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Fife Symington  
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Executive Director

July 27, 1992

The Honorable Ivan Selin  
Chairman and Commissioner  
Nuclear Regulatory Commission  
One White Flint North Building  
11555 Rockville Pike, Room 17-D-1  
Rockville, MD 20555

Dear Mr. Chairman and Commissioner:

Attached are one policy resolutions which my colleagues and I adopted unanimously at our annual meeting in June. The resolutions address issues of critical importance to the seventeen western state and three territorial governors which comprise the Western Governors' Association. The resolutions are:

- Storage of Spent Commercial Nuclear Reactor Fuel

I look forward to your response to our concerns. Please do not hesitate to contact us or Jim Souby at the Western Governors' Association if you would like to discuss these further.

Sincerely yours,

Fife Symington  
Governor of Arizona

Bob Miller  
Governor of Nevada

Enclosures

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Western Governors' Association  
Resolution 89-024 (Revision 1)

Originally Adopted December 1, 1989  
Las Vegas, Nevada  
Readopted June 23, 1992  
Jackson, WY

SPONSOR: Governor Miller  
SUBJECT: Storage of Spent Commercial Nuclear Reactor Fuel

A. BACKGROUND

1. Through the Nuclear Waste Policy Act of 1982 the Federal Government has the responsibility to provide for the permanent disposal of spent nuclear fuel.
2. Through the Nuclear Waste Policy Act, Congress found that the owners and operators of nuclear power reactors have primary responsibility for providing interim storage of spent nuclear fuel. The Act requires that federal officials expedite the effective use of existing reactor storage facilities and the addition of needed new storage capacity, consistent with:
  - a. the protection of public health and safety, and the environment;
  - b. economic considerations;
  - c. continued operation of such reactor;
  - d. any applicable provisions of law; and
  - e. the views of the population surrounding such reactor.
3. The U.S. Department of Energy (DOE) originally projected that a geologic repository would be available for acceptance of spent nuclear fuel in 2003. Recently DOE revised their schedule to project that the repository will not be available until at least 2010.
4. Since the repository will not be available for spent fuel disposal in 2003, commercial nuclear reactors in the nation will require additional spent fuel storage capacity beyond that which is, or can be made, available in existing spent fuel storage pools at the individual reactor sites.
5. Both DOE and the Nuclear Regulatory Commission (NRC) have determined that technology for safe, cost effective, dry cask, at-reactor storage exists, and some designs are currently licensed and in use in this country and abroad.
6. The Monitored Retrievable Storage Review Commission has concluded that a Monitored Retrievable Storage System is not justified as conceived under current law. They further concluded that spent fuel storage should be available away from the reactor site for health and safety emergencies. For

circumstances which threaten the continued operation of reactors, a User-Funded Interim Storage facility (UFIS) should be built. The costs of such a facility should be incurred by the rate payers.

B. GOVERNORS' POLICY STATEMENT

1. It is the objective of the Western Governors' Association to support the national policy for permanent, safe, geologic disposal of spent nuclear reactor fuel. Congress and the Federal Government must anticipate that, if the permanent geologic repository does not open on schedule, most reactors will need interim storage. It must be assured that any interim storage is safe, cost effective and fiscally equitable to the rate payers.
2. The Western Governors' Association encourages the NRC to adopt, as recommended by the NRC staff and the NRC's Advisory Commission on Nuclear Waste, a statement of confidence in at-reactor passive storage. If the NRC finds such confidence, and the permanent geologic repository is not available, the Western Governors' Association endorses at-reactor dry storage, where such storage is permissible under state law, as an acceptable means of interim storage until a permanent geologic repository becomes available.
3. A Monitored Retrievable Storage Site shall not be located within the geographic boundaries of a state without that state's Governor's written consent.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association shall convey this resolution to the appropriate members and committees of Congress, the Secretary of the Department of Energy, and the Nuclear Regulatory Commission.
2. The Western Governors' Association and the Task Force on Nuclear Waste are to work with Congress, the Nuclear Regulatory Commission, the U.S. Department of Energy and the Utility Waste Management Group to develop the appropriate elements of policy to anticipate the need for interim storage.