

NARUC Remarks to NWTRB I am Brian O'Connell

Thank you for this opportunity to address the Board on behalf of the National Association of Regulatory Utility Commissioners. NARUC is the association that represents State public utilities commissions. Those commissions vary somewhat in their respective State roles, but they all have in common protecting the public interest in obtaining safe, reliable and affordable utilities services.

NARUC has had a strong interest in the nuclear waste repository program since the basic policy was set in the Nuclear Waste Policy Act of 1982:

- The federal government is responsible for safe, permanent disposal of spent nuclear fuel and other high-level radioactive waste in the United States
- Utilities pay for the portion of disposal costs related to commercial spent fuel through payments to the Nuclear Waste Fund

For the benefit of new Board members, you should know that while there stands to be a 12 year delay past the date set in the NWPA for emplacement of spent fuel in a licensed repository, the utilities began fee payments to pay for this program on schedule in 1983 and continue to do so, despite federal court ruling that the federal government is in partial breach of contract to accept the waste. Further, you should know that utilities pass those fees along to their customers—the ratepayers—to the point where over \$17 billion has been put in the Nuclear Waste Fund.

So, it is on behalf of that ratepayer investment in this program that NARUC pays close attention to the progress of this program. While about ten percent of the waste to be disposed at the repository is from government sources, electricity ratepayers in 41 States that use some nuclear power are paying for $\frac{3}{4}$ of the repository program costs.

NARUC maintains communications among State utility regulators and the federal players in the nuclear waste program. They do so by several means supported by a cooperative agreement that provides some staff resources to monitor the program and represent ratepayer interests. I am the staff. I am a professional engineer with a background in government service and as a consultant. I attend most of the Board meetings and review and comment on key repository program documents, environmental impact statements, proposed regulations and the like. I have escorted a number of State commissioners on Yucca Mountain tours.

NARUC is pleased that the President and Congress have approved the site and we look forward to participating in the license review and working with other State organizations on waste transportation planning. We plan to keep the pressure on Congress to ensure adequate funding of the repository program and to reform the way the Nuclear Waste Fund is managed.

Thanks to Chairman Cohon and the other departing commissioners for their dedicated service in the public interest. Welcome to the new members, look forward to working *with you and your able professional staff*