

SENATE JOINT RESOLUTION NO. 4—SENATORS JAMES, PORTER, TITUS, RAWSON, CARLTON, AMODEI, CARE, COFFIN, MATHEWS, MCGINNESS, O’CONNELL, O’DONNELL, RAGGIO, RHOADS, SCHNEIDER, TOWNSEND, WASHINGTON AND WIENER

FEBRUARY 8, 1999

JOINT SPONSORS: ASSEMBLYMEN PERKINS, BUCKLEY, CEGAVSKE, GIBBONS, WILLIAMS, ANDERSON, ANGLE, BACHE, BERMAN, CARPENTER, CHOWNING, CLABORN, COLLINS, DE BRAGA, EVANS, FREEMAN, GIUNCHIGLIANI, GUSTAVSON, HETTRICK, HUMKE, KOIVISTO, LEE, MANENDO, MCCLAIN, MORTENSON, NEIGHBORS, OHRENSCHALL, PARKS, PRICE, SEGERBLOM, THOMAS, TIFFANY AND VON TOBEL

Declared an Emergency Measure

SUMMARY—Urges Congress not to enact Nuclear Waste Policy Act of 1999. (BDR R-1449)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging the Congress of the United States not to enact the Nuclear Waste Policy Act of 1999.

- 1 WHEREAS, Few environmental challenges have proven more daunting
- 2 than the problems posed by high-level nuclear waste; and
- 3 WHEREAS, The proposed Nuclear Waste Policy Act of 1999 is a
- 4 disastrous response to these problems and if enacted would attack state
- 5 authority, create massive taxpayer liabilities and unwisely require an
- 6 “interim” storage facility for high-level nuclear waste which would directly
- 7 threaten the environment; and
- 8 WHEREAS, By requiring construction of an “interim” storage facility at
- 9 the Nevada Test Site, the proposed Nuclear Waste Policy Act of 1999
- 10 would require the unprecedented shipment of high-level nuclear waste

1 through 43 states endangering the lives of fifty million American citizens
2 who live within one-half mile of the proposed transportation routes; and

3 WHEREAS, Although there is the expectation that high-level nuclear
4 waste at reactors will eventually have to be moved, the provisions of the
5 Nuclear Waste Policy Act of 1999 exacerbate the risk of this dangerous
6 activity; and

7 WHEREAS, Despite the serious flaws with the proposed Yucca Mountain
8 site, studies are being conducted to determine whether the site is capable of
9 hosting a permanent repository for high-level nuclear waste, but if enacted,
10 the Nuclear Waste Policy Act of 1999 would prejudice those studies by
11 explicitly revoking federal regulations that establish guidelines for
12 determining the suitability of the site; and

13 WHEREAS, Upon the revocation of such regulations, requirements for
14 establishing the characteristics of the site, such as the time it takes for water
15 to travel and climactic stability, would be eliminated, thereby undermining
16 the integrity of any determination regarding the suitability of the site for the
17 storage of high-level nuclear waste; and

18 WHEREAS, A major cause for concern in designating the Nevada Test
19 Site as the "interim" storage facility is the high seismic activity that has
20 been taking place in the area, including seven earthquakes just last month at
21 3.0 or greater with three jolts recorded at a magnitude of between 4.3 and
22 4.7 that struck at the eastern edge of the site; and

23 WHEREAS, Geologists have expressed concern over this seismic activity
24 stating that these recent earthquakes are part of a swarm of tremblors that
25 have occurred along the Rock Valley Fault zone, including a 5.8 magnitude
26 quake on June 29, 1992, at Little Skull Mountain, which knocked out
27 windows, cracked walls and brought down ceiling panels at a fields
28 operations center approximately 12 miles from the site of the proposed
29 repository; and

30 WHEREAS, Federal law directs the Environmental Protection Agency to
31 enact regulations to protect the environment from repository radiation
32 releases, but the Nuclear Waste Policy Act of 1999 prohibits all efforts of
33 the Environmental Protection Agency to carry out this responsibility; and

34 WHEREAS, The reality is that the Nuclear Waste Policy Act of 1999
35 would create a single performance standard that would allow annual
36 radiation exposures of up to 100 millirems to an average member of the
37 surrounding population, a level four times the amount allowed by
38 regulation for storage facilities; and

39 WHEREAS, The Nuclear Waste Policy Act of 1999 contains broad
40 preemptions for environmental legislation including a provision stating that
41 any state or local law that is "inconsistent" with the requirements of the
42 proposed Act is preempted; and

1 WHEREAS, This proposed Act does not allow the Environmental Impact
2 Statement to question the size, need or timing of any "interim" storage
3 facility nor does it allow any questions relating to alternative locations or
4 design criteria; and

5 WHEREAS, The proposed "interim" storage facility site will have a
6 capacity of 40,000 MTUs which is sufficient space to store all of today's
7 commercial nuclear waste and the license is to be a 100-year renewable
8 license which suggests that this proposed "interim" storage facility is
9 expected to become permanent; now, therefore, be it

10 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
11 JOINTLY, That the members of the 70th session of the Nevada Legislature
12 do hereby urge the Congress of the United States not to enact the Nuclear
13 Waste Policy Act of 1999, H.R. 45; and be it further

14 RESOLVED, That the Nevada Legislature is opposed to any further
15 consideration of the use of the Nevada Test Site as a national site for the
16 disposal of high-level nuclear waste; and be it further

17 RESOLVED, That the Secretary of the Senate prepare and transmit a copy
18 of this resolution to the Vice President of the United States as the presiding
19 officer of the Senate, the Speaker of the House of Representatives and each
20 member of the Nevada Congressional Delegation; and be it further

21 RESOLVED, That this resolution becomes effective upon passage and
22 approval.