

Resolution Supporting Reform of the Nuclear Waste Fund

WHEREAS, In 1982 the Nuclear Waste Policy Act established policy that the federal government is responsible for safe, permanent disposal of all high-level radioactive waste, including spent nuclear fuel from commercial power reactors; *and*

WHEREAS, Since 1983 ratepayers in States using nuclear-generated electricity have paid over \$25 billion in fees and interest, via their electric utility bills, to the Nuclear Waste Fund (NWF) in the U.S. Treasury in what was to have been a self-financed waste disposal program; *and*

WHEREAS, Consumers are projected to pay more than \$750 million into the NWF each year, based on electricity generated at the Nation's 103 commercial reactors; *and*

WHEREAS, Congress historically has only appropriated a small fraction of the amount of revenue going into the NWF to develop the waste repository—resulting in a balance in the Fund, now over \$17 billion, which must be available to meet future disposal program needs; *and*

WHEREAS, The Energy Policy Act of 2005 acknowledges that nuclear energy must continue to be a critical component of our nation's fuel mix for national security, energy independence from foreign sources and price stability; *and*

WHEREAS, The Department of Energy, as recently as 2004, estimated annual appropriations will need to average \$1.3 billion from 2005-2010 to enable construction, waste package procurement and transportation to meet its statutory and contractual obligation to remove spent fuel from nuclear plant sites; *and*

WHEREAS, Previous attempts to address the gap between NWF revenue and annual appropriations have been either embroiled in nuclear waste politics or faced other insurmountable obstacles; *and*

WHEREAS, The National Commission on Energy Policy, in its 2004 report Ending the Energy Stalemate in its policy recommendations for nuclear energy, says the "Administration and Congress should act immediately to reform the budget treatment of the Nuclear Waste Fund;" *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., urges that the Department of Energy again propose legislation to reclassify fees paid by utilities to the Nuclear Waste Fund as discretionary offsetting collections equal to the annual appropriations from the Fund or by other means that achieves the result of having appropriations match Fund revenue; *and be it further*

RESOLVED, That NARUC urges the 109th Congress to enact legislation this year that would enable total fee payments into the Nuclear Waste Fund to be fully available as annual appropriations to finance the civilian radioactive waste management program funding needs each year, with any shortfall made up from the Defense budget, or the existing balance in the Fund.

Sponsored by the Committee on Electricity

Adopted by the NARUC Board of Directors February 15, 2006