The Honorable Mike Simpson  
Chairman  
Subcommittee on Energy and  
Water Development  
Committee on Appropriations  
Washington, D.C. 20515

The Honorable Marcy Kaptur  
Ranking Member  
Subcommittee on Energy and  
Water Development  
Committee on Appropriations  
Washington, D.C. 20515

April 2, 2014

Dear Chairman Simpson and Ranking Member Kaptur:

We write to request your assistance in addressing a long-standing issue that exists in each of our districts and states -- the federal government’s failure to provide for the timely removal of spent nuclear fuel (SNF) and so-called Greater-Than Class C waste (GTCC waste) from sites where nuclear power generating activities have permanently ceased.

As you know, the federal government has been determined to be in continuing breach of the contractual obligation created by the 1982 Nuclear Waste Policy Act (NWPA) to remove this material beginning in January 1998. 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. If the federal government continues to be in breach of its contract obligations, the resulting impact on taxpayers is expected to reach or exceed $20 billion by 2020.

The determination by the Department of Energy (DOE) in 2009 that Yucca Mountain is “unworkable,” the current stalemate over the future of the proposed Yucca Mountain repository, and the resulting delays in the Nuclear Regulatory Commission’s review of the Yucca Mountain license application only serve to exacerbate the expectation of future costs to the taxpayer. This does not inspire any faith on the part of the local communities we represent that the government is earnestly working to meet its obligations. Furthermore, it prevents the land on which the SNF and GTCC waste is stranded to be used for other productive or desired purposes. Fortunately, and regardless of one’s views on the future of Yucca Mountain, the Blue Ribbon Commission on America’s Nuclear Future (BRC) offers a path forward on which we should all be able to agree.

We ask that the FY 15 Energy and Water Appropriations bill include sufficient funds for the DOE to enter into discussions with potential host communities, tribes, and states that might have interest in participating in the nation’s storage and disposal program for these materials, to examine reforms for the funding mechanisms established to pay for the government’s effort in this regard, and that you direct the establishment of a pilot consolidated storage program with a priority to remove SNF and GTCC waste from these permanently shutdown facilities.
Such a storage facility can serve to end the government’s default at sites, provide a valuable facility to conduct research on matters that will inform future storage and disposition safety and regulatory issues, and end the inefficiencies and multiple liabilities of having these sites scattered at locations that are no longer producing nuclear power. In short, whether Yucca Mountain or some other consent-based repository site moves forward in the future, the success of a pilot consolidated storage facility will prove to be a valuable addition to our waste management system. In addition, enabling DOE to begin a consent-based siting process will allow Congress to identify whether or not there truly are locales that would be receptive to accepting both the responsibilities, and benefits, that can result from negotiations with the government on a prospective role in the used fuel management program.

Our constituents have waited patiently for action on this matter. We urge you to move forward to make these important advances in the nation’s used fuel management program.

Sincerely,

DORIS O. MATSUI  
Member of Congress

CHELLIE PINGREE  
Member of Congress

JARED HUFFMAN  
Member of Congress

JOE COURTNEY  
Member of Congress

AMBERA  
Member of Congress

MICHAEL MICHAUD  
Member of Congress

REID RIFKIN  
Member of Congress

RON KIND  
Member of Congress