

**Congress of the United States**  
**Washington, DC 20515**

March 15, 2016

The Honorable Mike Simpson  
Chairman  
Subcommittee on Energy and  
Water Development  
Committee on Appropriations  
Washington, D.C. 20515

The Honorable Marcy Kaptur  
Ranking Member  
Subcommittee on Energy and  
Water Development  
Committee on Appropriations  
Washington, D.C. 20515

Dear Chairman Simpson and Ranking Member Kaptur:

We write to request your assistance in addressing a long-standing issue that exists in each of our districts and states – finding a path forward for the timely removal of spent nuclear fuel (SNF) and so-called Greater-Than Class C waste (GTCC waste) from sites where nuclear power generating activities have permanently ceased.

As you know, issues associated with the management of SNF and GTCC material at permanently shutdown plants were a major focus of the Blue Ribbon Commission on America's Nuclear Future (BRC). We are heartened to see that the fiscal year 2017 budget proposal for the Department of Energy would further the implementation of one of the key recommendations of the BRC by beginning to develop the siting, design, licensing, construction and operation of a pilot consolidated interim storage (CIS) facility with an initial focus on accepting SNF from the shutdown reactors, and we urge your support for those activities. In addition, we request your support for the inclusion of language that would clarify the authority of the Secretary to establish such a pilot CIS program and to also contract with a private CIS facility.

It is well known that the federal government has been in continuing breach of the contractual obligation created by the 1982 Nuclear Waste Policy Act (NWPA) to remove this material beginning in January 1998. In the intervening years, the U.S. Court of Claims has consistently ruled in favor of companies for expenditures they have incurred in the continuing storage of these materials. If the federal government continues to be in breach of its contract obligations, the DOE estimates that the resulting impact on taxpayers could reach or exceed \$29 billion. These funds are paid out of the permanent appropriations account known as the Judgment Fund and they add to the federal deficit.

A CIS facility can serve to end the government's default at permanently shutdown reactor sites, provide a valuable facility to conduct research on matters that will inform future storage and disposition safety and regulatory issues, and end the inefficiencies and multiple liabilities of having these sites scattered at locations that are no longer producing nuclear power. In short, whether Yucca Mountain or some other consent-based repository site moves forward in the future, the success of a pilot consolidated storage facility will prove to be a valuable addition to our waste management system. In addition, enabling DOE to begin a consent-based siting process will allow Congress to

identify whether or not there truly are locales that would be receptive to accepting both the responsibilities, and benefits, that can result from negotiations with the government on a prospective role in the used fuel management program.

Our constituents have waited patiently for action on this matter. We urge you to move forward to make these important advances in the nation's used fuel management program.

Sincerely,



DORIS MATSUI  
Member of Congress



CHELLIE PINGREE  
Member of Congress



JARED HUFFMAN  
Member of Congress



AMI BERA  
Member of Congress



JOE COURTNEY  
Member of Congress



HENRY CUELLAR  
Member of Congress



RON KIND  
Member of Congress



PETER WELCH  
Member of Congress



GENE GREEN  
Member of Congress