

# Info Alert

## National Conference of State Legislatures Office of State-Federal Relations

April 30, 2013

### Senators Release Nuclear Waste Storage Draft Legislation

On April 25, Senate Energy and Natural Resources Chairman Ron Wyden (D-Ore.) along with Senators Lisa Murkowski (R-Alaska), Diane Feinstein (D-Cali.) and Lamar Alexander (R-Tenn.) circulated a discussion draft of the [Nuclear Waste Administration Act of 2013](#) (NWAA). The legislation attempts to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future, as related to the storage and disposal of spent nuclear fuel. Supplementary to the discussion draft, the senators also released a series of specific questions to stakeholders and interested parties on various issues of nuclear waste disposal. The senators are seeking comments from stakeholders and interested parties on the questions and the legislation until May 24, 2013.

Central to NWAA is the creation of a new "Nuclear Waste Administration," headed by a presidential appointee who would be in charge of siting, building, and operating any nuclear waste repositories and storage facilities, managing the contracts to utilities, and collecting the nuclear waste user fee.

NWAA would also create a new siting process for determining the location of nuclear waste facilities, which would be established by the new Nuclear Waste Administration through a collaborative process with state and local authorities. The draft directs the federal government to consult with the Governor of a state, the governing body of a locality, and/or the governing body of an Indian tribe during site recommendation, evaluation and selection for both repository and storage sites, but makes no mention of consulting with state legislatures.

The section which these senators are particularly interested in hearing public comments on is Section 306, which would require that any effort to construct or site a storage facility must be coupled with efforts to construct a repository. The section also requires that a newly created oversight board ensure no new waste is being sent to a storage facility if substantial progress has not been made on a permanent repository. The legislation makes no reference to the Yucca Mountain nuclear waste repository.

Additionally, Senators Feinstein and Alexander have proposed alternative policy language to be included in the draft bill related to streamlining and speeding up the nuclear facilities siting process.

As a reminder, in March of 2013 NCSL sent a letter to Senators Wyden, Murkowski, Feinstein and Alexander on developing legislation for radioactive waste management. NCSL made a number of recommendations to the senators based on the NCSL [Radioactive Waste Management Policy Directive](#), including creating a public private partnership for managing the nuclear cycle, ensuring the Nuclear Waste Fund is used for its intended purpose, and utilizing a consent-based approach with state and local governments, including legislatures, when determining interim storage and long-term disposal sites.

For the official discussion draft and summary documents, see the links below:

- [Nuclear Waste Discussion Draft](#)
- [Nuclear Waste One Page Summary](#)
- [Section-by-Section Summary](#)
- [Nuclear Waste Questions](#)
- [Alexander-Feinstein Alternative Proposal for Facilities Siting Process](#)
- [Alexander-Feinstein Alternative Proposal Summary](#)

If you have any questions regarding the provisions in the Nuclear Waste Administration Act draft or would like further information please contact [Ben Husch](#) (202-624-7779) [Tamra Spielvogel](#) (202-624-8690) or [Melanie Condon](#) (202-624-3597).

Thank you