
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.

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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.

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

7 WHEREAS, Pursuant to the Nuclear Waste Policy Act of 1982,
8 42 U.S.C. §§ 10101 et seq., as amended, the Department of Energy
9 has been studying Yucca Mountain in southern Nevada as a possible



1 site for a repository for spent nuclear fuel and high-level radioactive
2 waste; and

3 WHEREAS, In 1987, Congress amended the Nuclear Waste
4 Policy Act of 1982, 42 U.S.C. §§ 10101 et seq., specifying Yucca
5 Mountain as the sole location for the placement of a national
6 repository for spent nuclear fuel and high-level radioactive waste;
7 and

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

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

20 WHEREAS, In 2001, the Nevada Legislature enacted NRS
21 353.2655 creating the Nevada Protection Account which must be
22 used to protect the State of Nevada and its residents through funding
23 activities to prevent the location of a repository for spent nuclear
24 fuel and high-level radioactive waste at Yucca Mountain; and

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

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

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

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

42 WHEREAS, In 2011, after stating that it found itself evenly
43 divided on whether to take the affirmative action of overturning or
44 upholding the June 29, 2010, decision by the Atomic Safety and
45 Licensing Board, the Nuclear Regulatory Commission suspended



1 the licensing adjudicatory proceeding that began with such decision;
2 and

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

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

13 WHEREAS, In 2013, the United States Court of Appeals for the
14 District of Columbia Circuit in *In re Aiken County*, 725 F.3d 255,
15 259 (D.C. Cir. 2013), ruled that the Nuclear Regulatory
16 Commission had an obligation to resume the licensing proceeding
17 for the repository at Yucca Mountain that was suspended in 2011
18 using the remaining funds from previous appropriations,
19 notwithstanding the objections by the Commission that the funds
20 were insufficient to complete the licensing proceeding; and

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

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

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

41 RESOLVED, That the Nevada Legislature calls on President
42 Donald J. Trump to veto any legislation that would attempt to locate
43 any temporary, interim or permanent repository or storage facility
44 for spent nuclear fuel and high-level radioactive waste in the State
45 of Nevada; and be it further



1 RESOLVED, That the Nevada Legislature calls on Rick Perry, the
2 Secretary of Energy, to find the proposed repository for spent
3 nuclear fuel and high-level radioactive waste at Yucca Mountain
4 unsuitable, to abandon consideration of Yucca Mountain as a
5 repository site, and to initiate a process whereby the nation can
6 again engage in innovative and ultimately successful strategies for
7 dealing with the problems of spent nuclear fuel and high-level
8 radioactive waste; and be it further

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

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

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

