

---

---

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, 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.

~

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, often  
15 referred to as “defense plutonium,” from the State of South Carolina  
16 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 defense  
3 plutonium from the State of South Carolina to the State of Nevada;  
4 and

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

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

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

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

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

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

44 WHEREAS, On January 30, 2019, the United States Department  
45 of Energy informed the United States District Court for the District



1 of Nevada that one-half metric ton of the plutonium had already  
2 been transferred to the Nevada National Security Site sometime  
3 before November 2018, and before the commencement of the  
4 litigation; and

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

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

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

16 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF  
17 NEVADA, JOINTLY, That the Nevada Legislature protests, in the  
18 strongest possible terms, any transfer of South Carolina defense  
19 plutonium or any other highly radioactive materials, including,  
20 without limitation, high-level radioactive waste as defined in NRS  
21 459.910, to the Nevada National Security Site in southern Nevada;  
22 and be it further

23 RESOLVED, That the Nevada Legislature formally calls on  
24 James Richard "Rick" Perry, the United States Secretary of Energy,  
25 to halt immediately any future shipments of South Carolina defense  
26 plutonium or any other highly radioactive materials, including,  
27 without limitation, high-level radioactive waste as defined in NRS  
28 459.910, to the State of Nevada, to inform appropriate officials of  
29 the State of Nevada of a timeline for the removal from this State of  
30 the plutonium shipped from the State of South Carolina and to  
31 adequately and timely inform appropriate officials of the State of  
32 Nevada of any future plans of the United States Department of  
33 Energy to transfer South Carolina defense plutonium or any highly  
34 radioactive materials, including, without limitation, high-level  
35 radioactive waste as defined in NRS 459.910, to this State; and be it  
36 further

37 RESOLVED, That the Nevada Legislature formally restates its  
38 strong and unyielding opposition to the storage or disposal of South  
39 Carolina defense plutonium or any other highly radioactive  
40 materials, including without limitation, high-level radioactive waste  
41 as defined in NRS 459.910, in the State of Nevada without its  
42 knowledge or consent; and be it further

43 RESOLVED, That the Chief Clerk of the Assembly prepare and  
44 transmit a copy of this resolution to the President of the United  
45 States, the Vice President of the United States as the presiding



1 officer of the Senate, the Speaker of the House of Representatives,  
2 the United States Secretary of Energy and each member of the  
3 Nevada Congressional Delegation; and be it further  
4 RESOLVED, That this resolution becomes effective upon  
5 approval.

③

