

Resolution Regarding the DOE's Viability Assessment of a High-Level Nuclear Waste Repository at Yucca Mountain

WHEREAS, The United States Congress, in the Nuclear Waste Policy Act of 1982, as amended, directed the Department of Energy to begin accepting for disposal high-level nuclear waste and spent nuclear fuel no later than January 31, 1998; *and*

WHEREAS, The statutory performance date, upheld by the U.S. Court of Appeals for the District of Columbia Circuit, for DOE to begin accepting spent nuclear fuel has passed, as of February 1, 1998; *and*

WHEREAS, The DOE has been studying a site at Yucca Mountain, Nevada, for more than 15 years to determine whether it is a suitable place to build a geologic repository for the nation's commercial and defense spent nuclear fuel and high-level nuclear waste; *and*

WHEREAS, The NARUC fully appreciates the complex nature of the repository studies and is aware that based on current knowledge and assuming no unforeseen negative developments, emplacement of commercial spent nuclear fuel in a repository is projected to occur at the earliest in 2010; *and*

WHEREAS, In December 1998, the Secretary of Energy submitted the Viability Assessment of a Repository at Yucca Mountain to the Congress and the President which provided a technical status report on work carried out to date at Yucca Mountain; *and*

WHEREAS, The Viability Assessment revealed that no show stoppers have been identified to date at Yucca Mountain, and the Secretary of Energy has concluded that scientific and technical work should proceed at the site; *and*

WHEREAS, The DOE has indicated in testimony before the U.S. Congress that its objection to developing an interim storage facility before opening a permanent repository is based on inadequate funding, despite the fact that more than \$600 million per year is collected from electric ratepayers, and less than \$200 million per year has been appropriated to the program in recent years; *and*

WHEREAS, Centralized interim storage best protects public health and safety and the environment; *and*

WHEREAS, Utility ratepayers have paid over \$15 billion into the Nuclear Waste Fund serving as the almost exclusive funding source of the nation's disposal effort; *and*

WHEREAS, DOE's failure to comply with its statutory performance obligations create separate and additional costs which could run into the range of tens of billions of dollars; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 1999 Winter Committee Meetings in Washington, D.C., once again reiterates that DOE's failure to store or dispose of high-level nuclear waste and spent nuclear fuel, in accordance with its statutory obligations, continues to impose unnecessary costs on consumers of electricity; *and be it further*

RESOLVED, That the NARUC once again strongly urges the Congress and the Administration to pass legislation that would require DOE to immediately begin site preparation, licensing and transportation activities for a centralized interim storage facility that would allow DOE to meet its obligations as soon as possible.

*Sponsored by the Committee on Electricity
February 24, 1999*