

***Resolution Regarding the Recommendations of the Blue Ribbon Commission on  
America's Nuclear Future***

**WHEREAS**, It has been national policy well before and affirmed by the Nuclear Waste Policy Act (NWPA) that the Federal Government is responsible for the safe, permanent disposal of all government and commercial high-level radioactive nuclear waste—including used or spent nuclear fuel from nuclear power plants; *and*

**WHEREAS**, The owners of the commercial spent nuclear fuel are obligated to pay for its disposal through contracts with the U.S. Department of Energy (DOE) required by the NWPA, and such payments have been continuously made since 1983 and continue today; *and*

**WHEREAS**, Fees paid to the Nuclear Waste Fund and interest earned by the Fund today total a reported \$26.7 billion in the Fund because funds appropriated for the planned geologic repository—that was supposed to be operational in 1998—have never kept pace with annual fee revenue; *and*

**WHEREAS**, The present Administration has taken steps to cancel the repository at Yucca Mountain, Nev., that was approved by Congress in 2002 and for which the previous Administration submitted a license application to the Nuclear Regulatory Commission (NRC) in 2008; *and*

**WHEREAS**, In 2010 the President directed the Secretary of Energy to appoint a Blue Ribbon Commission on America's Nuclear Future (BRC) to recommend a new nuclear waste disposal strategy—excluding Yucca Mountain; *and*

**WHEREAS**, The distinguished members of the BRC appointed by the Secretary have conducted an extensive review of the troubled history of the repository program in this country, toured domestic and international waste facilities, received testimony and comments from experts and the public on relevant subject matters as well as the reports and recommendations culminating in the Final Report to the Secretary of Energy in January 2012; *and*

**WHEREAS**, NARUC maintains the view that the 2002 Joint Resolution (P.L. 107-200) approved the Yucca Mountain site subject to the NRC issuing a license, and is challenging the NRC's termination of the license application review since the Atomic Safety Licensing Board denied DOE's motion to withdraw the license; *and*

**WHEREAS**, Notwithstanding the disagreement on the need to continue the Yucca Mountain repository program, the BRC report contains many other recommendations that NARUC and State commissions would support and which would advance NARUC's interest in getting the U.S. nuclear waste disposal program back on track; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., appreciates the efforts of the Blue Ribbon Commission on America's Nuclear Future in reviewing the policy and technical factors involved with managing and disposing of both government and commercial high-level radioactive waste and proposing a strategy to resolve the waste disposal problems that have too-long been deferred; *and be it further*

**RESOLVED**, That NARUC review the BRC Final Report and communicate the willingness to work with the Administration, Congress, stakeholder organizations and others in determining a transition plan that stands the best chance of succeeding while protecting the public and the environment; *and be it further*

**RESOLVED**, That NARUC take action to encourage the Administration to implement the BRC recommendation to amend the standard contracts to allow standard contract holders to pay into the Nuclear Waste Fund an annual amount matching the appropriations for the waste management program and to place the remainder into an approved third-party trust account from which withdrawals could only be made to fund the waste management program; *and be it further*

**RESOLVED**, That NARUC take action to encourage the Administration to work with the appropriate congressional authorities to reclassify the fees paid to the Nuclear Waste Fund to prevent the government from diverting the fee for other unrelated uses; *and be it further*

**RESOLVED**, That NARUC remains vigilant in assuring that the corpus of the Nuclear Waste Fund remains fully available, with appropriate congressional oversight, for the purposes authorized in the NWPA.

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*Sponsored by the Committees on Electricity and Energy Resources and the Environment  
Adopted by the NARUC Board of Directors February 8, 2012*