

In Support of a Storage Solution for Used Nuclear Fuel

1 The American Public Power Association (APPA) believes that nuclear power has and will continue to
2 play an important role in the United States' electricity generating mix. Used nuclear fuel coming out of a
3 nuclear plant has more than 90 percent of its energy potential still available that may be reprocessed for
4 use in new and existing reactors. For decades, public power utilities have used nuclear energy, whether
5 through direct or partial plant ownership or through market purchases, to provide safe, emissions-free,
6 dispatchable electricity to their customers.

7

8 As public power utilities continue to reduce greenhouse gas emissions, many are actively pursuing or
9 considering new nuclear power as part of their future resource mix. To ensure the continued success and
10 further development of nuclear power, the federal government must address the issue of storing used
11 nuclear fuel.

12

13 The 1982 Nuclear Waste Policy Act (NWPA) assigned responsibility to the Department of Energy (DOE)
14 to site, construct, and operate a permanent repository for used nuclear fuel. In 1987, Congress amended
15 the NWPA and designated Yucca Mountain, Nevada, as the sole site for DOE consideration. As part of the
16 NWPA, a surcharge of one-tenth of one cent was placed on electricity produced from nuclear power
17 plants to fund construction of the final repository. In 2013, due to the federal government's failure to
18 fulfill its obligations under the NWPA to construct a repository, the U.S. Court of Appeals for the D.C.
19 Circuit ordered DOE to stop collecting the nuclear waste fee. The Nuclear Waste Fund currently has a
20 balance of \$40 billion.

21

22 In 2008, DOE began pursuing a license with the Nuclear Regulatory Commission (NRC) to construct a
23 facility at Yucca Mountain. However, despite spending nearly \$15 billion dollars on the project, in 2009,
24 funding was eliminated for the project and DOE subsequently withdrew its license application.

25

26 Since 2013, there have been several efforts, both in Congress and through administrative actions, to move
27 forward on the Yucca Mountain facility. These efforts have not been successful and both the issue of
28 Yucca Mountain specifically, as well as the federal government's general obligation to create a permanent
29 repository for used nuclear fuel, remain unresolved.

30

31 APPA believes federal policymakers must resolve the issue of used nuclear fuel storage to provide
32 certainty for nuclear utilities, their customers, and electric utilities, including public power utilities,
33 pursuing advanced nuclear technologies.

34
35 **NOW, THEREFORE BE IT RESOLVED:** That the American Public Power Association (APPA)
36 believes the Department of Energy (DOE) must resolve the issue of used nuclear fuel storage to provide
37 certainty to utilities currently or previously operating nuclear power plants, customers that have paid into
38 the Nuclear Waste Fund, and entities pursuing advanced nuclear technologies; and

39
40 **BE IT FURTHER RESOLVED:** That APPA supports the construction of a consolidated interim storage
41 facility in a willing host community and the construction of a permanent repository for used nuclear fuel
42 and other nuclear waste, including, but not limited to, Yucca Mountain; and

43
44 **BE IT FURTHER RESOLVED:** That APPA believes that the funds in the Nuclear Waste Fund should
45 not be diverted to fund any other programs and that DOE must establish a used nuclear fuel storage
46 solution that allows for the possibility of future fuel recycling when economically feasible and that will
47 not result in any increased costs or fees to the nuclear utilities or their customers; and

48
49 **BE IT FURTHER RESOLVED:** That APPA remains committed to working with Congress and DOE to
50 identify realistic and achievable solutions to address the issue of used nuclear fuel and ensure the federal
51 government's obligation under the Nuclear Waste Policy Act of 1982 is fulfilled.

Adopted at the Legislative & Resolutions Committee Meeting

February 27, 2024

Sunsets in March 2032