

United States Senate

WASHINGTON, DC 20510-7020

September 6, 2016

Marvin Fertel
President and Chief Executive Officer
Nuclear Energy Institute
1201 F St., NW, Suite 1100
Washington, D.C. 20004

Dear Mr. Fertel:

I write today to express my disappointment that the Nuclear Energy Institute (NEI) continues to impede reasonable efforts towards finding solutions for managing the nuclear industry's spent nuclear fuel. Instead of working towards short-term solutions and developing a long-term policy framework for addressing nuclear waste, you have maintained an untenable and unrealistic position that the federal government should ignore Nevada's opposition and build a nuclear waste repository in the state.

NEI's response to the Energy Department's efforts to develop a consent-based siting process for spent nuclear fuel is sad and unfortunate. As you know, the DOE's consent based siting efforts are based on recommendations from the Blue Ribbon Commission on America's Nuclear Future – a nonpartisan panel of nuclear, science and environmental experts and co-chaired by the eminent Lee Hamilton and Brent Scowcroft – that came up with a blueprint for moving the nation's nuclear waste policy forward. I am confounded why NEI is impeding progress on finding solutions to a problem that plagues its membership as well as the potential expansion of the industry.

Nearly ten years ago, you and your organization engaged with me and my staff about ideas for a path forward for addressing nuclear waste. You would not agree to take Yucca Mountain permanently off the table, but at the time NEI was open to other interim solutions for nuclear waste. Everybody knew that I would never allow the Yucca Mountain project to advance and that with President Obama's election to the White House, the project was all but dead. Unfortunately, those discussions ended, and NEI retreated to a position firmly against any solution to dealing with nuclear waste other than the defunct Yucca Mountain project. I have to imagine that this unfortunate decision is unhelpful to your member companies who would like to make progress on managing nuclear waste.

Equally unfortunate is that literally nothing has changed over the past decade. Little progress has been made towards finding a sustainable path for managing nuclear waste and a tiny minority has blocked bipartisan congressional efforts to pass interim solutions for safely storing the industry's spent fuel. In the meantime, utilities are being reimbursed hundreds of millions of taxpayer dollars from the Justice Department's Judgment Fund for the Government's default on its obligations to take title to nuclear waste.

This stalemate has not benefitted your members and Nevadans continue building the state's case against the Yucca Mountain license application in case the NRC process is resurrected. Even if Nevada can soundly win its case against Yucca Mountain before the NRC, and I believe we can, the point is that we should not even have to litigate Yucca. Nevada has already objected and it will not give the federal government the state's water, land, and a license to ignore our transportation and environmental protections in order to build a nuclear waste dump that the Silver State have always opposed.

I do not oppose nuclear energy, and in fact I have supported research, development and innovation of nuclear energy technologies. I want our nation to have more carbon free clean energy, not less. But I remain committed to keeping nuclear waste out of Yucca Mountain and I strongly urge that the industry's top trade association take a leadership role in making progress on addressing nuclear waste from the industry's reactors.

Sincerely,

HARRY REID
Democratic Leader