



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

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January 20, 2016

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Ave, S.W.
Washington, D.C. 20585

Re: Invitation for Public Comment To Inform the Design of a Consent-Based Siting Process for Nuclear Waste Storage and Disposal Facilities

Dear Secretary Moniz,

On behalf of the National Conference of State Legislatures (NCSL), the bi-partisan organization representing all of the legislatures of the nation's states, commonwealths, and territories, we commend the Department of Energy (DOE) for continuing the process of implementing a consent based siting process for disposal of used nuclear fuel and high level nuclear waste, as based on the recommendations from the Blue Ribbon Commission on America's Nuclear Future.

NCSL has long been in support of efforts by both Congress and the administration to address the fundamental questions necessary for developing a solution to spent nuclear fuel storage and high level radioactive waste management. It has been a pillar of NCSL's Radioactive Waste Management policy that the siting of facilities for both interim storage and long-term disposal, be the result of a consent-based approach, and that it involve all affected levels of government, including state legislatures. NCSL recognizes the need for DOE 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. Ensuring such consultation respects the traditional role of state legislatures in the appropriation of funds and in program oversight.

While NCSL is appreciative that the DOE has included state consultation in the consent based approach, we must reiterate that it is vital that state legislatures, and not just a state's governor, be consulted regularly. Specifically, by including language specifying that the "presiding officer of each legislative chamber" be included with regards to site selection, study and siting for both the

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repository and storage facility processes, the department would remain consistent with the Nuclear Waste Policy Act of 1982 section 117. This section clearly states that the Department of Energy “shall consult and cooperate with the Governor and legislature of such State.” NCSL strongly urges DOE 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.

In order to reduce barriers to participation, NCSL urges the federal government to provide fair and equitable compensation to state, local and tribal governments of host states. This should include funding of independent oversight activities by state executive and legislative branches so that the host state may participate in and conduct its own assessments of a proposed waste repository site and disposal technology. The Nuclear Waste Fund should serve as the source for such nuclear waste management, with funds being isolated for developing permanent disposal and consolidated interim storage facilities. The Fund should not be subject to non-related federal discretionary spending.

Furthermore, NCSL supports the creation of a public-private partnership to manage this back end of the nuclear cycle rather than the establishment of a new federal agency. Additionally, for any consolidated interim storage facilities that are approved, they should be licensed for a specific, limited period of time not to exceed 25 years. Further details on NCSL’s positions on consent based siting can be found in [NCSL’s Radioactive Waste Management policy directive](#).

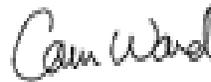
NCSL has an extensive history of working on issues related to nuclear waste management and would welcome the opportunity to work with DOE as you develop the consent based siting approach.

Please contact NCSL staff, Ben Husch (ben.husch@ncsl.org) and Melanie Condon (Melanie.condon@ncsl.org) with any additional questions.

Sincerely,



Delegate Sally Jameson
Maryland House of Delegates
Co-Chair, NCSL Natural Resources and
Infrastructure Committee
Co-Chair NCSL Nuclear Legislative
Working Group



Senator Cam Ward
Alabama Senate
Co-Chair, NCSL Natural Resources and
Infrastructure Committee

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A handwritten signature in black ink that reads "John D. Ragan". The signature is written in a cursive style with a large initial "J" and a distinct "D" and "R".

Representative John Ragan
Tennessee General Assembly
Co-Chair NCSL Nuclear Legislative
Working Group