



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMITTEE ON HIGH-LEVEL**  
**RADIOACTIVE WASTE**  
(*Nevada Revised Statutes* [NRS] 459.0085)

**SUMMARY MINUTES AND ACTION REPORT**

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The first meeting of the Nevada Legislature's Committee on High-Level Radioactive Waste was held on March 16, 2012, at 9 a.m., in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. This meeting was videoconferenced to Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator David R. Parks, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblyman Elliot T. Anderson

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Greg Brower  
Senator Mike McGinness  
Assemblyman Richard (Skip) Daly

**COMMITTEE MEMBERS ABSENT:**

Senator John J. Lee  
Assemblyman Edwin A. Goedhart

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Patrick Guinan, Senior Research Analyst, Research Division

Matthew S. Nichols, Principal Deputy Legislative Counsel, Legal Division

Matt Mundy, Deputy Legislative Counsel, Legal Division

Susan M. Young, Assistant Supervisor of Secretarial Services, Research Division

Tarron L. Collins, Senior Research Secretary, Research Division

## **OPENING REMARKS**

- Senator David R. Parks, Chair, welcomed members, presenters, and staff to the first meeting of the Legislative Committee on High-Level Radioactive Waste, and introduced the members of the Committee and staff.

## **PUBLIC COMMENT**

- Chair Parks called for public comment; however, no testimony was provided.

## **OVERVIEW OF COMMITTEE'S HISTORY AND DUTIES**

- Patrick Guinan, Senior Research Analyst, Research Division, LCB, presented information regarding the history of the Committee giving the authority and background dating back to 1982. He discussed Committee membership, duties, past Committee activities, current topics, and future Committee activities. Mr. Guinan presented information on the Blue Ribbon Commission on America's Nuclear Future (BRC), discussed the Committee's accomplishments, and introduced LCB Committee staff. (Please see [Exhibit B](#).)

## **RADIOACTIVE WASTE: PROJECTS AND STATE TRENDS**

- Scott Hendricks, Senior Policy Specialist, National Conference of State Legislatures (NCSL), Denver, Colorado, provided a Microsoft PowerPoint presentation titled "Radioactive Waste: Projects and State Trends," which included: (1) NCSL overview; (2) NCSL activities; (3) NCSL standing committees; (4) NCSL policies; (5) NCSL Nuclear Legislative Workgroup and its activities; (6) BRC findings; (7) State legislative role, activities, and trends; and (8) Upcoming opportunities. (Please see [Exhibit C](#).)

Responding to Senator McGinness' inquiry regarding the BRC's findings that suggest giving state and local governments power to veto the siting of a nuclear waste repository, Mr. Hendricks stated that all government entities would have veto powers using the consent-based approach. He added that the BRC would recommend having legally binding contracts with consenting host sites in place prior to moving forward to permit the sites.

In response to an inquiry by Chair Parks, Mr. Hendricks stated that a portion of the \$27 billion reserve funds in the Nuclear Waste Fund have been used toward the development of the Yucca Mountain Repository.

Discussion ensued among Chair Parks, Assemblyman Anderson, and Mr. Hendricks regarding the restrictions and conditions that individual states can place on permits for transporting high-level radioactive waste (HLRW) on their roads. Mr. Hendricks noted that each state has the authority to set their own restrictions and added that some states currently utilize more restrictive regulations.

## **UPDATE ON ACTIVITIES OF NEVADA'S AGENCY FOR NUCLEAR PROJECTS**

Robert J. Halstead, Executive Director, Nevada's Agency for Nuclear Projects (NANP), provided testimony regarding the five topics listed below. (Please see [Exhibit D](#).)

*Comments on the Final Report of the Blue Ribbon Commission on America's Nuclear Future*

*Overview on the Status of the Yucca Mountain Project*

*Update on Issues Related to Licensing and Litigation*

*The Business Case Against Yucca Mountain*

*Nevada's Review of the Department of Energy (DOE) Draft Environmental Impact Statement (EIS) for the Nevada National Security Site (NNSS) and Follow-up Activities*

- Mr. Halstead gave a Microsoft PowerPoint presentation providing updates on the activities of the NANP that included an overview of: (1) the BRC Report; (2) the status of the Yucca Mountain Project; (3) licensing and litigation; (4) the business case against Yucca Mountain; and (5) the DOE draft EIS. (Please see [Exhibit D](#).)

Responding to Chair Parks' inquiry regarding development at the Yucca Mountain Project, Mr. Halstead explained that an exploratory tunnel has been partially constructed and commented that there is not a repository or a facility that can store waste at Yucca Mountain. Mr. Halstead added that the United States Nuclear Regulatory Commission (NRC) has not approved any construction. Mr. Halstead noted that tests have been conducted to determine feasibility for storage and reiterated that the Yucca Mountain site is not approved to store waste.

In response to Chair Parks' request for information on the Fukushima Daiichi disaster, Mr. Halstead indicated that most of the deaths and damage at the Fukushima Daiichi nuclear plant occurred due to the earthquake and tsunami. He stated that the damage that occurred due to the nuclear meltdown was actually minimal. Mr. Halstead commented that the evacuation of people minimized the damage that could have resulted in a public health catastrophe. He noted that the full extent of the disaster financially will not be known for three or four more years.

Discussion ensued among Senator McGinness, Assemblyman Anderson, and Mr. Halstead regarding the petitions by the states of South Carolina and Washington for Nevada to move forward with the Yucca Mountain Project because of their need for a HLRW repository.

There was further discussion regarding whether the decision to build a repository in Nevada or another state was more of a political issue than one based on safety and science.

Responding to Chair Parks' observation, Mr. Halstead noted it would be beneficial to add low-level radioactive waste and issues associated with the transportation of it to the Committee's oversight.

## **NYE COUNTY PERSPECTIVES ON THE YUCCA MOUNTAIN PROJECT**

- Gary Hollis, Nye County Board of Commissioners, Pahrump, Nevada, provided an overview of Nye County's perspectives on the Yucca Mountain Project. He pointed out information submitted on behalf of Nye County. (Please see [Exhibit E](#).)

### ***Comments on the Final Report of the Blue Ribbon Commission on America's Nuclear Future***

- Dr. Michael D. Voegele, Consultant, Nye County, Nuclear Waste Repository Project Office (NWPRO), noted that the BRC's charter was to conduct a review of the policies for managing the "back end" of the nuclear fuel cycle and recommend a new plan. He mentioned the Nuclear Waste Policy Act of 1982, as the current law for the nation. Dr. Voegele commented that Yucca Mountain is on federal land and the federal government has the authority to regulate its activities. He referenced the BRC's report and noted his support of finishing the licensing hearing process to determine the feasibility of constructing the repository at the Yucca Mountain site. Dr. Voegele pointed out that Nye County conducted its own scientific investigation and portions of that investigation are included in the BRC report. He encouraged the Committee to examine the Waste Isolation Pilot Plant (WIPP) model and issues associated with the approval of the repository in New Mexico and polls around the nation related to the WIPP project.

### ***Licensing and Litigation Issues***

- Joseph Ziegler, Consultant, NWPRO, indicated that oral arguments on pending litigation will be held in May. He stated that in 2010, the courts ruled it was illegal for the government to withdraw the licensing application on file and noted that the courts may vote to proceed on the licensing of Yucca Mountain. He added that the DOE and the NRC have exhausted their funds in an attempt to license the Yucca Mountain site. Mr. Ziegler commented that nuclear waste is dangerous, but if it is handled safely, it can be safe. He disagreed with Mr. Halstead's remarks regarding: (1) the site being unsuitable; (2) flaws in the repository design; and (3) the transportation impacts. Mr. Ziegler stated that the implication of restarting the licensing hinges on funding and that safety should prevail. He added that Nye County agrees that safety should be a main concern and concluded that Nye County is not against the licensing of the Yucca Mountain Project and agreed that money generated from it should be made available to the host state.

### ***Overview on the Status of the Yucca Mountain Project***

- Cash Jaszczak, Consultant, Nye County, NWPRO, read from portions of the BRC report. He stated that in his opinion Nevada could benefit from: water, land, and direct payments. Mr. Jaszczak noted that Clark County has lost nearly 2,000 jobs due to the closure of the Yucca Mountain Project. He indicated that the project is a \$100 billion public works program and that the nation has 74 different sites that use nuclear fuel. Mr. Jaszczak declared that with the current laws in place, Nye County is in favor of moving forward with the Yucca Mountain repository.

### ***The Business Case For Yucca Mountain***

- Gary Hollis, Nye County Board of Commissioners, Pahrump, Nevada, compared the proposed Yucca Mountain repository to a bank. He stated that a bank is a place to store valuable items, not a place to dump waste. Mr. Hollis commented that although Nevada rejected the site, Congress overruled that rejection. He added that Nevada does not have the authority to ignore laws and should use these laws to negotiate the best deal possible.

Senator McGinness and Mr. Hollis discussed the contradictory opinions of Nye County and the Governor's Office.

- Robert J. Halstead, Executive Director, NANP, commented on Nye County's presentation and agreed that the Yucca Mountain Project should treat economic development, environmental protection, and the protection of health and safety with caution.

### **YUCCA MOUNTAIN: LESSONS LEARNED AND BEST PRACTICES GOING FORWARD**

- Irene Navis, Planning Manager, Clark County Comprehensive Planning, Nuclear Waste Division, Clark County, Nevada, shared a Microsoft PowerPoint presentation that highlighted: (1) oversight; (2) lessons learned; (3) best practices; and (4) results. (Please see [Exhibit F](#).)

There was discussion among Committee members regarding the next meeting and work session scheduled for July 13, 2012, at 9 a.m.

## **PUBLIC COMMENT**

- Dan Schinhofen, Vice Chair, Nye County Board of Commissioners, Pahrump, Nevada, noted that the letter submitted to the DOE by Nye County expresses only the County's perspective, not that of the entire State.
- Connie Simkins, Coordinator of the Nuclear Oversight Program, Lincoln County Commissioners, Lincoln County, Nevada, indicated Lincoln County wants to be included in decision making in order to protect and prepare their citizens for any possible outcome.
- Judy Treichel, Executive Director, Nevada Nuclear Waste Task Force, discussed the DOE's role in the development of the Yucca Mountain Repository. She stated that it is important for the DOE to allow the BRC to work on choosing the site over the next few years. She commented that the Task Force is working closely with the BRC, and noted that the most important feature of the BRC report is its emphasis on an appropriate agreement between the federal and local governments on the location of a repository site.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:12 p.m.

Respectfully submitted,

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Tarron L. Collins  
Senior Research Secretary

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Patrick Guinan  
Principal Research Analyst

APPROVED BY:

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Senator David R. Parks, Chair

Date: \_\_\_\_\_



## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a memorandum dated March 16, 2012, to the Legislative Committee on High-Level Radioactive Waste from Patrick Guinan, Senior Research Analyst, Research Division, LCB, regarding an overview of the Legislative Committee on High-Level Radioactive Waste.

[Exhibit C](#) is a Microsoft PowerPoint presentation dated March 16, 2012, titled “Radioactive Waste, NCSL Projects and State Trends,” submitted by Scott Hendricks, Senior Policy Specialist, National Conference of State Legislatures (NCSL), Denver, Colorado.

[Exhibit D](#) is a Microsoft PowerPoint presentation dated March 16, 2012, titled “Update on Activities of State of Nevada Agency for Nuclear Projects,” submitted by Bob Halstead, Executive Director, Nevada Agency for Nuclear Projects, Office of the Governor, Las Vegas, Nevada.

[Exhibit E](#) is a compilation of letters and documents provided by Gary Hollis, Nye County Board of Commissioners, Pahrump, Nevada, which includes:

- A letter dated March 6, 2012, to The Honorable Dr. Steven Chu, Secretary, U.S. Department of Energy from Lorinda Wichman, Chairman, Nye County Board of County Commissioners, regarding “Consent to Host the Proposed Repository at Yucca Mountain”;
- Resolution No. 2002-07 by the Nye County Board of Commissioners, “Setting forth Nye County’s position regarding the proposed high level nuclear waste repository at Yucca Mountain and the situs county Community Protection Plan”;
- Resolution No. 2002-22 by the Nye County Board of Commissioners, “Stating the intent of Nye County to actively and constructively engage with the U.S. Department of Energy, the administration, and Congress as the Yucca Mountain Project proceeds to final design, licensing, and implementation”;
- Resolution No. 2004-25 by the Nye County Board of Commissioners, “Concerning the intent of Nye County to take action to maximize the safety, economic opportunity, and successful outcome of the Yucca Mountain repository and transportation system by actively and constructively engaging all relevant parties”;
- Resolution No. 2011-21 by the Nye County Board of Commissioners, “Supporting completion of the Nuclear Regulatory Commission’s review of the Yucca Mountain license application”; and
- A letter dated March 5, 2012, to Timothy A. Frazier, Designated Federal Officer, U.S. Department of Energy from Robert M. Andersen, Counsel for Nye County,

regarding the “Nye County Comments on the Final Report to the Secretary of Energy from the Blue Ribbon Commission on America’s Nuclear Future.”

[Exhibit F](#) is a Microsoft PowerPoint presentation dated March 16, 2012, titled “Legislative Committee on High-Level Radioactive Waste,” submitted by Irene Navis, Planning Manager, Clark County Comprehensive Planning, Nuclear Waste Division, Clark County, Nevada.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.