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September 14, 2012

The Honorable Jeff Bingaman  
Chairman  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington D.C. 20510

The Honorable Lisa Murkowski  
Ranking Member  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington D.C. 20510

Re: Nuclear Waste Administration Act of 2012 (S. 3469)

Dear Chairman Bingaman and Ranking Member Murkowski,

On behalf of the National Conference of State Legislatures (NCSL), I applaud this committee for moving the debate concerning America's nuclear energy issues forward by building on the recommendations for a new national radioactive waste management strategy made by the Blue Ribbon Commission on America's Nuclear Future (BRC) in its final report issued on January 26, 2012.

NCSL is the bi-partisan national organization representing the 50 state legislatures and the legislatures of our nation's commonwealths, territories and the District of Columbia. NCSL has a long history of working on nuclear energy issues. Specifically, NCSL's Nuclear Legislative Working Group, of which I am the chair, 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 also helps to form NCSL policy directives on this and other topics. I am also a member of NCSL's Executive Committee and serve on NCSL's Energy Supply Task Force. The task force explores current energy policies in the United States and makes recommendations for changes to current NCSL policy related to energy issues.

NCSL has adopted two applicable policies on these topics, Radioactive Waste Management Policy Directive and National Energy Policy Directive, which have been submitted as attachments to these written remarks. These two policies serve as the foundation for these remarks and our support of congressional efforts to find a solution to nuclear waste management in the U.S. including:

- development and licensing of a high-level waste/used nuclear fuel permanent disposal facility;

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- establishment of consolidated interim storage facilities at technically and scientifically suitable sites;
- creation of a public-private partnership to manage the back end of the nuclear cycle; and
- efforts to ensure the Nuclear Waste Fund is used for its intended purpose of managing radioactive wastes.

NCSL commends the inclusion of state consultation in the consent based approach to siting radioactive waste facilities, within the Nuclear Waste Administration Act of 2012. However, it is vital that state legislators, and not just a state's governor, be consulted regularly to ensure that such a decision is made with the appropriate levels of support. Under the Nuclear Waste Policy Act, it is clearly stated that the Department of Energy will work with states, including state legislators. NCSL strongly urges this committee, as it moves forward to develop a program for the long-term treatment and disposal of high-level radioactive waste, to ensure adherence to this requirement.

While Congress and the federal government work to develop long-term disposal solutions, NCSL supports federal action to develop consolidated interim storage facilities to temporarily house high level radioactive waste inventories until a permanent repository is operational. NCSL also supports use of the Nuclear Waste Fund to provide interim storage financing mechanisms and incentives to voluntary host communities. Addressing the need for interim storage facilities will help advance national efforts to address spent fuel storage and high level radioactive waste management as long term storage plans are developed.

Finally, NCSL urges enactment of legislative language that would ensure that the Nuclear Waste Fund is used for its intended purpose to support the establishment and implementation of a nuclear waste management program. Additionally, such language should establish a firewall so that fees deposited in the Nuclear Waste Fund are used for nuclear waste management purposes and are not subject to non-related federal discretionary spending.

Thank you for the opportunity to weigh in on this important issue. NCSL has a long history of working on issues related to nuclear waste management and welcome the opportunity to continue to work with Congress to advance this conversation and build on the recommendations of the Blue Ribbon Commission and the proposals discussed in today's hearing. Please feel free to contact NCSL staff Ben Husch ([ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)) or Tamra Spielvogel ([tamra.spielvogel@ncsl.org](mailto:tamra.spielvogel@ncsl.org)) for more information.

Sincerely,



Delegate Sally Young Jameson  
Maryland House of Delegates  
Chair, NCSL Nuclear Legislative Workgroup