NWSC
Nuclear Waste Strategy Coalition

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November 20, 2026

Mr. Seth Ricketts
Legislative Clerk
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515
E-mail: Seth.Ricketts@mail.house.gov

RE: Greg R. White's Responses to Additional Questions for the Record for the September 15, 2026 Hearing on Nuclear Spent Fuel Policy

Dear Mr. Ricketts:

Attached are my responses, on behalf of the Nuclear Waste Strategy Coalition (NWSC)[1], to the Additional Questions for the Record pertaining to the September 15, 2026 Hearing, *Nuclear Spent Fuel Policy: Examining Nuclear Lifecycle Innovation Campuses*, before the U.S. House Committee on Energy and Commerce, Subcommittee on Energy.

The NWSC and I remain grateful for the opportunity to testify in September. We hope to serve as an ongoing resource to your Members and their teams on matters pertaining to commercial nuclear waste management.

Should you wish to follow up with me or the NWSC, please contact Katrina McMurrian, NWSC Executive Director, at *katrina@theNWSC.org*. Thanks for your consideration.

Sincerely,

Greg R. White
NWSC Legacy Officer

[1] The NWSC is an ad hoc organization representing the collective interests of member state utility regulators, consumer advocates, attorneys general, and other state officials; Tribal and local government officials; electric utilities with operating and/or shutdown nuclear reactors; and other experts on nuclear waste policy matters. It was formed in 1993 out of frustration with the federal government's lack of progress toward the removal of spent nuclear fuel from commercial reactor sites across the U.S. and today remains a member-led, bipartisan, geographically diverse, and purpose-driven organization.

U.S. House Committee on Energy and Commerce, Subcommittee on Energy

September 15, 2026 Hearing, *Nuclear Spent Fuel Policy: Examining Nuclear Lifecycle Innovation Campuses*

Additional Questions for the Record for
Greg R. White, Legacy Officer, Nuclear Waste Strategy Coalition (NWSC)

The Honorable Bob Latta (R-OH)

1. **What are states bringing to the table to ensure workable programs?**

   First and foremost, the states that have expressed initial interest in hosting one of the Nuclear Innovation Lifecycle Campuses bring a willingness to engage in the process to get to a workable nuclear waste storage and disposal program. The NWSC welcomes this interest and desire to engage constructively. The federal government working with states that have demonstrated such an interest avoids the seemingly endless opposition from states unwilling to accept nuclear waste from other states for storage and/or disposal sites within their state. As we have seen previously, states have the ability to frustrate, delay, and even halt proposed critical infrastructure projects, including nuclear waste storage and/or disposal facilities, when such projects are not broadly supported.

   States willing to engage in the process can become valuable partners by committing expertise and resources as well as informing, and regularly engaging with, tribal and local governments, the public, and the private sector. Further, states have the ability to facilitate working through permitting issues at the state and local level.

The Honorable Brett Guthrie (R-KY)

1. **Six states have voluntarily stepped up with initial interest to host these campuses. Would you agree this should be encouraged? And what should we do to ensure it results in durable agreements?**

   Yes, having states voluntarily express interest in hosting one of the Nuclear Innovation Lifecycle Campuses should be encouraged because 1) it increases the likelihood of having an accepted, supported, and durable program, and 2) the more states that express such interest increases the site options for locating the necessary facilities within the campus framework. Conversely, the federal government should be encouraged to engage with states that demonstrated their interest for these same reasons.

   Ensuring durable host agreements with states is a key area that the NWSC hopes to continue working with Congress to address. Host agreements should provide certainty to the hosts as well as to those of us relying on the federal government for waste disposal solutions (current host states, tribes, and local communities; electric utility customers; nuclear power generators; shutdown plant owners; all U.S. taxpayers; etc.). Congress has a critical role with respect to waste management, and as it considers next steps on spent nuclear fuel (SNF) policy, the NWSC calls for action to:

   - Reestablish a national integrated nuclear waste disposal program that includes the removal, transportation, storage, and essential permanent geologic disposal of SNF and other reactor-related wastes;
   - Form a new, independent waste management organization to properly lead the program, with an immediate interim action by the Department of Energy (DOE) to reestablish an internal, dedicated office to manage the program and facilitate communication and coordination with potential host states and communities; and

- Reform the federal budgetary treatment of the Nuclear Waste Fund (NWF) to provide sustainable access to the NWF balance and accumulating interest to properly fund a national integrated nuclear waste disposal program, with an interim step of annual Congressional appropriations for DOE actions necessary to support a viable program.

Each of those actions would facilitate durable host agreements, and we respectfully offer several additional suggestions.

While preserving the Nuclear Waste Policy Act's underlying purpose (to ensure a national waste disposal program in return for electric utility customer payments into the NWF), restricting NWF use for repository-related purposes, and leaving the statutory treatment of the first repository at Yucca Mountain unchanged, Congress should enable DOE work on potential additional repositories in willing states and provide funding via annual appropriations to support related and necessary DOE activities. Congress should make clear that these activities, individually or collectively, do not meet the conditions to resume collection of the nuclear waste fee (*NARUC v. DOE*, 736 F.3d 517, 521 (D.C. Cir. 2013)).

As stated previously, host agreements provide certainty to the hosts as well as to those of us relying on the federal government for waste disposal solutions. Thus, Congress should confer upon DOE the authority necessary to enter into binding agreements with state, tribal, and local governments interested in hosting federal sites for SNF storage and/or permanent disposal.

To facilitate sustainable siting decisions, directly impacted states, tribes, and local communities should have a clear role in the selection, negotiation, and oversight of a federal site for SNF storage or permanent disposal. Sustainable siting decisions are more likely to lead to the necessary removal and ultimate disposal of commercial SNF from existing sites.

Congress should also immediately initiate federal action to develop generic repository standards. The process is in existing law and calls for coordinated effort by the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) to develop the necessary standards, which need to be updated. Updated generic standards would create greater regulatory certainty; facilitate future siting efforts; improve transparency for states, tribes, communities, regulators, and policymakers; and hopefully bolster public confidence. (In 2023, an American Nuclear Society Special Committee proposed peer-reviewed generic repository standards to facilitate the necessary next steps by EPA and NRC.)

In sum, the NWSC is encouraged that states have signed Memoranda of Understanding (MOUs) with DOE regarding the Nuclear Lifecycle Innovation Campuses and indicated willingness to consider accepting waste from other states. The potential for additional permanent geologic disposal options through development of sustainable partnerships between the federal government and host states and communities (tribal and/or local) is monumental, and we look forward to supporting state and community plans that facilitate federal action on longstanding obligations.

a. What are the roles of Governors and state legislators to ensure success?

Early involvement and participation by Governors and state legislators is needed first to determine whether there is sufficient interest and support within the state to proceed with each of the steps toward building integrated nuclear lifecycle campuses. Their roles continue by ensuring open and transparent processes involving any affected tribal and local communities within the state. Governors and state legislators can further support key components of a successful program by providing resources and

expertise via designated agencies and officials and by ensuring the development of needed workforce and infrastructure requirements. They also can help through engagement with tribal/local governments, the public, and the private sector to address applicable state and local permitting requirements.

The NWSC continues to stress that any processes designed to support the federal government's fulfillment of its longstanding obligations on SNF management and disposal should be solutions-oriented. Thus, the federal government should unequivocally communicate to state officials that a national integrated nuclear waste disposal program is necessary and in the public interest, and it should welcome help from states in achieving that important outcome.

2. **Would you agree that we must be careful about rushing any policies that could undermine our obligations to ratepayers, who have paid into a fund to ensure permanent disposal of fuel?**

Yes, it is absolutely paramount that the Nuclear Waste Fund (NWF) be preserved and used only for its intended purpose. Every effort should be made to ensure no new funds are collected from ratepayers until the need for additional funding is clearly required and that certain milestones for program development have been met.

We also owe it to the ratepayers, host communities, and all taxpayers to remain vigilant in exploring solutions that result in actual performance of federal obligations. The Nuclear Lifecycle Innovation Campus initiative has opened possibilities to facilitate that. The NWSC supports pursuing such opportunities provided that safeguards are maintained to:

- Protect the NWF fees already collected;
- Prevent future payments by electric utility customers beyond what is necessary to achieve the initial objectives for permanent disposal; and
- Ensure disposal remains a primary component despite other components that may draw more interest economically.

The Honorable Rick Allen (R-GA)

1. **I understand that under the Standard Contracts the date of discharge of spent nuclear fuel is the first thing that determines the order of acceptance rights of the different utilities holding contracts – is that correct?**

Yes, it is our understanding that the standard contract developed pursuant to the Nuclear Waste Policy Act establishes the contractual terms and conditions under which the Department of Energy (DOE) will make available nuclear waste disposal services. The contract requires DOE to annually issue an "acceptance priority ranking" based on the age of the fuel calculated from the date of the fuel's discharge from the reactor, essentially based on the concept that the oldest fuel or waste will have the highest priority for acceptance. In addition, the contract calls for the development of a delivery commitment schedule that outlines annual commitments for disposal and further provides for priority consideration for nuclear waste from permanently shut down reactors.

2. For the legitimate issues confronted by decommissioning sites, what is the process for enabling a way to expedite fuel offsite?

It is our view that the best path forward is for the DOE to exercise its authority to prioritize the removal of spent nuclear fuel (SNF) from the shutdown sites with the support and direction of Congress and to develop a delivery commitment schedule that reflects this priority. (It seems more efficient, and a more conservative use of ratepayer funds from the Nuclear Waste Fund, to start with decommissioned sites and remove ALL the fuel, instead of crisscrossing the country based on the age of fuel.) This delivery commitment schedule can be developed as part of a settlement with the parties to the Standard Contract and should strive to remove the SNF in a safe, efficient, and fiscally prudent manner.

Finally, it should be noted that the shutdown sites have decommissioned their nuclear generating facilities, including their spent fuel pools, and store their SNF and high-level radioactive waste (HLW) in Independent Spent Fuel Storage Facilities (ISFSIs) consisting of concrete storage casks containing stainless steel dual-purpose storage and transportation canisters holding the waste. Due to its ongoing partial breach of the Standard Contract, DOE is liable for the costs of operating and maintaining these ISFSIs. Once the DOE removes the SNF and HLW from the shutdown sites, the sites may be repurposed for the benefit of their host communities, and the DOE can terminate its liability for such sites. In addition to terminating the DOE's liability, the movement and consolidation of the shutdown site SNF/HLW would also demonstrate the DOE's ability to execute its obligations under the Standard Contract while supporting the development of Nuclear Lifecycle Innovation Campuses.