

# High-Level Radioactive Waste

BULLETIN NO. 15-15





**COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

**BULLETIN NO. 15-15**

**JANUARY 2015**



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SUMMARY OF RECOMMENDATIONS

**COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

*Nevada Revised Statutes 459.0085*

The Committee did not make any recommendations or propose any legislation for the 2015 Session of the Nevada Legislature.



**REPORT TO THE 78TH SESSION OF THE NEVADA LEGISLATURE  
BY THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

**I. INTRODUCTION**

Nevada's Committee on High-Level Radioactive Waste (HLRW) is an ongoing statutory committee of the Nevada Legislature whose authorization and duties are set forth in *Nevada Revised Statutes* (NRS) 459.0085 (Appendix A) and include studying and evaluating:

- Information and policies regarding the location of a facility for the disposal of high-level radioactive waste in Nevada;
- Any potential adverse effects from the construction and operation of a facility and ways of mitigating those effects;
- Any other policies relating to the disposal of high-level radioactive waste; and
- Recommendations concerning appropriate legislation to be presented to the Legislature and the Legislative Commission.

The Committee also provides a forum for discussion of high-level radioactive waste issues with federal, State, and local officials; representatives of special interest groups; and the public.

**A. COMMITTEE MEMBERS AND STAFF**

The following legislators served on the Committee during the 2013–2014 Legislative Interim:

Assemblywoman Maggie Carlton, Chair  
Senator David R. Parks, Vice Chair  
Senator Pete Goicoechea  
Senator Ruben J. Kihuen  
Senator Patricia (Pat) Spearman  
Assemblyman Richard Carrillo  
Assemblyman Joseph (Joe) M. Hogan  
Assemblyman James Oscarson

The Legislative Counsel Bureau (LCB) provided staff services to the Committee. Research Division staff included Diane C. Thornton, Senior Research Analyst, and Gayle Nadeau, Senior Research Secretary. Matthew S. Nichols, Principal Deputy Legislative Counsel, and Matt Mundy, Senior Deputy Legislative Counsel, provided staff services from the Legal Division.

## B. MEETINGS AND ACTIVITIES

The Committee held one meeting and participated in an informational tour of the Nevada National Security Site (NNSS) during the 2013–2014 Legislative Interim. The Committee also monitored the activities of the U.S. Nuclear Waste Technical Review Board, Nevada’s Commission on Nuclear Projects, and Nevada’s Agency for Nuclear Projects.

The following developments took place during the course of the 2013–2014 Legislative Interim:

- In October 2014, the Nuclear Regulatory Commission (NRC) released Volume 3, of the *Safety Evaluation Report (SAR) Related to Disposal of High-Level Radioactive Waste in a Geologic Repository at Yucca Mountain, Nevada*. The SAR is the NRC staff’s review and evaluation of the *Safety Analysis* report of the U.S. Department of Energy (DOE). The staff concluded that the repository at Yucca Mountain is comprised of multiple barriers and, based on evaluations, is in compliance with regulatory requirements, including limitations for individual protection, human intrusion, and standards for the protection of groundwater. Nevada’s Agency for Nuclear Projects issued a statement expressing concern over the partial release of the report creating “a false impression that the safety review has been completed.” (Appendix B)
- On August 27, 2014, the Interim Finance Committee approved a request for an allocation of \$610,752 for Nevada’s Agency for Nuclear Projects and a request for an allocation of \$765,400 for the Office of the Attorney General to fund the participation in the Yucca Mountain licensing proceeding pending before the NRC.
- On June 4, 2014, the Sunset Committee of the Legislative Commission (NRS 232B.210) voted to recommend the continuance of the Commission on Nuclear Projects (NRS 459.0091) without any revisions. The Committee further recommended that a letter be sent to the Chair of the Legislative Committee on High-Level Radioactive Waste, recommending that in the interest of public safety the Committee introduce in the 78th Session a resolution urging the U.S. Congress to revise certain provisions of the Nuclear Waste Policy Act of 1982, as amended, relating to the definition of high-level radioactive waste and low-level radioactive waste.
- On April 7, 2014, William Boyle, Director of Used Nuclear Fuel Disposition and Development, U.S. Department of Energy, discussed the plans, the content, and the schedule for providing to the NRC the report, *Analysis of Postclosure Groundwater Impacts for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*. According to the DOE, the report will provide the NRC with substantially all the technical information necessary to create a draft Groundwater Supplemental Environmental Impact Statement (SEIS). Due to this, the DOE deferred to the NRC the preparation of the Groundwater SEIS.

- In November 2013, the NRC issued a memorandum and order consistent with the U.S. Court of Appeals mandamus decision. The order directed the NRC staff to complete the *Safety Evaluation* report, among other things. The NRC also requested the DOE to prepare a groundwater supplement to the Environmental Impact Statement (EIS) that the NRC staff has determined is needed for its review of the application under the National Environmental Policy Act (NEPA).
- On August 13, 2013, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision granting a writ of mandamus directing the NRC to resume the licensing process for the Yucca Mountain Repository. The NRC directed its staff to complete and issue the Safety Evaluation Report associated with the construction authorization application and to load Licensing Support Network documents.
- The Blue Ribbon Commission on America's Nuclear Future submitted its final report to the U.S. Secretary of Energy in January of 2012. The Commission studied, among other topics, how the country should dispose of high-level nuclear waste in both the short- and long-term. The Nuclear Waste Administration Act of 2013 (S.1240) follows the recommendations outlined in the report by establishing a new organization to manage nuclear waste, providing a consensual process for siting nuclear waste facilities, and ensuring adequate funding for managing nuclear waste.

The Committee has provided a forum for the discussion of high-level radioactive waste matters with federal, State, and local officials; special interest groups; and members of the public.

The Committee will continue to monitor: (1) activities related to the U.S. Court of Appeals for the District of Columbia Circuit's writ of mandamus directing the NRC to resume the licensing process for the Yucca Mountain Repository; (2) the DOE's attempt to permanently withdraw its Yucca Mountain License Application and the related legal challenges; (3) progress made by the White House Administration and Congress on implementing the recommendations of the Blue Ribbon Commission on America's Nuclear Future; and (4) any other pertinent activity in these or related areas.

For more information on the history of the federal nuclear waste program and Nevada's involvement in the Yucca Mountain Project, please see Bulletin No. 07-21, which is available at the Research Library of the Legislative Counsel Bureau in Carson City, Nevada, or online at: <http://www.leg.state.nv.us/Division/Research/Publications/DivStudyLegReport.cfm>.

## **II. REVIEW OF DEVELOPMENTS AFFECTING THE YUCCA MOUNTAIN PROJECT**

### **A. STATUS OF THE UNITED STATES DEPARTMENT OF ENERGY'S MOTION TO WITHDRAW THE LICENSE APPLICATION**

On March 3, 2010, the DOE filed a motion with the NRC Atomic Safety and Licensing Board to withdraw “with prejudice” its application for a permanent geologic repository at Yucca Mountain. The DOE motion states that “a geologic repository at Yucca Mountain is not a workable option for the long-term disposition” of high-level radioactive waste and, further, that dismissal of the application with prejudice will “provide finality” in ending the project.

On June 29, 2010, the three-judge Licensing Board ruled that the DOE could not withdraw the Yucca Mountain License Application. The DOE appealed the ruling to the full NRC, which in September 2011, announced that it was evenly split (2-2) on whether to overturn or uphold the Licensing Board’s ruling. Because of the split decision, the Licensing Board ruling stands. Congressional action to allocate zero funding to both the Yucca Mountain Project and the NRC’s licensing activities for the past two fiscal years means that both the project and the licensing review remain suspended.

The states of South Carolina and Washington; Aiken County, South Carolina; the National Association of Regulatory Utility Commissioners; several individuals from the State of Washington; and Nye County, Nevada, are all parties to a lawsuit filed in the federal Circuit Court of Appeals for the District of Columbia asking the Court to require the NRC to restart the suspended Yucca Mountain licensing hearing and render a decision regarding the granting of a license to construct the repository within 14 months. The NRC, U.S. Department of Justice, and State of Nevada have argued that suspension of the licensing proceeding occurred because there is no funding to continue, and it is, therefore, appropriate. On August 3, 2012, the Court held the case in abeyance and ordered the parties to file updates regarding the status of congressional appropriations no later than December 14, 2012.

### **B. FEDERAL ACTIONS**

#### ***Blue Ribbon Commission on America’s Nuclear Future***

On January 29, 2010, President Barack Obama released a memorandum directing the U.S. Secretary of Energy, Steven Chu, to create the Blue Ribbon Commission on America’s Nuclear Future (Commission). The Commission was to “conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle, including all alternatives for the storage, processing, and disposal of civilian and defense used nuclear fuel and nuclear waste.”

The Commission and its subcommittees held more than two dozen meetings between March 2010 and January 2012 to gather information from experts and stakeholders, visit nuclear waste management facilities, and discuss the many issues identified in its charter.

Five public meetings were also held at various locations across the U.S. in the fall of 2011 in order to receive feedback on the Commission's draft report before submitting the finalized version to the Secretary of Energy.

Noting in its transmittal letter accompanying the final report that it was not charged to serve as a siting body for a nuclear waste repository, the Commission explained that:

Accordingly, we have not evaluated Yucca Mountain or any other location as a potential site for the storage of spent nuclear fuel or disposal of high level waste, nor have we taken a position on the Administration's request to withdraw the Yucca Mountain License Application. What we have endeavored to do is recommend a sound waste management approach that can lead to the resolution of the current impasse; an approach that neither includes nor excludes Yucca Mountain as an option for a repository and can and should be applied regardless of what site or sites are ultimately chosen to serve as the permanent disposal facility for America's spent nuclear fuel and other high-level nuclear wastes.

The approach recommended by the Commission is based on an eight-part strategy, described as follows:

1. A new, consent-based approach to siting future nuclear waste management facilities.
2. A new organization dedicated solely to implementing the waste management program and empowered with the authority and resources to succeed.
3. Access to the funds nuclear utility ratepayers are providing for the purpose of nuclear waste management.
4. Prompt efforts to develop one or more geologic disposal facilities.
5. Prompt efforts to develop one or more consolidated storage facilities.
6. Prompt efforts to prepare for the eventual large-scale transport of spent nuclear fuel and high-level waste to consolidated storage and disposal facilities when such facilities become available.
7. Support for continued U.S. innovation in nuclear energy technology and for workforce development.
8. Active U.S. leadership in international efforts to address safety, waste management, nonproliferation, and security concerns.

In January 2013, the U.S. DOE released its report, *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste*, endorsing key principles of the Commission's report.

Implementation of the Commission's recommendations rests with the President of the U.S. and Congress and, it should be noted that, while some of the recommendations can be implemented immediately, some cannot occur without changes to current law. (For a summary of legislative recommendations see page viii of the Executive Summary, which can be accessed online at: [http://cybercemetery.unt.edu/archive/brc/20120620220235/http://brc.gov/sites/default/files/documents/brc\\_finalreport\\_jan2012.pdf](http://cybercemetery.unt.edu/archive/brc/20120620220235/http://brc.gov/sites/default/files/documents/brc_finalreport_jan2012.pdf).)

### ***Federal Legislation***

In June 2013, S.1240, known as the Nuclear Waste Administration Act, was introduced in the U.S. Senate. The bill seeks to implement the recommendations of the Commission's final report by removing it from the DOE and establishing a new independent government agency to manage high-level radioactive waste at the federal level. The bill requires consent of affected states, including written consent of the governors, communities, and Indian tribes, before developing facilities for storage and disposal of spent fuel and high-level waste, and it changes how future siting, characterization, licensing, and construction activities would be funded.

As has occurred in previous sessions, the 113th Congress has several pieces of legislation introduced regarding the Yucca Mountain Project. House of Representatives Bill 3895, the Energy Exploration and Production to Achieve National Demand Act (EXPAND), if passed, would require the NRC to make a determination regarding the suitability of Yucca Mountain and to reassess statutory limitations on the capacity of the repository for storage of radiological material.

On July 10, 2014, the U.S. House of Representatives passed the 2015 Energy and Water Development Act in H.R. 4923. The bill allots \$55 million for the NRC to support the continued licensing process and application for the Yucca Mountain high-level waste repository.

On July 30, 2013, the U.S. Senate Committee on Energy and Natural Resources held a full committee hearing to consider S.1240—the Nuclear Waste Administration Act. The United States Energy Secretary Ernest Moniz, Ph.D, testified at the oversight hearing.

## **III. ACTIVITIES OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

### **A. BACKGROUND ON THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

In 1985, the Nevada Legislature created the Committee on High-Level Radioactive Waste, along with Nevada's Commission on Nuclear Projects and Nevada's Agency for Nuclear Projects (ANP), to conduct State oversight of the Yucca Mountain Program. (See Appendix C for a copy of Senate Bill 55 [Chapter 211, *Statutes of Nevada 1985*].)

Based on past recommendations from the Committee, the Legislature adopted resolutions protesting the development of Yucca Mountain: Assembly Joint Resolution No. 4 (File No. 75, *Statutes of Nevada 2005*) and Senate Joint Resolution No. 6 (File No. 17, *Statutes of Nevada 2001*). The Committee made no recommendations for legislative action for the 2009 and 2013 Legislative Sessions.

Recommendations for the 2011 Session included three parallel measures broadening the jurisdictions of the ANP, the Committee on High-Level Radioactive Waste, and the Commission on Nuclear Projects (Senate Bills 119, 120, and 121, respectively) to cover a wider spectrum of nuclear waste and contamination. None of these measures were approved. A fourth measure (Senate Concurrent Resolution No. 2 [File No. 36, *Statutes of Nevada 2011*]) directed several entities, as funding allowed, to investigate the potential for Nevada to receive compensation from the federal government for environmental damage resulting from nuclear activities.

For information on the activities of the Committee in past interims, earlier bulletins of the Committee are available at the Research Library in Carson City or online at: <http://www.leg.state.nv.us/Division/Research/Publications/index.cfm>.

## **B. CURRENT ACTIVITIES OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

During the 2013–2014 Interim, the Committee on High-Level Radioactive Waste held one meeting in Las Vegas, Nevada, which was videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City.

The meeting of the Legislative Committee on High-Level Radioactive Waste took place on February 21, 2014. The Committee’s Policy Analyst, Diane C. Thornton, provided an overview of the Committee’s history and duties. Additionally, the Committee heard testimony from former U.S. Senator Richard H. Bryan, Chair, Nevada’s Commission on Nuclear Projects, on Nevada’s position on Yucca Mountain. Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, discussed the storage, transportation, and disposal of spent nuclear fuel on an international and national level. Testimony was heard from James M. Williams, Project Manager, western Interstate Energy Board, giving the Committee a Western regional perspective on the transportation of spent nuclear fuel and high-level waste. Next, Robert J. Halstead, Executive Director, ANP, gave the Committee an update on the activities of his agency, including:

- The current status of Yucca Mountain Project;
- An overview of current U.S. Nuclear Waste Policy;
- The Safety Case Against Yucca Mountain; and
- The Business Case Against Yucca Mountain.

Mr. Halstead summarized that Yucca Mountain should not be considered as a repository for the following issues: (1) active geologic environment; (2) oxidizing/corrosive subsurface environment; (3) high seismic/earthquake activity; (4) relatively young volcanic activity; (5) evidence of ground stretching with magma nearer the surface; and lastly, (6) rapid water movement.

Then, Marta A. Adams, Chief Deputy Attorney General, Nevada's Office of the Attorney General, updated the Committee on the litigation related to Yucca Mountain.

In addition to its mandated oversight functions, the Committee monitored the actions of the 112th Session of the U.S. Congress and the progress of the State of Nevada's various administrative and legal challenges to the Yucca Mountain Project, as well as gathered information on spent fuel nuclear waste disposal and transportation.

### **C. INFORMATIONAL TOUR**

The Committee's informational tour of the Nevada National Security Site was held on April 21, 2014. The NNSS, formerly known as the Nevada Test Site, is located 65 miles north of Las Vegas. In 1950, on the recommendation of the Atomic Energy Commission, President Harry S. Truman authorized the area as the Nevada Proving Grounds. With approximately 1,375 square miles, the NNSS has been the grounds for 100 atmospheric tests and 828 underground nuclear tests. Full-scale nuclear testing came to an end in 1992 when the United States entered into the Comprehensive Nuclear Test Ban with Russia and France. On September 23, 1992, the last underground test (code name "Divider") was conducted.

On the tour, the Committee visited the low-level and mixed-level radioactive waste management site known as the Radioactive Waste Management Complex. This disposal site has been in operation since 1961. A majority of the waste is generated from nuclear facilities across the country. Next, the Committee visited the Radiological/Nuclear Countermeasures Test and Evaluation Complex. This site aids federal agencies in the development and acquisition of nuclear detection systems for various points of entry such as border crossings, toll plazas, and bridges.

The Committee next visited the T-1 Site also known as the Radiological/Nuclear Weapons of Mass Destruction Exercise site. This site was home to a televised 29-kiloton nuclear detonation used to evaluate the effects on a "typical American community." Now this site serves as training grounds for emergency responders in the event of terrorist use of nuclear or radiological devices. The tour stopped by the Sedan Crater. As part of the Plowshare Program to develop peaceful applications of nuclear explosions, the crater is the result of a 104-kiloton thermonuclear device detonated 635 feet underground in July 1962. The explosion created a crater 1,280 feet in diameter and 320 feet in depth.

Scientists from the NNSS discussed the Stockpile Stewardship Program. With the moratorium on nuclear testing, the nation still needs to certify the safety and reliability of its weapons stockpile. The readiness of the stockpile is supported by experimental methods and computer modeling. Some of these methods and capabilities include:

- Subcritical Experiments—In subcritical experiments technical information is gained through high-explosive experiments that generate high pressures that are applied to nuclear materials.
- Joint Actinade Shock Physics Experimental Research (JASPER)—The experiments that occur with JASPER simulate those of a nuclear weapon due to the high shock pressures, temperature, and strain that occurs due to the velocity of the projectile forced from the two-stage gas gun.
- Big Explosives Experimental Facility (BEEF)—The BEEF facility uses conventional high-explosive experiments to gather information to support the Stockpile Stewardship Program.

#### **D. THE NATIONAL CONFERENCE OF STATE LEGISLATURES' HIGH-LEVEL RADIOACTIVE WASTE WORKING GROUP**

Committee members also serve on the Legislative High-Level Waste Working Group and the Environmental Management Legislative Roundtable of the National Conference of State Legislatures.

#### **E. MEETINGS MONITORED**

The Committee monitored meetings of the:

- *U.S. Nuclear Waste Technical Review Board (NWTRB)*: This Board was created to advise Congress and the Secretary of Energy, DOE, on the technical and scientific validity of the DOE's Civilian Radioactive Waste Program. Members are appointed by the President of the U.S. from a list of nationally recognized scientists recommended by the National Academy of Sciences. More information is available on the NWTRB's website at: <http://www.nwtrb.gov/>.
- *The Blue Ribbon Commission on America's Nuclear Future*: See the discussion on page 4 of this report for information on the Commission.

#### **IV. ACTIVITIES OF NEVADA'S COMMISSION ON NUCLEAR PROJECTS, AGENCY FOR NUCLEAR PROJECTS, AND LOCAL GOVERNMENT OVERSIGHT AGENCIES**

##### **A. COMMISSION ON NUCLEAR PROJECTS AND AGENCY FOR NUCLEAR PROJECTS**

Pursuant to the Nuclear Waste Policy Act, 42 U.S.C. §10101 et seq. (1982), the ANP was established in early 1983 by Executive Order of Governor Richard H. Bryan and placed within the Division of Minerals. In December 1983, the ANP was transferred to the Office of the Governor. In 1985, Senate Bill 56 (Chapter 680, *Statutes of Nevada*) created the Commission on Nuclear Projects and the responsibilities of the ANP.

Major functions of the ANP include:

- Identifying health, safety, and environmental issues of concern to Nevada;
- Reviewing and evaluating the DOE's environmental, socioeconomic, and technical studies; and
- Performing selective independent studies of critical issues in order to confirm or negate DOE analyses.

Robert J. Halstead, Executive Director, ANP, Office of the Governor, reports that the Agency continues to perform its monitoring and oversight responsibilities.

Details of the ANP's oversight activities can be obtained by contacting the ANP office at 1761 East College Parkway, Suite 118, Carson City, Nevada 89706-7954; by telephone: (775) 687-3744; or by visiting the ANP's website at: [www.state.nv.us/nucwaste](http://www.state.nv.us/nucwaste). Copies of ANP reports and studies are available at most public libraries in Nevada.

##### **B. NEVADA'S LEGAL CHALLENGES TO THE YUCCA MOUNTAIN PROJECT**

The State of Nevada continues to be represented by Egan, Fitzpatrick, Malsch & Lawrence, PLLC, of Texas and Washington, D.C. The firm specializes in nuclear law and has handled many high-profile cases around the world.

Over the life of the Yucca Mountain Project, Nevada has filed several lawsuits against federal entities, including the President, the DOE, the Environmental Protection Agency (EPA), and the NRC. Generally, these lawsuits have challenged various aspects of the federal government's decision to designate Yucca Mountain as the nation's sole nuclear waste repository and, subsequently, have challenged actions taken or decisions made by these agencies relating to repository development.

Nevada's Attorney General also filed a lawsuit in the U.S. District Court for the District of Columbia to invalidate the EPA's final radiation standards issued in September 2008. The EPA had previously issued radiation standards that were successfully challenged by the State of Nevada in 2004.

Other current legal challenges include:

- *United States v. State Engineer* (5th Judicial District Court, Nye County), No. 15722: This case was filed by the U.S. on behalf of the DOE following the State Engineer's denial of applications for permanent water rights as a protective measure while the U.S. pursues its constitutional claims in federal court. The case is pending.
- *United States v. State of Nevada* (U.S. District Court, District of Nevada), No. CV-S-00-0168-DWH-LRL: The U.S. challenges the State Engineer's decision that the DOE is not entitled to permanent water rights to construct and operate Yucca Mountain. The State Engineer found that the proposed use threatens to be detrimental to the public interest. By stipulation of the parties, the status quo is being maintained at Yucca Mountain. After a court-ordered stay, the DOE used water to conduct a bore-hole drilling program. The State Engineer issued a cease and desist order, and the DOE filed a motion for a preliminary injunction to enjoin the State Engineer's order. The District Court denied the DOE's motion, and the DOE dismissed its subsequent appeal to the Ninth Circuit Court of Appeals.
- *Aiken County v. U.S. Nuclear Regulatory Commission* (D.C. Circuit) No. 11-1271. Following dismissal of the above-referenced case, petitioners (including Nye County, Nevada) filed this case seeking a mandamus order which would require the NRC to adjudicate the Yucca Mountain License Application within the three- to four-year time limitation provided for in the Nuclear Waste Policy Act of 1982. As argued on May 2, 2012, the NRC, and Nevada as an intervener, contend that the NRC's suspension of the Yucca Mountain licensing proceeding occurred because of congressional decisions to "zero out" funding for Yucca Mountain, and such action is neither arbitrary nor unreasonable within the context of congressional decisions. On August 3, 2012, the court ordered that the case be held in abeyance and that the parties file updates on the status of congressional appropriations no later than December 14, 2012.

Nevada's legal challenges are all being held in abeyance at present, pending the final decision on the DOE's motion to withdraw its Yucca Mountain License Application.

The State of Nevada has several pending administrative petitions, including petitions to:

- Request the NRC to conduct rulemaking on its safeguards against terrorism as they apply to shipments of nuclear waste;

- Revise the NRC’s standards for reviewing and litigating NEPA issues in the DOE’s environmental impact statement on Yucca Mountain to conform to the decision in *Nuclear Energy Institute, Inc., v. Environmental Protection Agency*, (D.C. Circuit, 2004) No. 373 F.3d 1251;
- Request the NRC to address (by rulemaking) the issue of the DOE’s “aging pad” for commercial spent fuel at Yucca Mountain; and
- Request the NRC to fill the gap in its Rules of Practice by specifying issues for consideration in the “mandatory hearing” on the DOE’s Yucca Mountain application.

The NRC rejected a petition that asked it to deny the DOE’s license application as incomplete because the EPA radiation protection standard has not been finalized and there is no final repository design.

Summaries and full text versions of court decisions, as well as other information concerning Nevada’s legal challenges and administrative petitions, are available on the ANP’s website at: [www.state.nv.us/nucwaste](http://www.state.nv.us/nucwaste).

### **C. AFFECTED UNITS OF LOCAL GOVERNMENT**

The Affected Units of Local Government (AULG) have been identified as the county in which the proposed repository site is being studied and the surrounding counties. The AULG for the Yucca Mountain Site Characterization Project are Churchill, Clark, Esmeralda, Eureka, Lander, Lincoln, Mineral, Nye, and White Pine Counties in Nevada, and Inyo County in California.

The oversight activities of the AULG include:

- Reviewing studies and materials for the purpose of determining any potential economic, social, public health and safety, and environmental impacts of a repository;
- Developing requests for impact assistance;
- Engaging in monitoring, testing, or evaluating activities with respect to site characterization programs;
- Providing information to residents regarding site-related activities of the DOE, NRC, or State; and
- Requesting information from and making comments and recommendations to the DOE regarding activities undertaken with respect to the site.

Details of the activities and the status of each AULG oversight program may be obtained by contacting a specific AULG directly. (Please see Appendix D.)

## **V. THE FUTURE**

Nevada's Committee on High-Level Radioactive Waste will continue to monitor the progress of the DOE motion to withdraw the license application before the NRC, the ongoing review of the license application by the NRC, legislation in Congress, and litigation over Yucca Mountain, and will make recommendations for legislative action as appropriate.

Finally, on behalf of Chair Carlton, the Committee wishes to thank everyone who took part in the Committee's activities this interim. The hard work and dedication of those involved with the Yucca Mountain Project, in whatever capacity, is admirable and much appreciated.



**VI. APPENDICES**

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**APPENDIX A**

*Nevada Revised Statutes 459.0085*



*Nevada Revised Statutes*

NRS 459.0085 Creation; membership; powers and duties; compensation and expenses of members.

1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:
  - (a) Four members of the Senate, appointed by the Majority Leader of the Senate.
  - (b) Four members of the Assembly, appointed by the Speaker.
2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.
3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:
  - (a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;
  - (b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and
  - (c) Any other policies relating to the disposal of high-level radioactive waste.
4. The Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.
5. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.
6. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.
7. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste.
8. Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

(Added to NRS by 1985, 685; A 1987, 399; 1989, 1221; 1995, 1454; 2009, 1156; 2013, 3759)



**APPENDIX B**

Nevada Agency for Nuclear Projects Statement on the Release of  
*Safety Evaluation Report*, Volume 3



**NEVADA AGENCY FOR NUCLEAR PROJECTS  
STATEMENT ON THE RELEASE OF THE  
SAFETY EVALUATION REPORT, VOLUME 3**

The Nevada Agency for Nuclear Projects today expressed concern over the U.S. Nuclear Regulatory Commission (NRC) staff's release of a partial report on the U.S. Department of Energy (DOE) application for authorization to construct a nuclear waste repository at Yucca Mountain.

The Safety Evaluation Report (SER) is a five volume document prepared by NRC staff as part of the NRC licensing proceeding. The full SER is scheduled for completion by January 2015, at which time it would set the stage for trial-like hearings including expert testimony and cross-examination of witnesses. The NRC today released Volume 3 of the SER on repository safety after permanent closure.

“For the NRC staff to publically release just this one volume of the SER outside the proper context of an ongoing licensing proceeding and in the absence of a complete SER is unprecedented,” Agency for Nuclear Projects Executive Director Bob Halstead said. “It creates a false impression that the safety review has been completed. It is difficult to see what reason there could be for such a release except to provide political support and encouragement for Yucca Mountain supporters in Congress and elsewhere.”

The NRC licensing board has admitted more than 200 Nevada contentions challenging the safety and environmental impacts of the proposed repository, and Nevada is prepared to aggressively prosecute these challenges. It is not apparent that the SER specifically addressed these and other safety contentions admitted in the hearing even though both the NRC licensing board and the Commission determined that they presented genuine safety issues and were adequately supported by qualified expert analyses.

DOE has given up on Yucca Mountain because “it is not a workable option” and attempted to withdraw its license application. The NRC proceeding was resumed only because a federal court (by a 2-1 decision) ordered it to go forward. Even the court acknowledged that NRC had inadequate funds to complete the legally-mandated proceeding, with the chief judge writing in dissent that it was “a useless thing” to resume the proceeding.

“Moving beyond the failed Yucca Mountain nuclear waste repository project is essential if the country is ever going to safely dispose of spent nuclear fuel and high-level radioactive waste,” Halstead said. “The country needs new Federal legislation to implement the 2012 recommendations of the Blue Ribbon Commission (BRC) on America's Nuclear Future. The BRC recommended taking the program out of DOE and using consent-based siting to identify new sites for interim storage and geologic disposal. Moreover, the NRC recently affirmed that dry storage of spent nuclear fuel at existing reactor sites is safe for 120 years or more, so there is no urgent need to move forward with Yucca Mountain. Forcing the NRC to restart the Yucca Mountain licensing process impedes progress towards finding workable solutions by diverting our focus.” Halstead said.



**APPENDIX C**

Senate Bill 55 (Chapter 211, *Statutes of Nevada 1985*)



Senate Bill No. 55—Committee on Human Resources and Facilities

CHAPTER 211

AN ACT relating to high-level radioactive waste; establishing the legislative committee on high-level radioactive waste; prescribing its powers and duties; and providing other matters properly relating thereto.

[Approved May 18, 1985]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 459 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:*

(a) *Three members of the senate, appointed by the majority leader of the senate.*

(b) *Four members of the assembly, appointed by the speaker.*

2. *The legislative commission shall select a chairman and a vice chairman from the members of the committee.*

3. *The committee shall meet at the call of the chairman to study and evaluate:*

(a) *Information and policies regarding the location in this state of a facility for the disposal of high-level radioactive waste;*

(b) *Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and*

(c) *Any other policies relating to the disposal of high-level radioactive waste.*

4. *The committee shall report the results of its studies and evaluations to the legislative commission and the interim finance committee at such times as the legislative commission or the interim finance committee may require.*

5. *The committee may recommend any appropriate legislation to the legislature and the legislative commission.*

6. *The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Each member of the committee is entitled to a salary of \$80 for each day or part of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.*



**APPENDIX D**

Affected Units of Local Government  
Contact Information



**Affected Units of Local Government  
Contact Information**

<http://esmeraldanvnuke.com/aulg.html>

***Nevada:***

- Churchill County Nuclear Waste Oversight — (775) 423-5136
- Clark County Nuclear Waste Program of Comprehensive Planning — (702) 455-5129
- Esmeralda County Repository Oversight Program — (702) 870-4043
- Eureka County Nuclear Waste Office — (775) 237-5372
- Lander County Yucca Mountain Oversight Program — (775) 635-2860
- Lincoln County Yucca Mountain Oversight — (775) 726-3511
- Mineral County Nuclear Projects Office — (775) 945-2484 or (775) 945-2485
- Nye County Nuclear Waste Repository Project Office — (775) 727-7727, Ext. 26
- White Pine County Nuclear Waste Project Office — (775) 289-2033

***California:***

- Inyo County Yucca Mountain Repository Assessment Office — (760) 878-0030