

Summary of Testimony

Decommissioning Plant Coalition

Jared des Rosiers, Vice President for Public, Government, & Regulatory Affairs & Deputy General Counsel
Subcommittee on Energy, Committee on Energy and Commerce

U.S. House of Representatives

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For more than 25 years, the Decommissioning Plant Coalition (DPC) has been at the forefront of advocating for meaningful progress in the management and ultimate disposition of used nuclear fuel and Greater-Than-Class-C (GTCC) material stranded at shutdown nuclear plant sites. DPC members and their host communities have lived with the practical consequences of the federal government's failure to remove this material as required. Although the fuel is stored safely and securely, continued on-site storage at decommissioned plants was never intended to be the permanent answer. These sites have fulfilled their public service mission, completed or advanced major decommissioning work, and should be returned to productive use without the continuing burden of federal fuel management responsibilities.

Throughout its history, the DPC has supported practical, bipartisan measures to restore momentum to the nation's back-end nuclear fuel cycle program. We have advocated for transportation readiness, federal consolidated storage for shutdown plant fuel, the development of a durable repository pathway, and reforms that recognize the unique circumstances of decommissioned sites. We have worked to emphasize a simple principle: the United States cannot fully realize the benefits of existing and advanced nuclear energy without a credible, sustained, and publicly trusted program for managing the materials that result from nuclear generation.

For that reason, the DPC welcomes the Department of Energy's Nuclear Lifecycle Innovation Campus (NLIC) initiative and its effort to involve states directly in the national conversation about resolving disposal and related fuel cycle issues. The Department's Request for Information invited states to express interest in voluntary federal-state partnerships that could support the full nuclear fuel cycle, while advancing regional economic growth and national energy security. That approach recognizes what past efforts have too often lacked: durable solutions require informed state leadership, local engagement, transparent commitments, and a clear connection between national policy goals and state priorities.

Governors are uniquely positioned to evaluate the opportunities, responsibilities, and safeguards associated with hosting facilities that may be part of an integrated nuclear lifecycle strategy. Their involvement can help move the debate beyond abstract national objectives and toward concrete, negotiated outcomes that reflect state priorities, community interests, workforce needs, infrastructure realities, and environmental obligations. If structured properly, the NLIC effort can help rebuild confidence that the federal government is prepared to act, that host states will be respected as partners, and that communities will have a meaningful voice in decisions affecting their future.

The NLIC initiative will succeed only if it is paired with a strong federal commitment to meet existing obligations, provide transportation and storage capabilities, define a workable disposal pathway, and ensure that stranded shutdown-site fuel is given appropriate priority. We believe that tailored legislation would be beneficial to this process. Legislation that authorizes the Secretary to conduct initial site investigations, engage in demonstration projects that would be supportive of nascent disposal and recycling technologies that might be deployed at NLIC sites, and that authorizes the DOE to take title for the movement of used nuclear fuel for either interim storage or staging for recycling could be useful components of the NLIC initiative. We specifically support inclusion in any legislation confirmation of the priority for the removal of used nuclear fuel and GTCC material from our sites, consistent with the Secretary's existing authority under the Standard Contract.

We therefore encourage Congress and the Department of Energy to use the NLIC effort as an opportunity to establish the bipartisan, federal-state framework that has long been missing from national used fuel policy. The DPC stands ready to work with federal and state leaders to help turn this opportunity into real progress for shutdown plant communities and the nation.

Testimony for the Record

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I am Jared des Rosiers, the Vice President for Public, Government and Regulatory Affairs and the Deputy General Counsel of the Yankee Companies (Maine Yankee, Connecticut Yankee, and Yankee Atomic). I thank Chairman Guthrie, Ranking Member Pallone, Subcommittee Chairman Latta and Subcommittee Ranking Member Castor for giving me this opportunity to testify on the Department of Energy's effort to establish Nuclear Lifecycle Innovation Campuses (NLICs) in cooperation with State and local governments willing to engage in all elements of the nuclear fuel cycle, including the management and disposition of cycle byproducts. My testimony today is given on behalf of the Decommissioning Plant Coalition (DPC).¹

Background

The three Yankee Companies once managed single unit nuclear generating stations supplying electric power to the New England grid. Given the economics of the electric power business as these units approached the need for additional investment to extend their licenses beyond the initial 40-year period, decisions were made to decommission the facilities.

Indeed, they have all been shut down for almost three decades and all traces of their nuclear heritage have been removed but for 115 dry cask storage systems containing used nuclear fuel and eight more

¹ The Decommissioning Plant Coalition was established in 2001 to highlight issues unique to nuclear power plants undergoing decommissioning. Since inception, one of the primary objectives of the DPC has been to support efforts enabling fulfillment of the federal government's statutory and contractual obligation to remove used nuclear fuel and GTCC material that is currently stranded at these sites. Other companies with shutdown nuclear sites have joined the three Yankee Companies in coalition activities, including companies with sites in Vermont, Florida, Illinois, Nebraska, Oregon, and California.

containing GTCC material, as well as the Security, Operational, Maintenance, and Administrative staff necessary to safely store and safeguard these materials in accordance with NRC regulations. Under the Standard Contract established by the Nuclear Waste Policy Act of 1982 between the DOE and our companies, the federal government is legally obligated to remove this used fuel and GTCC material from our sites. In fact, if the Department had begun removing this material on schedule in 1998 at the rates promised, all three of the sites would have been available for repurposing to benefit the local communities more than 15 years ago and our companies would have achieved their goal of going out of business.

As noted, the three Yankee Companies and our host communities are not alone in this situation. While not all eleven companies of the DPC have completed decommissioning activities, all have moved the used fuel and GTCC materials to dry storage systems and wet pool storage facilities have been removed from the sites. Collectively, we are managing more than 6,250 MTU of used fuel. All our companies have either been in litigation with the Department or entered into settlement agreements that have resulted in us collectively recovering approximately \$2.25 billion in damages from the taxpayer financed Judgement Fund in recognition of our continuing obligation to safely manage these sites. For every year going forward that the federal government fails to meet its contractual obligation DPC members will incur more than \$100 million in additional taxpayer funded damages.

Since the Yucca Mountain project was halted in 2010, the DPC has worked with, and occasionally been encouraged by, actions that held the promise of setting the Nation's used fuel program back on track. We appreciated and endorsed the findings of the Blue Ribbon Commission on America's Nuclear Future that an early emphasis in a new program should be transportation and federally managed storage of shutdown plant fuel. We applauded the efforts of this Committee and its former Chairman, John Shimkus, to pass legislation restarting the repository program at Yucca Mountain and proposing useful updates to the linkages between storage and the repository program. We supported the previous administration's effort to begin an innovative approach to the siting of necessary facilities through consent-based dialogue.

We, in parallel with our host communities, have worked to emphasize a simple principle: the United States cannot fully realize the benefits of existing and advanced nuclear energy technology without a credible, sustained, and publicly trusted program for the management and disposal of the materials that result from nuclear generation.

In our view, all of previous efforts to get this program back on track eventually fell short of their goal due to both a lack of bipartisan consensus at all levels of government—federal, state, tribal, and local—and the sense that the status quo of indefinitely storing the material at reactor sites was an acceptable solution while other important energy policies were pursued. To be clear:

- The safety of on-site storage has never been a real issue;
- Compensation for the cost of private sector management of materials that are contractually a federal responsibility is derived from a permanent appropriations account; and
- The Continued Storage rule provides assurance of the long-term viability of safe onsite storage.

We have reason to hope that the current environment is ripe for the development of a back-end nuclear fuel cycle policy with long lasting effect.

On the electricity demand side, the Energy Information Administration (EIA) reports that after a 15-year period of nearly flat electricity consumption, U.S. demand has increased by an average of 2.1% per year over the last five years. The North American Electric Reliability Corp. (NERC) projects that peak electricity demand will grow by 224 GW over the next decade.

On the investment side, Congress and the Department of Energy have funded billions of dollars in both new reactor technologies and other critical elements of the nuclear fuel cycle while banning future imports of fuel from Russia. Tens of millions of dollars are now being invested in innovative technologies for the recycling of used nuclear fuel.

And on the public support side, polling by the Pew Research Center, Gallup and other firms show strong majority support for the use of nuclear energy. That public support has been reflected in recent bipartisan legislative votes at the federal and state level.

It might be fair to observe that if today's environment had existed when decisions were made to decommission many of our facilities, some might have followed what is now underway at the Crane Clean Energy Center in Pennsylvania, the Duane Arnold Energy Center in Iowa and the Palisades Nuclear Plant in Michigan.

The NLIC Proposal

All of this brings us to the NLIC proposal, the subject of today's hearing. The DPC believes this represents a promising new path worthy of thoughtful consideration.

As the Members are aware, the NLIC proposal was put forward as a Request for Information (RFI) on January 28 of this year. It sought State input on what it would take for them to host facilities supporting “the entire nuclear value chain while exploring durable pathways for managing used nuclear materials in a safe, secure, and fiscally responsible manner.” This approach recognizes what past efforts have too often overlooked: that durable solutions require informed state leadership, local engagement, transparent commitments, and a clear connection between national policy goals and potential host state priorities.

Governors are uniquely positioned to evaluate the opportunities, responsibilities, and safeguards associated with hosting facilities that may be part of an integrated nuclear lifecycle strategy. Their involvement can help move the debate beyond abstract national objectives and toward concrete, negotiated outcomes that reflect state priorities, community interests, workforce needs, infrastructure realities, and environmental obligations. If structured properly, the NLIC effort can help rebuild confidence that the federal government is prepared to act, that host states will be respected as partners, and that communities will have a meaningful voice in decisions affecting their future.

In testimony before the House Energy and Water Development Subcommittee earlier this year, Secretary Wright noted that twenty-six states had responded to the RFI and that these campuses represented a critical element for addressing the growing backlog of used fuel. While noting the ongoing expansion of nuclear energy, the Secretary stated: “If we want a nuclear future in our country we simply have to fix [the backend of the nuclear fuel cycle].”

We were further encouraged when the Department announced on July 28 and last week that it had narrowed the list and entered Memorandum of Understandings (MOU) with six states that had agreed to pursue hosting agreements. It is clear from what is known of the applications and these MOUs that each of these states is interested in the development of recycling technology and has expressed an interest in providing a pathway for the disposition of fuel cycle byproducts, including from used fuel from outside of their state. We congratulate Secretary Wright and Assistant Secretary Garrish on this remarkable achievement.

The DPC’s support for the NLIC concept is rooted in our long-standing commitment to progress, not process for its own sake. We have seen many promising initiatives falter because they lacked sustained political support, clear authorities, adequate funding, or a consent-based path that could endure across federal, state, tribal, and local governmental administrations. The NLIC initiative holds promise to address each of these issues but will succeed only if it is paired with a clear federal commitment to meet existing obligations, provide transportation and storage capabilities, define a workable disposal pathway, and ensure that stranded shutdown-site fuel is given appropriate priority.

Legislation Needed to Support the NLIC Effort

There has been considerable discussion within the industry and among our stakeholder groups about whether legislation would be helpful or is necessary to support the NLIC effort. The DPC believes that NLIC hosting agreements that make clear the expectations and milestones of the parties would provide

important guidance on the scope of any legislation proposing comprehensive amendments of the Nuclear Waste Policy Act.

At the same time, in the absence of such agreements, we believe that tailored legislation would be beneficial to this process. Legislation that authorizes the Secretary to conduct initial site investigations, engage in demonstration projects that would be supportive of nascent disposal and recycling technologies that might be deployed at NLIC sites, and that authorizes the DOE to take title for the movement of used nuclear fuel for either interim storage or staging for recycling could be useful components of the NLIC initiative. We specifically support inclusion in any legislation, confirmation of the priority for the removal of used fuel and GTCC material from shutdown sites, consistent with the Secretary's existing authority under the Standard Contract.

And while not the responsibility of this Committee, we would hope that your colleagues on the Appropriations Committee will grant the Department the funds it would need to conduct the necessary investigations and demonstration projects.

Conclusion

We encourage the Department of Energy and the Congress to use the NLIC effort as an opportunity to establish the bipartisan, federal-state framework that has long been missing from national used fuel policy. Engaging states is an important and constructive step. It can help align energy innovation, economic development, national security, and environmental stewardship with the urgent need to resolve the disposition of used nuclear fuel. After more than two decades of advocacy, the DPC stands ready to work with federal and state leaders to help turn this opportunity into real progress for shutdown plant communities and for the nation.