

ASSEMBLY JOINT RESOLUTION NO. 4—ASSEMBLYMEN
OHRENSCHALL, PARKS, ANDERSON, ANGLE, BUCKLEY,
CARPENTER, CHRISTENSEN, CONKLIN, DENIS, GERHARDT,
GOICOECHEA, HOGAN, HOLCOMB, HORNE, KIRKPATRICK,
KOIVISTO, MANENDO, MCCLAIN, MORTENSON, MUNFORD,
OCEGUERA, PARNELL, PERKINS AND PIERCE

MARCH 3, 2005

JOINT SPONSORS: SENATORS CARE AND TITUS

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Urges Federal Government to recognize unsuitability
of Yucca Mountain as site for repository to store and
dispose of spent nuclear fuel and high-level
radioactive waste. (BDR R-199)

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—Urging the Federal
Government to recognize the unsuitability of Yucca
Mountain as the site for a repository to store and dispose
of spent nuclear fuel and high-level radioactive waste.

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, In July 2002, despite seemingly inadequate standards
8 set by the Environmental Protection Agency and on the
9 recommendation of the Secretary of Energy, President Bush signed
10 legislation designating Yucca Mountain as suitable for the nations’



1 interim nuclear waste repository without regard to the constant and
2 vigorous objections of the political leaders and residents of the State
3 of Nevada, and ignoring the underlying geologic isolation
4 requirements set by Congress; and

5 WHEREAS, The recommendation of Yucca Mountain was not
6 only premature but also flawed, especially given the Department of
7 Energy's failure to conduct a comprehensive evaluation of the
8 socioeconomic, environmental and public health and safety impacts,
9 both within Nevada and within communities along national shipping
10 routes; and

11 WHEREAS, Not only is the proposed repository in one of the
12 most geologically active areas in the nation but, according to the
13 Agency for Nuclear Projects, it is "the only repository under
14 consideration in the world that is located above the water table, not
15 below it"; and

16 WHEREAS, Even if risks related to geologic disposal are ignored,
17 the designation of Yucca Mountain is of particular concern because
18 of its location within an area rife with seismic and hydrothermal
19 activity and because of its proximity to numerous fractures and
20 earthquake faults, which could lead to underground contamination;
21 and

22 WHEREAS, As more problems are revealed, the Department of
23 Energy has gravitated from the concept of geologic isolation and
24 now is relying almost exclusively on "engineered barriers" to keep
25 radiological materials from migrating out of the repository and into
26 the environment, essentially ignoring the foundational
27 recommendation of the National Academy of Sciences that
28 manmade materials not be used to compensate for faulty geology or
29 hydrology; and

30 WHEREAS, The Nuclear Energy Institute has declared that the
31 repository can be licensed "without the mountain," yet, if that is
32 true, if the mountain is irrelevant and waste packages can be made
33 to last for 10,000 years, why make tens of thousands of shipments of
34 radioactive waste through the nation's cities to a site as seismically
35 adverse as Yucca Mountain; and

36 WHEREAS, In July 2004, the U.S. Court of Appeals for the D.C.
37 Circuit threw out a radiation safety standard set by the
38 Environmental Protection Agency, finding that the Nuclear
39 Regulatory Commission "breached its duty" to protect the health
40 and safety of the public by limiting repository performance
41 standards to 10,000 years, essentially ignoring the National
42 Academy of Sciences when it recommended that the standard
43 exceed 300,000 years; and



1 WHEREAS, The recent court decision has not only delayed the
2 licensing process, but the Department of Energy has stated that they
3 are unable to meet a standard longer than 10,000 years; and

4 WHEREAS, The Department of Energy contends it is better to
5 have all nuclear waste at a single location rather than scattered
6 around the country, yet this contention is flawed because Yucca
7 Mountain will be at capacity by the time it is finally deemed to be
8 ready for use, effectively putting to rest the "one safe site" idea; and

9 WHEREAS, Those within the nuclear industry itself have
10 commented that storing high-level waste at a centralized location is
11 no longer essential and, in fact, permits have been filed to build new
12 nuclear power plants with on-site storage and to increase storage at
13 existing plants, the sites of which are already protected by
14 comprehensive security plans; and

15 WHEREAS, The Department of Energy's own analysis of Yucca
16 Mountain suggests there would be fewer deaths and injuries if the
17 Department allowed the waste to continue to be stored at existing
18 power plants and storage sites until a safe and permanent site and
19 transportation proposal can be confirmed; and

20 WHEREAS, Ninety percent of the waste to be shipped to Yucca
21 Mountain is now located east of the Mississippi and, if transported,
22 will impact at least 44 states, hundreds of cities, thousands of
23 communities and nearly 50 million Americans who reside within 3
24 miles of potential shipping routes; and

25 WHEREAS, The Caliente corridor has been designated as part of
26 the transportation route, the designation of which is being contested,
27 particularly since flooding occurred in that area in January 2005,
28 eroding approach embankments and causing railroad tracks to be
29 washed away, which led to 5 to 10 trains to be rerouted through
30 Reno; and

31 WHEREAS, Compounding the transportation issue is the fact
32 that, even without an accident, Nevada's economy stands to lose
33 upwards of \$5.5 billion annually as a result of the stigmatizing
34 effects of the repository and the transportation of nuclear waste
35 through the State; and

36 WHEREAS, As early as 1986, the Department of Energy
37 acknowledged the potential for impacts to a tourism-dependent
38 economy, an issue of great concern in Nevada, stating "the potential
39 for adverse public perception of a repository and its associated
40 waste transportation could adversely affect the tourism industry";
41 and

42 WHEREAS, Given the unique reliance of Nevada's economy on
43 the State's ability to attract tourists, any impacts that reduce the
44 number of visitors, especially to Las Vegas, would have major
45 economic consequences for this State, leading to direct fiscal



1 consequences for local governments as it is predicted that, even
2 without an accident, visitor spending will decline by 7 percent,
3 reducing local government tax revenues by \$91 million annually;
4 and

5 WHEREAS, Not only is Nevada itself ranked the fastest growing
6 state in the nation but the Las Vegas Valley, in particular, is one of
7 the fastest growing areas in the nation, with Henderson, North Las
8 Vegas and Las Vegas being among the top six fastest growing cities
9 in the country, which further raises concerns because Yucca
10 Mountain is located just 90 miles northwest of the Valley; and

11 WHEREAS, Recent setbacks include decreased funding by
12 Congress, delays in the licensing process and the backlog in review
13 by the Department of Energy of the documents to be submitted with
14 the application, of which there are more than 2 million documents
15 still in need of study; and

16 WHEREAS, The inescapable conclusion is that the Federal
17 Government is in no way prepared to deal with, or is even aware of,
18 the effects of the Yucca Mountain project on society and this
19 country; now, therefore, be it

20 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
21 NEVADA, JOINTLY, That numerous hurdles, including budget
22 shortfalls, an unresolved radiation health safety standard, and
23 transportation and corrosion issues, are cause for reconsidering
24 Yucca Mountain as the proposed site for a nuclear waste repository;
25 and be it further

26 RESOLVED, That President Bush is implored to remember a
27 pledge he made in Las Vegas on August 12, 2004, to "stand by the
28 decision of the courts and the Nuclear Regulatory Commission,"
29 and to live up to this promise by ordering the Department of Energy
30 to stop its work on a license for a nuclear waste repository in
31 Nevada; and be it further

32 RESOLVED, That despite the fact that voters in Nevada chose to
33 re-elect President Bush, a recent poll indicates that approximately
34 70 percent of Nevadans remain opposed to Yucca Mountain, an ill-
35 advised project based on bad science, bad law and bad public policy,
36 a choice that ignores better, less expensive and safer alternatives, a
37 choice which hinders, not helps, national security; and be it further

38 RESOLVED, That Nevada has already borne more than its fair
39 share of this nation's radioactive waste burdens, including, hosting
40 hundreds of nuclear weapons tests during the Cold War and hosting
41 the world's largest low-level and mixed radioactive waste disposal
42 facility at the Nevada Test Site, which is also controlled by the
43 Department of Energy; and be it further

44 RESOLVED, That the issue of how to dispose of nuclear waste,
45 the deadliest substance known to mankind, is of great importance,



1 requiring decisions to be based on “sound science,” as was promised
2 Nevada and the nation in 2000, before it is put on the roads,
3 railways and waterways of this country; and be it further

4 RESOLVED, That with the abundance of safe, economical dry
5 storage facilities at existing reactor sites, there is no current spent
6 fuel emergency and nuclear power plants face no risk of shutdown,
7 the residents and political leaders of the State of Nevada urge
8 President Bush and Congress and all involved agencies to recognize
9 the unsuitability of Yucca Mountain as the site for a repository to
10 store and dispose of spent nuclear fuel and high-level radioactive
11 waste; and be it further

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

18 RESOLVED, That this resolution becomes effective upon
19 passage.



