

June 4, 2021

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. We thank you for supporting and securing funding for these efforts in the omnibus passed in December 2020 and encourage you to continue supporting funding for a consolidated interim storage (CIS) program for SNF during fiscal year 2022.

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-21-02) it is noted that this partial breach has cost all taxpayers \$8.6 billion through September 30, 2020 and that the remaining additional liabilities will total \$30.6 billion. 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

The audit report notes that the Department's estimate of these additional liabilities "assumes activities on a DOE Facility will begin by FY 23" and that the completion of licensing, construction and the commencement of SNF acceptance by the Department mirrors timelines established by the Nuclear Waste Policy Act. Any delay in this schedule will only increase the Department's liabilities.

After a decade in which the federal government has essentially pursued a "leave it where it is" policy, we are pleased to hear that Secretary Granholm has indicated the Administration's intent to pick up recommendations of the Blue Ribbon Commission on America's Nuclear Future and pursue a consent based siting process for necessary facilities, with an initial focus on consolidated interim storage. And while we are pleased to see the budget request for \$38 million that will be applied to "critical, foundational planning" that will lay the groundwork for this effort, we believe the Administration's request misses a critical opportunity to advance the planning for actual movement of material from shutdown sites.

Last year, we respectfully requested \$25 million to be used for necessary support of regional transportation planning efforts and work at shutdown sites that DOE has found necessary in order to upgrade infrastructure at those sites to make the SNF and GTCC "transportation ready." We would repeat that request for the FY 22 in order to bridge the gap between the status quo and the achievement of a workable plan allowing the federal government to at long last meet its statutory and contractual obligations. As an interim storage program within DOE begins to take shape, inclusion of this funding is critical to ensure the appropriate establishment of a CIS. 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.

We continue to believe that any 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 is nearing the end of its review of two CIS facility applications, which have undergone multiyear technical review processes to ensure the facilities would meet all applicable standards.

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 \$27.5 million 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,



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DORIS MATSUI  
Member of Congress



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MIKE LEVIN  
Member of Congress



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CHELLIE PINGREE  
Member of Congress

/s/  
Ron Kind  
Member of Congress

/s/  
Suzanne Bonamici  
Member of Congress

/s/  
Richard E. Neal  
Member of Congress

/s/  
Ami Bera, M.D.  
Member of Congress

/s/  
John Garamendi  
Member of Congress

/s/  
Andy Kim  
Member of Congress

/s/

William R. Keating  
Member of Congress

/s/

Scott H. Peters  
Member of Congress

/s/

Tony Cárdenas  
Member of Congress