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**SENATE JOINT MEMORIAL 8007**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Brown and Short

Prefiled 12/13/21. Read first time 01/10/22. Referred to Committee on Environment, Energy & Technology.

1 TO THE HONORABLE JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED  
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
3 HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF  
4 REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO  
5 THE UNITED STATES SECRETARY OF ENERGY:

6 We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled,  
8 respectfully represent and petition as follows:

9 WHEREAS, Congress passed the Nuclear Waste Policy Act of 1982,  
10 which established the process for selecting a permanent federal spent  
11 nuclear fuel storage and disposal site and created the Nuclear Waste  
12 Fund; and

13 WHEREAS, The Nuclear Waste Fund was intended to be an independent  
14 fund financed from the receipts of user fees collected from the  
15 owners of commercial nuclear power reactors to provide funding for  
16 the implementation of the commercial spent nuclear fuel program, but  
17 the fund's functionality was reduced due to comprehensive budget  
18 reconciliation measures enacted after 1982; and

19 WHEREAS, Congress adopted the Nuclear Waste Policy Amendments Act  
20 in 1987, authorizing the United States Department of Energy to study  
21 only the potential Yucca Mountain repository site; and

1       WHEREAS, In 1998, the Department of Energy failed to meet its  
2 deadline of accepting spent nuclear fuel at any federal disposal site  
3 from commercial nuclear power reactor facilities; and

4       WHEREAS, The failure of the Department of Energy to meet the  
5 deadline for accepting spent nuclear fuel resulted in ongoing annual  
6 liability fees paid to the owners of commercial nuclear power reactor  
7 facilities by the federal government with taxpayer funding from the  
8 United States Department of the Treasury's Judgment Fund; and

9       WHEREAS, In 2009, the Yucca Mountain site was determined to be a  
10 nonworkable option and the Department of Energy suspended all  
11 activities at the site; and

12       WHEREAS, Without a permanent spent nuclear fuel repository site  
13 identified or developed, all spent nuclear fuel remains stored onsite  
14 at commercial nuclear power reactor facilities; and

15       WHEREAS, In 2013, in response to legal action, the United States  
16 Court of Appeals for the District of Columbia Circuit, required the  
17 United States Secretary of Energy to set the Nuclear Waste Fund user  
18 fee to zero until Congress enacts a management plan to dispose of  
19 commercial spent nuclear fuel; and

20       WHEREAS, Until a permanent nuclear storage and disposal site is  
21 identified, the Department of Energy cannot develop an integrated  
22 waste management strategy, which consists of plans for the  
23 transportation, interim storage, and permanent disposal of spent  
24 nuclear fuel; and

25       WHEREAS, A 2021 study conducted by the United States Government  
26 Accountability Office on commercial spent nuclear fuel recommended  
27 Congress consider the following:

28       (1) Amending the Nuclear Waste Policy Act to authorize the  
29 Department of Energy to initiate a new consent-based process for  
30 siting, developing, and constructing new consolidated interim storage  
31 and permanent repository facilities;

32       (2) Creating an independent board to ensure the long-term  
33 continuity of leadership for managing spent nuclear fuel;

34       (3) Restructuring the Nuclear Waste Fund so funds used to  
35 develop, construct, and operate a permanent repository are based on  
36 the spent nuclear fuel program's life-cycle costs; and

37       (4) Directing the Department of Energy to develop and implement  
38 an integrated waste management strategy;

39       NOW, THEREFORE, Your Memorialists respectfully pray that  
40 Congress, and the Secretary of Energy, as authorized, take action to

1 implement the recommendations of the United States Government  
2 Accountability Office.

3 BE IT RESOLVED, That copies of this Memorial be immediately  
4 transmitted to the Honorable Joseph R. Biden, Jr., President of the  
5 United States, the United States Secretary of Energy, the President  
6 of the United States Senate, the Speaker of the House of  
7 Representatives, and each member of Congress from the State of  
8 Washington.

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