

ASSEMBLY JOINT RESOLUTION NO. 1—ASSEMBLYMEN FRIERSON, BENITEZ-THOMPSON, YEAGER, FLORES, SWANK; ASSEFA, BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DALY, DURAN, FUMO, GORELOW, JAUREGUI, MARTINEZ, MCCURDY, MILLER, MONROE-MORENO, MUNK, NEAL, NGUYEN, PETERS, SPIEGEL, SPRINKLE, THOMPSON, TORRES AND WATTS

FEBRUARY 18, 2019

Read and Adopted

SUMMARY—Expresses objection to the transfer of radioactive plutonium to this State. (BDR R-977)

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 objection to the transfer of radioactive plutonium to this State.

1 WHEREAS, Since 1954, when the Atomic Energy Act was
2 passed by Congress, the Federal Government has been responsible
3 for the regulation of nuclear materials, yet few environmental
4 challenges have proven more daunting than the problems posed by
5 the storage and disposal of nuclear materials; and

6 WHEREAS, The transportation of highly radioactive, weapons-
7 grade plutonium to the Nevada National Security Site in southern
8 Nevada poses serious and unacceptable risks to the environment, the
9 economy and the health and welfare of the residents of the State of
10 Nevada; and

11 WHEREAS, The United States Department of Energy failed to
12 fulfill its statutory obligations pursuant to 50 U.S.C. § 2566(c)(1),
13 causing a federal district court in South Carolina to order the
14 removal of highly radioactive, weapons-grade plutonium from the
15 State of South Carolina by January 1, 2020; and



1 WHEREAS, In April 2018, the Department of Energy informed
2 the State of Nevada of a potential proposal to ship plutonium from
3 the State of South Carolina to the State of Nevada; and

4 WHEREAS, In August 2018, the Department of Energy publicly
5 announced in the release of the “Supplement Analysis for the
6 Removal of One Metric Ton of Plutonium from the State of South
7 Carolina to Nevada, Texas, and New Mexico” its intent to transfer
8 up to 1 metric ton of plutonium from South Carolina to Nevada or
9 Texas; and

10 WHEREAS, Pursuant to 42 U.S.C. § 4332, federal agencies are
11 required, “to the fullest extent possible,” to prepare an
12 environmental impact statement for all “major Federal actions
13 significantly affecting the quality of the human environment”; and

14 WHEREAS, In its Supplement Analysis from August 2018, the
15 United States Department of Energy declined to prepare an
16 environmental impact statement for the transportation to and
17 indefinite storage of up to 1 metric ton of highly radioactive,
18 weapons-grade plutonium in this State, failing to consider any of at
19 least five alternatives which would pose a lower risk of
20 environmental damage and failing to update previous studies to
21 account for the health and safety risks of the indefinite storage of 1
22 metric ton of highly radioactive, weapons-grade plutonium at the
23 Nevada National Security Site, less than 100 miles away from the
24 Las Vegas metropolitan area which hosts over 2,200,000 residents
25 and more than 42,000,000 tourists each year; and

26 WHEREAS, The Supplement Analysis also made use of
27 antiquated information regarding the Las Vegas metropolitan area
28 and thus failed to account for significant changes in population,
29 population density, highway construction, traffic flows, accident
30 rates and a variety of other factors related to minimizing the
31 tremendous risks inherent in transporting hazardous and dangerous
32 materials, like highly radioactive, weapons-grade plutonium; and

33 WHEREAS, The State of Nevada expressed its strong opposition
34 to a transfer of plutonium to the State and commenced discussions
35 with the Department of Energy to address the concerns of the State
36 with the transfer of the plutonium, during which the Department of
37 Energy assured the State of Nevada that the Department would not
38 commence the shipment of the plutonium; and

39 WHEREAS, On November 30, 2018, the State of Nevada filed a
40 complaint in federal district court and requested a preliminary
41 injunction to halt the transfer of plutonium into this State; and

42 WHEREAS, On January 30, 2019, the United States Department
43 of Energy informed the United States District Court for the District
44 of Nevada that one-half metric ton of plutonium had already been
45 transferred to the Nevada National Security Site sometime before



1 November 2018, and before the commencement of the litigation;
2 and

3 WHEREAS, On January 30, 2019, the United States District
4 Court for the District of Nevada denied the State of Nevada's
5 request for a preliminary injunction to halt the transfer of plutonium
6 into the State; and

7 WHEREAS, On February 4, 2019, the State of Nevada announced
8 its intent to appeal the District Court's denial of the request for a
9 preliminary injunction to the United States Court of Appeals for the
10 Ninth Circuit; and

11 WHEREAS, The State of Nevada was neither properly informed
12 of nor consented to the transfer of plutonium into this State; now,
13 therefore, be it

14 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
15 NEVADA, JOINTLY, That the Nevada Legislature protests, in the
16 strongest possible terms, any transfer of plutonium or any other
17 radioactive waste or materials to the Nevada National Security Site
18 in southern Nevada; and be it further

19 RESOLVED, That the Nevada Legislature formally calls on
20 James Richard "Rick" Perry, the United States Secretary of Energy,
21 to halt immediately any future shipments of plutonium or other
22 radioactive waste or materials to the State of Nevada, to inform
23 appropriate officials of the State of Nevada of a timeline for the
24 removal from this State of the plutonium shipped from the State of
25 South Carolina and to adequately and timely inform appropriate
26 officials of the State of Nevada of any future plans of the United
27 States Department of Energy to transfer plutonium or other
28 radioactive waste or materials to this State; and be it further

29 RESOLVED, That the Nevada Legislature formally restates its
30 strong and unyielding opposition to the storage or disposal of
31 nuclear materials in the State of Nevada without its knowledge or
32 consent; and be it further

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

39 RESOLVED, That this resolution becomes effective upon
40 passage.

