



**NATIONAL CONFERENCE *of* STATE LEGISLATURES**

*The Forum for America's Ideas*

TESTIMONY OF  
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ON BEHALF OF THE  
NATIONAL CONFERENCE OF STATE LEGISLATURES

REGARDING  
NUCLEAR WASTE ADMINISTRATION ACT OF 2013

BEFORE THE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
UNITED STATES SENATE

JULY 30, 2013

## **Developing a Solution**

Chairman Wyden, Ranking Member Murkowski and distinguished members of the Senate Energy and Natural Resources Committee, I am Sally Jameson, member of the Maryland House of Delegates, as well as a member of the National Conference of State Legislatures (NCSL) Executive Committee and Chair of NCSL's Nuclear Legislative Working Group. I appear before you today on behalf of NCSL, a bi-partisan organization representing the 50 state legislatures and the legislatures of our nation's commonwealths, territories, possessions and the District of Columbia. We thank you for the opportunity to testify and inform you and the other members of the committee about NCSL's work on nuclear energy issues facing the nation including waste disposition and storage.

Mr. Chairman, NCSL applauds your continued efforts as well as the efforts of Senators Murkowski, Feinstein and Alexander 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, including testifying before the Blue Ribbon Commission on America's Nuclear Future (BRC), to address the fundamental questions necessary for developing a solution to address spent nuclear fuel storage and high level radioactive waste management. The release of the Nuclear Waste Administration Act of 2013 (NWAA), represents a step forward in this conversation, and NCSL urges Congress to move expeditiously to review and act on this legislation, while taking into account the proposals contained herein.

NCSL has an extensive history of working on nuclear energy issues through its Nuclear Legislative Working Group, which is comprised of state legislators from across the country who discuss issues surrounding nuclear energy including the safe handling, storage and transportation of waste. This long-standing group meets twice a year and helps to form NCSL policy directives on this and other topics. I am currently the chair of this working group and have valued the opportunity to discuss these important issues with my peers from around the country. I also have the privilege of serving on the NCSL Energy Supply Task Force created in 2009 by the NCSL Executive Committee, which explores current energy policies in the United States and also makes recommendations for changes to current NCSL policy directives related to energy issues.

NCSL recognizes that nuclear power is an integral part of a national energy plan 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 delegation.

It is critical that the Committee recognize the value of a strong partnership with state legislators who can help move policy forward in the states and in Congress. Together we can work on behalf of our mutual interests and common goals. As you are aware, NCSL has several applicable policy directives on these topics, which have been submitted along with my written remarks to the Committee in advance of this hearing. NCSL's recently reauthorized Radioactive Waste Management Policy Directive and National Energy Policy Directive serve as the foundation for NCSL's recommendations to the committee.

### **Consent Based Siting**

With regard to the potential siting of a repository or interim storage facility, NCSL recognizes the need to develop processes that are efficient and effective in order to enable a constructive environment for these efforts. However, efforts to streamline this process do not necessitate overlooking the role of state legislatures in the process. In order to ensure that such a decision accurately reflects appropriate levels of state consensus, state legislators, and not just a state's governor, must be consulted regularly. Ensuring such consultation respects the traditional role of state legislatures in the appropriation of funds and performing program oversight.

There are a number of legislative options to ensure that the consultation process can integrate all aspects of state government and ensure state legislative input. One option to consider would be to add "presiding officer of each legislative chamber" to all references to the "Governor or duly authorized official of the state," when mentioned with regards to site selection, study and siting for both the repository and storage facility processes. This would make it consistent with the Nuclear Waste Policy Act of 1982 section 117, which clearly states that the Department of Energy "shall consult and cooperate with the Governor and legislature of such State." NCSL strongly urges this committee to ensure adherence to this requirement as it

moves forward to develop a program for the long-term treatment and disposal of high-level radioactive waste.

### **Nuclear Waste Administration**

NCSL supports 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 as described in the NWAA. Additionally, NCSL would note that given the importance placed on state, local, and tribal consultation in the bill, the committee should consider adding such representation to the Oversight Board and other advisory committees, as discussed in Sections 205 and 502. In order to not overburden the board structures, the appointments could be made through the national organizations representing state, local and tribal elected officials such as NCSL.

### **Interim Storage Linkages**

NCSL supports federal action to develop consolidated interim storage facilities to temporarily house 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.

### **Working Capital Fund**

NCSL 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, ensuring that the funds not be subject to non-related federal discretionary spending. These funds should be isolated for developing permanent disposal and consolidated interim storage facilities as well as for the use of financing mechanisms and incentives to voluntary host communities.

### **Nuclear Waste Transportation**

NCSL supports the bill's language that provides for advanced notification to states through which transportation of spent nuclear fuel and high level radioactive waste will take

place. NCSL also supports efforts to provide 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. Additionally, state, local and tribal governments should be involved in a meaningful manner with regard to development and implementation of transportation quality assurance measures including radiation emissions standards, cask designs, support facilities, and transportation equipment.

### **An Issue Close to Home**

I would like to take a minute and remove my NCSL hat and speak to you as a Maryland legislator. The Calvert Cliffs Nuclear Power Plant, located on the Western Shore of the Chesapeake Bay, sits just a few miles outside of Maryland's 28<sup>th</sup> District, my home district. Calvert Cliffs generally accounts for about one-third of the state's energy generation, and produces enough power to light up every home and business in Baltimore according to the Maryland Power Plant Research Program. However, due to the lack of a national fuel repository or interim storage site, the plant's used fuel is forced to remain on site. The plant's independent spent fuel storage installation (ISFSI) currently contains 72 modules with a total of 1,920 fuel assemblies in dry fuel storage and 1,432 fuel assemblies currently in storage in the Spent Fuel Pool. Additionally, 24 more modules will be added later this year and another 36 are anticipated to be added in the future. The issue of developing a solution to the safe and secure storage of high-level radioactive waste and used nuclear fuel is one of great importance to both myself and my constituents.

The Nuclear Waste Administration Act of 2013 continues to move the conversation on nuclear waste management issues forward and I urge Congress to review the above proposals and act expeditiously on this legislation. Again, thank you for the invitation to speak with you today on these important issues. NCSL stands ready to work with this committee to ensure that state policymakers are involved in creating a timely, cost-effective solution to this important public policy challenge.

### **Appendices:**

NCSL Radioactive Waste Management Policy Directive

NCSL National Energy Policy Directive