





February 12, 2016

The Honorable Ernest J. Moniz Secretary U.S. Department of Energy 1000 Independence Avenue, SW Washington, DC 20585

Dear Secretary Moniz:

The National Association of Regulatory Utility Commissioners (NARUC)ⁱ, the Nuclear Waste Strategy Coalition (NWSC)ⁱⁱ, and the Nuclear Energy Institute (NEI)ⁱⁱⁱ believe there is a need to restore transparency with respect to the electric consumer-funded Nuclear Waste Fund (NWF). We urge the Department of Energy (DOE) to again provide an accurate and clear annual report of the NWF status to the nation's electric consumers and taxpayers.

The federal government has failed to remove and dispose of used nuclear fuel and high-level radioactive waste from commercial plant sites, despite collecting billions of dollars from electric ratepayers who paid for that disposal via mandated fees. Those same ratepayers, along with all other taxpayers, continue to pay for damages to utilities because of DOE's non-performance of its contractual obligations. At a minimum, the federal government should provide an annual plain-English accounting of how the money was collected and spent and how much remains. That NWF reporting necessarily should include receipts from commercial and defense nuclear generators, investment income accrued, expenditures for Yucca Mountain and other waste program activities, and the current balance.

The DOE Nuclear Waste Fund's Fiscal Year Financial Statement Audit Report provides some useful information and should continue to be published. However, that report in no way is a substitute for the previously published DOE Office of Civilian Radioactive Waste Management's "Summary of Program Financial & Budget Information." That report provides a clear, reliable, and understandable snapshot regarding the NWF's status. The last OCRWM report was published in 2010. It is attached as an appropriate model for DOE going forward.

NARUC, NWSC and NEI respectfully request that DOE publish its first such report as soon as possible to provide the NWF status as of the end of Fiscal Year 2015. On a prospective basis, we suggest that these reports be issued simultaneously with the NWF Audit Report.

Thank you for your consideration and commitment to transparency. We respectfully request a response to this request at your earliest convenience. If further discussion is needed, the undersigned representatives are willing to meet with you and your team. Please contact Katrina McMurrian, NWSC Executive Director, at katrina@theNWSC.org or 615.905.1375, to coordinate any additional discussions.

Sarah D. Hofmann

Sincerely,

Travis Kavulla

President, National Association of Regulatory Utility Commissioners Vice-Chairman, Montana Public Service

Commission

ciation of Chair, Nuclear Waste Strategy Coalition missioners Board Member, Vermont Public Service Board

Marvin S. Fertel
President & Chief Executive Officer,
Nuclear Energy Institute

February 12, 2016 Page 2

Attachment - DOE OCRWM Summary of Program Financial & Budget Information as of January 31, 2010

cc: Ms. Mary Louise Wagner, Senior Policy Advisor, Office of the Secretary, Department of Energy Mr. John Kotek, Acting Assistant Secretary for the Office of Nuclear Energy, Department of Energy Mr. Joseph Hezir, Chief Financial Officer, Department of Energy

NARUC is the national association representing the State Public Service Commissioners who regulate essential utility services in your State. NARUC members are responsible for assuring reliable utility service at fair, just, and reasonable rates. Founded in 1889, the Association is an invaluable resource for its members and the regulatory community, providing a venue to set and influence public policy, share best practices, and foster innovative solutions to improve regulation.

[&]quot;The NWSC is an ad hoc organization representing the collective interests of member state utility regulators, state consumer advocates, state radiation control officials, state energy officials, tribal governments, local governments, electric utilities with operating and shutdown nuclear reactors, and other public and private sector experts on nuclear waste policy matters. Its primary focus is to protect electric consumer payments into the Nuclear Waste Fund and to support the removal and ultimate disposal of used nuclear fuel and high-level radioactive waste currently stranded at numerous sites across the country.

ⁱⁱⁱ NEI is responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory, financial, technical and legislative issues. NEI members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.



Office of Civilian Radioactive Waste Management

Office of Business Management

Summary of Program Financial & Budget Information

As of January 31, 2010

Foreword

The Summary of Program Financial and Budget Information is a compendium of historical and current fiscal year program-level financial and budget information which is intended to provide in one place frequently requested publically available information.

The report utilizes the Program Work Breakdown Structure and the Budget and Reporting System instituted in FY 2005.

The report provides a variety of financial and budget-related data, including the Nuclear Waste Fund status, budget request & Appropriations summaries, as well as information on the program's cost (spending) history. Major sources of data include the I-Manage Data Warehouse (STARS), the Approved Funding Program (AFP), the President's Budget Requests, and the Library of Congress.

Questions or comments regarding the Summary of Program Financial and Budget Information should be directed to Ronald Szatmary, Director of the Office of Business Management at (202) 586-6511

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Nuclear Waste Fund Income Sources and Disbursements¹ Nuclear Waste Fund Income Sources (dollars in thousands) Spent Nuclear Fuel Fees Defense Fees Treasury Loan One-Mil High-Level **Principal** One-Time Cumulative Investment **Total Annual** Annual Fiscal Year Fees 2,4 Returns^{3,5} Fees² Fees² Waste Fees ² (Payment) Income Disbursements⁶ **NWF Balance** -74 1,353 1,427 2,198 -258 1,462 2,566 1,395 3,007 1,456 3,511 1,723 4,030 2,089 4,606 2,489 5,206 3,013 5,772 3,505 6,249 3,984 6,671 4,306 7,286 4,759 7,920 5,396 8,516 6,304 1,067 9,116 1,343 7,436 9,778 8,029 10,480 1,585 9,325 11,169 1,243 1,932 11,058 11,881 1,862 2,574 13,512 12,612 1,177 14,535 13,344 2,047 1,315 16,389 1,914 17,979 14,080 1,178 14,832 1,294 19,081 15,586 1,548 20,393 16,349 1,117 1,880 22,047 23,648 17,119 1,054 1,824 FY10 thru 1/31/2010 24,276

14,228

1,172

31,686

1,941

7,410

Cum-to-date

Forecast for

End of FY 2010

15,961

1,485

17,446

17,118

24,276

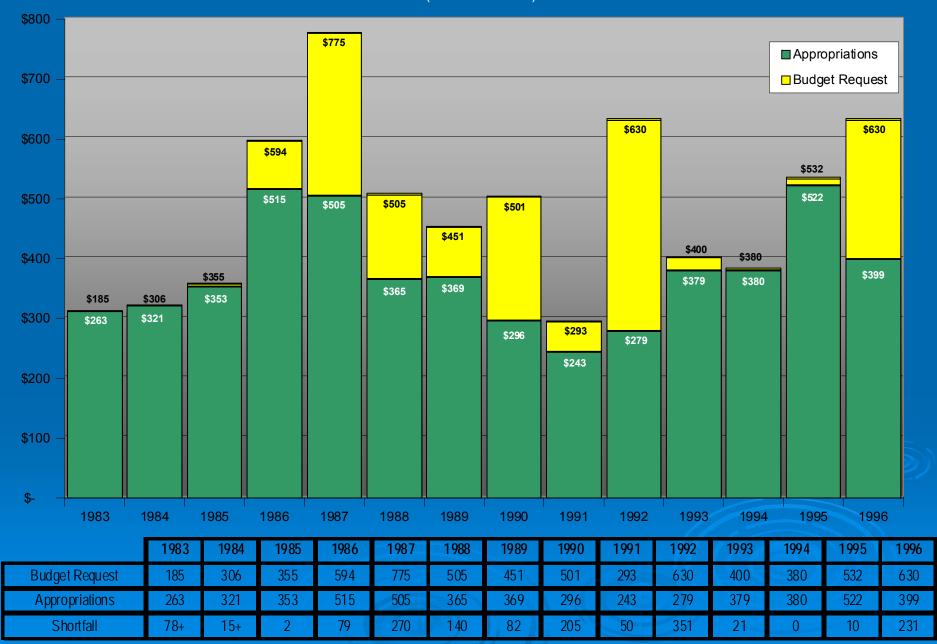
25,369

Nuclear Waste Fund Footnotes

- 1.) Values shown are accurate as of the date of publication. Rows may not add due to independent rounding. Receipts and disbursements do not include Defense Nuclear Waste Disposal appropriations because these funds are not derived from the Nuclear Waste Fund. See "Program Appropriations History" beginning on page 7 for amounts appropriated for Defense Nuclear Waste Disposal.
- 2.) Actual Fees from the "NWF Summary of Cash Balances" issued monthly by the DOE Office of Chief Financial Officer.
- 3.) Actual Investment Returns for FY 2005 and prior years include coupon interest receipts; net premiums and discounts paid and received on bills, notes, and bonds; and the annual change in market value of zero coupon bonds. FY 2001 Investment Returns were restated in December 2001 to reflect change in market value of zero coupon bonds. Actual Investment Returns for "FY 09 through 9/30/09" include accrued coupon interest and amortized premiums and discounts of bills, notes and bonds; and amortized interest income based on the effective yield at the time of bond purchase for zero- coupon bonds.
- 4.) Forecast kWh Fee Receipts are based on the latest available Energy Information Administration (EIA) projections.
- 5.) Forecast Investment Returns consist/include anticipated effective yield earnings on all securities from the date of purchase.
- 6.) Forecast Disbursements are based on prior year appropriations, plus prior year Nuclear Regulatory Commission (NRC), Nuclear Waste Technical Review Board (NWTRB), and Nuclear Waste Negotiator (NWN) appropriations. Actual and Forecast disbursements include Program Expenditures, NRC, NWTRB, and NWN appropriations, interest on Treasury loans (FY84 \$3M, FY85 \$5M) and interest refunded to utilities (FY88 \$7M, FY89 \$1M, FY92 \$7M, FY93 \$41M, FY94 \$48M, FY95 \$19M, FY96 \$1M).

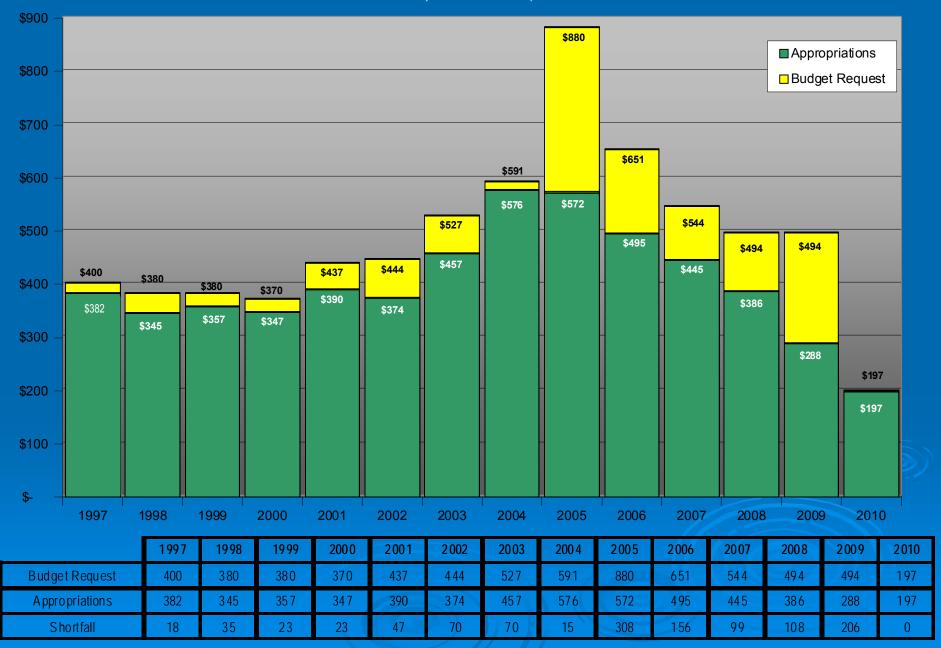
Office of Civilian Radioactive Waste Management OCRWM President's Request versus Congressional Appropriations

(dollars in millions)



Office of Civilian Radioactive Waste Management OCRWM President's Request versus Congressional Appropriations

(dollars in millions)



	PROGRAM APPROPRIATIONS HISTORY (a) NUCLEARWASTE DISPOSAL AND DEFENSE NU CLEARWASTE DISPOSAL APPROPRIATIONS (b)													
	(dollars in thousands)													
	(c) FY 1983	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989	FY1990	FY 1991	FY 1992	FY1993	FY 1994	FY 1995	FY 1996
OCRWM (By Appropriation)														
ENERGY SUPPLY R&D, CIVILIAN WASTE R&D	263,521	2,750	25,886	15,991	6,487	5,000	2,498	977	696	4,700	4,583	646	682	
NUCLEAR WASTE FUND APPROPRIATION		318,675	327,669	499,037	499,000	360,000	366,832	295,156	242,830	275,071	275,071	260,000	392,604	151,041
DEFENSE NUCLEAR WASTE APPROPRIATION											100,000	120,000	129,430	248,400
TOTAL(OCRWM)	263,521	321,425	353,555	515,028	505,487	365,000	369,330	296,133	243,526	279,771	379,654	380,646	522,716	399,441
NON-OCRWM														
NRC NWTRB NWN							15,000	49,970 2,000 5,959	19,650	19,962 3,294	21,100 2,060	22,000 2,160 1,000	2,664	11,000 2,531
Total (NON-OCRWM)							15,000	57,929	19,650	23,256	23,160	25,160	25,664	13,531

PROGRAM APPROPRIATIONS HISTORY (a) NUCLEAR WASTE DISPOSAL AND DEFENSE NUCLEAR WASTE DISPOSAL APPROPRIATIONS (b)

(dollars in thousands)

	FY 1997	FY 1998	FY 1999	(e) FY 2000	(f) FY 2001	(g) FY 2002	FY 2003	FY 2004	FY 2005	(h) FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY83-FY10 Total
OCRWM (By Appropriation)															
ENERGY SUPPLY R&D, CIVILIAN WASTE R&D		-304	-151												333,962
NUCLEAR WASTE FUND APPROPRIATION	182,000	156,000	168,465	235,601	190,654	94,916	144,058	188,879	343,232	148,500	99,206	187,269	145,390	98,400	6,790,946
DEFENSE NUCLEAR WASTE APPROPRIATION	200,000	190,000	189,000	111,574	199,725	279,795	312,952	387,699	229,152	346,500	346,500	199,171	143,000	98,400	3,974,298
TOTAL (OCRWM)	382,000	346,000	357,465	347,175	390,379	374,711	457,010	576,578	572,384	495,000	445,706	386,440	288,390	196,800	11,099,661
NON-OCRWM															
NRC NWTRB NWN	11,000 2,531	15,000 2,600	17,000 2,600	19,150 2,600	21,600 2,900	23,650 3,100	24,738 3,179	32,905 3,158		45,657 3,572		29,025 3,621	49,000 3,811	0	452,049 44,226
Total (NON-OCRWM)	13,531	17,600	19,600	21,750	24,500	26,750	27,917	36,063	71,650	49,229	49,417	32,646	52,811	0	699,625

Program Appropriations History Footnotes

- (a) For fiscal years 1983 through 2005, the source for each fiscal year's budget authority is the last Congressional Budget Request (CBR) which listed the BA for that year. For example, FY 1995 BA was last listed in the FY 1997 CBR. For fiscal years 2006 and after, the source of each fiscal year's budget authority is the public law making appropriations for that fiscal year, and is updated as necessary to reflect subsequent Congressional action. All fiscal years shown reflect any rescissions made in the final appropriations bill.
- (b) This chart includes budget Authority derived from the Nuclear Waste Fund which was appropriated for nuclear waste disposal, and also appropriations for defense nuclear waste disposal. This chart also includes appropriations derived from the Nuclear Waste Fund for the Nuclear Regulatory Commission (NRC), the Nuclear Waste Technical Review Board (NWTRB), and the Nuclear Waste Negotiator (NWN). Not included are non-Program budget authority such as the \$4M appropriated from general revenues in FY 1999 to assess accelerator transmutation of waste (ATW) technology. Appropriations for OCRWM are provided with the following Congressional control points: Nuclear Waste Disposal Fund; Program Direction (through FY06); Defense Nuclear Waste Disposal (since FY93); and Energy Supply Research and Development, Civilian Waste Research and Development (FY83-FY95).
- (c) The sources of the FY 1983 funds included borrowing \$9,739,000 from other DOE appropriations (Energy Supply Research and Development, Civilian Waste Research and Development) plus \$253,782,000 in cash provided by the U.S. Treasury.
- (d) FY 1996 does not include \$85M appropriated for an Interim storage facility (ISF), but not authorized.
- (e) For FY 2000, \$239,225 of the Nuclear Waste Disposal Fund appropriation remained unobligated at the end of FY 2000 and expired.
- (f) FY 2001 includes \$10M of funds previously appropriated in FY 1996 for interim waste storage activities in Public Law 104-46 in the Defense Appropriation. The remaining \$75M from FY 1996 was rescinded.
- (g) Not included is the settlement from a lawsuit against Flour Daniel from which DOE placed new Budget Authority into the FY 2002 AFP in the amount of \$645,044 under the Nuclear Waste Fund appropriation and \$448,016 under the Defense appropriation. Also not included is the \$97,090 of funds recovered from a settlement with Jacobs Engineering which DOE placed as new Budget Authority in the FY 2002 AFP under the NWF appropriation.
- (h) Amount shown includes \$49,500,000 (including rescission) appropriated to OCRWM from the Nuclear Waste Fund for Integrated Spent Fuel Recycling, which was provided to the DOE Office of Nuclear Energy, Science and Technology.

	PROGRAM SPENDING HISTORY													
	MONIES EXPENDED 1983 - 2009 (a)													
	E)/ 4000	EV 4004	EV 400E	E)/ 4000	EX 400E			thousands		EV 4000	EV 4000	E)/ 400 4	E)/ 400E	E)/ 4000
	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
OCRWM														
FIRST REPOSITORY														
Basalt Project	42,959	60,307	76,547	104,487	128,179	61,707	,		1,368	909	475	221	71	3
Yucca Mountain Project		89,485	84,027	109,981	109,643	140,857				189,437				
Salt Project		83,838	87,843	104,717		54,220				-193				
RPT/Technical Support		000 000	040 447	240 405	37,404	47,667			5,743	21,335		108		
TOTAL, FIRST REPOSITORY	157,413	233,630	248,417	319,185	390,296	304,451	236,403	204,479	188,671	211,488	230,534	279,785	378,355	249,144
SECOND REPOSITORY	8,376	22,075	22,370	26,028	6,988	375	58						-3	5
WAST PROJECT														
MRS	3,723	10,436	15,339	5,925	1,384	1,364	1,566	2,109	5,459	21,336	15,385	3,698	8,152	114
Engineering Development (b)		10,500	179	3,097	15,557	7,991	9,973		9,055					
Transportation Systems		1,541	2,226	5,768	10,835	15,582	25,901	21,628	19,792	21,635	15,149	15,167	10,736	5,665
Waste Acceptance (c)											6,630	3,721	4,748	4,195
Project Integration (d)													1,785	
Spent Fuel Storage														2,331
TOTAL, WAST PROJECT	3,723	22,477	17,744	14,790	27,776	24,937	37,440	37,092	34,306	54,469	41,454	34,651	35,130	31,297
PROGRAM INTEGRATION														
Quality Assurance						136	472	1,588	2,911	3,179	10,593	12,628	11,744	18,297
Program Management & Integration (d,e)	8,652	36,382	54,350	64,824	74,909	69,850	80,830	57,978	71,255	66,417	79,347	70,855	71,331	
Human Resources & Administration		1,108	574	584	686	275		,	5,287	10,795		,		
TOTAL, PROGRAM INTEGRATION	8,799	37,490	54,924	65,408	75,595	70,261	81,585	67,227	79,453	80,391	118,372	110,579	114,140	63,967
TOTAL (OCRWM)	178,311	315,672	343,455	425,411	500,655	400,024	355,486	308,798	302,430	346,348	390,360	425,015	527,622	344,413
OCRWM (Cost by Appropriation)														
Energy Supply R&D, Civilian Waste R&D	178,311	29.680	17,200	16,700	26,471	9,555	14,650	8,100	5,465	10,100	9,450	8,635	(6	
NWF Appropriation		285,992	326,255	408,711	474,184	390,469							. \ \	195,486
Defense Appropriation (f)											99,267		125,743	148,927
TOTAL (OCRWM)	178,311	315,672	343,455	425,411	500,655	400,024	355,486	308,798	302,430	346,348	390,360	425,015	527,622	344,413
NON-OCRWM (g)														
NRC Fees						19,932	18,674	22,870	19,650	19,692	21,100	22,000	22,000	11,000
NWTRB						13,332	10,074	2,000	19,000	3,564				
NWN								5,959			2,000	1,000		
												1,000	1,000	
TOTAL (NON-OCRWM)						19,932	18,674	30,829	19,650	23,256	23,160	25,160	25,664	13,531

				PROGE	RAM SPE	NDING H	ISTORY							
				MONIES		ED 1983)						
					(dollars in	thousands	5)							
	FY 1997	EV 4000	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	EV 2006	FY 2007	EV 2009	FY 2009	FY83 - FY09 Total
	F1 1997	FY 1998	F1 1999	F1 2000	F1 2001	F1 2002	F1 2003	F1 2004	F1 2005	FY 2006	F1 2007	FY 2008	F1 2009	F109 TOtal
OCRWM														
FIRST REPOSITORY														C
Basalt Project			-12		60									490,529
Yucca Mountain Project		341,300	296,542	320,504	328,438	317,645		420,496	· .	314,859	395,101	301,658	154,208	
Salt Project		-238	-73	230	4		-72							521,164
RPT/Technical Support TOTAL, FIRST REPOSITORY		341,062	17 296,474	320,734	328,502	317,645	-100 349,399	-23 420,429	366,094	314.859	395,101	301,658	154,208	169,094 7,813,068
TOTAL, FIRST REPOSITORY	214,032	341,002	290,474	320,734	320,502	317,045	343,333	420,429	300,034	314,009	393,101	301,030	154,200	7,013,000
SECOND REPOSITORY														86,272
WAST PROJECT														(
MRS			-11									-3		95,976
Engineering Development (b)		1,828	-4	-18	10									127,107
Transportation Systems		2,114	267	-35	114	1,143	4,185	20,411	43,610	38,535	44,643	19,893		· · · · · · · · · · · · · · · · · · ·
Waste Acceptance (c)		738	972	1,116	1,178	925		0.000	7.540	0.000		0	458	· · · · · · · · · · · · · · · · · · ·
Project Integration (d)		1,752	626 -187	1,003	843	972	3,234	6,990	7,549	8,890		-27		38,261
Spent Fuel Storage TOTAL, WAST PROJECT		1,588 8.020	1,663	174 2.240	35 2,180	3.040	7,923	27,401	51,159	47,425	44,643	19,863	4,145	7,259 647,972
TOTAL, WAST TROSEST	10,304	0,020	1,000	2,240	2,100	3,040	1,323	21,701	31,133	71,723	77,070	13,003	7,174	041,312
PROGRAM INTEGRATION														
Quality Assurance	15,478	10,670	10,513	11,006	12,433	11,601	13,333	15,540	14,425	12,915	10,871	12,110	5,935	218,378
Program Management & Integration (d,e)		33,314	29,791	30,193	31,679	32,720			75,851	53,677	40,191	25,808		
Human Resources & Administration	9,344	10,240	7,347	8,996	9,510	9,600	9,706	9,476	7,736	23,464	53,597	53,781	55,696	393,311
TOTAL, PROGRAM INTEGRATION	55,859	54,224	47,651	50,195	53,622	53,921	60,375	77,649	98,012	90,056	104,659	91,699	69,704	1,935,817
TOTAL (OCRWM)	341,495	403,306	345,788	373,169	384,304	374,606	417,697	525,479	515,265	452,340	544,403	413,220	228,057	7 10,483,129
														(
OCRWM (Cost by Appropriation)													-	
Energy Supply R&D, Civilian Waste R&D	1,695	1,500											.((337,512
NWF Appropriation		193,837	155,195	267,360	174,724	93.699	126,118	156,563	252,131	143.078	186,290	192,914	145,390	· · · · · · · · · · · · · · · · · · ·
Defense Appropriation (f)		207,969	190,593	105,809	209,580	280,907	291,579	368,916		309,262	1			
TOTAL (OCRWM)	341,495	403,306	345,788	373,169	384,304	374,606	417,697	525,479	515,265	452,340	544,403	413,220	288,390	10,543,462
														0
NON-OCRWM (g)														
NRC Fees	11,000	15,000	17,000	19,150	21,600	23,650	24,738	32,905	68,498	45,657	45,826	29,025	49,000	579,967
NWTRB	2,531	2,600	2,600	2,600	2,900	3,100								
NWN			2,000		2,300		0,173		0,102	- 0,512	0,001	- 0,021	0,01	7,959
														(
TOTAL (NON-OCRWM)	13,531	17,600	19,600	21,750	24,500	26,750	27,917	36,063	71,650	49,229	49,417	32,646	52,811	643,320

Program Spending History Footnotes

Note: Each cost entry is rounded to the nearest thousand dollars. Rows and columns may not add due to this independent rounding

- (a) All OCRWM cost categories are OCRWM baselined projects except for First Repository, Program Integration, and the subdivisions of the WAST Project. OCRWM costs are from end-of-year Financial Information Systems reports.
- (b) Engineering Development costs include MPC development from FY 1993 through FY 1999.
- (c) Waste Acceptance costs prior to FY 1993 and after FY 2003 are included in Program Management and Integration
- (d) MRS Project Support costs are in Program Management and Integration in FYs 1993, 1994, and 1996; and in WAST Project Integration in FY 1995.
- (e) Includes Debt Service from FY 1983 to FY 1985 of \$3.316M, \$4.472M, and \$2.512M, respectively. Does not include FY 1988 and FY 1989 NRC fees costs of \$38,606,205 recorded in FIS in FY 1989.
- (f) Does not include costs from the \$5M in FY 1991, and \$7.5M in FY 1992, deposited into the Nuclear Waste Fund by the Defense Environmental Restoration and Waste Management Program for the defense high-level waste disposal fee.
- (g) Non-OCRWM costs before FY 1990 are NRC reported costs. Costs shown from FY 1991 through present represent appropriations.

Affected Units of Local Government[^] - Oversight

- Initiated: 1989
- Total to Date (actual): \$119,923,319

State of Nevada – Oversight

- Initiated: 1983
- Total to Date (actual): \$97,616,609

Payments Equal to Taxes

- Initiated: 1983
- Total to Date (actual): \$146,991,657

Nevada System of Higher Education

- Initiated: 1984
- Total to Date (actual): \$124,046,990

Clark County, NV Transportation Grant

- Initiated: 2004
- Total to Date (actual): \$2,000,000

Inyo County, CA (Death Valley Regional Ground Water Monitoring Program

- Initiated: 2002
- Total to Date (actual): \$4,450,000

Nye County, NV Science & Verification Program

- Initiated: 1996
- Total to Date (actual): \$31,416,868

Nye County, NV Cooperative Agreement

- Initiated: 2004
- Total to Date (actual): \$430,000

Total Funding to AULGs, the State of Nevada, affected Tribes, the Nevada System of Higher Education, and other financial and technical assistance since 1983: \$526,875,443.

^{*}The AULGs are the ten counties designated "affected" by the Secretary of Energy in accordance with the Nuclear Waste Policy Act.