

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025

HCR 1009

4  
5 By: Representative Ladyman  
6 By: Senator C. Penzo

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8 **HOUSE CONCURRENT RESOLUTION**

9 TO ADVANCE THE STUDY OF NUCLEAR FUEL RECYCLING AND  
10 COMPLY WITH ARKANSAS ACTS 2023, NO. 259; TO REQUEST  
11 FEDERAL FUNDING FOR THE NEXT STUDY PHASE; AND TO  
12 PETITION THE ARKANSAS CONGRESSIONAL DELEGATION TO  
13 INTRODUCE FEDERAL LEGISLATION TO RECTIFY MANY ENERGY  
14 ISSUES FOR THE STATE OF ARKANSAS AND THE UNITED  
15 STATES.

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18 **Subtitle**

19 TO COMPLY WITH ARKANSAS ACTS 2023, NO.  
20 259; TO REQUEST FEDERAL FUNDING FOR THE  
21 NEXT STUDY PHASE; AND TO PETITION THE  
22 ARKANSAS CONGRESSIONAL DELEGATION TO  
23 INTRODUCE FEDERAL LEGISLATION TO RECTIFY  
24 CERTAIN ENERGY ISSUES.

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26 WHEREAS, in August 2016, the Argonne National Laboratory hosted a  
27 delegation from Arkansas, including staff from the Arkansas Economic  
28 Development Commission; and

29  
30 WHEREAS, in January 2017, the Arkansas Alternative Energy Commission  
31 issued a recommendation to the Governor to support an institution of higher  
32 education in this state and the United States Department of Energy national  
33 laboratories to prepare and make recommendations and to offer options on  
34 using existing technology to convert spent nuclear fuel rods into new nuclear  
35 fuel; and



1           WHEREAS, in August 2017, the Joint Committee on Energy held hearings on  
2 advanced nuclear technology to reprocess spent nuclear fuel rods and  
3 unanimously approved an interim study resolution on the matter; and  
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5           WHEREAS, in November 2018, the Joint Committee on Energy held a meeting  
6 at Arkansas Nuclear One and further discussed the ongoing issues raised in  
7 2016 and 2017 concerning conversion of spent nuclear fuel rods into new  
8 nuclear fuel and advanced nuclear technology to reprocess spent nuclear fuel  
9 rods, including without limitation that:

10           (1) An institution of higher education in this state, in  
11 conjunction with other institutions of higher education in this state, can  
12 and is willing to provide a detailed analysis examining the benefits of "New  
13 Nuclear" compared to the risks of continued storage of spent fuel at Arkansas  
14 Nuclear One;

15           (2) The fast reactor technology and electrochemical spent fuel  
16 reprocessing or recycling are ready for commercial development; and

17           (3) The Department of Health and the Department of Energy and  
18 Environment support the application for federal funding for the establishment  
19 of an education, risk analysis, and optimization design program; and  
20

21           WHEREAS, Acts 2021, No. 1092, required the House Committee on Public  
22 Health, Welfare, and Labor and the Senate Committee on Public Health,  
23 Welfare, and Labor to jointly conduct a study on the commercial application  
24 of existing technology to reclaim and repurpose spent nuclear fuel rods; and  
25

26           WHEREAS, it is appropriate to build upon the study conducted under Acts  
27 2021, No. 1092, and to study the technical and economic feasibility and  
28 commercial viability of the interim storage and recycling of spent nuclear  
29 fuel at locations in Arkansas; and  
30

31           WHEREAS, on November 7, 2022, the Senate Committee on Public Health,  
32 Welfare, and Labor and the House Committee on Public Health, Welfare, and  
33 Labor received the "Report of a Study on the Commercial Application of  
34 Existing Technology to Reclaim and Repurpose Spent Nuclear Fuel Rods required  
35 in Act 1092 of 2021" by Michael Grappe, Director of Special Projects, Office  
36 of Chief Counsel, Department of Energy and Environment; and

1  
2 WHEREAS, on March 13, 2023, HB1142 was signed by the Honorable Sarah  
3 Sanders, Governor of the State of Arkansas, to be named Acts 2023, No. 259,  
4 Entitled: "An Act to create the Arkansas nuclear recycling program; To  
5 develop a fiscal model for commercial application; To develop a interim and  
6 long-term storage plan for residual material; To develop a fiscal model for  
7 the current and future market demand; To develop engineering documents for  
8 the recycling process; To perform site analysis for prospective recycling  
9 facility locations and development construction costs and schedule reports;  
10 To establish Arkansas as the only state to declare itself interested in  
11 pursuing a final solution for spent nuclear fuel through recycling; and for  
12 other purposes."; and

13  
14 NOW THEREFORE,

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL  
16 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

17  
18 THAT the General Assembly respectfully request that the members of the  
19 Arkansas congressional delegation introduce federal legislation to:

20 (a)(1) Require the United States Office of Management and Budget to  
21 report to the United States Congress to assess whether the application of  
22 budget rules to the Nuclear Waste Fund, 42 U.S.C. § 10222(c), complies with  
23 42 U.S.C. § 10222(d), as it existed on January 1, 2025.

24 (2) The Nuclear Waste Fund, 42 U.S.C. § 10222, as it existed on  
25 January 1, 2025, differs from all other federal trust funds because it was  
26 established under the Nuclear Waste Policy Act of 1982, 42 U.S.C. § 10101 et  
27 seq., as it existed on January 1, 2025, as a fee paid to the United States  
28 Department of Energy for a specific service of disposing of nuclear waste.

29 (3) Waste generators were required to execute contracts, making  
30 this arrangement unique compared to other federal trust funds.

31 (4) The United States Office of Management and Budget report to  
32 the United States Congress that is requested under this resolution shall:

33 (A) Verify that receipts from nuclear utility fee  
34 collections were deposited into the United States Treasury in the fiscal year  
35 they were collected and credited to the Nuclear Waste Fund, 42 U.S.C. §  
36 10222, as it existed on January 1, 2025, as assets available for

1 discretionary appropriations;

2 (B) Confirm that this revenue was accounted for as a  
3 negative direct spending item, thereby reducing total federal direct spending  
4 in the fiscal year of collection;

5 (C) Address concerns that this accounting method  
6 inappropriately uses contract fee income, which is statutorily designated  
7 exclusively for the purposes of radioactive waste disposal activities under  
8 42 U.S.C. § 10222(d), as it existed on January 1, 2025, as a means of  
9 reducing discretionary spending caps; and

10 (D) Provide recommendations to rectify any deficiencies  
11 identified in the current budgeting treatment of the Nuclear Waste Fund, 42  
12 U.S.C. § 10222, as it existed on January 1, 2025;

13 (b) Appropriate ten million dollars (\$10,000,000) from the Nuclear  
14 Waste Fund, 42 U.S.C. § 10222, as it existed on January 1, 2025, for an  
15 updated fee assessment.

16 (c) Allocate the amount under subsection (b) of this resolution from  
17 the Nuclear Waste Fund, 42 U.S.C. § 10222, as it existed on January 1, 2025,  
18 to the United States Department of Energy for a contract with an institution  
19 of higher education in this state to conduct an updated fee assessment as  
20 required by 42 U.S.C. § 10222(a)(4), as it existed on January 1, 2025.

21 (d) The updated fee assessment under subsection (c) of this resolution  
22 shall evaluate the cost implications of three (3) distinct spent nuclear fuel  
23 disposal plans, including:

24 (1)(A)(i) The "Kicking the Can Down the Road" for continued on-  
25 site storage.

26 (ii) The "Kicking the Can Down the Road" scenario  
27 assumes that nuclear waste remains stored at reactor sites indefinitely.

28 (iii) The United States Department of Energy  
29 annually updates its estimated liability for failing to dispose of the  
30 nuclear waste, which as of November 2024, ranged between thirty seven billion  
31 six hundred million dollars (\$37,600,000,000) and forty-four billion five  
32 hundred million dollars (\$44,500,000,000).

33 (iv) However, the liability estimate under  
34 subdivision (d)(1)(A)(iii) of this resolution is not a fee assessment but  
35 rather the net present value of annual payments due to contract default.

36 (B) The fee assessment for this plan shall include a

1 special calculation for new waste generators that have not contributed to the  
2 Nuclear Waste Fund, similar to 42 U.S.C. § 10222(a)(3), as it existed on  
3 January 1, 2025.

4 (C) For reference, Arkansas Nuclear One has a credit  
5 balance of approximately one billion dollars (\$1,000,000,000), generating  
6 thirty million dollars (\$30,000,000) annually in interest income.

7 (D) With an average waste output of thirty metric tons (30  
8 mt) per year, the estimated cost is one million dollars (\$1,000,000) per  
9 metric tons per year.

10 (E)(i) Reactors that came online after the District of  
11 Columbia Circuit Court's ruling in Nat'l Ass'n of Regulatory Util. Comm'rs v.  
12 U.S. Dep't of Energy, 736 F.3d 517 (D.C. Cir. 2013), set the United States  
13 Department of Energy's fee to zero (0) include:

14 (a) Watts Bar Unit 2 (1,167 MW), completed in  
15 2015;

16 (b) Vogtle Unit 3 (1,250 MW), completed in  
17 July 2023; and

18 (c) Vogtle Unit 4 (1,250 MW), completed in  
19 April 2024.

20 (ii)(a) These reactors generate nuclear waste yet  
21 have not contributed to the Nuclear Waste Fund.

22 (b) The fee assessment shall establish parity  
23 with existing reactors and account for disposal cost variations for different  
24 waste types, including:

25 (1) Uranium oxide used fuel;

26 (2) MOX fuel;

27 (3) Molten salt reactor fuel;

28 (4) TRISO fuel (Tri-structural Isotropic  
29 particle fuel); and

30 (5) Uranium metal fuel.

31 (2)(A) Refunding the Yucca Mountain Project;

32 (B) Despite political opposition, current law designates  
33 the Yucca Mountain Project as the sole federal nuclear waste repository.

34 (C) The Yucca Mountain Project site has undergone  
35 extensive study and remains legally authorized with a statutory disposal  
36 limit of seventy-seven thousand metric tons (77,000 mt).

1 (D) Nevada does not have legal standing to halt the Yucca  
2 Mountain Project.

3 (E) The disposal plan requires only an updated budget for  
4 the Yucca Mountain Project and a United States Department of Energy  
5 recommendation for a second site, along with an associated budget.

6 (F) If the Yucca Mountain Project is abandoned, nuclear  
7 waste generators could demand a refund with interest, as 42 U.S.C. § 10222(d)  
8 explicitly states that disposal fees may only be used for the purpose of  
9 radioactive waste disposal activities; and

10 (3) The recycling nuclear fuel or the "Arkansas Plan" proposes  
11 recycling spent nuclear fuel using fast reactor technology, as detailed in  
12 the General Assembly's official report considering the following:

13 (A) Arkansas Fuel Rod Report that is based on:

14 (i) The Experimental Breeder Reactor II program;  
15 (ii) Recommendations from the Blue Ribbon Commission  
16 on America's Nuclear Future; and

17 (iii) France's unified reactor development policy;  
18 and

19 (B) Notably, in a June 27, 1994, letter to the United  
20 States Senate, then-Secretary of Energy Hazel O'Leary stated:  
21 "No further testing of the Integral Fast Reactor concept is required to prove  
22 the technical feasibility of actinide recycling and burning in a fast  
23 reactor, such as the experimental breeder reactor in Idaho. The basic physics  
24 and chemistry of this technology are well-established."

25 (e)(1) The State of Arkansas' Expression of Interest is needed for  
26 congressional funding for the United States Department of Energy and  
27 institution of higher education in this state contract and the General  
28 Assembly's approval of this resolution shall constitute the State of  
29 Arkansas' "Expression of Interest" under the United States Department of  
30 Energy's Consent-Based Siting Program.

31 (2) Importantly, this Expression of Interest does not commit the  
32 State of Arkansas or an institution of higher education to any action beyond  
33 conducting the fee assessment.

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35 BE IT FURTHER RESOLVED THAT upon its adoption, a copy of this resolution be  
36 transmitted to the Arkansas congressional delegation by the Chief Clerk of

1 the House of Representatives.

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