

Executive Committee Officers:

David Wright, Chairman  
Commissioner, SC Public Service Commission

Renze Hoeksema, Vice Chairman  
Director of Federal Affairs, DTE Energy

David Boyd, Membership  
Chairman, MN Public Utilities Commission

Robert Capstick, Finance  
Director of Government Affairs, Yankee Atomic/Connecticut Yankee



November 19, 2009

Letter sent by facsimile

The Honorable Daniel Inouye  
Chairman  
Senate Appropriations Committee  
United States Senate  
Washington, D.C. 20510

The Honorable Thad Cochran  
Ranking Member  
Senate Appropriations Committee  
United States Senate  
Washington, D.C. 20510

The Honorable David Obey  
Chairman  
House Appropriations Committee  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Jerry Lewis  
Ranking Member  
House Appropriations Committee  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairmen Inouye and Obey and Ranking Members Cochran and Lewis:

The members of the Nuclear Waste Strategy Coalition (NWSC), are writing to express our concern over the role of the federal government in taking responsibility for spent nuclear fuel and high-level radioactive waste and to draw your attention to an October 23, 2009, draft Program Decision Memorandum directive from the Department of Energy's (DOE) Chief Financial Officer that, "all (Yucca Mountain) license defense activities will be terminated in December 2009."

This statement of intent goes completely against the expectations set forth by your Committees throughout the Fiscal Year (FY) 2010 appropriations process. The joint managers explanatory statement in the House Report 111-278 of the Energy and Water Development and Related Agencies Appropriations Act, 2010, specially states that, "the language and allocations set forth in House Report 111-203 and Senate Report 111-45 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers."

The House Appropriations Committee stipulated that \$70M of the appropriated funds "shall be for the management contractor to retain the sufficient legal, scientific and technical expertise necessary to maintain and update the Yucca Mountain license application and its supporting documentation as may be required by the Nuclear Regulatory Commission."

Although the House language was not included in Conference Report H.R. 3183, the final bill does specify that, "the conference agreement includes funds for technical and construction site management, business support and other activities to carry out the Administration's fiscal year FY 2010 plan." The Administration's FY 2010 budget request clearly identified funding to support the continuation of the license application.

Failing to allow the license application to proceed through a process at the Nuclear Regulatory Commission that will determine the scientific, technical and engineering soundness of the Yucca Mountain facility ignores the statutory requirements set forth in the Nuclear Waste Policy Act (NWPA). Ignoring the NWPA also raises serious concerns over the federal government's future role in meeting its responsibilities and obligations to ratepayers who have already invested \$10 billion in a national repository and paid more than \$33 billion, including interest, into the Nuclear Waste Fund (NWF). DOE has stated they have every intent to keep collecting these fees, but for what purpose?

DOE's failure to fulfill its statutory and contractual obligations to remove spent nuclear fuel and high-level radioactive waste from 121 sites in 39 states is burdening U.S. tax payers and our rate payers with additional liabilities. In addition, the Administration's decision would also disrupt the DOE clean-up program in Hanford, Washington and the Savannah River Site in South Carolina, as well as agreements with states that currently store defense material. Congress must recognize that continued delay of the removal of defense waste could adversely impact two legally-binding agreements – the Batt and Tri-Party Agreements. We urge that you hold DOE accountable to explain how their proposed actions, or inaction, are consistent with the goals of the NWPA and previous commitments they've made to your Committees.

The NWSC was formed in 1993 out of frustration with DOE's lack of progress in developing a permanent repository for spent nuclear fuel and high-level radioactive waste, as well as Congress' failure to fully fund the nuclear waste disposal program since 1982. We are an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 46 member organizations in 26 states.

Respectfully yours,



David Wright  
Commissioner, South Carolina Public Service Commission and  
Chairman, Nuclear Waste Strategy Coalition

C: The President of the United States  
The Secretary of Energy, Steven Chu  
Members of the House and Senate Appropriations Committees  
Members of the House and Senate Energy and Commerce Committees  
Governors with stranded material in their state