



## NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

June 15, 2017

The Honorable John Shimkus  
Chairman  
Energy and Commerce Subcommittee on Environment  
2125 Rayburn House Office Building  
Washington, D.C. 20515

**Daniel T. Blue, JR**  
*Senate Democratic Leader  
North Carolina  
President, NCSL*

**Raúl E. Burciaga**  
*Director  
Legislative Council Service  
New Mexico  
Staff Chair, NCSL*

**William T. Pound**  
*Executive Director*

RE: The Nuclear Waste Policy Amendments Act of 2017

Dear Chairman Shimkus:

The National Conference of State Legislatures (NCSL), the bi-partisan organization representing the legislatures of our nation's states, territories, and commonwealths, appreciates the opportunity to comment on the Nuclear Waste Policy Amendments Act of 2017. We look forward to working with you and the full committee in order to address issues that accompany spent nuclear fuel storage and high level radioactive waste management. We recognize that while nuclear power is an integral part of a national energy plan, issues including storage and disposal of spent nuclear fuel must be confronted.

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. Although NCSL has not adopted a specific position on the Yucca Mountain Nuclear Waste Repository, 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 that the consent and siting process in the United States is inherently unique, and, as this legislation moves forward, 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;
- Most importantly, as stated above, NCSL strongly recommends that the siting of such facilities, both for consolidated interim storage and long-term disposal of high-level

**Denver**  
7700 East First Place  
Denver, Colorado 80230-7143  
Phone 303.364.7700 Fax 303.364.7800

**Washington**  
444 North Capitol Street, N.W. Suite 515  
Washington, D.C. 20001  
Phone 202.624.5400 Fax 202.737.1069

Website [www.ncsl.org](http://www.ncsl.org)  
Email [info@ncsl.org](mailto:info@ncsl.org)

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radioactive waste, be the result of a consent based approach that involves all affected levels of government, including state legislatures to ensure that such a decision is made with the appropriate levels of support.

- Primary authority and responsibility for water resources management functions, including planning, development and regulation, rest with the states. Any pre-emption of this authority should be avoided.
- 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;
- Efforts to ensure the Nuclear Waste Fund is used for its intended purpose of managing radioactive wastes. 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.;
- A memorandum of understanding with each corridor state to spell out responsibilities, liability, compensation, response time, cleanup, shipping, planning and other duties connected with emergency situations. State, local, and tribal governments should also be given both the funding and technical assistance for ongoing emergency preparedness, and should be involved in a meaningful manner with regard to all elements of the transportation system including radiation emissions standards, cask designs, and transportation equipment.

NCSL has an extensive history of working on issues related to nuclear waste management and welcomes the opportunity to work with you and your staff 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 Kristen Hildreth ([kristen.hildreth@ncsl.org](mailto:kristen.hildreth@ncsl.org)) for more information.

Sincerely,



Speaker Robin Vos  
Wisconsin State Assembly  
Co-Chair, NCSL Standing Committees



Delegate Sally Jameson  
Maryland House of Delegates  
Co-Chair, NCSL Standing Committees

Attached: NCSL Radioactive Waste Management Policy Directive