

***Resolution Supporting NARUC Intervention in the Lawsuit Against the  
Department of Energy***

**WHEREAS**, The United States Court of Appeals recognized that Section 302(a)(5)(B) of the Nuclear Waste Policy Act creates a legal obligation of the Department of Energy, reciprocal to the utilities' obligation to pay, to start disposing of spent nuclear fuel no later than January 31, 1998 and the Department chose not to appeal the Court's decision; *and*

**WHEREAS**, on November 15, 1996 NARUC sent a letter to the Department of Energy asking to know action it was taking to comply with the court decision; *and*

**WHEREAS**, on December 17, 1996, the Department sent a letter to the contract holders which stated that it "anticipates it will be unable to begin acceptance of spent nuclear fuel for disposal in a repository or interim storage facility by January 31, 1998."; *and*

**WHEREAS**, on January 31, 1997, 46 state agencies filed a joint petition requesting appropriate declaratory, injunctive and other affirmative relief to remedy the Department's failure and refusal to comply with the Nuclear Waste Policy Act and the Court's July 23, 1996, decision. A similar petition was filed by a consortium of utilities on the same day; *now, therefore, be it*

**RESOLVED**, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its Winter Meetings, in Washington D.C., recognizes its continuing interest in seeing that the federal government honor its obligation to begin disposing of spent nuclear fuel no later than January 31, 1998 hereby directs its General Counsel to intervene in the Joint Petition of *State of Michigan, et. al. v. U.S. Department of Energy*, U.S. Court of Appeals, Docket No. 97-1065.

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*Sponsored by the Committee on Electricity  
Adopted February 26, 1997*