

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

FILE NUMBER.....

**ASSEMBLY JOINT RESOLUTION—Expressing objection to the transfer of radioactive plutonium to this State.**

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

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

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

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

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

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

WHEREAS, In its Supplement Analysis from August 2018, the United States Department of Energy declined to prepare an environmental impact statement for the transportation to and



indefinite storage of up to 1 metric ton of highly radioactive, weapons-grade plutonium in this State, failing to consider any of at least five alternatives which would pose a lower risk of environmental damage and failing to update previous studies to account for the health and safety risks of the indefinite storage of 1 metric ton of highly radioactive, weapons-grade plutonium at the Nevada National Security Site, less than 100 miles away from the Las Vegas metropolitan area which hosts over 2,200,000 residents and more than 42,000,000 tourists each year; and

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

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

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

WHEREAS, On January 30, 2019, the United States Department of Energy informed the United States District Court for the District of Nevada that one-half metric ton of the plutonium had already been transferred to the Nevada National Security Site sometime before November 2018, and before the commencement of the litigation; and

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

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

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



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

RESOLVED, That the Nevada Legislature formally calls on James Richard “Rick” Perry, the United States Secretary of Energy, to halt immediately any future shipments of South Carolina defense plutonium or any other highly radioactive materials, including, without limitation, high-level radioactive waste as defined in NRS 459.910, to the State of Nevada, to inform appropriate officials of the State of Nevada of a timeline for the removal from this State of the plutonium shipped from the State of South Carolina and to adequately and timely inform appropriate officials of the State of Nevada of any future plans of the United States Department of Energy to transfer South Carolina defense plutonium or any highly radioactive materials, including, without limitation, high-level radioactive waste as defined in NRS 459.910, to this State; and be it further

RESOLVED, That the Nevada Legislature formally restates its strong and unyielding opposition to the storage or disposal of South Carolina defense plutonium or any other highly radioactive materials, including without limitation, high-level radioactive waste as defined in NRS 459.910, in the State of Nevada without its knowledge or consent; 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 United States Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon approval.



