

Resolution in Support of Ensuring the Federal Government Fulfills its Obligation to Remove Spent Nuclear Fuel from Present Reactor Storage Sites

WHEREAS, The Nuclear Waste Policy Act (NWPA) found that past federal efforts to that point when enacted (1982) to devise a permanent solution for the problem of civilian (and defense) radioactive waste disposal “have not been adequate;” *and*

WHEREAS, The NWPA set the policy direction of disposal in a geologic repository, later selected in 1987 and re-affirmed in 2002 to be at Yucca Mountain, Nevada; *and*

WHEREAS, Implementation of the repository has been beset by a series of obstacles, such that the original date for initial waste removal (1998) established by law and contracts with spent fuel owners was not met, but the earliest that goal might be reached is 2020, according to the federal agency managing the project; *and*

WHEREAS, The sole accomplishment of the NWPA that began on schedule and continues is the regular payments by nuclear utilities of the fees to the Nuclear Waste Fund, totaling over \$29 billion (including interest earned on the \$22 billion balance); *and*

WHEREAS, The Secretary of Energy finally submitted a license application to construct the repository in June 2008 to the Nuclear Regulatory Commission (NRC) which has docketed the application and is beginning a lengthy review process; *and*

WHEREAS, Notwithstanding the pending license application, President Barack Obama, during the 2008 presidential campaign made what has been considered in Nevada as a promise to discontinue the repository project at Yucca Mountain; *and*

WHEREAS, The federal government has already been found to be liable for damages to the nuclear utility owners of the spent fuel stemming from the partial breach of contract by not meeting the 1998 acceptance schedule; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2009 Winter Committee Meetings in Washington, D.C., considers the repository program at a critical juncture and expresses the following concerns:

- Failure to adequately fund the project during the regulatory licensing phase risks losing over \$10 billion and 26 years invested in scientific studies, environmental evaluations, and engineering designs;
- The regulatory experience that would be gained through a first of a kind repository licensing process will also be lost;
- Failure of this program increases federal liability and raises further doubts about the government’s willingness to meet its obligation; *and*
- Geologic disposal of used nuclear fuel and high-level radioactive waste is a critical part of overall used fuel management from operating and new nuclear power plants, which are

needed as our nation is striving to add new carbon-free and low-carbon generation to meet our energy security and environmental objectives; *and be it further*

RESOLVED, That the federal government must honor its obligations under the NWPA to safely dispose of spent nuclear fuel in a permanent repository at the earliest possible date consistent with laws and regulations; *and be it further*

RESOLVED, That the open adjudicatory license application review process conducted by professionally-qualified technical personnel at the NRC is the legally responsible means for determination of whether there is reasonable assurance that the Yucca Mountain repository will meet safety and other regulatory requirements and that review process should be allowed to run its course; *and be it further*

RESOLVED, That for the NRC and the Department of Energy (DOE) to properly conduct the repository license review, Congress needs to ensure both agencies have adequate budgetary resources to support that review to meet the NWPA timetable, *and be it further*

RESOLVED, That should actions to curtail the Yucca Mountain project or budget decisions that, in effect, curtail the repository program be taken that are counter to current national policy and law, appropriate legal and/or legislative initiatives are needed to protect the balance in the Nuclear Waste Fund and future payments to the Fund, including escrowing of future payments; *and be it further*

RESOLVED, That NARUC, on behalf of ratepayers, must be a key participant in a national review to develop a forward-looking used fuel management policy and program that will safely and securely store used reactor fuel while supporting current and future nuclear energy use and research of advanced spent fuel treatment options.

Sponsored by the Committee on Electricity

Adopted by the NARUC Board of Directors February 18, 2009