Model Legislation

Resolution Recognizing the Large and Growing Need for Commercial Nuclear Energy and Urging the President and Congress to Make Steady Progress toward a Permanent Geologic Repository for Used Commercial Nuclear Fuel and Such Nearer-Term Priorities as Interim Fuel Storage and Research into Fuel Reprocessing and Closing the Nuclear Fuel Cycle

WHEREAS, America’s 103 commercial nuclear plants generate 20 percent of the Nation’s electricity with remarkably high levels of efficiency and reliability while producing zero emissions of pollutants or greenhouse gases; and

WHEREAS, projected U.S. electricity demand will increase by 40 percent by the 2030, requiring the nuclear industry to bring online 50 gigawatts of additional generation just to maintain nuclear energy’s present 20 percent share of the electricity generation fuel mix, and

WHEREAS, total NWF collections from nuclear utilities to date exceed $26 billion and less than $9 billion has been expended on the Yucca Mountain Project, which is now...
nearly ten years past the Congressionally-mandated 1998 date for DOE to take ownership of used fuel and defense wastes, and

**WHEREAS**, DOE’s failure to meet its legal, contractual responsibility to accept used fuel has caused electricity ratepayers to assume hundreds of millions of dollars in additional costs to store used fuel on-site at 72 locations in 33 states and all nuclear utilities have sued the federal government over DOE’s failure; and

**WHEREAS**, DOE now indicates that the current best case scenario for opening Yucca Mountain for fuel disposal – no sooner than 2017 – would require the Department to submit an application for a construction license to the Nuclear Regulatory Commission by June 2008, which will demand stable federal appropriations to complete and submit the license application; and

**WHEREAS**, the U.S. government and the nuclear industry recognize the significant nearer-term security and public safety benefits from interim fuel storage at a limited number of sites and the desirability of research on closing the fuel cycle and ensuring development of advanced nuclear fuel cycle technologies, while work proceeds toward the long-term goal of opening a permanent repository; and

**WHEREAS**, various advanced fuel cycle initiatives have the potential to reduce the volume, heat and toxicity of byproducts to be disposed of in a permanent repository and also to reclaim a significant amount of the energy that remains in used fuel rods; and

**WHEREAS**, over the past four decades, approximately 3,000 shipments of used nuclear fuel have been transported safely along designated routes across 1.7 million miles of U.S. railways, highways and waterways in specially designed robust, Nuclear Regulatory Commission-licensed canisters without a single release of radioactive material; and

**WHEREAS**, communities in a number of states have expressed interest in hosting an interim storage facility, a fuel recycling center, and advanced recycling reactor, and/or an advanced fuel cycle research facility (some communities seek to host more than one facility);

NOW THEREFORE LET IT BE RESOLVED, that the American Legislative Exchange Council hereby urges the President and Congress to work together with the commercial nuclear industry, State and Local governments and other interested parties to encourage development of safe new nuclear plants as a key component of American fuel portfolio diversity and energy security; and

NOW THEREFORE LET IT BE FURTHER RESOLVED, that the American Legislative Exchange Council urges the President and Congress to take action to encourage the U.S. Department of Energy and provide adequate federal appropriations to allow the Department to complete work on and submit the construction license application for the Yucca Mountain repository by June 2008 so that the repository might begin accepting fuel for permanent disposal no later than 2017; and

NOW THEREFORE LET IT BE FURTHER RESOLVED, that the American Legislative Exchange Council urges the President and Congress to work together with the U.S. nuclear energy industry, with State and Local governments and other interested parties to: Encourage development of interim used fuel storage at a limited number of sites until fuel is recycled or disposed of permanently; and, Encourage research, development and demonstration projects to close the nuclear fuel cycle.