



April 30, 2019

The Honorable Lamar Alexander
 Chairman, U.S. Senate Subcommittee on Energy &
 Water Appropriations
 455 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Dianne Feinstein
 Ranking Member, U.S. Senate Subcommittee on
 Energy & Water Appropriations
 331 Hart Senate Office Building
 Washington, DC 20510

The Honorable Marcy Kaptur
 Chair, U.S. House Subcommittee on Energy & Water
 Appropriations
 2186 Rayburn House Office Building
 Washington, DC 20515

The Honorable Mike Simpson
 Ranking Member, U.S. House Subcommittee on
 Energy & Water Appropriations
 2084 Rayburn House Office Building
 Washington, DC 20515

Dear Senate and House Energy & Water Appropriations Leaders:

The undersigned organizations seek your leadership to appropriate funds in FY 2020 for the following critical elements of an effective nuclear waste management program:

- **Completion of the Yucca Mountain Licensing Review.** Consistent with the Nuclear Waste Policy Act (NWPA), the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) need funding as requested to proceed with the adjudicatory process for evaluating scientific evidence provided by experts from DOE, the State of Nevada, and other parties and determining whether the license application for the proposed Yucca Mountain repository should be granted.
- **Implementation of Pilot Consolidated Interim Storage with Priority for Shutdown Reactor Fuel.** Congress should also facilitate a pilot consolidated interim storage (CIS) facility for spent nuclear fuel (SNF) and Greater-Than-Class-C (GTCC) waste stranded at shutdown nuclear sites to (i) enable the government to begin meeting its obligations sooner; (ii) allow for other uses of decommissioned reactor sites; and (iii) implement the country's SNF transportation infrastructure. So that this pilot can be made available in a timely manner, DOE should be instructed to work with private initiatives that are already pursuing licenses for such a facility to the maximum extent possible.
- **Preparation for SNF Transportation.** Because development of SNF transportation infrastructure will be necessary regardless of destination, we support funding for DOE to (i) test, certify, and procure rail cars, as well as licensed transportation casks and components in a manner that utilizes the private sector to the maximum extent practicable as required by the NWPA; and (ii) increase financial and technical assistance to tribal, state, and local governments for transportation and related emergency preparedness activities that will enhance public confidence in the safety of SNF transportation.

We ask that your respective Energy and Water Appropriations Subcommittees include these three items in your upcoming markups. It is imperative that Congress provide direction and funding this session to advance an integrated national nuclear waste program that includes completing the Yucca Mountain license application review and establishing a pilot CIS facility with priority for shutdown reactor fuel. In addition, we urge you to restructure the funding and spending mechanisms for the Nuclear Waste Fund (NWF) to provide the necessary certainty to implement the program over multiple decades. This should include sustainable access to the NWF



balance and all accumulated interest while maintaining effective Congressional oversight. Together, these actions would send a clear message that you are committed to resolving the nuclear waste stalemate and ensuring that the federal government carries out its statutory and contractual responsibility to manage and dispose of SNF.

Urgent action is needed. NWF receipts total nearly \$50 billion, including fees collected from U.S. electric consumers per the NWPA and interest accumulating at a rate of approximately \$1.5 billion per year. Electric consumers have met their obligation and received nothing in return. In addition, the impasse over nuclear waste is costing all U.S. taxpayers billions of dollars. As of September 30, 2018, the federal government had paid \$7.4 billion in damages as a result of lawsuits and settlements, and its current estimate of remaining federal liabilities is over \$28 billion. Every extra day of Congressional inaction costs American taxpayers another \$2.2 million! Finally, U.S. commercial SNF inventories now exceed 80,000 metric tons at 98 operating reactors, 15 shutdown sites, and the Morris independent spent fuel storage site in Illinois, and all must be removed and permanently disposed per the federal government's obligation.

In closing, our organizations respectfully request that your response to our joint call for action include funding the noted priorities in FY 2020 and ensuring sustainable funding of an integrated nuclear waste management program. Thank you for your consideration, and please do not hesitate to contact Katrina McMurrian, NWSC Executive Director, at katrina@theNWSC.org or 615.905.1375, for more information.

Sincerely,

John E. Kelly
President
American Nuclear Society (ANS)

Wayne Norton
Chair, Decommissioning Plant Coalition (DPC) Steering Committee, and President & CEO, Yankee Atomic Electric Company

Nick Wagner
President, National Association of Regulatory Utility Commissioners (NARUC), and Board Member, Iowa Utilities Board

Maria G. Korsnick
President & CEO
Nuclear Energy Institute (NEI)

David Blee
President & CEO
U.S. Nuclear Industry Council (NIC)

Sarah Hofmann
Chair, Nuclear Waste Strategy Coalition (NWSC), and Commissioner, Vermont Public Utility Commission

cc: The Honorable Rick Perry, Secretary, U.S. Department of Energy
The Honorable Mick Mulvaney, Director, Office of Management and Budget