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Director of Regulatory Affairs, 3 Yankee Companies

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Chairman, Florida Public Service Commission



June 27, 2017

The Honorable Greg Walden

Chairman

U.S. House Committee on Energy and Commerce

2125 Rayburn House Office Building

Washington, D.C. 20515

The Honorable Frank Pallone

Ranking Member

U.S. House Committee on Energy and Commerce

2125 Rayburn House Office Building

Washington, D.C. 20515

Dear Chairman Walden and Ranking Member Pallone:

The Nuclear Waste Strategy Coalition (NWSC) would like to convey its appreciation for the House Energy and Commerce Committee's consideration of H.R. 3053, the Nuclear Waste Policy Amendments Act of 2017. As evidenced by the discussions during the markup of the bill by the Subcommittee on the Environment on June 15th, your Members are not only well aware of the nation's need to resolve the nuclear waste management dilemma; they are willing to take action! Likewise, the NWSC asks that the Energy and Commerce Committee advance the measure as a vehicle for Senate consideration and ultimately a bipartisan product of the 115th Congress that results in nuclear waste policy reforms consistent with NWSC member priorities.

The NWSC is an ad hoc organization representing the collective interests of member state utility regulators, state consumer advocates, state energy and radiation control officials, tribal and local governments, electric utilities with operating and shutdown nuclear reactors, and other public and private sector experts on nuclear waste policy matters. For over two decades, we have called for the removal and ultimate disposal of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) currently stranded at numerous sites across the country *and* for the protection of electric consumer payments into the Nuclear Waste Fund (NWF), which total in excess of \$40 billion (including interest that is currently accruing at a rate of approximately \$1.5 billion per year).

Thus, your Committee's work on H.R.3053 is of utmost importance to the NWSC, and the bill addresses many of our priorities, including:

- **Completion of the Yucca Mountain Repository License Application Review**

Because the Nuclear Regulatory Commission (NRC) review of the Department of Energy's (DOE) license application for a repository at Yucca Mountain is required by the existing Nuclear Waste Policy Act (NWPA), as amended, the bill did not need to provide authorization pertaining to the review. However, H.R. 3053 importantly reaffirms the commitment of the federal government to proceed with the review and determination concerning the proposed Yucca Mountain repository. The NWSC continues our support as well as our calls for Congress to both appropriate funds and hold agencies accountable for the timely completion of the review.

- **Implementation of Pilot Consolidated Interim Storage (CIS) for Stranded Reactor Fuel**

Congress should authorize pilot CIS (including with private initiatives) for SNF stranded at sites without an operating reactor as a way for the federal government to begin meeting its obligations. Provided certain conditions are met, H.R. 3053 authorizes DOE to contract with private CIS entities or develop its own CIS, which is referred to as monitored retrievable storage (MRS) in the bill. We note that the bill reported out of the Subcommittee does not refer to an MRS facility as a pilot and does not direct DOE to first remove stranded reactor SNF. However, the bill does rely on existing MRS acceptance limits that should accommodate stranded SNF and also allows for contract modifications to facilitate expediting acceptance of title, transportation, and storage of stranded SNF.

• **Funding Reform**

NWSC members are extremely frustrated that such a small portion of past NWF collections from electric customers have been appropriated for the activities required by existing law. Congress should enact reforms to ensure timely access to the entirety of the NWF, both contributions and interest, for its intended purpose under the NWPA – an integrated nuclear waste management program leading to the disposal of SNF and HLW. Such NWF access should be provided without reliance on the annual appropriations process but with appropriate Congressional oversight. Recognizing the significant complexities involved with the federal government budgeting and appropriations processes, the NWSC greatly appreciates that H.R. 3053 contains thoughtful and creative approaches to provide more timely access to the NWF (including the current balance and any future receipts) for nuclear waste management program needs.

• **Governance Reform**

The NWSC also continues to support governance (or management) reform to include ultimate movement of the nuclear waste management program out of DOE to an independent waste management organization, such as a federal corporation. In the near term, however, re-establishing the Office of Civilian Radioactive Waste Management (OCRWM) is a critical first step in positioning the program for a successful transition to an independent organization in the future. H.R. 3053 correctly emphasizes the importance of this NWPA-established office and proposes two key changes: (i) an extension of the tenure of the OCRWM Director for up to two five-year terms, appropriately recognizing that consistency beyond any one Administration is necessary for a program of this duration, magnitude, and importance; and (ii) a clarification that all nuclear waste management activities at DOE are to be carried out by OCRWM.

• **Preparation for Transportation**

The NWSC continues to maintain that substantial progress on SNF transportation can and should be made now and would be beneficial regardless of whether destined for CIS, a permanent repository, or both. Consistent with the NWPA, H.R. 3053 contemplates transportation to the Yucca Mountain repository, and it also references transportation to potential MRS facilities as authorized by the bill. The NWSC would also like to see Congress provide: (i) additional resources to DOE to timely test, certify, and procure rail cars, as well as licensed transportation casks and components, in sufficient quantities; and (ii) increased financial and technical assistance to tribal, state, and local governments for transportation and related emergency preparedness activities.

Thank you and your colleagues for proposing legislation that addresses these important issues. As the bill advances, the NWSC welcomes any opportunity to work with your team to more closely align the bill with NWSC member priorities. Again, we support advancing the measure as a vehicle for the ultimate passage of timely and necessary nuclear waste policy reforms by the 115th Congress. Please do not hesitate to contact Katrina McMurrian, NWSC Executive Director, at [redacted] for additional information.

Sincerely,

[redacted signature]

Sarah D. Hofmann
Chair, NWSC

Board Member, Vermont Public Service Board

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Chairman, Florida Public Service Commission

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Robert W. Capstick, Jr.
Finance Officer, NWSC
Director of Regulatory Affairs, 3 Yankee Cos.

cc: The Honorable John Shimkus, Chairman, House Subcommittee on the Environment
House Energy & Commerce Committee Members
Mr. Andy Zach, House Energy & Commerce Committee Professional Staff