



N A R U C  
National Association of Regulatory Utility Commissioners

June 12, 2019

The Honorable Paul Tonko  
Chairman  
Subcommittee on Environment and Climate Change  
House Committee on Energy & Commerce  
Washington, DC 20515

The Honorable John Shimkus  
Ranking Member  
Subcommittee on Environment and Climate Change  
House Committee on Energy & Commerce  
Washington, DC 20515

**RE: “Cleaning Up Communities: Ensuring Safe Storage and Disposal of Spent Nuclear Fuel” Hearing**

Dear Chairman Tonko and Ranking Member Shimkus:

On behalf of the National Association of Regulatory Utility Commissioners (NARUC), I want to thank the Committee for holding a hearing about “*Cleaning Up Communities: Ensuring Safe Storage and Disposal of Spent Nuclear Fuel*.” We respectfully request that this letter be included in the hearing record. As you consider the legislation before you today, we ask that you and your Subcommittee keep in mind the more than \$40 billion in direct payments and interest the country’s utility ratepayers have contributed to support the federal nuclear waste disposal program. NARUC would also like to applaud Representative McNerney and Ranking Member Shimkus for introducing the “Nuclear Waste Policy Amendments Act of 2019” (H.R. 2699). NARUC supports H.R. 2699, as introduced, just as we supported H.R. 3053 last Congress.

NARUC has previously expressed our views on the “Nuclear Waste Policy Amendments Act of 2019” discussion draft at a hearing before the Senate Committee on Environment and Public Works on May 1, 2019. H.R. 2699 is substantially similar to the Senate discussion draft and our views and positions on both pieces of legislation are consistent. Additionally, we have testified before this Subcommittee on nuclear waste disposal on numerous occasions in previous Congressional sessions, therefore we will not repeat those positions here.

Regarding H.R. 3136, NARUC believes the bill as it is currently drafted, while well intentioned, will do nothing to advance the nation’s nuclear waste disposal program. Simply put, without conditioning interim storage on concluding the Nuclear Regulatory Commission’s licensing process for a permanent repository, waste will not move. The fact is there will be difficulty with locating an interim storage site unless there is some permanent storage solution on the horizon. The Governor of New Mexico, whose recent pronouncement of opposition to an interim storage site in that State,<sup>1</sup> is a case in point.

Finally, NARUC has concerns with H.R. 2995. First, it appears that this legislation attempts to alleviate the waste issue for one State at the expense of the other 38 States that currently store waste on an “interim” basis. Second, with respect to decommissioned unit storage, we believe that the site which was decommissioned first, be the first to have waste removed followed by the next in the queue and so on. This is the only fair way to provide all the ratepayers with what they have paid for.

Thank you for your efforts to solve the nuclear waste disposal issue and NARUC looks forward to working with you and your staff going forward.

Sincerely,

Greg White

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<sup>1</sup> See, Lobsenz, George, *New Mexico, Texas governors move against nuclear waste facilities* (Energy Daily, June 11, 2019) (New Mexico Gov. . . . formally opposed the interim spent nuclear fuel storage facility proposed by Holtec . . . saying it poses “unacceptable risks” to the state because it threatens its agriculture and oil and gas industries and could become an “indefinite” storage site given the lack of federal action on a permanent high-level radioactive waste disposal repository.”