

# Congress of the United States

Washington, DC 20515

March 17, 2020

The Honorable Marcy Kaptur  
Chairwoman  
House Appropriations Subcommittee on  
Energy and Water Development  
2362 Rayburn House Office Building  
Washington, DC 20515

The Honorable Mike Simpson  
Ranking Member  
House Appropriations Subcommittee on  
Energy and Water Development  
1016 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Kaptur and Ranking Member Simpson:

We write to request your assistance in addressing a long-standing issue that exists in each of our districts and states – finding a path forward for the timely removal of spent nuclear fuel (SNF) and material classified as Greater-Than Class C waste (GTCC waste) from sites where nuclear power generating activities have permanently ceased.

It is well known that the federal government has been found by the courts to be in partial breach of the contractual obligation created by the 1982 Nuclear Waste Policy Act to remove this material beginning in January 1998. In the latest Nuclear Waste Fund Audit Report by the Department of Energy Inspector General (DOE-OIG-20-10) it is noted that this partial breach has cost all taxpayers \$8.0 billion through September 30, 2019 and that the remaining liability will reach \$28.5 billion— assuming “a FY 2021 restart of licensing activities” and the use “of timeframes contained in the NWPA and the Yucca Mountain License Application.” Any delay in this schedule will only increase the Department’s liabilities. These funds are paid out of a permanent appropriations account known as the Judgment Fund and they add to the federal deficit without benefit of budget or appropriations considerations.

DOE has been obligated to draw from the Judgment Fund because issues associated with the management of SNF and GTCC material at permanently shuttered nuclear plants have been at a stalemate for an extended period of time. We were pleased to see that these issues were a major focus of the Blue Ribbon Commission on America’s Nuclear Future during the Obama Administration, and remain a top priority of the Trump Administration as well.

We note that the Trump Administration’s fiscal year 2021 budget request for the Department of Energy has abandoned efforts to resume licensing activities at Yucca Mountain and requests \$27.5 million to, among other activities, “develop and implement a robust interim storage program.” Although we await additional details on the Department’s allocation of funds within this account, we are pleased that the Administration now recognizes the importance of establishing programs that can bridge the gap between the status quo and the achievement of a workable plan to develop a scientifically robust geologic disposal program.

We continue to believe that any DOE consolidated interim storage (CIS) program should have an initial focus on accepting SNF and GTCC waste from the shutdown reactors while taking into consideration site-specific environmental factors, as our communities are otherwise left to

grapple with the federal government's failure to meet its statutory and contractual obligations and the subsequent economic consequences. We note that the private sector is prepared to facilitate this effort – the NRC has already docketed two CIS facility applications, which are now undergoing multiyear technical review processes to ensure the facilities would meet all applicable standards.

We appreciate your inclusion of \$25 million for interim storage activities in the FY20 House Energy & Water bill last year and were disappointed that this funding was ultimately left out of the final omnibus passed in December 2019. As authorization of an interim storage program within DOE appears more likely and relevant in the current political environment, inclusion of this funding is more critical than ever. The search for a deep geologic repository for the permanent disposal of this material has proved more difficult than anybody envisioned, rendering interim storage a necessary, albeit temporary, solution in this current stalemate.

With this in mind, we respectfully request that a final appropriation for the Department's interim efforts ensure that \$25 million is made available to support the development of a CIS program focused on the consolidation of SNF and GTCC from shutdown sites as a priority. Specifically, we request \$10 million for the initiation of a robust CIS program at DOE; \$10 million for site preparation activities at Stranded Fuel sites preparing to move SNF to interim storage facilities; and \$5 million to support DOE's efforts to reinstate Regional Transport compacts and transportation coordination.

Our constituents have waited patiently for action on this matter, and it is past time that we end the continued stalemate that is wasteful of taxpayer resources and detrimental to the redevelopment of these sites in our communities. We urge you to include funding for SNF and GTCC waste storage and disposal in order to move forward and make these important advances in the nation's used fuel management program.

Sincerely,

DORIS O. MATSUI  
Member of Congress

CHELLIE PINGREE  
Member of Congress

MIKE LEVIN  
Member of Congress

JOE COURTNEY  
Member of Congress

John Garamendi

Harley Rouda

Andy Kim

Tony Cardenas

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