



Department of Energy

Washington, DC 20585

June 14, 2016

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shimkus:

Thank you for your letter dated March 17, 2016 to Secretary Moniz regarding the development of a comprehensive solution for spent nuclear fuel management policy. Secretary Moniz has asked me to respond on his behalf.

Responses to the 14 questions posed in your letter are enclosed. Please note that the information provided in response to question 13, subpart c, included as Attachment 4 to the responses to the questions, contains restrictive contractor markings and/or is considered contractor proposal information and/or source selection information. Accordingly, disclosure of this information is restricted by 41 U.S.C. chapter 21.

I appreciate the efforts of the House Energy and Commerce Committee to develop a comprehensive solution for spent nuclear fuel and look forward to collaborating with you on these important issues. Please contact me or Janine Benner in the Office of Congressional and Intergovernmental Affairs at 202-586-5450 should you need clarification on any of these points or additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Kotek".

John F. Kotek
Acting Assistant Secretary
for Nuclear Energy

Enclosure

Cc: The Honorable Paul Tonko, Ranking Member

The Honorable Frank J. Pallone, Jr., Ranking Member
Committee on Energy and Commerce



Attachment 1

Attachment 1

Responses to Questions Posed in March 17, 2016 Letter

Yucca Mountain Support Activities

1. Please update the status of the active contracts listed in Enclosure 2 of DOE's letter to the Committee, dated August 30, 2013.

Answer: The updated status of the active contracts is provided in Attachment 2 of this letter.

2. Will DOE maintain active contracts until Congress takes action to amend the Nuclear Waste Policy Act (NWPA) or until the Department has depleted all funding in the Defense Nuclear Waste Disposal and Nuclear Waste Disposal accounts?

Answer: DOE intends to maintain these contracts until a legal or legislative conclusion is reached regarding Yucca Mountain, until funding is depleted, or until the term of the contract expires.

3. The Department's 2013 letter stated "DOE has taken steps to ensure that, while there would be some delay, it could resume the licensing proceeding if so ordered, subject to the availability of funds." Has DOE maintained the necessary expertise, infrastructure and supporting documentation to restart the Yucca Mountain repository program?

Answer: Subject to some delay, DOE could resume the licensing proceedings for a repository at Yucca Mountain if ordered to do so and subject to the availability of funds.

Nuclear Waste Policy Act Compliance

4. The NWPA terminated all site specific activities other than Yucca Mountain. However, in November, you stated Department "staff is reviewing a proposal to build a temporary storage site in Andrews County, Texas" and recently you stated Department staff has already met with private-sector officials on interim storage.

- a) Under what statutory authority does DOE engage in these site specific discussions?

Answer: The Department has general authority under the Department of Energy Organization Act, the Energy Reorganization Act, and the Atomic Energy Act to receive and consider information from private individuals on matters within the purview of the Department. The NWPA includes specific language related to DOE's authority to construct and operate a Monitored Retrievable Storage facility for

commercial waste, but this language does not prohibit DOE from engaging in informal discussions with non-Federal stakeholders with respect to their own plans.

With respect to the NWPA prohibition on site-specific activities, the NWPA directs DOE to terminate site-specific activities at candidate sites other than the Yucca Mountain site, and prohibits site-specific activities with respect to a second repository.

- b) Please list meetings, including dates and attendees, you and your staff have had with non-Federal stakeholders to discuss siting interim storage facilities.

Answer: To date, DOE has had a few informal discussions with representatives from both Waste Control Specialists (WCS) and Eddy-Lea Alliance, at their request, enabling them to provide a high-level overview to the Department on their plans. DOE has not had any meetings to specifically discuss the siting of interim storage facilities.

5. The NWPA requires the Nuclear Regulatory Commission (NRC) to issue a license to construct a permanent, geologic repository at Yucca Mountain prior to the submission of a license for a monitored, retrievable storage facility, or a consolidated interim storage facility. DOE's current "Strategy" states, "The Administration also agrees with the [Blue Ribbon Commission] that a linkage between opening an interim storage facility and progress toward a repository is important so that states and communities that consent to hosting a consolidated interim storage facility do not face the prospect of a *de facto* permanent facility without consent."

- a) How does DOE propose that linkage is adequately established to assure a storage facility does not become a *de facto* permanent facility?

Answer: The Department supports moving forward on both storage and disposal of nuclear waste. To that end, DOE is currently seeking public feedback on how to design a consent-based siting process for Spent Nuclear Fuel (SNF) and High Level Waste (HLW) storage and disposal facilities.

- b) Has DOE prepared any plans relating to linkage in anticipation of potential statutory direction?

Answer: DOE is currently seeking public input on how to design a consent-based siting process for SNF and HLW storage and disposal facilities.

Consolidated Interim Storage

6. In Fiscal Year (FY) 1998, DOE in anticipation of "potential statutory direction that may include transportation of spent nuclear fuel and high-level waste to a designated interim storage facility," completed a design and safety analyses for a Centralized Interim Storage Facility (CISF) and submitted a Topical Safety Analysis Report (TSAR) to the NRC for final review on September 1998.

Additionally, the Yucca Mountain License Application included potential components of a CISF with the Initial Handling Facility, Canister Receipt and Closure Facility, Receipt Facility, and Wet Handling Facility.

On March 4, DOE published a Request for Proposal (RFP) for a generic design and TSAR for a pilot interim storage facility for spent nuclear waste.

a) Did DOE consider any components of the 1998 CISF TSAR to inform the RFP?

Answer: Yes, specifically the RFP requires four design review meetings (RFP Section C.4.3). “The 30 percent generic design review will focus on the design criteria recommended by the contractor for a generic location. The contractor may model the design criteria after those adopted for the consolidated interim storage facility (CISF) TSAR”. The 1998 CISF TSAR was provided as reference 16 in the RFP.

b) Did DOE consider the key design components from the Yucca Mountain License Application prior to issuing the RFP?

Answer: Yes, DOE considered the applicable components of the Yucca Mountain surface facilities in developing the RFP. Specifically, the canister receipt facility attributes and design concept are applicable for canister receipt at the ISF. Other Yucca Mountain surface facilities (e.g. wet handling facility) may be applicable at the larger ISF proposed in the Strategy if individual fuel element handling is required.

c) How does DOE's RFP for a TSAR for a pilot interim storage facility differ from the 1998 CISF TSAR or various facilities included as part of the Yucca Mountain License Application?

Answer: The RFP differs principally in scope and complexity compared to previous efforts. Specifically, the 1998 CISF TSAR was designed for 6 cask systems, two of which were never used by industry. The RFP (Table 1) identifies 21 cask systems used at the shutdown reactors. The number of cask systems increases the complexity of the TSAR to clearly describe the storage system specific SAR information to be incorporated by reference and ensure it is incorporated in the proper context of the applicable NRC Safety Evaluation Report.

Furthermore, while a pilot ISF will be a new facility, DOE recognizes that some of the welded canisters that will be placed into storage at a pilot ISF will have been stored at a reactor for more than the initial term authorized by the license for the site ISFSI. Therefore, the TSAR will need to address aging management issues normally associated with an ISFSI license renewal for some of the system components. This adds considerable complexity compared to earlier efforts.

Finally, the NRC regulatory guidance documents have changed since 1998 and have been modified by some NRC Interim Staff Guidance (e.g. ISG-15) requiring additional information needs for the TSAR.

- d) How did key findings and recommendations from previous studies of spent nuclear fuel storage facilities inform the Department's decision to issue a new RFP?

Answer: As described above, the increased complexity prompted DOE's decision to issue the RFP for a new TSAR.

7. In 2008, DOE, at the direction of Congress, considered "consolidation of the [spent nuclear fuel (SNF)] from decommissioned reactors either at an existing federal site, at one or more existing operating reactor sites, or at a competitively-selected interim storage site."

- a) The report found:

"Because most of the ten decommissioned reactors have already incurred costs for their onsite storage facilities, a limited demonstration program to remove the SNF from these sites to an interim storage facility would not significantly change the estimated overall liability of \$11 billion. At the same time, directing the priority acceptance of SNF from the ten decommissioned reactors would likely result in additional litigation from contract holders with operating reactors, as well as in demands for acceptance of their SNF at an interim storage facility."

As part of the development of DOE's "Strategy," did the Department reevaluate potential costs and reductions of liability from developing a pilot interim storage facility to accept fuel from decommissioned plants? If so, please provide this assessment.

Answer: At the end of each fiscal year, the Department prepares a liability estimate related to partial breach of the Standard Contracts for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste. In 2013, the liability estimate was updated to reflect the following assumptions in the Strategy document: (1) a pilot storage facility will be operational in 2021 to allow for the removal of SNF from shut down reactors; (2) an interim storage facility will be operational in 2025 to begin the removal of SNF from operating nuclear power reactors; and (3) that reactors will incur costs reimbursable by the Department until the Department has fulfilled its obligations under the agreements. For the purposes of the fiscal year 2013 and fiscal year 2014 liability estimates, new legislation was assumed to have been enacted by the end of calendar year 2014. Because legislation has not passed, operational dates were moved forward one year in the fiscal year 2015 liability estimate for the purposes of estimating the liability.

- b) The 2008 report estimated the total cost for a consolidated interim storage facility to be \$743 million. Has DOE reevaluated the previous cost assessment as a part of its nuclear waste management strategy? If so, please provide the report.

Answer: DOE procured a study titled, “Generic Design Alternatives for Dry Storage of Spent Nuclear Fuel” (Task Order 16). This report can be found at <https://curie.ornl.gov/content/task-order-16-generic-design-alternatives-dry-storage-spent-nuclear-fuel-1>. In the final report issued from this study on May 15, 2015, prepared by Chicago Bridge and Iron, it provided DOE with a suite of generic design alternatives for the receipt, processing, and storage of the SNF and greater-than class C (GTCC) waste for the pilot ISF, assuming the SNF and GTCC is derived from the 22 reactors already shutdown or announced to be shutdown by 2019 (19 are currently shutdown). Storage technologies analyzed in the study include: multiple commercial storage systems on a pad (C-PAD), existing storage canisters in a standardized storage system on a pad (S-PAD), commercial storage canisters in underground silos (C-UGS), and commercial storage canisters in above grade and below grade vaults (C-AGV, C-BGV).

Cost Table 3 from the final report is reproduced below; the capital cost is higher than reported in 2008 since the quantity of shutdown reactor fuel more than tripled (over 9,200 MT vs. 2,800 MT) in that same timeframe. These costs do not include facility siting costs, transportation systems to move the fuel from reactors to the pilot ISF, and the governance and funding elements of the strategy.

Cost Table 3 – Expanded ISF Comparative Costs (\$M), commercial DPC in a Low Seismic area

Alternative	Capital Cost	Annual O&M Cost	D&D Cost	40 Year LCC
C-PAD	\$1,094 - \$1,347	\$77	\$161	\$1,486 \$2,796 (EV)
C-STD	\$1,153 – 1,418	\$77	\$164	\$1,554 \$2,916 (EV)
C-UGS	\$1,099- \$1,353	\$77	\$170	\$1,472 \$2,779 (EV)
C-BGV	\$1,055- \$1,780	\$77	\$232	\$1,463 \$2,888 (EV)
C-AGV	\$1,157 – 1,985	\$77	\$232	\$1,552 \$3,013 (EV)

"Standard Contract" for Nuclear Power Facilities

8. The NWPA prohibits the NRC from issuing or renewing a license for a nuclear power reactor unless the utility has entered into a contract, known as the "Standard Contract," with the Secretary of Energy to dispose of SNF.

- a) The Standard Contract governs the payment of the "nuclear waste fee," to support the development, licensing, and operation of the permanent repository at Yucca Mountain. In 2013, the D.C. Court of Appeals ordered DOE to halt the collection of the fee due to the lack of a defensible repository program. Has DOE evaluated whether it has the authority to enter into a new Standard Contract in light of the Court's decision?

Answer: The U.S. Court of Appeals for the District of Columbia Circuit ordered DOE to submit a proposal to Congress to adjust the fee to zero. DOE complied and the fee has been adjusted to zero. DOE does not believe the court's decision affects the authority of DOE to enter into a new Standard Contract.

- b) Since the Court ruling, has DOE consulted with NRC whether the Commission can issue or renew a license under the Commission's authority provided by the Atomic Energy Act? If so, please provide any supporting documentation.

Answer: No, DOE has not consulted with NRC on this issue, but notes that the Commission has issued and renewed licenses since the Court's ruling.

- c) Has DOE consulted with the Department of Justice (DOJ) as to whether DOE has the authority to enter into a new Standard Contract? If so, please provide DOJ's legal determination.

Answer: No, DOE has not consulted with DOJ, nor received a legal determination from DOJ as to whether DOE has authority to enter into a new Standard Contract since the court's ruling.

DOE "Strategy for the Management and Disposal of Used Nuclear Fuel"

9. DOE's "Strategy" calls for a pilot interim storage facility to be opened and receiving nuclear fuel from shut-down reactor sites by 2021. In August 2015, the Department announced the procurement of the railcars to ship SNF, which would be available in seven to nine years.

- a) How does DOE reconcile the conflicting timeline associated with railcar procurement and the operation of a pilot interim storage facility?

Answer: The 2021 date in the Administration's Strategy for an operational pilot interim storage facility was based on the understanding that authorizing legislation was needed in the near term based on when the Strategy was issued in January 2013. Congress is currently considering authorizing legislation. The dates referenced in the Strategy will likely need to be re-evaluated. The Strategy estimated that developing a pilot storage capability would take about 8 years, while developing a larger interim storage facility would take about 12 years. DOE still believes these timeframes are realistic. Furthermore, DOE believes that the anticipated timeframe required to support the development of a railcar system to transport SNF could be reduced with increased

levels of funding.

- b) DOE Inspector General's (DOE IG) audit of liability associated with SNF is predicated on the assumptions from implementation of the Department's "Strategy." In the most recent audit, did DOE inform the IG about the expected procurement timeframe, as stated last year?

Answer: At the end of each fiscal year, the Department prepares a liability estimate related to partial breach of the Standard Contracts for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste. In 2013, the liability estimate was updated to reflect the following assumptions in the Strategy document: (1) a pilot storage facility will be operational in 2021 to allow for the removal of SNF from shut down reactors; (2) an interim storage facility will be operational in 2025 to begin the removal of SNF from operating nuclear power reactors; and (3) that reactors will incur costs reimbursable by the Department until the Department has fulfilled its obligations under the agreements. For the purposes of the fiscal year 2013 and fiscal year 2014 liability estimates, new legislation was assumed to have been enacted by the end of calendar year 2014. Because legislation has not passed, operational dates were moved forward one year in the fiscal year 2015 liability estimate for the purposes of estimating the liability.

Nuclear Waste Fund and Budget Requirements

10. On February 12, 2016, the National Association of Regulatory Utility Commissioners (NARUC), Nuclear Waste Strategy Coalition (NWSC), and Nuclear Energy Institute (NEI) requested the Department provide an "accurate and clear annual report of the [Nuclear Waste Fund] status to the nation's electric consumers and taxpayers." Will you commit to issuing this financial management report prior to the end of the year?

Answer: DOE has committed to publishing an updated version of that report annually. A copy of DOE's response to the February 12, 2016 letter from NARUC, NWSC, and NEI is included in Attachment 3.

11. It is reported the cost estimate to implement DOE's strategy is \$4.5 billion over the next ten years. Has DOE examined the impact of this cost on the adequacy of the NWF for constructing a permanent repository?

Answer: No. DOE has not been appropriated funds from the NWF to implement the strategy. DOE is prohibited by the U.S. Court of Appeals for the District of Columbia's 2013 decision in *NARUC v. DOE* from evaluating the adequacy of the NWF to construct and operate a permanent repository at a site other than Yucca Mountain, until updated statutory authority is enacted.

Disposal of Defense High-Level Radioactive Waste

12. Last year, the Committee wrote you seeking additional information regarding DOE's decision to decouple SNF from high-level radioactive waste (HLW) generated from atomic energy defense activities. Since then, has the Department conducted further cost estimates or analysis of a repository to dispose of only defense waste?

Answer: The Department concluded in its March 2015 *Report on Separate Disposal of Defense High-Level Radioactive Waste* the strong rationale exists that a separate defense waste repository could result in significant cost savings. Since we are in the early stages of planning and evaluating alternatives for this concept, definitive plans and risk analyses for specific projects have not yet been conducted. The Department is drafting a program plan that describes a path for the geologic disposal of some of the DOE's spent nuclear fuel and high-level radioactive.

Separate disposal of defense waste would allow greater flexibility in selection of geologic media. Some defense waste is less radioactive, cooler, and easier to handle than commercial waste, which means a simpler design and potentially fewer licensing and transportation challenges for a defense repository. The cost for disposal of radioactive waste in a geologic repository is influenced by numerous variables including the geologic medium, the quantity of waste, the emplacement method and configuration, how heat-dissipation is managed, and the depth of the repository.

The Department's FY17 budget request seeks funding to support an Integrated Waste Management System (IWMS) including the design of a consent-based siting process and efforts to evaluate a defense waste repository. In FY 2016 the Office of Nuclear Energy has started performing planning activities to evaluate a defense high-level radioactive waste repository, including organizing information on waste forms and repository concepts, identifying and completing reference cases for selected geologic media, and assessing the feasibility of engineered barrier system concepts in select geologic media. The FY17 budget request seeks to continue these important activities.

Moving forward with planning for a separate repository for defense waste does not mean that the Administration will put on hold efforts to find a solution for storage and disposal of commercial nuclear waste. Developing a separate repository for defense waste represents the best opportunity to move forward with disposal of some defense waste streams, some of which are already packaged and ready for disposal. The availability of a defense repository would represent significant progress toward completing DOE's cleanup mission and addressing the federal government's Cold War legacy. Additionally, progress on a defense repository will provide numerous insights relevant to, and supportive of, advancing a commercial waste facility. This will enable the Department to move on a parallel track to address storage and disposal of commercial spent fuel.

13. Recently, the Pierce County (ND) Commission unanimously voted to shut down DOE's project to test a deep borehole to dispose of nuclear waste. At your appearance before the Committee on March 2, you stated that this award was to support a science experiment, not a consent-based facility. However, as demonstrated by the Pierce County Commission, the science experiment still needed the consent of local stakeholders. By contrast, the NWPA codified a siting process for a nuclear facility that this Administration abandoned.

a) How will the Pierce County moratorium on deep borehole drilling impact DOE's program to dispose of defense HLW?

Answer: The Department has ceased consideration of the proposed test site near Rugby, North Dakota in light of the decision by the Peirce County Commission. Relatedly, the Department and its contractor-led team, Battelle Memorial Institute, is not pursuing any other sites in North Dakota. At present, the Battelle team is currently exploring its options for an alternative test site outside of North Dakota. The impact on the Department's planned Field Test schedule is not yet known.

b) Did DOE communicate with state and local stakeholders from the State of North Dakota or Pierce County prior to announcing the award?

Answer: Prior to the announcement of the contract award, the Department made courtesy notifications to the state of North Dakota, both to the Office of the Governor and Congressional representatives, as well as to the Mayor of Rugby. Since that announcement, the Department, along with its Battelle contractor team, worked with State and local officials in North Dakota, including Pierce County Commissioners, and local residents of the area to address their questions and concerns. This outreach included attending County Commission meetings, holding a public open house in the local community, and working individually with local officials and residents.

c) Please provide all letters of support from state, local, and tribal stakeholders which accompanied all applications for DOE Request for Proposal for Deep Borehole Field Test.

Answer: The letters of support which were included in proposals submitted in response to the DOE Request for Proposal number DE-SOL-0008071, *Deep Borehole Field Test: Site and Characterization Borehole Investigations*, are provided in Attachment 4. Please note that these letters contain restrictive contractor markings and/or are considered contractor proposal information and/or source selection information. Accordingly, disclosure of this information included in Attachment 4 is restricted by 41 U.S.C. Chapter 21.

Transportation of Spent Nuclear Fuel

14. The Subcommittee received testimony that DOE should provide technical assistance and funding to States for emergency response training, authorized by Section 180(c) of

the NWPA. How is DOE engaging with State organizations to assure that emergency responders are adequately prepared to transport fuel at the earliest timeframe? Please list funding disbursed by DOE under Section 180(c) in the last three fiscal years.

Answer: Under Section 180(c) of the Nuclear Waste Policy Act of 1982 (NWPA), as amended, the Department of Energy (DOE) is responsible for providing technical and financial assistance for training of local public safety officials to states and Tribes through whose jurisdiction the Secretary of Energy plans to transport spent nuclear fuel (SNF) or high-level radioactive waste (HLW) to a NWPA-authorized facility. Since the 1980s, DOE has engaged with representatives from state and tribal governments to develop plans for transportation of SNF and HLW. In the 2000s, DOE staff worked closely with state and tribal representatives to develop a proposed policy to implement Section 180(c). As described in the proposed policy, states and Tribes would be eligible to apply for funds five years in advance of shipments; grants would cover assessment and planning activities as well as training for public safety officials to meet the increment of need imposed by NWPA shipments. This proposed policy was published in a Federal Register Notice in 2008 (73 Fed. Reg. 64933, Oct. 31, 2008).

Since 2012, the Department has continued to engage with representatives of state and tribal governments through DOE's National Transportation Stakeholders Forum, and established a Section 180(c) Ad Hoc Working Group to identify and resolve outstanding issues relating to implementation of a Section 180(c) program. Funding to states and Tribes, under Section 180(c), is tied to planned shipments of SNF and HLW to a NWPA-authorized facility. Without an NWPA-authorized facility, no such shipments are planned, and therefore, no funds under Section 180(c) have been disbursed to date. However, DOE's Office of Nuclear Energy provides funding through cooperative agreements to four state regional groups (Council of State Governments – Eastern Regional Conference; Council of State Governments – Midwest; Southern States Energy Board; and Western Interstate Energy Board), and an entity providing staff support to Tribes (National Conference of State Legislatures), to facilitate continued state and tribal engagement with the Department in preparing for future shipments.

Attachment 2

Attachment 2

Updated list of the active contracts that could be utilized in support of the license review.

For purposes of this response, "support of the license review" is taken to mean being involved with a restart of the NRC licensing proceeding, including discovery followed by hearings before the Nuclear Regulatory Commission's (NRC) Atomic Safety and Licensing Board (ASLB) on the close to 300 contentions admitted into the proceeding.

Active contracts that could be used to support these activities include those below. The actual contracts that would be utilized will in the end depend upon the path forward and specific activities implemented by the NRC.

Legal services:

- Morgan, Lewis & Bockius LLP

National Laboratories:

- Sandia National Laboratories (as the lead lab)
- Argonne National Laboratory
- Lawrence Berkeley National Laboratory
- Lawrence Livermore National Laboratory
- Los Alamos National Laboratory
- Pacific Northwest National Laboratory

Other Contracts

- USA Repository Services LLC (providing mission support to the Department, including technical expertise related to preclosure contentions).
- Jason Associates Corporation (technical expertise related to Environmental Impact Statement-related contentions)

Attachment 3



Department of Energy
Washington, DC 20585

May 17, 2016

Mr. Travis Kavulla
President, National Association
of Regulatory Utility Commissioners
Vice Chairman, Montana Public Service
Commission
1101 Vermont Avenue, NW
Suite 200
Washington, DC 20005

Ms. Sarah D. Hoffman
Chair, Nuclear Waste Strategy Coalition
Board Member, Vermont Public Service Board
112 Stove Street
4th Floor
Montpelier, VT 05620-2701

Mr. Marvin Fertel
President and Chief Executive Officer
Nuclear Energy Institute
1201 F Street, NE
Washington, DC 20004

Dear Mr. Kavulla, Ms. Hofmann, and Mr. Fertel:

Secretary Moniz has requested that I respond to your letter dated February 12, 2016 regarding the Nuclear Waste Fund (NWF). Your letter requests that the Department provide financial information about the NWF in a format similar to what the Department previously disseminated in the DOE Office of Civilian Radioactive Waste Management's (OCRWM) "Summary of Program Financial & Budget Information" presentation in 2010.

The Department publishes annual audited financial statements of the NWF, which provide accurate and transparent information on status of the NWF. In response to the request in your letter, the Department has now prepared the attached "Annual Financial Statements Summary" from those annual audited financial statements in a format similar to the table on page 4 of the 2010 OCRWM "Summary of Program Financial & Budget Information" presentation that was enclosed with your letter.

You will notice that the figures in the attached report differ from the corresponding figures in the 2010 document. These differences do not indicate changes in the NWF's

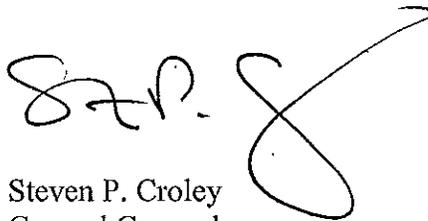


underlying financial condition. Rather, these differences reflect the fact that the new "Annual Financial Statements Summary" was developed directly from the annual audited financial statements, which apply consistent accounting principles across the entire time period. The "Summary of Program Financial & Budget Information" presentation referenced in your letter was an unaudited, high-level budget summary that contained certain internal inconsistencies. Most significantly, the presentation used market value for NWF investments in some years and book value in others. The attached table uses only book value.

We agree with you that presenting financial information about the NWF in the format you requested may have public value. Therefore, the Department intends to publish an updated version of the attached "Annual Financial Statements Summary" annually and at the same time as the release of the annual NWF Audit Report.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S.P. Croley", with a large, stylized flourish extending from the end of the signature.

Steven P. Croley
General Counsel

Enclosure

**Nuclear Waste Fund
FY2015 and Cumulative Summary
As of September 30, 2015
(\$'s in millions)**

	1983-2015	FY2015
Fee and Interest Billings to Commercial Nuclear Generators	\$24,051	
Less: Receivable as of September 30, 2015	-\$3,085	
Receipts from Commercial Nuclear Generators	\$20,966	\$0
Interest Income, Gains, and Other Revenues	\$20,954	\$1,397
Receipts from Defense Nuclear Generators:	\$3,752	\$0
Total Income	\$45,672	\$1,397
Expenditures for First Repository Costs (Yucca Mountain and Other First Repository Activities)	\$7,510	\$1
Expenditures for Other Waste Program Activities	\$3,861	\$7
Total Expenses	\$11,371	\$8
Unexpended Defense Appropriations	\$17	-\$1
Current Balance in the Fund (Fund Balance with Treasury and Investments and Related Interest, Net)	\$34,318	\$1,388

Nuclear Waste Fund
Annual Financial Statements Summary
As of September 30, 2015
(\$'s in millions)

Year	ANNUAL FEES - RMPH		ONE-TIME FEES		INCREASES		DECREASES		NET INCREASE (DECREASE)		DEFERRED REVENUE BALANCE		ACCRUAL TO CASH BASIS		FUND BALANCE WITH TREASURY & INVESTMENT BALANCE IN NWF	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	Annual Fees - RMPH	Annual Fees - RMPH Total	Income on Investments	Interest on One-time fees	Other Billings	Total Interest & Other	Total NWF Expenditures	Defense High-Level Waste Fees	Expenditures from Commercial Funds	Net Increase (Decrease)	Deferred Revenue Balance	LESS: Receivables, Other Assets, & Property, Plant and Equipment and ADD: Payables & Unrealized Gain (Loss)	Fund Balance with Treasury and Investment Balance in NWF	Unexpended Appropriations from Defense Appropriated Funds	Total Fund Balance With Treasury and Investment Balance	
1983	147	2,332	-	-	-	-	(197)	(197)	(197)	2,282	2,282	(2,123)	159	-	159	
1984	338	-	33	229	-	262	(268)	-	(268)	70	2,352	(2,131)	221	-	221	
1985	386	3	134	81	12	227	(295)	-	(295)	356	2,708	(1,264)	1,444	-	1,444	
1986	361	-	131	73	17	221	(396)	-	(396)	192	2,900	(1,842)	1,558	-	1,558	
1987	442	-	142	84	3	229	(463)	-	(463)	200	3,100	(1,412)	1,688	-	1,688	
1988	516	-	169	117	-	286	(388)	-	(388)	357	3,457	(1,533)	1,924	-	1,924	
1989	317	-	199	122	-	321	(376)	-	(376)	227	3,684	(1,434)	2,250	-	2,250	
1990	552	-	237	106	12	355	(398)	-	(398)	475	4,159	(1,526)	2,633	-	2,633	
1991	549	-	270	74	54	398	(372)	5	(377)	567	4,726	(1,542)	3,184	-	3,184	
1992	556	-	287	54	25	366	(399)	327	(372)	1,281	6,007	(2,286)	3,721	-	3,721	
1993	590	1	299	108	74	439	(433)	91	(342)	648	6,655	(2,477)	4,178	-	4,178	
1994	628	2	336	106	34	449	(543)	103	(440)	683	7,338	(2,730)	4,608	-	4,608	
1995	594	-	376	110	7	537	(418)	580	(37)	1,116	8,454	(3,318)	5,704	-	5,704	
1996	636	-	420	110	7	537	(400)	136	(277)	854	10,039	(3,312)	6,727	194	5,898	
1997	594	-	420	110	7	537	(400)	136	(277)	854	10,039	(3,312)	6,727	221	6,948	
1998	608	-	467	116	-	583	(428)	123	(305)	1,129	11,168	(2,608)	8,560	142	8,702	
1999	672	-	520	108	119	747	(444)	502	358	1,289	12,945	(4,464)	8,481	88	8,569	
2000	702	-	581	138	4	723	(397)	15	382	1,043	13,988	(4,206)	9,782	93	9,875	
2001	717	-	638	129	56	823	(408)	157	251	1,289	15,277	(3,602)	11,675	9	11,684	
2002	727	12	683	129	172	987	(529)	134	390	1,390	16,667	(4,183)	12,484	8	12,492	
2003	729	-	673	33	81	787	(448)	134	314	1,202	17,869	(4,047)	13,822	29	13,851	
2004	736	-	769	29	798	1,565	(565)	165	400	1,134	19,003	(3,786)	15,217	48	15,265	
2005	733	-	852	71	30	953	(593)	175	418	1,268	20,271	(3,754)	16,517	14	16,531	
2006	755	-	931	128	2	1,061	(516)	170	(970)	846	21,117	(3,149)	17,968	51	18,019	
2007	758	-	979	152	1	1,132	(583)	358	(225)	1,665	22,782	(3,260)	19,522	39	19,561	
2008	761	-	1,107	84	2	1,193	(447)	220	(227)	1,727	24,509	(3,359)	21,150	18	21,168	
2009	771	-	1,054	13	-	1,067	(325)	132	(193)	1,645	26,154	(3,390)	22,764	29	22,793	
2010	753	-	1,193	4	-	1,197	(196)	66	(130)	1,820	27,974	(3,402)	24,572	61	24,633	
2011	751	-	1,293	3	-	1,296	(52)	23	(29)	2,018	29,992	(3,260)	26,732	29	26,761	
2012	746	-	1,302	2	1	1,305	(22)	11	(11)	2,040	32,032	(3,259)	28,773	28	28,801	
2013	734	-	1,365	2	-	1,367	(10)	5	(9)	2,096	34,128	(3,262)	30,866	22	30,888	
2014	464	-	1,411	1	-	1,412	(8)	3	(5)	1,867	35,995	(3,084)	32,911	19	32,930	
2015	-	-	1,396	1	-	1,397	(8)	3	(5)	1,392	37,387	(3,086)	34,301	17	34,318	
Total	19,302	2,350	20,247	2,396	711	23,354	(11,371)	3,752	(7,619)	37,387	37,387	(3,086)	34,301	17	34,318	
Amount per 09-30-15 AFR	19,304	2,350	20,247	2,397	708	23,352	(11,371)	3,752	(7,619)	37,387	37,386	(3,086)	34,301	17	34,318	
Difference	2	-	-	1	(3)	(2)	-	-	(1)	-	-	-	-	-	-	