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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

October 16, 2006

The Honorable Arlen Specter
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Specter:

The purpose of this letter is to ask for your help regarding proposed federal legislation related to the storage and disposal of spent nuclear fuel (SNF) from commercial nuclear power plants.

I am a strong advocate for the creation of a national repository of spent nuclear fuel at Yucca Mountain in Nevada. To date, Pennsylvanians have contributed over \$1 billion in utility surcharges to the Nuclear Waste Fund for the development of this repository. Presently, this repository is the only practical long-term solution to the SNF dilemma. However, the expected anticipated start date for the repository has been continuously pushed back and now is set for 2017. In addition, it is planned to take over twenty years to remove existing SNF from the reactor sites. This federal delay is resulting in extraordinary costs being borne by private utilities and the states. Moreover, this federal delay in creating a storage facility has dramatically increased the national security exposure associated with spent nuclear fuel.

Pennsylvania has nine nuclear power plants on five sites. Due to the lack of a permanent SNF repository, the commonwealth has now accumulated one of the largest inventories of SNF in the nation. Unfortunately, many of the spent fuel pools in Pennsylvania are filled to or near capacity. As a result, those sites in Pennsylvania have been forced to add on-site dry storage capacity. These facilities are expensive to build and maintain, and they obviously are not capable of addressing long term storage needs for spent fuel and again present serious security concerns for which no state is prepared to address in perpetuity.

Considering the problems caused by the delays in Yucca Mountain, Congress is considering two pieces of legislation to address the growing issue. The first is a provision in appropriations bill H.5427. This bill would give exclusive authority to the Department of Energy (DOE) Secretary to site, license, and construct a SNF consolidation and preparation (CAP) facility in any state that has a nuclear power plant. This bill could enable the construction of 31 CAP storage facilities across the country. Such a strategy is riddled with economic, political, and security challenges, which are likely to be insurmountable and most certainly will result in years, if not decades, of delay in solving this critical national problem.

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As provided in H.5427, the Energy Secretary could site a CAP facility without a governor or state's concurrence. Obviously such a bill oversteps state sovereignty. Even if this bill were amended to require that site assignment occur in consort with the state, the proposed timetable for the evaluation, designation, and licensing of a CAP facility does not allow for adequate evaluation of safety, security, transportation, and environmental issues. Nor does it allow for adequate public participation during site designation and the licensing process by the Nuclear Regulatory Commission (NRC). Given these flaws, I urge you to oppose this bill.

The second recently introduced bill is the Nuclear Fuel Management and Disposal Act (S.3962). This Act is also known as Nuclear Waste Acceleration to Yucca (NU-WAY). The bill is sponsored by Senator Domenici, and was referred to the Senate Committee on Energy and Natural Resources on September 27, 2006. I believe this bill has merit to be considered because it provides a short-term solution to accelerate the creation of a national secure location.

NU-WAY authorizes the DOE to begin and accelerate moving defense high-level waste and civilian SNF to an above ground storage facility within the Nevada Test Site (NTS) at Yucca Mountain as soon as the NRC issues a license for the storage facility. NU-WAY requires DOE to submit a license application for the storage facility at the same time it submits the license application for the Yucca Mountain repository. DOE has stated that it expects to submit the Yucca license application in June 2008.

While I believe that S.3692 moves things in the right direction, I urge the Senate to take whatever action is necessary to ensure that construction of the final repository proceeds. To this end, Congress should enable full funding and continued development of a permanent repository at Yucca Mountain for the nation's high-level radioactive waste and SNF.

Sincerely,



Edward G. Rendell
Governor