

Resolution Regarding the Department of Energy's Notice of Inquiry Regarding Waste Acceptance Issues (59 Fed. Reg. 27007, May 25, 1994)

WHEREAS, Approximately 20% of the United States electricity is generated using nuclear energy; *and*

WHEREAS, Congress, in the Nuclear Waste Policy Act (NWPA) of 1982, directed the Department of Energy to develop a system to manage commercially generated spent fuel by 1998 in exchange for electric utility ratepayers payments to the Nuclear Waste Fund; *and*

WHEREAS, To date ratepayers of electric utilities have paid almost \$10 billion into the Nuclear Waste Fund in order to fund the siting, licensing, constructing and operating of a Federal waste management system for the storage, transport, and disposal of spent nuclear fuel; *and*

WHEREAS, In the absence of a system to manage commercially generated spent fuel, most reactors will not have sufficient on-site spent fuel pool storage to accommodate all the spent nuclear fuel generated over the expected life of the reactors; *and*

WHEREAS, The Department of Energy has begun accepting spent nuclear fuel from foreign countries, but has not made appropriate progress necessary to begin accepting spent fuel from domestic nuclear energy plants as established in the NWPA; *and*

WHEREAS, The Report and Recommendations of the NARUC Dialogue on Spent Fuel Management (February 25, 1994) clearly specified the interests and recommendations of a broad group of stakeholders on waste acceptance issues; *and*

WHEREAS, The NARUC accepted this report and adopted principles and recommendations regarding these issues by resolution on March 2, 1994; *and*

WHEREAS, The Department of Energy has issued a Notice of Inquiry dated May 25, 1994, requesting comments from affected stakeholders regarding waste acceptance issues and the NARUC Dialogue Report; *now, therefore, be it*

RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1994 Summer Meetings in San Diego, California, adopts the following principles in response to the Notice of Inquiry:

PRINCIPLES

1. The Federal government has a clear responsibility to begin accepting spent nuclear fuel (SNF) on January 31, 1998. In the Nuclear Waste Policy Act of 1982 (NWPA), Congress made it clear public policy that the Federal government is responsible for management of the nation's SNF. The fundamental intent of the NWPA in 1982 was that the utilities would pay a millage fee, which is being collected from utility ratepayers, to fund Federal management of commercial SNF and the Federal government would begin to take fuel from utility sites by January 31, 1998.
2. The Federal government must accept its responsibility, because there is an urgent need to solve this problem. For example, electric utilities and ratepayers will be harmed if nuclear energy plants that would otherwise continue to operate are forced out-of-service, or prevented from returning to service, because the Federal government is unable to begin accepting SNF by January 31, 1998.
3. Since the repository will not be available until at least 2010, interim, centralized, off-site SNF storage is the means by which the Federal government can begin to take SNF. Leaving SNF at reactor sites beyond scheduled acceptance dates is not an acceptable solution.
4. A process and necessary legislative authority must be established expeditiously by the Federal government to create interim, off-site SNF storage capability as described in the NARUC Dialogue Report on Spent Fuel Management.
5. The value of a centralized, interim SNF storage facility is highly dependent on the facility capacity, timing, acceptance rate, and compatibility with existing storage technologies. DOE should seek statutory changes to remove the capacity and timing limitations. DOE should also increase the acceptance rate for the SNF management system and assure that all existing storage technologies are compatible with the Federal multi-purpose container-based system.
6. DOE should support legislation that would extend the authorization for the office of nuclear waste negotiator and give that office the authority to effectively negotiate off-site selection.
7. Consideration should be given to public or private development of an integrated SNF management system (multi-purpose containers, transportation, interim off-site storage, intermediate, monitored disposal, final disposal). It appears that such a system would reduce overall SNF management costs, demonstrate progress, reduce the probability of pre-mature reactor shutdown, and provide greater flexibility in the Federal SNF program to deal with contingencies.

8. Consideration and assistance should be given to how best to involve the private sector in the management of the design, licensing, construction, and operation of the multi-purpose container, transportation and interim, centralized storage portions of the Federal SNF management system. Private sector involvement is likely to contribute to more timely and cost-effective implementation of these efforts. Private sector involvement in any part of the Federal SNF management system in no way relieves the Federal government, in whole or in part, of its responsibility for centralized interim storage of SNF beginning on January 31, 1998.
9. Compensation to utilities for DOE's failure to meet the 1998 date is important, but more productively addressed when the waste storage/disposal strategy, timetable, associated costs, and effect on the millage fee are better understood. For example, compensation that results in increasing the Nuclear Waste Fee is not acceptable. It is much more important that DOE perform as expected by electric utilities and ratepayers under the law and Standard Contract.
10. DOE must adopt and adhere to sound, structured and expeditious procedures throughout all elements of the civilian radioactive waste management program, including all stages of interim storage activities, site characterization, repository development and licensing to assure that timely progress can be made in a cost-effective manner. Regardless of procedures adopted, NRC licensing capability must not be compromised.
11. Any activity utilities pursue to develop private SNF storage, either centralized or on nuclear energy plant sites, does not relieve DOE of its responsibilities to begin to accept and move SNF from utility facilities by January 31, 1998.

Sponsored by the Committee on Electricity
Adopted July 27, 1994