



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

RADIOACTIVE WASTE MANAGEMENT

***Joint policy directive of the NCSL Environment Standing Committee
and the NCSL Energy, Transportation and Agriculture Standing Committee***

The federal government should work with NCSL and similar organizations in an effort to ensure that state legislators are included in all aspects of nuclear waste management strategies.

Low-Level Waste NCSL maintains that states are best prepared to license and regulate low-level waste disposal facilities that operate within their borders in order to protect the health, safety and welfare of their citizens. NCSL urges the federal government to continue to provide states both with support and flexibility in their efforts to dispose of low-level radioactive waste. States and state compacts should have authority to limit/allow the import and export of waste to and from their state or region. The federal government should adopt policies that clarify the responsibility of the federal government for federal waste, identify any federal waste that might be disposed at compact facilities, and ensure that any federal waste disposed of at compact or unaffiliated state facilities is subject to negotiation and the same laws, regulations, fees and requirements as nonfederal waste. The federal government should adopt clear policies with regard to naturally occurring and accelerator produced radioactive material waste and mixed wastes that respect states' authority to protect the health, safety and welfare of their citizens. NCSL encourages the federal government to work with NCSL toward these ends.

High-Level Waste and Used Fuel Management

NCSL urges the federal government to expeditiously research, develop and license a high-

level waste/used nuclear fuel disposal and consolidated interim storage facilities at technically and scientifically suitable sites. NCSL favors the creation of a public-private partnership to manage the back end of the nuclear cycle. The federal government should consult with states at each step of the process to ensure they play an integral role in the development of high-level waste/used nuclear fuel storage and disposal policies and obtain state, local and tribal government informed consent before locating permanent disposal or consolidated interim storage facilities. The federal government should provide fair and equitable compensation to state and local 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 federal government should comply with state laws and regulations during the process of site selection and characterization, and the construction, operation and decommissioning of permanent disposal or consolidated interim storage facilities.

Consolidated interim storage facilities should be licensed for a specific, limited period of time not to exceed 25 years. High-level waste/used nuclear fuel recycling should be a priority waste management strategy.

Annual funding from the Nuclear Waste Fund should be used for nuclear waste management and not subject to non-related federal discretionary spending. These funds should be isolated for developing permanent disposal and consolidated interim storage facilities.

Transportation of Radioactive Waste and Used Nuclear Fuel

NCSL urges the federal government to ensure safe and reliable modes of transportation of radioactive wastes. DOE should seek to enter into 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 be given funding and technical assistance for ongoing emergency preparedness, independent safety inspections of drivers, vehicles and shipping containers, training of state and local public safety officials along radioactive waste transportation routes, and state emergency management communications centers. State,

local and tribal governments should be involved in a meaningful manner with regard to radiation emissions standards, cask designs, support facilities, transportation equipment and other elements of the transportation system. The federal government should respect state and tribal authority to assess reasonable fees which fund activities connected to the safe routine transportation of high-level waste/used nuclear fuel shipments. The federal government should assure transportation accident prevention through the use of superior drivers; carrier compliance with shipping contracts and all applicable federal, state and local regulations; independent safety inspections of drivers, vehicles and shipping containers; designation of safe parking areas during abnormal conditions; advance notice to the appropriate state and local agencies regarding shipments; and state access to information on shipments' status (i.e. real-time shipment tracking information where appropriate). Special criteria should be applied to the shipment of high-level waste/used nuclear fuel, including the development of guidelines for routing when shipping by rail, the use of dedicated trains moving at safe speeds for rail shipments, safety inspections at origin and enroute, and full-scale testing of casks used for used fuel transport.

Defense-Generated Transuranic (TRU) Waste

NCSL urges the federal government to appropriate adequate funds and expedite its responsibilities with regard to disposal of defense-generated transuranic (TRU) waste. The federal government should implement a compensation program that recognizes equity considerations for state and local governments hosting a TRU waste repository and the federal government's obligation to provide such compensation. Host communities should be given assistance to subsidize and maintain an independent environmental monitoring and analytical laboratory to assure the character of the waste and ensure public confidence and safety.

Federal Facilities Cleanup

The states insist that the cleanup and disposal programs at the federal government's network of nuclear weapons production facilities and national research labs advance in a safe, cost-effective and expeditious manner. The U.S. Department of Energy, the Department of Defense and any future owners should be subject to all state laws governing the cleanup of hazardous and radioactive waste materials. States are also committed to the cleanup and

conversion of closed military and other federal facilities containing hazardous and radioactive waste materials to other beneficial uses as soon as possible. NCSL encourages the Department of Defense to lessen the impacts of closing these facilities by entering into partnerships with business and other private interests in order to turn them into sites of commerce and development.

All federal cleanup efforts must be conducted in full consultation with the affected state, tribal and local governments. An ongoing dialogue with the states should be maintained to ensure effective state involvement in critical cleanup related decisions. Cleanup work must be accomplished in strict compliance with federal facility agreements and federal and state laws governing the cleanup of hazardous and radioactive waste materials. The federal government should give state and federal regulators complete enforcement authority necessary to ensure such compliance.

The federal government should continue to use the contract review process to provide effective oversight and to evaluate integrated contracts for cost accountability. Cost-effective solutions must be developed and implemented by federal agencies to meet cleanup standards that protect human health and the environment. State, tribal and local governments must have a continuing, substantive role in the planning and oversight activities of the waste-management effort. The Department of Energy must recognize that cultural resources and artifacts may be present on DOE sites, and must partner with affected Indian tribes to identify and mitigate impacts to those resources.

Pollution prevention practices should be followed and whenever possible recovered materials should be recycled or reused. Action should be taken to manage federal radioactive, hazardous, and mixed waste sites as soon as possible, but safety and quality cleanup must remain the priority. Federal cleanup efforts should enforce priorities and meet milestones set forth in federal-state consent orders regarding the cleanup of specific sites. A fully funded and comprehensive long-term stewardship program for all of the federal facilities must be developed to ensure that communities are protected in perpetuity.