process for a long term repository.~~

167 ~~• Congress and DOE should provide fair and equitable compensation for the life of the~~
168 ~~project to state and local governments of host states. This should include funding of~~
169 ~~independent oversight activities by the executive and legislative branches so that the host~~
170 ~~state may participate in and conduct its own assessments of a proposed waste repository site~~
171 ~~and disposal technology, as allowed in the federal act.~~

172 ~~• The federal government should comply with state laws and regulations during the~~
173 ~~process of site selection and characterization, and the construction, operation and~~
174 ~~decommissioning of a waste repository, including those laws which implement regulatory~~
175 ~~authority delegated by the federal government to the states under environmental statutes.~~

176

177 ~~Our mutual interest requires a timely and thorough scientific investigation of any proposed~~
178 ~~candidate site to determine its suitability as a high-level waste/used nuclear fuel repository.~~
179 ~~Therefore, NCSL urges Congress to clarify the manner in which the national high-level waste~~
180 ~~program will be carried out consistent with all states' (including the host state's) interest.~~

181

182 ~~DOE should continue to work with NCSL and similar organizations in an effort to ensure that~~
183 ~~state legislators are included in each step of the process.~~

184

185 **Interim Storage**

186 ~~NCSL supports Congressional action to direct the Department of Energy to develop a plan to~~
187 ~~take custody used nuclear fuel currently stored at reactor sites to both reduce costs that are~~

188 ultimately borne by the taxpayer and demonstrate that DOE can move forward in the near-
189 term with at least some element of nuclear waste management.

190

191 NCSL urges Congress and the administration/DOE to:

192

193 • Work closely with state legislatures, local governments and governors to bring about
194 interim storage for used nuclear fuel for the United States for a specific, limited period
195 of time.

196 • Create a process that includes working closely with the nuclear industry and interested
197 volunteer communities, localities and states.

198 • Pursue the development of one or two private Nuclear Regulatory Commission
199 licensed, interim storage facilities to which used nuclear fuel can be safely shipped and
200 stored until such time as a permanent repository is open and commercial nuclear fuel
201 recycling facilities are available.

202 • Develop financing mechanisms, using the Nuclear Waste Fund, to support interim
203 storage facilities.

204 • Determine the Department of Energy's role and responsibilities under the Nuclear
205 Waste Policy Act in moving used nuclear fuel, including fuel from decommissioned
206 plant sites, to interim storage facilities.

207

208 If off-site interim storage of used nuclear fuel is enacted by Congress, the timeframe for
209 storing such waste at interim storage sites should be no longer than 25 years.

210

211 **Recycling**

212 ~~Recycling high-level waste/used nuclear fuel should be a radioactive waste management~~
213 ~~priority. NCSL encourages Congress and the Administration to:~~

214

215 ~~• Develop a high-level waste/ used nuclear fuel recycling policy that indicates that~~
216 ~~recycling is a priority waste management strategy.~~

217 ~~• Allow funding for appropriate recycling actions from the Nuclear Waste Fund, including~~
218 ~~those that accomplish initiation of high-level waste/used nuclear fuel recycling to~~
219 ~~reduce the volume of waste requiring final disposal in a permanent repository.~~

220

221 **Transportation of Radioactive Waste and Used Nuclear Fuel**

222 ~~DOE is responsible for transporting high-level waste/used nuclear fuel to the proposed~~
223 ~~repository (or any interim storage site or recycling facility) as well as for shipments of~~
224 ~~transuranic waste to the Waste Isolation Pilot Plant (WIPP). To assure a technically superior~~
225 ~~transportation system and to help attain public confidence in the safe transportation of~~
226 ~~nuclear waste, NCSL urges Congress and DOE the federal government to ensure safe and~~
227 ~~reliable modes of transportation of radioactive wastes through the states. :~~

228

229 ~~• Comply with states' ability to assess reasonable fees which fund activities connected~~
230 ~~to the safe routine transportation of and emergency response to high-level waste/used~~
231 ~~nuclear fuel shipments.~~ DOE should seek to enter into a memorandum of understanding with
232 each corridor state to spell out responsibilities, liability, compensation, response time,
233 cleanup, shipping, planning and other duties connected with emergency situations. State,
234 local and tribal governments should be given funding and technical assistance for ongoing
235 emergency preparedness, independent safety inspections of drivers, vehicles and shipping

236 containers, training of state and local public safety officials along radioactive waste
237 transportation routes, and state emergency management communications centers. State,
238 local and tribal governments should be involved in a meaningful manner with regard to
239 radiation emissions standards, cask designs, support facilities, transportation equipment and
240 other elements of the transportation system. The federal government should respect states'
241 and tribal-authority to assess reasonable fees which fund activities connected to the safe
242 routine transportation of high-level waste/used nuclear fuel shipments.

243 ~~• Provide opportunities and funding for training of state and local emergency responders~~
244 ~~to radiological accidents that are coordinated with ongoing programs for emergency~~
245 ~~preparedness. DOE is encouraged to continue discussions with states and affected parties~~
246 ~~on how to meet the Section 180(c) requirements of the NWPA that require technical~~
247 ~~assistance and funding for training of state and local public safety officials along routes for~~
248 ~~DOE shipments of high-level waste/used nuclear fuel with respect to safe routine~~
249 ~~transportation of these materials and emergency response situations. States anticipate~~
250 ~~DOE's publication of 180(c) policies in the federal register.~~

251 ~~• Assure The federal government should assure transportation accident prevention~~
252 ~~through the use of superior drivers; and carrier compliance with shipping contracts and all~~
253 ~~applicable federal, state and local regulations; independent safety inspections of drivers,~~
254 ~~vehicles and shipping containers; designation of safe parking areas during abnormal~~
255 ~~conditions; advance notice to the appropriate state and local agencies regarding shipments;~~
256 ~~and state access to information on shipments' status (i.e. real-time shipment tracking~~
257 ~~information where appropriate).~~

258 • ~~Apply s~~Special criteria should be applied to the shipment of high-level waste/used
259 nuclear fuel, including the development of guidelines for routing when shipping by rail, the

260 use of dedicated trains moving at safe speeds for rail shipments, safety inspections at origin
261 and enroute, and full-scale testing of casks used for used fuel transport.

262 ~~• Consult with NCSL and the states on how to best communicate with and involve the
263 general public and government officials as to shipment methods, accident prevention
264 approaches, and emergency response plans.~~

265 ~~• Involve state, local and tribal governments in a meaningful manner in the development
266 of cask designs, support facilities, transportation equipment and other elements of the
267 transportation system.~~

268 ~~• Consult with all affected parties regarding cask compliance with radiation emissions
269 standards. Because cask integrity and safety is of paramount concern in a transportation
270 system, all affected parties must be involved in a consultation process including, but not
271 limited to, states, local governments, Indian tribes, carriers, labor, the Nuclear Regulatory
272 Commission, the Department of Transportation, the Occupational Safety and Health
273 Administration, the Federal Emergency Management Agency and the Environmental
274 Protection Agency.~~

275 ~~• Encourage the use of dual purpose (transportation and storage) and universal casks
276 (transportation, storage and disposal) or TADs (transportation, aging, and disposal) to
277 reduce the handling of used fuel, and thus reduce the risk of mishaps and lessen worker
278 exposure,~~

279 ~~• Encourage development and the funding of state emergency management
280 communications centers in corridor states and host states to enhance emergency
281 preparedness and response along designated routes.~~

282

283 ~~**Waste Isolation Pilot Plant**Defense-Generated Transuranic (TRU) Waste~~

284 ~~In accordance with Public Law 96-164, the Department of Energy designed the Waste~~
285 ~~Isolation Pilot Plant (WIPP) as the first permanent repository for defense generated~~
286 ~~transuranic (TRU) waste.~~

287
288 ~~The Waste Isolation Pilot Plant Land Withdrawal Act (PL 102-579), passed by Congress in~~
289 ~~1992, allows for further testing and experiments to determine the viability of radioactive waste~~
290 ~~disposal in deep geologic salt formations as recommended by the National Academy of~~
291 ~~Sciences in 1955.~~

292
293 ~~WIPP received its first shipment of contact handled TRU waste on March 26, 1999. All~~
294 ~~shipments to date have been made without radiological release.~~

295
296 NCSL urges ~~Congress and DOE~~the federal government to:

- 297
- 298 • ~~Appropriate adequate funds and direct the Department of Energy and the~~
299 ~~Environmental Protection Agency to expedite their respective its responsibilities under Public~~
300 ~~Laws 96-164 and 102-579 with regard to disposal of defense-generated transuranic (TRU)~~
301 ~~waste.~~
 - 302 • ~~Implement through DOE, The federal government should implement~~ a compensation
303 program that recognizes equity considerations for state and local governments hosting a TRU
304 waste repository and the federal government's obligation to provide such compensation.
 - 305 • ~~Provide assistance to the h~~Host communities should be given assistance to subsidize
306 and maintain an independent environmental monitoring and analytical laboratory to assure
307 the character of the waste and ensure public confidence and safety.

- 308 ~~• Provide assistance to corridor states and other affected states for highway~~
309 ~~maintenance and improvements, emergency response training and equipment, and public~~
310 ~~education.~~
- 311 ~~• Streamline, replace or eliminate waste characterization procedures that are neither~~
312 ~~required by law, nor bring scientific evidence as to the character of the waste, or expose~~
313 ~~workers unnecessarily when alternative methodologies could be used.~~
- 314 ~~• Provide a central confirmation facility at the waste site to assure the character of the~~
315 ~~waste and give the states more direct oversight of the nature of the waste.~~
- 316 ~~Change the Land Withdrawal Act to accommodate a larger volume and activity of waste and~~
317 ~~include transuranic waste between 10 and 100 nanocuries, commercial transuranic waste~~
318 ~~and other orphan categories of waste appropriate for disposal at WIPP.~~
- 319 ~~Provide assistance to corridor states for transportation-related impacts.~~

320 _____

321 ~~*Expires August 2012*~~

322

323

324 ~~**Federal Facilities Cleanup**~~

325 ~~**(Joint Agriculture & Energy Committee and Environment Committee**~~
326 ~~**Policy)**~~

327 ~~**Federal Facilities Cleanup**~~

328 ~~Federal and state governments are together faced with managing large quantities of~~
329 ~~hazardous, radioactive, and mixed (a combination of hazardous and radioactive materials)~~
330 ~~waste and materials that are located at numerous federal facilities throughout the United~~

331 ~~States. Some of these wastes and materials have been improperly handled over the years,~~
332 ~~necessitating both waste management and environmental restoration at these facilities.~~
333 ~~These facilities were crucial to the nation's production of nuclear weapons and overall~~
334 ~~defense strategy, and while significant progress has been made, there is a continuing need~~
335 ~~for conscientious and thorough environmental reclamation. These facilities, which belong to~~
336 ~~the U.S. Department of Energy and the U.S. Department of Defense, each have specific~~
337 ~~environmental needs that must be addressed.~~

338
339 ~~Radioactive and hazardous wastes have been generated since 1942 by the development,~~
340 ~~production, and maintenance of nuclear warheads by the Department of Energy's network of~~
341 ~~nuclear weapons production facilities, including its national research labs. Even as waste~~
342 ~~minimization activities are pursued, substantial amounts of waste continue to be generated,~~
343 ~~as the environmental restoration effort progresses. This includes transuranic waste (TRU),~~
344 ~~which the Department of Energy is currently disposing of at the Waste Isolation Pilot Project~~
345 ~~(WIPP) near Carlsbad, New Mexico, as well as the high-level radioactive waste generated by~~
346 ~~the production of nuclear weapons. This high-level waste will be disposed of in the same~~
347 ~~repository that the Department of Energy will operate for the disposal of spent fuel from~~
348 ~~commercial nuclear power plants. Significant amounts of low-level radioactive waste and~~
349 ~~mixed wastes were also generated from nuclear weapons production, as well as general~~
350 ~~maintenance activities, at military bases. This waste also requires disposal.~~

351
352 ~~Some wastes continue to be stored in inadequate interim storage facilities and pose~~
353 ~~potentially serious long-term threats to public health and the environment. There are also~~
354 ~~safety and equity concerns surrounding the transportation and ultimate disposal of these~~
355 ~~wastes.~~ The states insist that the cleanup and disposal programs at the Department of

356 ~~Energy's federal government's network of nuclear weapons production facilities and national~~
357 ~~research labs~~ advance in a safe, cost-effective and expeditious manner. ~~The Department of~~
358 ~~Defense and any future owners should be subject to all state laws governing the cleanup of~~
359 ~~hazardous and radioactive waste materials. All cleanup efforts should be conducted in full~~
360 ~~consultation with affected states, tribal and local communities.~~

361
362 ~~Other federal facilities that have generated waste and may remain unsafe for humans include~~
363 ~~military bases and formerly used defense sites operated by the Department of Defense.~~

364 States are also committed to the cleanup and conversion of closed military ~~bases and other~~
365 ~~federal facilities~~ to other beneficial uses as soon as possible. NCSL encourages the
366 Department of Defense to lessen the impacts of closing these facilities by entering into
367 partnerships with business and other private interests in order to turn them into sites of
368 commerce and development.

369
370 ~~All federal cleanup efforts must be conducted in full consultation with the affected states,~~
371 ~~Indian tribes and units of local governments. An ongoing dialogue with the states should be~~
372 ~~maintained and institutionalized to ensure effective state involvement in critical cleanup~~
373 ~~related decisions.~~

374
375 ~~Cleanup work must be accomplished in strict compliance with federal facility agreements and~~
376 ~~federal and state laws governing the cleanup of hazardous and radioactive waste materials~~
377 ~~and federal facility agreements. Congress-The federal government should give state and~~
378 ~~federal regulators complete enforcement authority necessary to ensure such compliance.~~

379

380 ~~In 1992, Congress enacted the Federal Facilities Compliance Act (FFCA) which waived the~~
381 ~~doctrine of sovereign immunity and allowed partial state environmental regulation at federal~~
382 ~~facilities.~~

383
384 ~~NGSL firmly supports the principles of the FFCA. Furthermore, NGSL believes that:~~

- 385
386 • ~~Federal, state and local environmental laws have been enacted to protect health and~~
387 ~~the environment. Federal facilities must comply with and be held to the same standards~~
388 ~~established by these laws. Lower standards for federal facilities are unjustified.~~
- 389 • ~~The federal government should be responsible for the cleanup of federal facilities.~~
390 ~~There should be coordination among the Department of Energy, Department of Defense, and~~
391 ~~the U.S. Environmental Protection Agency with state regulatory agencies to insure that the~~
392 ~~cleanup of these facilities is properly and efficiently managed.~~
- 393 • ~~The federal government should be subject to all state laws governing the cleanup of~~
394 ~~hazardous and radioactive waste materials.~~
- 395 • ~~Department of Energy facility sites should continue to be incorporated into the National~~
396 ~~Priority List according to the severity of the risk they pose, but cleanup should be~~
397 ~~independent of Superfund monies.~~
- 398 • The Department of Energy federal government should continue to use the contract
399 review process to provide effective oversight and to evaluate integrated contracts for cost
400 accountability
- 401 • ~~Congress should provide for sufficient long term funding for the effective and timely~~
402 ~~cleanup and disposal of existing and future wastes.~~ Cost -effective solutions must be
403 developed and implemented by federal agencies to meet cleanup standards that protect

404 human health and the environment. ~~Congress must fund and federal agencies must~~
405 ~~implement an aggressive research and development program to develop and to put into~~
406 ~~place the technology necessary to address the cleanup situation at all federal facilities.~~

407 • ~~Cleanup work must be accomplished in strict compliance with federal facility~~
408 ~~agreements, federal laws and regulations. Congress should give state and federal regulators~~
409 ~~complete enforcement authority necessary to ensure such compliance. For those sites that~~
410 ~~do not require extensive cleanup, a future use and owner should be identified as quickly as~~
411 ~~possible in order to return the affected land to productive use.~~

412 • States, Indian tribes and ~~affected units of~~ local governments must have a continuing,
413 substantive role in the planning and oversight activities of the waste-management effort. The
414 Department of Energy must recognize that cultural resources and artifacts may be present on
415 DOE sites, and must partner with affected Indian tribes to identify and mitigate impacts to
416 those resources. ~~Additionally, the general public must also be given the opportunity to be~~
417 ~~involved in the decision-making process.~~

418
419 ~~Whenever possible, pollution~~ Pollution prevention practices should be followed and whenever
420 possible recovered materials should be recycled or reused.

421
422 ~~As it will be necessary for waste to be transported across state lines to waste storage and~~
423 ~~disposal facilities, all transportation must be done in compliance with state and federal safety~~
424 ~~procedures for the shipping of hazardous, radioactive, and mixed wastes. States must play~~
425 ~~an integral role in evaluating the safety of a particular method of transportation and must be~~
426 ~~continually informed about the status of waste movement and storage.~~

427

428 **U.S. Department of Energy**

429 ~~Furthermore, NCSL recognizes the work of the Department of Energy's Office of Environment~~
430 ~~Management in developing the Five Year Strategic Plan, that includes comprehensive,~~
431 ~~strategic plans to characterize and prioritize the long term cleanup and management of~~
432 ~~wastes at all Department of Energy facilities. NCSL urges the continued implementation of~~
433 ~~these accelerated cleanup plans, and supports the following:~~

434

435 • ~~A firm commitment to a cleanup schedule, including aggressive, but realistic milestones~~
436 ~~for all activities.~~ Action should be taken to manage federal radioactive, hazardous, and
437 mixed waste sites as soon as possible, but safety and quality cleanup must remain the
438 priority.

439 ~~• Federal cleanup efforts must be conducted in full consultation with the affected states,~~
440 ~~Indian tribes and units of local government. Cleanup efforts should begin with site-~~
441 ~~specific plans which can then be used to develop a national plan for future cleanups.~~
442 ~~An ongoing dialogue with the states should be maintained and institutionalized to~~
443 ~~ensure effective state involvement in critical cleanup related decisions.~~

444 • Federal cleanup efforts should enforce priorities and meet milestones set forth in
445 federal-state consent orders regarding the cleanup of specific sites.

446 • A fully funded and comprehensive long-term stewardship program for all of the
447 ~~Department of Energy sites~~ federal facilities must be developed to ensure that
448 communities are protected in perpetuity.

449 ~~• Funding designated to cleaned and closed "accelerated site cleanups" must be~~
450 ~~reallocated to other sites for cleanup.~~

451

452 ~~NCSL acknowledges the Department of Energy's Performance Based Project Management~~
453 ~~with the goal of expeditiously and significantly improving program performance. NCSL~~
454 ~~supports improving program performance and risk reduction activities and supports the~~
455 ~~following:-~~

456

457 ~~• The need for performance standards that are both consistent and effectively applied.~~

458 ~~• The creation of a comprehensive risk-based cleanup strategy that reduces risk to~~

459 ~~human health and the environment. This strategy should be both clear and technically~~

460 ~~defensible.~~

461 ~~• Department of Energy adherence to all National Environmental Policy Act processes,~~

462 ~~specifically the public involvement requirements.~~

463

464 ~~**Waste Isolation Pilot Plant**~~

465 ~~In accordance with Public Law 96-164, the Department of Energy designed the Waste~~

466 ~~Isolation Pilot Plant (WIPP) as the first permanent repository for defense generated~~

467 ~~transuranic (TRU) waste.~~

468

469 ~~The Waste Isolation Pilot Plant Land Withdrawal Act (PL 102-579), passed by Congress in~~

470 ~~1992, allows for further testing and experiments to determine the viability of radioactive waste~~

471 ~~disposal in deep geologic salt formations as recommended by the National Academy of~~

472 ~~Sciences in 1955.~~

473

474 ~~NCSL urges Congress and DOE to:~~

475

- ~~• Appropriate adequate funds and direct the Department of Energy and the Environmental Protection Agency to expedite their respective responsibilities under Public Laws 96-164 and 102-579.~~
- ~~• Implement through DOE, a compensation program that recognizes equity considerations for state and local governments hosting a TRU waste repository and the federal government's obligation to provide such compensation.~~
- ~~• Provide assistance to the host community to subsidize and maintain an independent environmental monitoring and analytical laboratory to ensure public confidence and safety (i.e., Carlsbad Environmental Monitoring and Research Center).~~
- ~~• Provide assistance to the state of New Mexico and other affected states for highway maintenance and improvements, emergency response training and equipment, and public education.~~
- ~~• Provide assistance to corridor states for transportation-related impacts.~~

U.S. Department of Defense

~~NCSL will continue to work with the federal government in the development of site-specific cleanup plans. State legislators are interested in the timely cleanup and conversion of bases subject to closure to lessen the financial impact on the states and local communities from the closure of military facilities. The Department of Defense should establish an aggressive cleanup schedule for military facilities or develop options for the transfer of land to new owners who agree to cleanup the site before developing it for future use. The Department of Defense and any future owners should be subject to all state laws governing the cleanup of hazardous and radioactive waste materials. All cleanup efforts should be conducted in full consultation with affected states and local communities.~~

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501 ~~Expires August 2012~~

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