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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, Your Memorialists respectfully pray that Congress, and the Secretary of Energy, as authorized, take action to implement the recommendations of the United States Government Accountability Office.

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