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Nuclear Waste Strategy Coalition

March 10, 2021

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Granholm:

The Nuclear Waste Strategy Coalition (NWSC)ⁱ congratulates you on your nomination and confirmation to lead the U.S. Department of Energy (DOE) and requests an opportunity to meet and begin working with you and your team to tackle issues concerning commercial nuclear waste. We seek your leadership regarding the reestablishment of a national integrated nuclear waste management program (addressing storage, transportation, and permanent disposal) and the provision of sustainable annual access to the Nuclear Waste Fund (NWF). As further recommended herein, specific, meaningful actions by DOE to support these critical objectives would avoid permanently stranding spent nuclear fuel (SNF) and high-level radioactive waste (HLW) in our host states and communities, protect electric customers and taxpayers, and restore trust in DOE.

Existing Challenges to Nuclear Waste Management

The national nuclear waste management program established under the 1982 Nuclear Waste Policy Act (NWPA) effectively was terminated more than a decade ago by executive action. Subsequently, Congress has failed to provide meaningful direction or fundingⁱⁱ for that program or any national integrated nuclear waste management program for the consolidated interim storage, transportation, and permanent disposal of commercial SNF and HLW. Since 1983, approximately \$54 billion has been credited to the NWF, including over \$21 billion collected from electric ratepayers and over \$28 billion in interest that continues to accumulate at a rate of over \$1.7 billion a year. The approximately \$43 billion balance sits stranded in U.S. Treasury Securities and unappropriated for its intended purpose.ⁱⁱⁱ

These facts have resulted in a *de facto* national policy of inaction that negatively impacts:

- **Host States & Communities.** The *de facto* policy indefinitely strands 80,000 metric tons^{iv} of commercial SNF and HLW at operating and decommissioned reactor sites in 34 states^v without their consent. At shutdown sites, the stranded waste impedes the potential beneficial reuse of the property (e.g., conservation, economic development).
- **All U.S. Taxpayers.** The *de facto* policy already has cost U.S. taxpayers more than \$8.6 billion,^{vi} and this liability is growing by approximately \$2 million per day,^{vii} money that could be used for infrastructure and other purposes.
- **Electric Customers.** While no longer paying fees into the federal NWF per court order, electric ratepayers in more than 40 states paid billions of dollars that are not being used for their intended purpose.

Call for Action

The federal government can and should immediately reestablish a national integrated nuclear waste management program and *simultaneously* reform the federal budgetary treatment of the NWF to provide sustainable annual access

Public & private sector members collaborating to spur federal action to timely remove and dispose of nuclear waste and protect electric customers.

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to the \$43 billion balance and accumulating future interest for program implementation. This action is needed now to avoid permanently stranding this material in host states and communities; address the negative economic impacts to states, communities, and taxpayers; and enable the federal government to meet its statutory and contractual obligations to electric customers under a law established nearly 40 years ago.

Recommended DOE Actions

As a former Governor of a significantly impacted state, you are keenly aware of the federal government's consistent failures in this area, but you have an opportunity to change course. To provide a promising start toward resolving the nation's nuclear waste management dilemma once and for all, the NWSC specifically asks DOE to consider the following recommended actions. Fiscal Year 2021 Congressional appropriations, notably including \$27.5 million newly appropriated for "nuclear waste disposal activities," as well as continued funding for Integrated Waste Management Systems and Used Nuclear Fuel Disposition R&D programs, should facilitate these recommendations:

- **Use all available resources to support the reform of the federal budgetary treatment of the NWF, and call upon Congress to provide sustainable annual access to the NWF, which is critical to reestablishing an effective national integrated nuclear waste management program.**
- **Use all available resources, including those newly appropriated in FY 2021, to support reestablishment of a national integrated nuclear waste management program (storage, transport, and disposal), including to:**
 - **Immediately reestablish an office within DOE to focus on matters related to nuclear waste management;**
Whether coordinating with private entities on proposed consolidated interim storage (CIS) facilities; working with communities interested in providing consent to host a CIS or permanent disposal facility; proceeding on Yucca Mountain license application review work; or following other Congressional directives regarding nuclear waste management, DOE needs a dedicated team to focus on these issues and meet with interested and affected parties.
 - **Simultaneously pursue permanent disposal and CIS pilot with priority for shutdown reactor fuel;**
Because permanent disposal is necessary and a decision (yes or no) on the Yucca Mountain license application is necessary to move forward on permanent disposal, we support completing the license review process. Simultaneously, DOE should facilitate efforts to site a pilot CIS facility for SNF and Greater-Than-Class-C waste stranded at shutdown commercial nuclear power plant sites.
 - **Continue and expand upon constructive DOE initiatives related to transportation infrastructure that will be necessary regardless of destination; and**
Constructive DOE transportation-related initiatives include assessment of transportation infrastructure needs at shutdown plant sites as well as the testing, certification, and procurement of railcars, as well as licensed transportation casks and components, in sufficient quantities.
 - **Increase financial and technical assistance to tribal, state, and local governments.**
Such financial and technical assistance for transportation-related emergency preparedness training and activities that will provide the public greater assurance that the health, safety, and welfare of its communities will be preserved as SNF is transported.
- **Seek all necessary additional resources in DOE's FY 2022 budget request to continue and expand upon these priorities in support of the Call for Action.**

* * *

Thank you for your consideration. In addition, the NWSC Executive Committee respectfully requests a meeting with you and your leadership team to further discuss both near-term and long-term strategies for making progress on nuclear waste management issues, and we stand ready to serve as a resource throughout your leadership. Please do not hesitate to contact Katrina McMurrian, NWSC Executive Director, at katrina@theNWSC.org or 615.905.1375 to coordinate meeting plans or otherwise reach out.

Sincerely,



Chair, Nuclear Waste Strategy Coalition
Chair, Minnesota Public Utilities Commission

ⁱ The NWSC is an ad hoc organization representing the collective interests of member state utility regulators, consumer advocates, attorneys general, and radiation control officials; tribal governments; local governments; electric utilities with operating and/or shutdown nuclear reactors; and other experts on nuclear waste policy matters. For over two decades, we have called for DOE to remove and ultimately dispose of commercial nuclear waste in accordance with federal law and contracts with electric utilities.

ⁱⁱ With passage of the Consolidated Appropriations Act for Fiscal Year 2021 (<https://www.govinfo.gov/content/pkg/BILLS-116hr133enr/pdf/BILLS-116hr133enr.pdf>), the 116th Congress appropriated \$27.5 million to DOE for “expenses necessary for nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including interim storage activities,” in addition to continued funding for other relevant DOE programs (Integrated Waste Management Systems and Used Nuclear Fuel Disposition R&D). However, direction remains unclear, and the funding does not reestablish a meaningful national integrated nuclear waste management program.

ⁱⁱⁱ U.S. Department of Energy: *Nuclear Waste Fund (NWF) Annual Financial Report Summary: FY2020 and Cumulative*, December 2020 (<https://www.energy.gov/sites/prod/files/2020/12/f81/FY20%20-%20NWF%20Annual%20Financial%20Report%20Summary.pdf>).

^{iv} Nuclear Energy Institute Fact Sheet: *Safe, Secure Transportation of Used Nuclear Fuel*, September 2019 (<https://nei.org/resources/fact-sheets/safe-secure-transportation-used-nuclear-fuel>).

^v U.S. Nuclear Regulatory Commission Map: *Licensed and Operating Independent Spent Fuel Storage Installations by State*, August 2019 (<https://www.nrc.gov/images/reading-rm/doc-collections/maps/isfsi-facility-types.png>). While the legend references 35 states with at least one ISFSI, the Private Fuel Storage facility in Utah was licensed only and never built or operated to store SNF.

^{vi} U.S. Department of Energy Office of Inspector General Audit Report: *Department of Energy Nuclear Waste Fund’s Fiscal Year 2020 Financial Statement Audit*, November 2020 (<https://www.energy.gov/sites/prod/files/2020/12/f81/FY20%20-%20NWF%20Annual%20Financial%20Report%20Summary.pdf>).

^{vii} Nuclear Energy Institute Webpage: *Used Nuclear Fuel* (<https://www.nei.org/advocacy/make-regulations-smarter/used-nuclear-fuel>).