January 23, 2018

The Honorable Rick Perry  
Secretary of Energy  
The Forrestal Building  
Washington DC 20585

By Email: The.Secretary@hq.doe.gov

Dear Mr. Secretary,

The U.S. Nuclear Infrastructure Council is writing to express its growing concern over the Department's lack of progress in re-establishing the Nation's civilian nuclear waste management program, which was subject to eight years of study, review and delay during the Obama Administration.

Notwithstanding early assurances given to the Congress during your confirmation and subsequent visit to Yucca Mountain that there would be no more “kicking the can down the road” -- and the President’s FY2018 appropriations request for $120 million “to restart licensing activities for the Yucca Mountain nuclear waste repository and to initiate a robust interim storage program” -- the Department has given every appearance as of late of returning to a business-as-usual status quo approach. This is despite mounting Federal taxpayer liabilities approaching $30 billion and approximately 86,000 metric tons of commercial and defense waste stranded at 121 sites in 39 states.

A case in point is the Department's newly established management and organization structure, which was subject to a congressional oversight hearing this month by the House Energy and Commerce Committee. The Office of Civilian Radioactive Waste Management (OCWRM), a statutorily established office under the Nuclear Waste Policy Act, is nowhere within the Department’s new organizational structure. This office was unilaterally dissolved and absorbed into the Office of Nuclear Energy by the prior administration. Given that OCRWM is responsible for ensuring the safe and permanent disposal of spent fuel and high-level radioactive waste, its absence from the DOE organizational structure – and the fact that no nominee has been advanced for the director position – undercuts assurances that the Department will be a proactive steward of the waste management program.

Based on testimony given at the House oversight hearing by Deputy Secretary Brouillette, the Department seems to prefer to wait and defer on any decisions until it has an appropriation for Yucca Mountain licensing pursuant to the President’s request. In contrast, taking executive action to re-establish OCRWM, nominating a director and using the estimated $10 million carryover funding to make preparations to restart the Yucca Mountain licensing process (as the U.S. Nuclear Regulatory Commission is doing) would send a clear signal that DOE is serious about discharging its statutory obligations under the Nuclear Waste Policy Act.
The Honorable Rick Perry  
January 23, 2018  
Page 2

Clearly, now more than ever Mr. Secretary your leadership is needed to set a new course and re-establish this important national program on a forward path. We hope you will take affirmative steps to deploy concrete actions available to you to stand-up the OCRWM. A working National waste management program is vital to current and future nuclear energy plants as well as national security and defense waste legacy communities.

Please note that the above views reflect the consensus of the Council, but do not necessarily reflect the views of individual members.
Sincerely,

David Blee  
Executive Director