

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, Ocegüera, Parnell, Perkins and Pierce

Joint Sponsors: Senators Care and Titus

FILE NUMBER.....

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.

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, In July 2002, despite seemingly inadequate standards set by the Environmental Protection Agency and on the recommendation of the Secretary of Energy, President Bush signed legislation designating Yucca Mountain as suitable for the nation's only repository for high-level radioactive waste and spent nuclear fuel without regard to the constant and vigorous objections of the political leaders and residents of the State of Nevada, and ignoring the underlying geologic isolation requirements set by Congress; and

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

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

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

WHEREAS, As more problems are revealed, the Department of Energy has gravitated from the concept of geologic isolation and

now is relying almost exclusively on “engineered barriers” to keep radiological materials from migrating out of the repository and into the environment, essentially ignoring the foundational recommendation of the National Academy of Sciences that manmade materials not be used to compensate for faulty geology or hydrology; and

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

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

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

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

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

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

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

WHEREAS, An area identified as the Caliente rail corridor has been designated as part of the transportation route, the designation

of which is being contested, particularly since flooding occurred in that area in January 2005, eroding approach embankments and causing railroad tracks to be washed away, which led to 5 to 10 trains to be rerouted through Reno; and

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

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

WHEREAS, Given the unique reliance of Nevada's economy on the State's ability to attract tourists, any impacts that reduce the number of visitors, especially to Las Vegas, would have major economic consequences for this State, leading to direct fiscal consequences for local governments as it is predicted that, even without an accident, visitor spending will decline by 7 percent, reducing local government tax revenues by \$91 million annually; and

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

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

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

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

RESOLVED, That President Bush is implored to remember a pledge he made in Las Vegas on August 12, 2004, to "stand by the

decision of the courts and the Nuclear Regulatory Commission,” and to live up to this promise by ordering the Department of Energy to stop its work on a license for a nuclear waste repository in Nevada; and be it further

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

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

RESOLVED, That the issue of how to dispose of nuclear waste, the deadliest substance known to mankind, is of great importance, requiring decisions to be based on “sound science,” as was promised Nevada and the nation in 2000, before it is put on the roads, railways and waterways of this country; and be it further

RESOLVED, That with the abundance of safe, economical dry storage facilities at existing reactor sites, there is no current spent fuel emergency and nuclear power plants face no risk of shutdown, the residents and political leaders of the State of Nevada urge President Bush and Congress and all involved agencies 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; 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.