

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, In 2002, the President recommended and Congress approved Yucca Mountain, Nevada as the location suitable for development as the disposal site; *and*

WHEREAS, Since 1983 ratepayers in States using nuclear-generated electricity have paid over \$20 billion in fees and interest, via their electric utility bills, to the Nuclear Waste Fund (NWF) in the U.S. Treasury; *and*

WHEREAS, Congress historically has only appropriated a fraction of the amount of revenue going into the NWF to develop the waste repository—resulting in a balance in the Fund, now over \$14 billion, which must be available to meet future disposal program needs; *and*

WHEREAS, The Department of Energy estimates annual appropriations will need to average \$1.3 billion from 2005-2010 to enable construction, waste package procurement and transportation to meet the goal of initial waste acceptance in 2010; *and*

WHEREAS, Previous attempts to address the gap between NWF revenue and annual appropriations have either never been adopted or may not have seemed necessary before the repository site was approved; *and*

WHEREAS, Congress is considering a bill, H.R. 3429, that would match annual appropriations for the disposal program with total annual NWF fee revenue and allow any funds not needed in any given year to be retained in the Fund only for future program needs; *and*

WHEREAS, The President has proposed to reclassify fees paid by utilities to the Nuclear Waste Fund in FY 2005 as discretionary offsetting collections equal to annual appropriations from the Fund as another alternative means of financing the nuclear waste program, should Congress authorize it in legislation, *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its March 2004 Winter Meetings in Washington, D.C., urges that the 108th Congress recognize that approving Yucca Mountain for development as the disposal site is not the end of Congress's ongoing responsibility to enable the Federal Government to meet its obligation to safely dispose of high-level nuclear waste; *and be it further*

RESOLVED, That Congress enact substantive reform —this year—of how Nuclear Waste Fund funds are appropriated, whether along the lines of H.R. 3429 or as proposed in the FY 2005 Department of Energy Budget, so long as whatever change is made has the result of ensuring the availability of sufficient funds in a timely manner to enable initial waste acceptance in 2010.

Sponsored by the Committee on Electricity

Adopted by the NARUC Board of Directors March 10, 2004