



N A R U C
National Association of Regulatory Utility Commissioners

June 22, 2017

The Honorable Greg Walden
U.S. House of Representatives
Chairman
Committee on Energy and Natural Resources
Washington, D.C. 20515

The Honorable John Shimkus
U.S. House of Representatives
Chairman
Subcommittee on the Environment
Washington, D.C. 20515

Dear Chairmen Walden and Shimkus:

On behalf of the National Association of Regulatory Utility Commissioners (NARUC) I would like to thank you both for your tenacity and leadership on the important issue of nuclear waste disposal. Chairman Shimkus, we commend your Discussion Draft of the “Nuclear Waste Policy Amendments Act of 2017.” NARUC supports the draft’s policy prescriptions that will result in concrete action towards a permanent repository.

We are very pleased that the draft aggressively addresses the threshold issue of licensing. NARUC strongly supports the draft’s provisions that require a final Nuclear Regulatory Commission decision approving or disapproving a Yucca Mountain license before other aspects of the bill can be implemented. Any progress elsewhere in the draft must be contingent on some decision on the license for Yucca Mountain. Ratepayers have contributed tens of billions to the Nuclear Waste Fund. To protect this ratepayer investment, NARUC respectfully urges you to insist that the “license first” or “linkage” provisions in sections 107, 205 and 501 of the draft remain intact throughout the legislative process.

NARUC is also quite pleased that section 503 of the draft specifies that the corpus of Nuclear Waste Fund (NWF) will be disbursed. That section specifies that certain percentages of the corpus on the date of enactment must be available to the Secretary on certain trigger dates “without further appropriations.” This can only build confidence and assure progress in the program. Additionally, section 503 assures that the Secretary can only collect, through fees, 90 percent of amounts appropriated for any fiscal year – assuring any fees collected going forward are immediately available to the Secretary for waste-related activities. If the NWF fee is restarted, this provision is absolutely crucial.

While the draft is a welcome step forward, we do have one significant concern: section 301’s discussion of the requirements for DOE to take title to waste should be clarified to assure that DOE cannot simply “take title” of waste where it is currently being stored. The bill will also benefit from a specification that, as part of the annual assessment of the need for/amount of any fee, the Secretary include an analysis of whether the annual interest on the corpus is sufficient to cover the projected outlays for the repository and any other required disbursements.

Again, Chairman Walden and Chairman Shimkus, on behalf of the nation’s ratepayers, we thank you for your willingness to address the challenge of jump-starting the long-dormant federal nuclear waste disposal program. We look forward to working with you and your staff throughout the legislative process.

Sincerely,

Greg White
Executive Director, NARUC

cc: Hon. Frank Pallone, Ranking Member, Hon. Paul Tonko, Ranking Member