

Congress of the United States
Washington, DC 20515

April 1, 2019

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. Over the course of litigation in the intervening years, the U.S. Court of Claims has consistently ruled in favor of companies for expenditures they have incurred in the continuing storage of these materials. The Department of Energy (DOE) has previously estimated that the resulting impact on taxpayers could reach or exceed \$30.8 billion – assuming it is in a position to begin meeting its obligation through the use of a pilot consolidated storage facility in 2021. 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.

Moreover, the Trump Administration's fiscal year 2020 budget for the Department of Energy requests robust funding to address SNF and GTCC material via an interim storage program. The requested funding could help with the initiation of a consolidated interim storage (CIS) program within DOE with an initial focus on accepting SNF and GTCC waste from the shutdown reactors. 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.

With this in mind, we respectfully request \$25 million to support the development of a CIS program at DOE, complete the necessary applications, and assist with site preparation activities

and regional transportation efforts of SNF. 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



TONY CARDENAS
Member of Congress



JOE COURTNEY
Member of Congress



SALUD CARBAJAL
Member of Congress



SCOTT PETERS
Member of Congress



JERRY MCNERNEY
Member of Congress



HARLEY ROUDA
Member of Congress



RICHARD E. NEAL
Member of Congress



RON KIND
Member of Congress



PETER WELCH
Member of Congress



DONALD NORCROSS
Member of Congress



AMI BERA, M.D.
Member of Congress



WILLIAM R. KEATING
Member of Congress