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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 2365

May 4, 2009

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The bill was read for the first time and referred to the Energy Finance and Policy Division

1.1 A resolution

1.2 memorializing the President of the United States, the United States Secretary of
1.3 Energy, and the Congress of the United States to review national policy on used
1.4 nuclear fuel.

1.5 WHEREAS, nuclear utility ratepayers have committed more than \$31,000,000,000 in fees
1.6 and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of
1.7 establishing a permanent repository for storage of used nuclear fuel from commercial reactors and
1.8 defense-related high-level radioactive waste; and

1.9 WHEREAS, the United States government failed to begin accepting commercial used fuel
1.10 by 1998 as required by the Nuclear Waste Policy Act of 1982 and by contracts with used fuel
1.11 owners, and only in 2008 did the United States Department of Energy finally submit an application
1.12 to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

1.13 WHEREAS, the expected funding levels for the permanent fuel disposal program in the
1.14 fiscal year 2009 federal budgets and statements by the federal government concerning the fiscal
1.15 year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository,
1.16 if not the outright termination of the project; and

1.17 WHEREAS, the federal government's failure to meet its 1998 statutory and legal
1.18 obligations to accept used fuel has led to the federal government's being found in partial breach of
1.19 the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of
1.20 about \$1,000,000,000 thus far; and

1.21 WHEREAS, in light of the federal government's failure to meet its responsibility, the
1.22 commercial nuclear industry has embraced an integrated nuclear fuel management program
1.23 incorporating:

2.1 (1) continued safe and secure storage of used fuel at commercial plant sites;

2.2 (2) development of two Nuclear Regulatory Commission-licensed private or
2.3 government-owned centralized interim storage facilities in communities that would host such
2.4 facilities voluntarily;

2.5 (3) continued public and private sector efforts on research, development, and deployment of
2.6 technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant,
2.7 and commercially viable way; and

2.8 (4) continued review of the permanent repository license application by the Nuclear
2.9 Regulatory Commission and continued policymaker engagement to ensure the safety and security
2.10 of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of
2.11 the once-through or close nuclear fuel cycle; and

2.12 WHEREAS, several prominent national state officials' organizations, the National
2.13 Conference of State Legislatures, the National Association of Regulatory Utility Commissioners,
2.14 and the American Legislative Exchange Council, have all endorsed immediate establishment of
2.15 centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary
2.16 host communities and continued research on the recycling of fuel and other advanced fuel
2.17 management technologies; NOW, THEREFORE,

2.18 BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the President
2.19 and the Congress of the United States to protect nuclear utility ratepayers by immediately reducing
2.20 the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the
2.21 costs incurred by the Department of Energy, Nuclear Regulatory Commission, and local Nevada
2.22 government units that provide oversight of the permanent used fuel repository program; and

2.23 BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it urges
2.24 the United States government to immediately enact legislation expediting the establishment of
2.25 two Nuclear Regulatory Commission-licensed, private, or government-owned interim storage
2.26 facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear
2.27 Waste Fund, and requiring the Department of Energy to take possession of, safely transport, and
2.28 store used fuel at these facilities by leasing space at these facilities, and giving first priority to
2.29 moving fuel from decommissioned plants; and

2.30 BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it urges the
2.31 United States government to enact legislation creating an independent panel of esteemed public
2.32 policy, scientific, environmental, engineering, and affected community leaders that would be
2.33 charged with conducting a long-term strategic assessment of the nation's used fuel and defense

3.1 waste management practices and developing specific recommendations on how to proceed in the
3.2 future while interim storage facilities are being developed; and

3.3 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is
3.4 directed to prepare copies of this memorial and transmit them to the President of the United
3.5 States, the United States Secretary of Energy, the President and the Secretary of the United States
3.6 Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's
3.7 Senators and Representatives in Congress.