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March 5, 2007

The Honorable Herb Kohl
U.S. Senate
330 Hart Senate Office Building
Washington, D.C. 20510

Dear Congressman Kohl:

I chaired the Wisconsin Joint Legislative Council's Special Committee on Nuclear Power. This committee was directed to study the role of nuclear power in Wisconsin's energy future, including, as appropriate, any modifications in the state's nuclear power moratorium. Part of the committee's inquiry focused on the management and disposal of spent nuclear fuel. I am now writing you and other members of the Wisconsin Congressional delegation at the direction of the committee to encourage you to do everything you can to expedite the implementation of the federal policy on the management and disposal of high-level radioactive waste and spent nuclear fuel set forth in the Nuclear Waste Policy Act of 1982, as amended (hereafter, the "federal act").

The generation of electricity from nuclear power has developed in the United States through a partnership of the federal government and the electric power industry. An integral part of that partnership is the commitment made by the federal government under the federal act to take title to spent nuclear fuel and, beginning no later than January 31, 1998, dispose of the spent nuclear fuel in a federal repository. The federal act also requires operators of commercial nuclear power plants to make payments of ratepayer moneys to the federal Nuclear Waste Fund to cover the cost of the disposal of spent nuclear fuel by the federal government.

Nationally, over \$14.3 billion has been paid into the Nuclear Waste Fund as of March 2006 by electric utility customers and electric cooperative members, based on data collected by the Michigan Public Service Commission. Wisconsin customers and members have paid \$377 million into the fund.

To date, the United States government has failed in its efforts to open a repository for the permanent disposal of spent nuclear fuel and has failed to meet its commitment to begin accepting spent nuclear fuel for disposal in 1998. Furthermore, testimony to the committee by a representative of the U.S. Department of Energy (DOE) in December 2006, indicated that under the best achievable schedule, the federal Yucca Mountain repository in Nevada will not begin to

accept waste until March 2017, 19 years after the statutory deadline.

The committee is highly concerned that this failure by the federal government to fulfill its contracts under the federal act and begin accepting spent nuclear fuel has forced operators of commercial nuclear reactors across the country to incur additional expenses for the storage of spent nuclear fuel in cooling ponds and dry casks on the sites of their nuclear power plants. These expenses are passed on and ultimately born by ratepayers and cooperative members. For example, Wisconsin Electric Power Company has incurred expenses of over \$20 million on the storage of its spent nuclear fuel and dry casks at the Point Beach Nuclear Power Plant. Dairyland Power Cooperative has incurred about \$50 million in costs through the end of 2006 related to the continued on-site storage of spent nuclear fuel at its LaCrosse Boiling Water Reactor and the costs of investigating alternative storage facilities, even though that reactor closed in 1987 and is no longer generating electricity or revenues to pay these expenses. Dairyland continues to spend about \$6 million annually on these costs.

The committee also recognized that pending the licensing and opening of the Yucca Mountain Repository, interim storage of spent nuclear fuel at a centralized federal facility provides a secure means for the federal government to promptly begin accepting spent nuclear fuel that minimizes risks to the public and fulfills its commitment to manage spent nuclear fuel in a safe, cost-effective, and timely manner.

On behalf of the committee, I am writing to urgently request that you to take all necessary steps within your power to expedite the licensing, construction, and opening of the federal Yucca Mountain Repository and to establish a secure, centralized federal facility for the interim storage of spent nuclear fuel.

In addition, the committee requested that I provide to you the Resolution on Permanent Disposal of Nuclear Wastes from the 61st Annual Meeting of the Midwest Legislative Conference of the Council of State Governments, August 23, 2006. A copy of this resolution is enclosed with this letter.

Thank you for your consideration of the request in this letter. If you have any questions on the work of the Special Committee on Nuclear Power or these requests, please feel free to contact me.

Sincerely,

Representative Phil Montgomery, Chair
Special Committee on Nuclear Power

PM:ksm
Enclosure

ccs: Sen. Harry Reid, Majority Leader, U.S. Senate

Speaker Nancy Pelosi, U.S. House of Representatives

Sen. Jeff Bingaman Jr., Chairman, and Sen. Pete V. Domenici, Ranking Minority Member, Senate Committee on Energy and Natural Resources

Sen. Byron L. Dorgan, Chairman, and Sen. Lisa Murkowski, Ranking Minority Member, Subcommittee on Energy, Senate Committee on Energy and Natural Resources

Sen. Robert C. Byrd, Chairman, and Sen. Thad Cochran, Ranking Minority Member, Senate Committee on Appropriations

Sen. Byron L. Dorgan, Chairman, and Sen. Pete V. Domenici, Ranking Minority Member, Subcommittee on Energy & Water Development, Senate Committee on Appropriations

Rep. John D. Dingell, Chairman and Rep. Joe Barton, Ranking Minority Member, House Committee on Energy and Commerce

Rep. Rick C. Boucher, Chairman, and Rep. Dennis Hastert, Ranking Minority Member, Subcommittee on Energy and Air Quality, House Committee on Energy and Commerce

Rep. Jerry Lewis, Ranking Minority Member, House Committee on Appropriations

Rep. Peter J. Visclosky, Chairman, and Rep. David L. Hobson, Ranking Minority Member, Subcommittee on Energy, Water Development, and Related Agencies, House Committee on Appropriations

President George W. Bush

Samuel W. Bodman, Secretary, U.S. Department of Energy

Edward F. Sprat, III, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy