

***Resolution Opposing Having the Federal Government Take Title to Spent Nuclear Fuel in Dry Cask Storage and Keep it at Reactor Sites***

**WHEREAS**, It has been national policy since 1982 for the federal government to remove spent fuel from commercial nuclear power plants and to transport it to a permanent underground repository to be built and operated for disposal; *and*

**WHEREAS**, The government under the Nuclear Waste Policy Act (NWPA) also set up the Nuclear Waste Fund to pay for the permanent disposal and has been collecting fees from nuclear utilities and their ratepayers for the Fund since 1983; *and*

**WHEREAS**, Over \$25 billion in fees and interest have been collected to date, yet the repository is years behind schedule, and regular fee payments continue to be made; *and*

**WHEREAS**, Fee payments continue to flow into the Nuclear Waste Fund at a rate of around \$750 million per year, even though the government has failed to meet its statutory obligation to remove spent fuel for disposal; *and*

**WHEREAS**, Legislation has been proposed in the Congress that would direct the transfer of title of all spent fuel in dry cask storage to the U.S. Department of Energy (DOE) and provides that all spent fuel that has been outside the reactor for six years be put in dry casks and also become the responsibility of DOE at present reactor sites; *and*

**WHEREAS**, Since such legislation, as proposed, establishes no conditions under which the spent fuel would ever be removed for permanent disposal under NWPA, such a government takeover would have the effect of perpetual spent nuclear fuel storage at 72 surface repositories in 35 States that were never designed or permitted for that purpose; *and*

**WHEREAS**, Such an open-ended commitment to indefinite spent fuel storage at reactor sites—despite ratepayers having already paid for removal and disposal—is an exceedingly unsound alteration of existing federal policy; *and*

**WHEREAS**, Just as the nuclear industry seems poised to expand needed power generation in an emissions-free form, continued lack of a satisfactory solution to the spent fuel disposal problem—as this legislation would perpetuate—may inhibit access to needed capital to expand nuclear generation; *now therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its February 2006 Winter Meetings in Washington, D.C., opposes having the federal government take title to spent fuel while continuing to store it indefinitely at reactor sites, since it serves no purpose and is contrary to the compact in law between ratepayers and the federal government; *and be it further*

**RESOLVED**, That NARUC convey this position to Congress and collaborate with State-based organizations and others to gather support to defeat attempts to legislate a perpetuation of the continued on-site spent fuel storage, whether managed by the utilities or the government.

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*Sponsored by the Committee on Electricity*  
*Adopted by the NARUC Board of Directors February 15, 2006*