



**UNITED STATES NUCLEAR
INFRASTRUCTURE COUNCIL**

October 8, 2015

The Honorable Lamar Alexander
Chairman
Committee on Appropriations Subcommittee
on Energy and Water Development
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on Appropriations Subcommittee
on Energy and Water Development
United States Senate
Washington, DC 20510

The Honorable Mike Simpson
Chairman
Committee on Appropriations Subcommittee
on Energy and Water Development
U.S. House of Representatives
Washington, DC 20515

The Honorable Marcy Kaptur
Ranking Member
Committee on Appropriations Subcommittee
on Energy and Water Development
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Alexander & Simpson and Ranking Members Feinstein & Kaptur:

As the Congress moves to develop consensus on FY2016 appropriations beyond the present Continuing Resolution, it remains crystal clear that urgent action is needed to re-establish a comprehensive program to manage the Nation's growing inventories of spent nuclear fuel and high-level waste – as well as to provide a path forward for the backend of the fuel cycle for the present fleet and pave the way for new nuclear energy plants required for U.S. energy independence.

As a first step, it is our view that Congress should act now to provide appropriations for a comprehensive program for nuclear waste management, including funding for continuation of the Yucca Mountain licensing review in Fiscal Year 2016.

It has been more than 30 years since the enactment of the Nuclear Waste Policy Act; more than 17 years since the federal government failed to meet its statutory and contractual obligation to begin removing spent fuel from nuclear power reactor sites; more than six years since the Yucca Mountain licensing process began; and more than five years since the Obama Administration defunded the repository program and dissolved the Office of Civilian Radioactive Waste Management.

Consequently, spent fuel and high-level waste remain stranded across the nation at 121 sites in 39 states as a result of the U.S. Department of Energy's (DOE's) intransigence on the Yucca

Mountain repository and failure to take title and transport this material from commercial reactor sites as obligated. This inaction has only succeeded in compounding inventories, spiraling liabilities and a decade or longer delay in the opening of a national repository, which is the cornerstone of any nuclear backend management strategy. U.S. spent fuel inventories now exceed 75,000 metric tons at 99 operating reactors and 13 shutdown sites. The current estimate of federal liabilities is in excess of \$27 billion and growing. In addition to these mounting costs and adverse impacts on nuclear energy as a much needed component for carbon free and reliable electricity -- as noted by the President's own Blue Ribbon Commission, the continued stalemate is damaging America's global standing on issues of nuclear safety, nonproliferation and security.

Notwithstanding DOE's failure to perform, the U.S. Nuclear Regulatory Commission (NRC) under a writ of mandamus from the U.S. Court of Appeals has issued a key Safety Evaluation report and a supplement to the Yucca Mountain Environmental Impact Statement confirming that Yucca Mountain is a safe place to dispose of nuclear waste based on analyses over one million years. The fact is that the Yucca Mountain site has consistently been shown to be a workable option.

In short, there are compelling and escalating reasons for Congress to provide the necessary funds to the Department of Energy and the NRC to complete the licensing process as well as to enable expanded spent fuel management options such as consolidated storage for shutdown plants and advancing transportation initiatives. Now is the time to act to end the U.S. backend of the fuel cycle impasse and to fund the comprehensive and integrated program Congress envisioned under the Nuclear Waste Policy Act of 1982. Further, DOE and the NRC should act expeditiously to restore the government's credibility by fully resuming the Yucca Mountain license application review process and seeing it through to completion.

Please note that -- while these opinions represent the consensus views of the Council and its nearly seventy companies and organizations -- they do not necessarily reflect the specific views of individual members.

Sincerely,

David C. Blee

David Blee
Executive Director