

***Resolution Recognizing the Importance of Nuclear Power in Meeting Greenhouse Gas Goals***

**WHEREAS**, Reliable, clean and affordable electricity is vital to local, State, and national economic growth, jobs, and the overall interests of citizens; *and*

**WHEREAS**, As demonstrated during the Polar Vortex of 2014, maintaining reliability and fuel diversity; while ensuring compliance with proposed carbon reduction rules, are common challenges for our States and we jointly recognize the need to maintain the existing, baseload nuclear generation fleet; *and*

**WHEREAS**, Nuclear power plants provide approximately 20% of the nation's total electricity generation, and can provide carbon-free electricity for decades into the future; *and*

**WHEREAS**, On June 2, 2014, the United States Environmental Protection Agency (EPA) issued proposed regulations for reducing greenhouse gas (GHG) emissions from existing power plants, known as the Clean Power Plan, in which EPA identified the avoidance of the retirement of existing nuclear capacity as one of the "best system of emission reduction" (BSER) methods;<sup>1</sup> *and*

**WHEREAS**, EPA states in its proposed regulations that policies "that...discourage premature retirement of nuclear capacity could be useful elements of GHG reduction strategies and are consistent with current industry behavior;"<sup>2</sup> *and*

**WHEREAS**, Nuclear energy has played a substantial role in the achievement of existing GHG State or regional emission reduction goals to date, and continued operation of nuclear power plants is vital to States' ability to economically meet new federal regulations, and provides an essential tool to manage risks associated with potential GHG emissions reduction requirements; *and*

**WHEREAS**, In the absence of a public safety or environmental concern, the premature shutdown of these valuable assets may cause economic, social, reliability and environmental harm to families and businesses; *and*

**WHEREAS**, The United States Department of Energy, grid operators, and Federal Energy Regulatory Commission (FERC) commissioners have cautioned that the premature shutdown of nuclear power plants could jeopardize both the nation's electric reliability and the ability to timely address climate change; *and*

**WHEREAS**, The EPA's proposed GHG regulations for existing power plants would lower a State's allowed GHG emissions rate by counting approximately 6 percent of its nuclear capacity as being "at risk" and including this zero-carbon energy in the goal-setting formula, leading to lower (more stringent) emission rate targets for States that have nuclear power plants; *and*

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<sup>1</sup> ENVIRONMENTAL PROTECTION AGENCY, 40 CFR Part 60, [EPA-HQ-OAR-2013-0602; RIN 2060-AR33, Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, June 2, 2014, at p. 114.

<sup>2</sup> *Id.*, at p. 151-152

**WHEREAS**, The EPA’s proposed rule treats new nuclear power plants under construction as though they are already operating, and uses their output in the rate-setting formula, which drives down the States’ emission rate goals, *and*

**WHEREAS**, State commission actions to approve the uprating of existing nuclear power plants or the siting of new nuclear power plants have and will play a substantial role in GHG emissions reduction goals; *now, therefore be it*

**RESOLVED**, That the National Association of Regulatory Utility Commissioners, convened at its 126th Annual Meeting in San Francisco, California, urges the EPA, to the extent it regulates carbon from existing power plants under Section 111(d) of the Clean Air Act, to adopt final GHG rules and regulations that: 1) will encourage States to preserve, life-extend, and expand existing nuclear generation; and 2) remove the generic approximately 6 percent at-risk nuclear and nuclear under construction from the calculation of State-specific emissions targets; *and be it further*

**RESOLVED**, That, to the extent the EPA regulates carbon from existing power plants under Section 111(d) of the Clean Air Act, that States may include in compliance plans and thus receive emissions credit related to all output of new nuclear capacity (including uprates of existing plants) that begins operating after the issuance date of the proposed rule.

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*Sponsored by the Committee on Electricity*

*Recommended by the NARUC Board of Directors November 18, 2014*

*Adopted by the NARUC Committee of the Whole November 19, 2014*