

Resolution on Nuclear Waste Legislation

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has steadfastly maintained that the Nuclear Waste Policy Act of 1982 (NWPA), as amended, unconditionally directs the U.S. Department of Energy to develop the nuclear waste management and disposal program to begin accepting commercial spent nuclear fuel from nuclear power plants beginning January 31, 1998; *and*

WHEREAS, The NARUC has consistently recognized the importance of the Department of Energy's efforts to determine the feasibility and suitability of using the Yucca Mountain, Nevada site for a deep geologic repository for permanent disposal of spent nuclear fuel and high-level radioactive wastes; *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, Despite the delays in repository availability, in July 1996, the U.S. Court of Appeals confirmed the January 31, 1998 obligation of the Department of Energy to conform to the provisions of the NWPA as a quid pro quo for the contractual payments received into the federal Nuclear Waste Fund from the nation's electric utilities with nuclear generation; *and*

WHEREAS, States and utilities filed a joint petition requesting appropriate declaratory, injunctive and other affirmative relief to remedy the Department's failure and refusal to comply with the NWPA and the Court's July 1996 decision; *and*

WHEREAS, The NARUC has monitored and supported efforts of the U.S. Congress to adopt comprehensive nuclear waste legislation to establish an integrated nuclear waste disposal program; *and*

WHEREAS, The U.S. Senate passed S. 104 by a vote of 65-34 and the U.S. House of Representatives passed H.R. 1270 by a significant vote of 307-120; *and*

WHEREAS, The NARUC foresees conflict between the President's interest in mitigating carbon emissions to reduce global warming, establishing a more competitive electricity market and President Clinton's October 24, 1997, Statement of Administration Policy which requires spent nuclear fuel to remain at existing reactor sites indefinitely at a cost of between \$5 billion to \$10 billion; *now, therefore, be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC) convened at its 109th Annual Convention in Boston, Massachusetts, commends the U.S. Senate and the U.S. House of Representatives for their decisive bi-partisan votes on bills that will reduce many of the uncertainties in the U.S. nuclear waste program and thereby protect the interests of the nation's ratepayers, who have funded this program; *and be it further*

RESOLVED, That the NARUC respectfully urges the U.S. Congress to take swift action to resolve the differences between the two versions of the nuclear waste bills and retain provisions that:

- preserve all existing rights under the NWPA as enacted in 1982 and in the contracts executed thereunder;
- maintain timely progress on repository availability;
- develop processes, mechanisms and milestones for the Federal government to meet its January 31, 1998 obligation;
- establish the necessary processes, mechanisms and milestones to achieve centralized interim storage capacity and the attendant transportation infrastructure in a timely and cost efficient manner;
- ensure that both the \$13 billion already collected and any future collections from the nation's electric utility ratepayers are used only for intended program purposes;
- improve the efficiency of the licensing process for the high-level nuclear waste repository, without compromising health, safety and environmental factors; and
- provide for substantial improvements in fiscal management of the Federal program; *and be it further*

RESOLVED, That the NARUC respectfully urges the Clinton Administration to engage in the legislative process and identify specific actions it will endorse for the Federal government to meet its statutory and contractual obligations to begin accepting spent nuclear fuel and high-level nuclear waste without (1) subjecting ratepayers to unnecessary and unproductive costs; (2) compromising the pursuit of the repository program; (3) complicating the ability of the 34 States with nuclear power plants to introduce greater competition in electricity markets; and (4) jeopardizing the contribution that existing nuclear plants make in electricity supply and mitigating carbon emissions.

*Sponsored by the Committee on Electricity
Adopted November 12, 1997*