ASSEMBLY JOINT RESOLUTION NO. 10—ASSEMBLYMEN BROOKS, FRIERSON, YEAGER, WATKINS, BENITEZ-THOMPSON; PAUL ANDERSON, ARAUJO, BILBRAY-AXELROD, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DALY, FLORES, FUMO, JAUREGUI, JOINER, MCCURDY II, MILLER, MONROE-MORENO, NEAL, OHRENSCHALL, SPIEGEL AND THOMPSON

MARCH 15, 2017

JOINT SPONSORS: SENATORS SEGERBLOM, FORD, CANCELA, SPEARMAN, CANNIZZARO; MANENDO, RATTI, ROBERSON AND WOODHOUSE

Referred to Committee on Commerce and Labor

SUMMARY—Expresses opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada. (BDR R-1012)

FISCAL NOTE: Effect on Local Government: No. 
Effect on the State: No.

EXPLANATION – Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Expressing opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada.

WHEREAS, Since 1954, when the Atomic Energy Act was passed by Congress, the Federal Government has been responsible for the disposal of radioactive waste, yet few environmental challenges have proven more daunting than the problems posed by the disposal of spent nuclear fuel and high-level radioactive waste; and

WHEREAS, Pursuant to the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§ 10101 et seq., as amended, the Department of Energy has been studying Yucca Mountain in southern Nevada as a possible
WHEREAS, In 1987, Congress amended the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§ 10101 et seq., specifying Yucca Mountain as the sole location for the placement of a national repository for spent nuclear fuel and high-level radioactive waste; and

WHEREAS, The State of Nevada has since opposed the placement of a repository for spent nuclear fuel and high-level radioactive waste in the State due to the extremely dangerous nature of such waste, the persistence of that danger for an extended period of time, the potential harm to the environment of the State and the serious and unacceptable hazard to the health and welfare of the people of Nevada that is posed by the placement of such a repository in the State; and

WHEREAS, The transportation of spent nuclear fuel and high-level radioactive waste to a repository at Yucca Mountain poses serious and unacceptable risks to the environment, economy and residents of Las Vegas, Nevada, the largest city in the State; and

WHEREAS, In 2001, the Nevada Legislature enacted NRS 353.2655 creating the Nevada Protection Account which must be used to protect the State of Nevada and its residents through funding activities to prevent the location of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain; and

WHEREAS, In 2002, the United States Senate and House of Representatives approved the site at Yucca Mountain as a repository for spent nuclear fuel and high-level radioactive waste, thereby overriding the notice of disapproval submitted by the Governor of the State of Nevada; and

WHEREAS, On June 3, 2008, the Department of Energy submitted to the Nuclear Regulatory Commission a license application for construction authorization of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain; and

WHEREAS, On March 3, 2010, the Department of Energy filed a motion with the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission whereby the Department moved to withdraw the pending license application that was filed in 2008 and asked the Board to dismiss its application with prejudice; and

WHEREAS, The Atomic Safety and Licensing Board denied the Department of Energy’s motion on June 29, 2010; and

WHEREAS, In 2011, after stating that it found itself evenly divided on whether to take the affirmative action of overturning or upholding the June 29, 2010, decision by the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission suspended
the licensing adjudicatory proceeding that began with such decision; and

WHEREAS, For the Fiscal Year 2012, the United States Congress ended funding of the repository at Yucca Mountain and has not subsequently appropriated any new funds to the Department of Energy or the Nuclear Regulatory Commission for this purpose; and

WHEREAS, In 2012, the Blue Ribbon Commission on America’s Nuclear Future, in fulfilling its purpose to conduct a comprehensive review of the policies for managing nuclear waste, reported that any future repository for spent nuclear fuel and high-level radioactive waste should be selected with the consent of the potentially affected state, tribal and local governments; and

WHEREAS, In 2013, the United States Court of Appeals for the District of Columbia Circuit in In re Aiken County, 725 F.3d 255, 259 (D.C. Cir. 2013), ruled that the Nuclear Regulatory Commission had an obligation to resume the licensing proceeding for the repository at Yucca Mountain that was suspended in 2011 using the remaining funds from previous appropriations, notwithstanding the objections by the Commission that the funds were insufficient to complete the licensing proceeding; and

WHEREAS, The Nuclear Regulatory Commission has insufficient funds to complete the licensing proceeding for the repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain, has expended the majority of its remaining funds for the licensing proceeding for such a repository and has not received any additional funds to continue the licensing proceeding for such a repository; and

WHEREAS, The United States Congress is considering various legislation concerning nuclear waste, including S.95, introduced by Senator Dean Heller, and H.R.456, introduced by Representative Dina Titus, both of which are entitled the Nuclear Waste Informed Consent Act and which would extend the right of consent to the State of Nevada before the repository at Yucca Mountain could be authorized for development; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature protests, in the strongest possible terms, any attempt by the United States Congress to resurrect the dangerous and ill-conceived repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain; and be it further

RESOLVED, That the Nevada Legislature calls on President Donald J. Trump to veto any legislation that would attempt to locate any temporary, interim or permanent repository or storage facility for spent nuclear fuel and high-level radioactive waste in the State of Nevada; and be it further
RESOLVED, That the Nevada Legislature calls on Rick Perry, the Secretary of Energy, to find the proposed repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain unsuitable, to abandon consideration of Yucca Mountain as a repository site, and to initiate a process whereby the nation can again engage in innovative and ultimately successful strategies for dealing with the problems of spent nuclear fuel and high-level radioactive waste; and be it further

RESOLVED, That the Nevada Legislature formally restates its strong and unyielding opposition to the development of Yucca Mountain as a repository for spent nuclear fuel and high-level radioactive waste and to the storage or disposal of spent nuclear fuel and high-level radioactive waste in the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and constitutes the official position of the Nevada Legislature.