

**THE COUNCIL OF STATE GOVERNMENTS  
RESOLUTION ON FEDERAL POLICY ON NUCLEAR WASTE MANAGEMENT**

**WHEREAS**, in the Nuclear Waste Policy Act (NWPA) of 1982, Congress established the federal government's policy for disposing of spent nuclear fuel produced by commercial nuclear power generation and federal high-level radioactive waste in a deep geologic repository; and

**WHEREAS**, Congress established a timetable for DOE in NWPA for developing a national repository and procedures for picking the location; and

**WHEREAS**, in 1987, Congress amended the NWPA to select Yucca Mountain in Nevada as the only site for development as a national repository; and

**WHEREAS**, in 2002 the DOE Secretary of Energy officially recommended the Nevada site and the President approved the choice; and

**WHEREAS**, the NWPA allowed a repository host state to issue a Notice of Disapproval if selected and the Governor of Nevada did so, blocking selection of Yucca Mountain unless both the House and Senate voted to override the veto; and

**WHEREAS**, the House and Senate did so override Nevada's action; and

**WHEREAS**, Congress found in the NWPA that the financial responsibility for disposing of spent nuclear fuel should fall to the people who benefit from the electricity that fuel produces; and

**WHEREAS**, to pay for the costs of the federal nuclear waste management program, the nation's ratepayers have contributed almost \$20 billion to the Nuclear Waste Fund, with such payments continuing at the rate of \$750 million per year and interest accruing on the fund; and

**WHEREAS**, the nation's inventory of highly radioactive waste includes over 58,000 metric tons of commercial spent nuclear fuel and 7,000 metric tons of waste resulting from commercial reprocessing and national defense-related activities, stored in temporary facilities in 39 states; and

**WHEREAS**, there have been proposals to build 35 new commercial nuclear reactors in the United States and 49 license extensions for existing plants have been granted, all of which will greatly increase the volume of waste requiring disposal; and

**WHEREAS**, despite the U.S. Department of Energy (DOE) having spent \$13.5 billion and over 20 years studying Yucca Mountain and preparing to develop the site as a permanent repository, the repository is now over 11 years behind schedule and will not open by the current completion date of 2020 unless the project moves forward with full funding and the implementation of existing NWPA policies; and

**WHEREAS**, the Obama Administration's budget for federal fiscal year 2010 indicates that the Administration will devise "a new strategy toward nuclear waste disposal," with the bare minimum of funding provided for DOE to continue the ongoing process of obtaining a license from the Nuclear Regulatory Commission (NRC) to construct the facility; and

**WHEREAS**, the National Academy of Sciences and other experts have studied alternatives to deep geologic disposal and concluded that other options are not feasible; and

**WHEREAS**, as Congress found in the NWPA, "State and public participation in the planning and development of repositories is essential in order to promote public confidence in the safety of disposal" of spent nuclear fuel and high-level radioactive waste; and

**WHEREAS**, The Council of State Governments' (CSG) Midwestern Radioactive Materials Transportation Project and Northeast High-Level Radioactive Waste Transportation Project, along with their counterparts in the South and the West, provide an established forum through which the states work with DOE and other federal agencies to plan for shipments of spent nuclear fuel and high-level radioactive waste, thereby promoting intra-regional and inter-regional collaboration on issues such as emergency response, security, and inspections; and

**WHEREAS**, continuing the ongoing dialogue that takes place through the regional projects is vital to the success of any large-scale federal program to ship spent nuclear fuel and high-level radioactive waste, regardless of whether the ultimate destination is a permanent repository or a centralized storage facility; and

**WHEREAS**, DOE's funding for the CSG Midwestern Radioactive Materials Transportation Project and Northeast High-Level Radioactive Waste Transportation Project for federal fiscal year 2010 is being reduced so drastically as to threaten the existence of these projects;

**BE IT NOW THEREFORE RESOLVED**, that CSG urges the federal government to honor its obligations under the NWPA by continuing (pursuing) the development of a national repository at Yucca Mountain in Nevada, contingent on NRC licensing approval; and

**BE IT FURTHER RESOLVED**, that CSG urges Congress to provide DOE and the NRC sufficient funding to carry out their obligations under the NWPA and to fully fund interactions between these agencies and the state governments affected by federal radioactive waste management and transportation activities, including full funding for the state regional transportation projects; and

**BE IT FURTHER RESOLVED**, that CSG supports and will promote the full engagement of state government officials in any reexamination of the federal government's policy for managing spent nuclear fuel and high-level radioactive waste; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be sent to the Governors of all 50 states, each member of the U.S. Congress, the Secretary of Energy, and the President of the United States.

Adopted this 18<sup>th</sup> day of May, 2009, at the 2009 CSG Spring Conference in Coeur d'Alene,  
Idaho



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Governor Joe Manchin III  
2009 CSG President



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Senator Bart Davis  
2009 CSG Chair