



November 16, 2018

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

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

The Honorable Mike Simpson
Chairman, U.S. House Subcommittee on Energy &
Water Appropriations
2084 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Marcy Kaptur
Ranking Member, U.S. House Subcommittee on
Energy & Water Appropriations
2186 Rayburn House Office Building
Washington, D.C. 20515

Dear Senate and House Energy & Water Appropriations Leaders:

The undersigned organizations appreciate your collective efforts to pass the omnibus appropriations bill (H.R. 5895) ensuring energy appropriations for FY2019 under regular order. We also seek your leadership to advance a responsible solution to permanently dispose of commercial nuclear waste as required by the Nuclear Waste Policy Act (NWPA). This national concern is not going away, and overall costs to taxpayers continue to climb. Congress missed another opportunity to fund crucial nuclear waste management program activities related to Yucca Mountain licensing and consolidated storage in FY2019. Now is the time to act, and the post-election session of Congress provides a perfect opportunity. It is our hope that you will proactively pursue any legislative vehicle to kick-start funding for the currently zeroed-out nuclear waste disposal program.

It is imperative that Congress take urgent action to address the nuclear waste issue. The impasse over nuclear waste is costing all U.S. taxpayers billions of dollars. As of September 30, 2017, the government has paid \$6.9 billion in damages as a result of lawsuits and settlements, and the current government estimate of remaining federal liabilities is \$27.2 billion, based on optimistic assumptions about when the U.S. Department of Energy (DOE) will begin to remove fuel from reactor sites. Every extra day of Congressional inaction increases the costs to American taxpayers.

It has been more than 35 years since the enactment of the NWPA; more than 20 years since the federal government failed to meet its statutory and contractual obligation to begin removing used fuel from nuclear energy reactor sites; more than 10 years since DOE submitted the Yucca Mountain license application to the U.S. Nuclear Regulatory Commission (NRC) for review; and more than eight years since the previous Administration defunded the repository program and vacated the Office of Civilian Radioactive Waste Management. As a result of this prolonged inaction, U.S. commercial spent fuel inventories now exceed 80,000 metric tons at 98 operating reactors, 15 shutdown sites and the Morris independent spent fuel storage site in Illinois.

There is no reason not to act now, and urgent action is needed. Nuclear Waste Fund 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 Congress must act to appropriate these funds for their intended purpose and establish a sustainably-funded national integrated nuclear waste management program.



Solutions are possible. The passage this session of the Nuclear Waste Policy Amendments Act of 2018 (H.R. 3053) by a vote of 340-72 demonstrates a bipartisan consensus in the House for action on the Yucca Mountain license review, a consolidated interim storage facility with priority for shutdown nuclear plants, and sustainable funding that accesses the Nuclear Waste Fund. The balance of the 116th Congressional session provides a unique opportunity for Senate and House Appropriators to demonstrate a similar bipartisan consensus for action on these critical issues.

The Nation needs a bipartisan path forward for our commercial spent fuel and high-level defense waste. Now is the time for the Congress to engage on a bipartisan, bicameral solution that assures sustainable funding with access to the Nuclear Waste Fund to complete licensing and the opening of a national geologic repository in tandem with a path for the DOE to partner with the private sector to develop consolidated interim storage.

We appreciate your attention to this imperative nuclear energy infrastructure issue and urge you to address this challenge during the current session. The undersigned will provide any support and information requested to complete this process quickly.

Sincerely,

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

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

Craig H. Piercy
Washington Representative
American Nuclear Society (ANS)

Greg R. White
Executive Director
National Association of Regulatory Utility Commissioners
(NARUC)

cc:

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