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Lack of Yucca Mountain Funding - FY 2009 Omnibus Appropriations

“Congress continues to cut funding for the nation’s congressionally-selected and adopted geologic repository for commercial spent nuclear fuel and high-level radioactive defense waste - one they contracted with utility companies who operate nuclear reactors to build - while they still have more than \$20 billion, including interest, of electricity ratepayer monies remaining in the *Nuclear Waste Fund*. Meanwhile, the nations’ commercial spent nuclear fuel and high-level radioactive defense waste remains stranded at commercial and federal facilities in 39 states,” stated Commissioner David Wright, a *South Carolina Public Service* Commissioner and Chairman of the *Nuclear Waste Strategy Coalition*.

While the *Nuclear Regulatory Commission* is currently reviewing the *Department of Energy’s* license application for the Yucca Mountain project, adequate funds are available in the *Nuclear Waste Fund* to implement the federal policy for permanent disposal of spent nuclear fuel and high-level radioactive waste.

Since 1983, ratepayers from 41 states have paid into the *Nuclear Waste Fund*, which Congress established for development of a permanent repository for spent nuclear fuel and high-level radioactive waste. The nation’s ratepayers pay annually approximately \$758 million into the *Fund*; again, Congress gutted the Program’s appropriations to \$145 million, \$613 million below the annual payments made into the *Nuclear Waste Fund*.

The continued incongruity between funds paid in the *Nuclear Waste Fund* and the annual appropriations has forced the *Department of Energy* to suspended vital national program activities by reducing its workforce at the Yucca Mountain site and throughout the nation; delaying repository site engineering and infrastructure, as well as, rail construction and related acquisitions; and disrupting the *Department of Energy* defense clean-up program in the states of Washington, Idaho and South Carolina.

“These delays have already burdened the nation’s taxpayers, which means ratepayers are being hit twice, with judgments against *DOE* now approaching one billion dollars for *Department of Energy’s* failure to fulfill its statutory and contractual obligations to remove spent nuclear fuel and high-level radioactive waste from commercial and decommissioned plant sites,” Wright said. Future liabilities are currently estimated to be \$11 billion dollars.

“It is our understanding that Secretary Chu plans to expedite the development of an alternative to the storage of spent fuel at the Yucca Mountain site by convening a special commission that would report back to him by year's end,” Wright said. “Nonetheless, the convening of a special panel does not excuse the fact that the nation’s ratepayers continue to pay into the *Nuclear Waste Fund* while the nuclear waste disposal program is coming to a grinding halt due to lack of funding.”

The *NWSC* is urging the Obama Administration and the Congress to apply the funds collected in the *Nuclear Waste Fund* to fully fund the Yucca Mountain licensing application process - and transportation related programs - while the proposed special commission looks at alternatives. The *NWSC* believes these programs will be needed in the future, regardless of any alternative spent fuel cycle options that may be proposed by the special commission because no option completely eliminates the production of nuclear waste.

The *NWSC* is an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 47 member/affiliate organizations in 31 states, committed to reforming and adequately funding the U.S. civilian high-level nuclear waste transportation, storage, and disposal program.

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