

Resolution Regarding Guiding Principles for Disposal of High-Level Nuclear Waste

WHEREAS, The National Association of Regulatory Utility Commissioners has been actively involved in the national policy and program to permanently dispose of high-level radioactive nuclear waste, including spent nuclear fuel from commercial nuclear plants in 34 States, with keen interest and frustration since 1982; *and*

WHEREAS, The U.S. Department of Energy (DOE) failed to meet the mandate of the Nuclear Waste Policy Act to begin accepting spent nuclear fuel for disposal in 1998, and does not expect to achieve that objective before 2010; *and*

WHEREAS, This delay makes DOE liable for an undetermined amount of damages for costs incurred by nuclear utilities with which DOE has contracts to move the spent nuclear fuel; *and*

WHEREAS, The past two Congresses passed comprehensive nuclear waste legislation intended to put the troubled program back on track, but failed to get sufficient votes to override vetoes; *and*

WHEREAS, The new Administration and the next Congress will surely face the same and added challenges on nuclear waste disposal as the liability matters culminate and the President is scheduled to be presented with a recommendation in 2001 on the suitability of Yucca Mountain as a geologic repository for permanent high-level nuclear waste disposal; *and*

WHEREAS, The Nuclear Waste Principles adopted by NARUC first in 1994 and in revised form in 1997 bear reexamination for

continued validity in view of the evolving policy and program activities, and the Subcommittee on Nuclear Issues-Waste Disposal having conducted such a review in 2000; *now therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), assembled in its November 2000 112th Annual Convention in San Diego, California, adopts the following principles to guide NARUC representation with the new Administration and the next Congress:

I. America Needs a Permanent Solution to Nuclear Waste Disposal

- NARUC supports the national policy established by Congress in 1982 in the Nuclear Waste Policy Act that the best, long-term solution to isolating nuclear waste from the environment is permanent disposal in a geologic repository.
- The repository program established in the Nuclear Waste Policy Act needs to be vigorously pursued. All interim milestones must be met in order to begin licensed operation no later than 2010.
- Nuclear power plant service life should not be curtailed solely because the government is unable to fulfill its legal responsibilities to store or dispose of spent fuel.
- The Department of Energy (DOE) must be accountable for the consequences of its failure to begin accepting waste in 1998. The ratepayers should not pay for the government's failure to do so.
- Radiation standards for the repository must protect public health and must also be reasonably attainable.
- Public education on nuclear waste storage and transportation is needed to increase understanding and public confidence.
- Nuclear waste transportation planning must be effectively coordinated among all federal, tribal, State and local governments. The consultation process must be timely and

result in an acceptable route from each reactor storage site to the repository.

- Reprocessing of spent fuel may be worthy of research, but, even if feasible, does not eliminate the need for a permanent repository.

II. The Nuclear Waste Fund Must Be Managed Responsibly and Used Only for Its Intended Purposes

- The imbalance between Nuclear Waste Fund revenue and appropriations must be corrected and full access to the Fund must support achievement of repository program milestones.
- The Nuclear Waste Fund fee must not exceed one mill per kWh unless a clear need is demonstrated and both houses of Congress approve.
- The Nuclear Waste Fund must be used only for purposes intended in the Nuclear Waste Policy Act. Congress should not divert it to other uses nor should DOE.
- The Nuclear Waste Fund should not be used for settlement of contract disputes or to pay litigated damage awards resulting from DOE's failure to begin accepting waste in 1998, unless doing so would advance Nuclear Waste Policy Act purposes.

III. Equitable Interim Measures are Needed Pending Permanent Solution

- On an interim basis, only, pending development of full capacity of the permanent repository, it is better to store spent fuel at one (or more) central location(s) than to leave it at reactor sites. DOE and the utilities should pursue any and all such possibilities with a sense of urgency.
- Current reactor-site spent fuel storage has been determined to be safe by the NRC for the license term. However indefinite storage at reactor sites is unacceptable. Long-term onsite storage has high environmental and economic costs and could lead to significant health and safety risks for future generations.
- DOE's proposal to assume responsibility for spent fuel at reactor sites ("take title") should not be implemented unless a

State determines that it is in its best interest.

- Private temporary storage, away from reactor sites and licensed by the NRC, should be encouraged as an interim solution but not as a substitute for the permanent repository.
- Continued storage at permanently shutdown plants is unacceptable because it imposes costs on ratepayers without equivalent benefits and prohibits economic reuse of the site.

IV. NARUC Must Be an Active Stakeholder on Nuclear Waste Disposal

- NARUC can best represent the ratepayer interests through close communications with the Department of Energy and other federal agencies involved in the nuclear waste program. DOE has funded the NARUC program office in Washington for this purpose and should continue to do so.

Sponsored by the Committee on Electricity

Recommended by the Board of Directors.

Adopted in Convention November 15, 2000.