



NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

(Nevada Revised Statutes [NRS] 459.0085)

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Legislative Committee on High-Level Radioactive Waste was held on Friday, February 21, 2014, at 10 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 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/77th2013/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

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 M. Hogan
Assemblyman James Oscarson

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Diane C. Thornton, Senior Research Analyst, Research Division
Matthew S. Nichols, Principal Deputy Legislative Counsel, Legal Division
Matt Mundy, Senior Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Senior Research Secretary, Research Division

OPENING REMARKS AND INTRODUCTIONS

- Assemblywoman Maggie Carlton, Chair, welcomed the public, announced the protocols for the meeting, and asked the Committee members to introduce themselves.

PUBLIC COMMENT

- Gary J. Duarte, resident, Sparks, Nevada, and Director, U.S. Nuclear Energy Foundation, testified that in 2006 he established a nonprofit organization called the US Nuclear Energy Foundation with the goal to advocate the concepts of nuclear energy development. Mr. Duarte said it is the Foundation's opinion that the State of Nevada has limited authority in opposing the Nuclear Waste Policy Act (NWPA) of 1982. He declared, with the right negotiation and safety measures, nuclear waste can be an important and viable business potential for Nevada citizens. (Please see [Exhibit B](#).)
- Dennis M. Moltz, Ph.D., resident, Carson City, Nevada, stated he has undergraduate degrees in chemistry and mathematics from Texas A&M University and a doctorate from the University of California, Berkeley, in nuclear physics. He said he started a small business in 2004 called High Desert Nuclear Technologies to help educate people on nuclear issues, noting that everyone has an opinion, but the only thing that matters is the facts.
- Ken Koeppel, resident, Reno, Nevada, and an advisor for the US Nuclear Energy Foundation, testified in support of Yucca Mountain as a viable business opportunity for Nevada. He shared the US Nuclear Energy Foundation held a symposium in Reno in November of 2013 known as the Yucca Education Symposium.

OVERVIEW OF COMMITTEE'S HISTORY AND DUTIES

- Diane C. Thornton, Senior Research Analyst, Research Division, Legislative Counsel Bureau, provided an overview of her memorandum ([Exhibit C](#)) to the Legislative Committee on High-Level Radioactive Waste Committee outlining the duties and history of the Committee.

THE STATE OF NEVADA'S POSITION ON YUCCA MOUNTAIN

- Former United States Senator Richard H. Bryan, Chair, Nevada's Commission on Nuclear Projects, Office of the Governor, pointed out that for the past 30 years the State of Nevada, through three Republican and two Democratic governmental administrations, has expressed unwavering opposition to the proposed Yucca Mountain project. He said the NWPA was the framework for the project's legislation. Nevada was selected by the United States Congress for the project after the Act was enacted.

After Yucca Mountain's selection as the nation's repository for disposal of high-level radioactive waste (HLRW), Senator Bryan said the State was told Yucca Mountain was an ideal repository because of the mountain's geological formation of "welded tuff" (a pyroclastic rock) such that it was sufficient to contain any radioactivity because of the pyroclastic rock formation. However, since that reasoning was put forth as justification for the Yucca Mountain selection, pyroclastic rock has been determined to have far more porosity than originally believed, and for that reason, it is the opinion of scientists who have represented the State over the years that radioactivity could eventually seep into the State's water table. Senator Bryan added there are also concerns that potential seismic activity in the area could compromise the safety of radioactive waste storage at Yucca Mountain.

Concluding, Senator Bryan addressed the "money myth" emphasizing, "It is not about money, it's about public safety." He explained there have been misguided discussions that there are funds available in the Nuclear Waste Fund (42 U.S. Code § 10222) that would be beneficial to Nevada; however, Senator Bryan said the money available in the Fund is used to offset the budget deficit each year. He affirmed a U.S. appellate court directed the U.S. Nuclear Regulatory Commission (NRC) to proceed with licensing, but again, he said the funds are not available. Therefore, the Senator stated he supports the final report of the Blue Ribbon Commission on America's Nuclear Future (BRC), which studied how the country should dispose of nuclear waste in the near- and long-term. The report recommended 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.

UNITED STATES NUCLEAR WASTE TECHNICAL REVIEW BOARD OVERVIEW AND ACTIVITIES RELATED TO THE STORAGE, TRANSPORTATION, AND DISPOSAL OF SPENT NUCLEAR FUEL

- Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia, discussed during his Microsoft PowerPoint presentation the membership, mandate, and priorities of the Board; the status of various aspects of the U.S. program for geological disposal of spent nuclear fuel (SNF) and high-level waste (HLW); and how SNF and HLW are dealt with in other countries. (Please see [Exhibit D.](#))

Highlights of Mr. Mote's presentation included:

- There is no repository in operation or licensed for long-term storage of SNF or HLW.
- For the disposal dilemma of SNF and/or HLW, there are two options: (1) repackaging the fuels; or (2) transport the fuels without repackaging.

- With no repackaging of the fuels, direct disposal of the large canisters would be required, which involves a different set of issues, such as:
 - ▶ Transportation of large canisters is problematic. It is currently done for short distances between power plants and storage facilities, but it has not been done for 1,000 miles from one part of the country to another.
 - ▶ Steel canister overpacks, which have not been built, would be required for transportation to a storage unit or repository.
 - ▶ Significant licensing and fabrication activity would be required, and the logistics of these activities would be difficult because of an estimated canister weight of 120 to 150 tons moving by rail, road, or barge. If transportation is done by road, it would put a lot of wear and tear on the roads, and vehicles capable of carrying such heavy loads are not available.

Concluding his remarks, Mr. Mote shared he provided five related reports for review by the public and the Committee. (Please see [Exhibit E](#), [Exhibit F](#), [Exhibit G](#), [Exhibit H](#), and [Exhibit I](#).)

- Senator Goicoechea questioned Mr. Mote regarding: (1) what the expenditures to-date on Yucca Mountain total; (2) whether interim storage at the Yucca Mountain site is still precluded; and (3) whether most of the nuclear waste today is held in spent fuel pools rather than being packaged.
- In response to Senator Goicoechea's inquiries, Mr. Mote noted that:
 - Approximately \$12 billion has been expended on Yucca Mountain;
 - The NWPA prohibits an interim storage facility from also being used for a repository; and
 - About one-third of the spent fuel is held on-site and in dry storage in large canisters.
- Senator Goicoechea expressed concern that even though the utilities are using canisters, at some point, canisters need to be designed that are capable of being transported, and he suggested the utilities may need to be required to design canisters that can ultimately meet transportation requirements to repository sites.

Further, Senator Goicoechea shared that some of the smaller affected units of local government (AULG) he represents have contentions after being accepted in Round 1 and Round 2 of the nuclear licensing proceedings. However, because of the August 13, 2013, [United States Court of Appeals for the District of Columbia Circuit](#) decision

granting a writ of mandamus directing the NRC to resume the licensing process for the Yucca Mountain Repository, these units have to revisit the licensing process. He pointed out these AULG do not have the financial means to proceed with the licensing procedure again.

- Assemblyman Oscarson queried Mr. Mote regarding approximately 20 years of interim storage of spent fuel and whether any issues with the interim storage sites have occurred.
- Mr. Mote said he was not aware of any incident involving spent fuel storage units that have been loaded. He shared, though, that during the August 23, 2011, earthquake in Mineral, Virginia, storage casks at the North Anna Nuclear Generating Station moved by less than one inch on the pad, but resulted in no damage.

Discussion ensued between Assemblyman Carrillo and Mr. Mote regarding what determines high-level nuclear waste versus low-level waste and SNF. Further, Assemblyman Carrillo inquired about the current amount of nuclear waste being transported on Nevada roads and whether permits are required of any state transporting nuclear waste.

- Mr. Mote explained SNF, or HLW, comes out of the reactor, and it contains the full weight of uranium that has not been used during the fission process. The spent fuel is reprocessed to allow different components to be separated and recycled, such as uranium and plutonium. The remaining materials, which were “grown in” during the fission process, are solidified during a vitrification process and disposed in stainless steel canisters. He said low-level waste is material with small levels of contamination—such as papers, desks, gloves, maintenance material, and valve seals from the operating plant—but does not involve fuel or active material that is heat-generating. Heat-generating material is targeted for storage in a repository; low-level waste has different requirements for disposal.

Responding to Assemblyman Carrillo’s question about how much nuclear waste is transported on Nevada roads, Mr. Mote said he was not familiar with transported nuclear waste on the State’s roads. He said, though, in the United States, there is little shipment of spent fuel, but casks are available for shipments. Regarding permits to transport nuclear waste, Mr. Mote said there are well-established regulation requirements.

- Chair Carlton asked Mr. Mote about storage issues of spent fuel from nuclear power plants that are decommissioned and how the liability issue of pools on those plants will be handled.
- Mr. Mote, referencing input at the November 2013 U.S. Nuclear Waste Technical Review Board workshop held in Washington, D.C., said nine sites have closed reactors. Some of the units have decommissioned reactors and spent fuel-handling

equipment, with only storage casks remaining on those sites. He shared there will be a requirement for some repackaging without having a spent-fuel pool if repacking is required before fuel is removed from the site. However at other sites, fuel is being put into storage canisters, but pools are still available.

- Senator Goicoechea asked whether there are resources available in the Nuclear Waste Fund.
- Mr. Mote said he did not have information about the Nuclear Waste Fund, nor was he in a position to comment, but he said information about the Fund is in the public domain.

TRANSPORTATION OF SPENT NUCLEAR FUEL AND HIGH-LEVEL WASTE: WESTERN REGION PERSPECTIVES

- James M. Williams, Project Manager, Western Interstate Energy Board (WIEB), Denver, Colorado, provided a short profile of his professional background and noted the following four topics he would address during his Microsoft PowerPoint presentation ([Exhibit J](#)):
 1. Western Interstate Energy Board activities.
 2. The responsibilities for WIEB's HLRW Committee.
 3. Western Governors' Association policy resolutions: SNF and HLW storage and transport.
 4. Personal perspective on the current status of the U.S. Department of Energy's (DOE's) SNF and HLW storage transportation program.

Highlights of Mr. Williams' presentation included:

- A summary of the WIEB and the HLRW Committee work on state input regarding the functioning of the western energy grid spanning from Mexico to Colorado to Montana and to the Canadian Provinces of British Columbia and Alberta;
- An explanation of the Western Governors' Policy Resolutions, which have two parts: (1) background (observations, perspectives, and concerns); and (2) policies (goals and positions).
- Mr. Williams opined his perspective on the status of the DOE transportation-storage program is "mixed at best." In 2012, the DOE embraced some of the BRC's report, but rejected or did not comment on other aspects of it.

- Assemblyman Carrillo commented on the nuclear waste stored at San Onofre Nuclear Generating Station (SONGS) and queried whether the waste at SONGS would increase substantially because the station was shut down. He also expressed concern about where the SNF would eventually be disposed and whether there is a chart that indicates the level of radioactive waste, such as Class A, B, or C.
- Mr. Williams confirmed the waste at SONGS will increase and the spent fuel at this site is in casks and canisters, with much of it greater than Class C waste. He said the Class C waste at SONGS may be transported elsewhere, but the Class A and Class B waste is controversial and a decision for its permanent storage site is not expected any time soon. Mr. Williams indicated he would provide a chart noting the levels/classes of SNF.
- Assemblyman Oscarson said the following terms in Mr. Williams' report ([Exhibit J](#)) concerned him because of current transportation issues:
 - Rejected charter
 - Disengaged
 - No strategic thinking
 - Avoided
 - Hope
 - Assume
 - Weak linkage
 - Breach-of-contract
 - Can be made to work
 - Shakes out
- Responding to Assemblyman Oscarson, Mr. Williams agreed with the Assemblyman's concerns regarding the status of the DOE's transportation-storage program for SNF. He pointed out, however, that the DOE and its section dealing with SNF transportation issues has been in a difficult position since the issuance of the BRC's report and because the DOE has not received clear direction on this issue from the U.S. Congress.

Discussion ensued between Senator Spearman and Mr. Williams regarding communication coordination with the U.S. Department of Homeland Security (DHS) and the states relative to transportation security. Senator Spearman said it would be necessary to limit the number of people authorized to know when SNF shipments would occur and the transportation routes used for, potentially, thousands of miles across state lines.

Also discussed by Senator Spearman and Mr. Williams was the status of the National Transportation Plan (NTP) as referenced in the last bullet on slide 13 ([Exhibit J](#)) of Mr. Williams' slide presentation. He noted the DOE has been stymied to proceed on the NTP without the direction it needs from the U.S. Congress. Therefore, the Department's engagement with the states on the NTP has been limited.

- Senator Spearman reiterated to the Legislative Committee on High-Level Radioactive Waste her profound concern for coordination of information with DHS and the states about transportation plans for SNF and that the information must be limited to individuals on a “need-to-know” basis, just as the U.S. military does with its designation of security clearances.

UPDATE ON THE ACTIVITIES OF NEVADA’S AGENCY FOR NUCLEAR PROJECTS

- Robert J. Halstead, Executive Director, Nevada’s Agency for Nuclear Projects (NANP), Office of the Governor, provided introductory remarks and said he would discuss some of Nevada’s transportation issues relative to nuclear waste during his Microsoft PowerPoint presentation. (Please see [Exhibit K.](#))

Current Status of Yucca Mountain Project

Mr. Halstead, emphasizing a key point, stated nothing new has happened during the last year that would change the State of Nevada’s opposition to the proposed Yucca Mountain project. He shared Nevada has an effective legal team, a sound team of experts, and a credible technical safety case against the Yucca Mountain proposal as it is represented in the DOE’s license application with the NRC.

Mr. Halstead noted the following other highlights of the current status of the Yucca Mountain project:

- The NANP and Clark County, including the City of Las Vegas, have worked closely for decades, particularly on transportation and security issues. Clark County has a critical role in the current DOE plan, which calls for 100 percent of truck shipments and 85 percent of rail shipments to Yucca Mountain to travel through the County.
- The slide ([Exhibit K](#)) titled “What Exists Today at Yucca Mountain” points out that Yucca Mountain has complex issues, including land ownership. The ownership of the site is divided between three federal agencies: (1) the DOE; (2) the U.S. Air Force; and (3) the Bureau of Land management. Proving that the DOE owns the Yucca Mountain site will be a challenge in the licensing proceeding.
- What is at the Yucca Mountain site? About \$15 billion (in 2007) dollars has been spent to construct a five-mile exploratory tunnel, but there is no useful infrastructure at the site for storage or disposal of nuclear waste. Another \$84 billion (in 2014 dollars) would be needed to construct and operate the facility according to the DOE’s plans. (Please see [Exhibit L](#) and [Exhibit M.](#))
- What does the NRC order to restart the licensing proceeding mean? It means over the next 12 months, the NRC will begin the background tasks necessary before

trial-type hearings occur. It is estimated the NRC has \$13 million in any year of carryover funding, but the NANP attorneys estimate \$100 million would be needed for the legally mandated proceedings. Therefore, Yucca Mountain proponents must realize the lack of funds interferes with the court's ruling that the NRC restart the licensing process to establish Yucca Mountain as a nuclear waste repository.

- How much funding does the DOE have and how much does it need for the licensing proceedings? The NANP estimates the DOE has approximately \$30 million it can expend; however, in a 2008 report filed by the DOE, it indicated \$1.66 billion would be needed for licensing of the Yucca Mountain repository.
- If trial-type proceedings begin, they would most certainly be preceded by a discovery phase, then decision points by the construction authorization board, and a decision by the NRC. If the repository decision were for Yucca Mountain, the State of Nevada would go to federal court to ensure the State would not be the recipient of capricious and arbitrary final agency action.

Addressing Senator Goicoechea's concern about affected units of government in counties he represents having to go through the nuclear licensing procedure again, Mr. Halstead said the State currently has about \$2 million available for licensing work, and after the NANP reviews another monthly report from the NRC, it will prepare a work plan for its budget. The plan will be presented to the Interim Finance Committee, and at that point, Mr. Halstead told Senator Goicoechea, it would be appropriate for him to raise the issue of the counties that have admitted contentions.

Overview of Current U.S. Nuclear Waste Policy

Mr. Halstead noted the nation has been struggling with nuclear waste for 60 years. The safety and environmental concerns the State is raising with Yucca Mountain are not new. What is new is the BRC trying to point the country in a new direction that would be both science-based and accomplished through volunteer siting. Mr. Halstead said the key issue for Nevada is U.S. Senate Bill 1240 ([S. 1240 - Nuclear Waste Administration Act of 2013](#)), which would resolve most aspects of the nuclear waste program according to the recommendations of the BRC. He noted the BRC's recommendations would grandfather the Yucca Mountain licensing proceeding and allow a new entity to acquire the Yucca Mountain license granted by the NRC for private fuel storage.

Mr. Halstead shared the NANP suggested amendments to S. 1240 to allow all states the same veto power through a written consent agreement and to address transportation concerns. (Please see [Exhibit M](#) and [Exhibit N](#).)

The Safety Case Against Yucca Mountain

The basis of Nevada's position against the Yucca Mountain proposal is safety and environmental concerns, Mr. Halstead explained. He said beyond the political decision in 1987 selecting Yucca Mountain as the nation's repository for nuclear waste, the site is not suitable for development as a geological repository. Mr. Halstead further explained that the license application as submitted in 2009 is no longer valid or accurate. In addition, the Yucca Mountain transportation impacts are unacceptable, and NANP filed challenges with the NRC citing the environmental impact statement (EIS) is not compatible with the National Environmental Policy Act of 1969. (Please see [Exhibit K](#) and [Exhibit L](#).)

The Business Case Against Yucca Mountain

Mr. Halstead said there are approximately 220 licensing contentions. Some focus on pre-closure safety and environmental impacts during the first 50 to 100 years. Others revolve around long-term post-closure that, with new Environmental Protection Agency (EPA) standards, studies how the site would perform over one million years.

A business case against Yucca Mountain is necessary because it is an expensive location to build a repository when reviewing the comparative studies produced over the past 2 years by the DOE.

Transportation Issues

Mr. Halstead emphasized transportation of spent fuel assemblies is difficult because the assemblies are lethally radioactive during the transportation period. He said, if a person is exposed to spent fuel assemblies without shielding, death by radiation sickness could occur in 50 percent of exposed population in a matter of seconds to minutes, which is why the NRC standards allow a certain dose of radiation on the outside of the shipping packages. Mr. Halstead pointed out if there was "zero" dosage of radiation exposure, the shipping packages would be so heavy and large it would not be economical or even technically feasible to transport them. (Please see [Exhibit K](#), [Exhibit M](#), [Exhibit N](#), [Exhibit O](#), [Exhibit P](#), [Exhibit Q](#), [Exhibit R](#) and [Exhibit S](#).)

Mr. Halstead addressed the following additional points concerning the transportation of SNF:

- Nevada's position on the transportation of SNF is not that it cannot be done safely; but to study the radiological impacts and suggest constructive ways to address both the safety and security issues. In fact, the NANP submitted ten transportation safety recommendations for adoption, which were adopted by the National Academy of Sciences, the BRC on America's Nuclear Future, and the NRC. Mr. Halstead said the DOE adopted only three, which were, in his opinion, not the important recommendations.

- The DOE has underestimated the following impacts in its EIS, which is an element of the Yucca Mountain repository license application:
 - Routing radiation impacts to the public;
 - Routing radiation impacts to workers;
 - Action plan in the event of a severe accident with the release of radioactive materials; and
 - Action plan in the event of a successful terrorist attack when there is an even larger release of radioactive material.
- Testing of casks to ensure they can withstand severe accidents, accidents that could involve long-duration fires, and the vulnerability of the casks to terrorist attack using military weapons remains a significant concern.
- The frequency and geographical perspective of shipments (See [Exhibit K](#)):
 - The DOE's goal is to move 90 percent of SNF shipments by rail. This would equate to an average of one to three trains per week and one or two truck shipments per week over 50 years. Under DOE's current plan, the majority of shipments would be funneled through Clark County. Currently, if a dozen shipments in the U.S. occur in a year, that is an average year, but if two dozen shipments occur in a year, that is a major escalation of shipments.
 - The shipments transported by rail or truck would come from 76 sites spread through 32 states, which would affect 44 states, 33 Indian nations, 850 counties, and 400 congressional districts.
- There is no rail access to Yucca Mountain, so a railroad would have to be built, which would be an enormous task and an expensive project.

Mr. Halstead referred to an NRC report titled [Spent Fuel Transportation Risk Assessment](#) (NUREG-2125) noting the report indicates there should not be any concern about nuclear transportation safety. He said if the NRC's report is referenced during the licensing proceeding, NANP's legal counsel and experts will show that the report did not address the DOE's transportation plan for Yucca Mountain. The report did not evaluate: (1) the vulnerability to terrorism and sabotage; (2) how the actual shape of the system and the routes affect routine radiation; and (3) all credible severe accident scenarios.

Additionally, the truck casks evaluated in the report have not been built, and the rail casks that have been built and addressed in the NRC's report have not been used for a shipment or had a risk assessment conducted on them to see whether they would meet

the potential transportation risks. Concluding his testimony, Mr. Halstead stressed that the report also did not address the economic impacts of a severe accident or a terrorist attack.

- Assemblyman Carrillo acknowledged the safety issues related to transporting SNF need crucial consideration, and he expressed concern for potential terrorist attacks at existing nuclear power plants across the nation and about the security of how nuclear fuels are stored at these sites.
- Mr. Halstead agreed that Assemblyman Carrillo's point is a key national issue. In his response, he pointed out the following:
 - Once nuclear fuel shipments reach their destination, securing the fuel is easier to defend at a fixed facility than on a moving target.
 - There is a concept called "hardened on-site storage," which calls for a combination of perimeter protections at nuclear facilities such as fencing, surveillance, physical barriers like earth berms, and armed guards.

UPDATE ON LITIGATION RELATED TO THE YUCCA MOUNTAIN PROJECT

- Marta A. Adams, Chief Deputy Attorney General, Nevada's Office of the Attorney General, reported that most of the Office of the Attorney General's court cases related to the Yucca Mountain project are pending. She noted, however, the Office has the following unresolved litigation: (1) a challenge to the EPA's radiation standard; (2) a challenge to the NRC licensing resumption ruling; (3) two water cases in southern Nevada, one in federal court and the other in State district court; and (4) a challenge to the Caliente Rail Corridor in the 9th Circuit Court of Appeals in San Francisco. Ms. Adams said the Office's focus has been on the NRC resumption of licensing as ordered by the [United States Court of Appeals for the District of Columbia Circuit August 13, 2013](#).

Ms. Adams further testified that the statutory cap has been met and exceeded so that Yucca Mountain, even if it were licensed, would require statutory changes to accept the existing inventories of waste. Should licensing go forward, she said the State of Nevada is prepared to prove that the Yucca Mountain site is unsafe, and it could not accommodate the existing inventory of SNF. Therefore, the State is supporting, yet advocating for some amendments to [S. 1240, the Nuclear Waste Administration Act of 2013](#). Ms. Adams pointed out there is a provision in the proposed legislation that would authorize interim storage which, as an interim solution to the dry cask storage, in the State's view, would be considerably safer than SNF currently being stored in pools.

COMMENTS FROM AFFECTED UNITS OF GOVERNMENT AND TRIBAL GOVERNMENTS AND REPRESENTATIVES

- Dan Schinhofen, Chairman, Board of Commissioners, Nye County, spoke in favor of licensing the Yucca Mountain project and conducting a thorough study of the location's geology. Mr. Schinhofen shared that the local governments most affected in this matter are willing to support or reject the project based on the outcome of the science evaluation, and if the location is determined to be safe, then the State should negotiate with the federal government for mitigation and safety measures. (Please see [Exhibit T](#), [Exhibit U](#), [Exhibit V](#), [Exhibit W](#), and [Exhibit X](#).)
- Connie Simkins, Coordinator, Nuclear Projects Office, Lincoln County Board of Commissioners, testified the Lincoln County Board of Commissioners has a constitutional responsibility to provide for the health, welfare, and safety of its citizens. Therefore, the Lincoln County Commission has not taken a position either for or against the proposal to build a repository at Yucca Mountain. However, Ms. Simkins noted it is important for the County to stay involved throughout the process, and it supports finishing the license application review and the release of the safety evaluation report. (Please see [Exhibit Y](#).)
- Assemblyman Oscarson asked Ms. Simkins to confirm that Lincoln County supports completing the license application only.
- Ms. Simkins responded that Lincoln County supports the review of the application that has already been submitted by the DOE.
- Senator Goicoechea acknowledged that Lincoln County is struggling financially, as are all the rural Nevada counties, but he asked Ms. Simkins whether the County would participate if licensing requirements proceed.
- Ms. Simkins responded that Lincoln County has been very conservative and has not budgeted any funding for the Yucca Mountain project for the past 3 years, so the County will need funding to continue to participate in the project.
- Senator Goicoechea addressed the Committee, noting that the rural communities do not have the financial ability to participate in the Yucca Mountain proceedings, but the court directed that the applications must be finished. Clearly, he emphasized, the counties must participate, especially those contiguous with Nye County, which is the county where the proposed repository would be located.
- Edwin Mueller, Director, Esmeralda County Oversight Program for Yucca Mountain, pointed out that Esmeralda County is geographically located between northern and southern Nye County and is an AULG in accordance with the NWP. Mr. Mueller stressed that the Esmeralda County Board of Commissioners is convinced that until such time as the NRC completes its review of the license application, Nevada counties,

the State of Nevada, and the nation will be denied a scientific and technical determination of the potential of a Yucca Mountain repository to be built and operated safely and successfully. (Please see [Exhibit Z.](#))

Concluding his remarks, Mr. Mueller affirmed Senator Goicoechea's input that Nevada's rural counties with concerns need financial assistance to defend those conflicts if the licensing application proceeds as the court has directed. He also pointed out that the AULG are supposed to be funded according to the NWPA.

- Irene Navis, Plans and Operation's Coordinator, Office of Emergency Management, Homeland Security, Clark County, said she was testifying on behalf of Philip Klevorick, Nuclear Waste Program Manager, Clark County. After loss of funding, she pointed out Clark County's Nuclear Waste Program was downsized from a staff of seven to one. Ms. Navis shared that she serves on the State, Local, Tribal and Territorial Government Coordinating Council, which is a DHS committee, and she is the liaison to the Nuclear Government Coordinating Council. With her involvement with these bodies, she noted she is familiar with discussions and the level of coordination between the DHS and DOE. She opined that these agencies' least amount of coordination has probably been in the area of the Yucca Mountain project. (Please see [Exhibit AA.](#))
- Senator Spearman asked Ms. Navis about her account that there is a lack of coordination between the DHS and DOE regarding nuclear projects.
- Ms. Navis said the DHS and DOE have conversed and compared notes or findings about transportation in particular. In 2010 the DHS began discussions with the DOE about its NTP, but the conversations were on nuclear issues in general and primarily related to the operation of nuclear power plants.
- Senator Goicoechea and Ms. Navis discussed a number of Clark County's contentions relative to the rounds of the nuclear licensing proceedings they are in and those of other Nevada counties. Senator Goicoechea asked how the other counties' contentions will be addressed and about interim storage of SNF.
- Responding to Senator Goicoechea's question about interim storage of SNF, Ms. Navis responded that the proposed legislation in U.S. Senate Bill 1240 ([S. 1240 - Nuclear Waste Administration Act of 2013](#)) has a component that allows for the selection of a site or several sites for interim storage.
- Senator Goicoechea acknowledged Ms. Navis' input about S. 1240, but opined the Yucca Mountain site may provide an opportunity for interim storage even if a geological study determines it is not suitable as a repository. He pointed out, though, that if the site is used for interim storage or a repository, transportation safety issues must be resolved.

- Ms. Navis said the biggest concern is transportation because there are different waste streams coming into Nevada at different times with different safety considerations, emergency management considerations, and first-responder impacts. All of these contentions, she noted, are not coordinated well through the DOE transportation planning process.

Received subsequent to the meeting is a letter dated March 24, 2014, addressed to Assemblywoman Carlton, Chair, Legislative Committee on High-Level Radioactive Waste, from Ronald Damele, Public Works Director, Office of Eureka County Public Works, noting that Eureka County is an AULG and providing an overview of the County's oversight program of the proposed Yucca Mountain project. (Please see [Exhibit BB.](#))

PUBLIC COMMENT

- Judy Treichel, Executive Director, Nevada Nuclear Waste Task Force (NNWTF), expressed the opposition of the NNWTF to the proposed siting of Yucca Mountain as a repository for SNF. She shared that the NNWTF has been established and actively opposing the Yucca Mountain project for about 30 years.
- Holly Woodward, resident, Las Vegas, spoke against the proposed Yucca Mountain project as the nation's repository for nuclear waste. Ms. Woodward suggested that the State initiate a nuclear waste caucus.
- Dennis M. Moltz, previously identified, testified that when American physicist Steven Chu, Ph.D., was the director at Lawrence Berkeley National Laboratory, he gave a public lecture extolling the virtues of nuclear power. However, as U.S. Secretary of Energy, he reversed his opinion of nuclear power. Discussing the March 2011 Fukushima nuclear accident, Dr. Moltz stated that fresh water is required for the nuclear waste pools at nuclear power stations, but saltwater is not safe.
- Gary J. Duarte, previously identified, opined the citizens of the United States have to separate the national laboratories and some of the agencies from political misdirection. He said 7 of Nevada's 16 counties support the completion of the Yucca Mountain application, and counties are the first representatives of the public. (Please see [Exhibit CC](#) and [Exhibit DD.](#))

Received during the meeting from Captain John W. Weiss, resident, Reno, are the written public comments of Captain Weiss, who did not speak at the meeting. (Please see [Exhibit EE.](#))

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:43 p.m.

Respectfully submitted,

Gayle Nadeau
Senior Research Secretary

Diane C. Thornton
Senior Research Analyst

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

Date: _____

LIST OF EXHIBITS

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

[Exhibit B](#) is the prepared remarks of Gary J. Duarte, resident, Sparks, Nevada, and Director, U.S. Nuclear Energy Foundation, provided by Mr. Duarte.

[Exhibit C](#) is a memorandum titled “Overview of Legislative Committee on High-Level Radioactive Waste,” provided by Diane C. Thornton, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is a Microsoft PowerPoint slide presentation titled “U.S. Nuclear Waste Technical Review Board: Overview and Activities Related to the Storage, Transportation and Disposal of Spent Nuclear Fuel,” provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit E](#) is a report titled *Evaluation of the Technical Basis for Extended Dry Storage and Transportation of Used Nuclear Fuel — Executive Summary*, provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit F](#) is a report titled *Experience Gained From Programs to Manage High-Level Radioactive Waste and Spent Nuclear Fuel in the United States and Other Countries*, provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit G](#) is a report titled *Review of U.S. Department of Energy Activities to Preserve Records Created by the Yucca Mountain Repository Project*, provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit H](#) is a report titled *Survey of National Programs for Managing High-Level Radioactive Waste and Spent Nuclear Fuel*, provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit I](#) is a report titled *Technical Advancements and Issues Associated with the Permanent Disposal of High-Activity Wastes: Lessons Learned from Yucca Mountain and Other Programs*, provided by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board, Arlington, Virginia.

[Exhibit J](#) is a Microsoft PowerPoint slide presentation titled “SNF/HLW Transport: Western Region Perspectives,” provided by James M. Williams, Project Manager, Western Interstate Energy Board (WIEB), Denver, Colorado

[Exhibit K](#) is a Microsoft PowerPoint slide presentation titled “Update on Activities of State of Nevada Agency for Nuclear Projects,” provided by Robert J. Halstead, Executive Director, Nevada’s Agency for Nuclear Projects (NANP), Office of the Governor.

[Exhibit L](#) is a document provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor, and titled “Is Yucca Mountain a long-term solution for disposing of US spent nuclear fuel and high-level radioactive waste?”

[Exhibit M](#) is a document titled “Western Governors’ Association Policy Resolution 2014-06, *Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel*,” provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor.

[Exhibit N](#) is a document titled “The Policy Window for Restructuring the U.S. Nuclear Waste Management Program,” provided by provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor.

[Exhibit O](#) is a document titled “Stakeholder Transportation Scorecard: Reviewing Nevada’s Recommendations for Enhancing the Safety and Security of Nuclear Waste Shipments,” provided by Robert J. Halstead, Executive Director, Nevada’s Agency for Nuclear Projects (NANP), Office of the Governor.

[Exhibit P](#) is a cover letter dated July 13, 2012, to the Chief of the Rulemaking Branch, Division of Administrative Service, Office of Administration, U.S. Nuclear Regulatory Commission (NRC), from Robert J. Halstead, Executive Director, NANP, Office of the Governor, and an accompanying document dated July 13, 2012, titled “State of Nevada Office of the Governor, Agency for Nuclear Projects, Preliminary Comments on *Spent Fuel Transportation Risk Assessment* NUREG-2125, Draft Report for Comment, Docket ID: NRC-2012-0108,” provided by Mr. Halstead.

[Exhibit Q](#) is a document of additional general comments on the *Spent Fuel Transportation Risk Assessment*, NUREG-2125, provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor, and related to the accompanying document in [Exhibit P](#), also provided by Mr. Halstead.

[Exhibit R](#) is a document titled “Repository Transportation Planning, Risk Management, and Public Acceptance: Lessons Learned,” provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor.

[Exhibit S](#) is a document titled “Western Governors’ Association Policy Resolution 2014-05, *Transportation of Radioactive Waste and Radioactive Materials*,” provided by Robert J. Halstead, Executive Director, NANP, Office of the Governor.

[Exhibit T](#) is a cover letter dated February 14, 2014, to the Honorable Maggie Carlton, Chair, Committee on High-Level Radioactive Waste, from Dan Schinhofen, Chairman, Board of Commissioners, Nye County, and an accompanying document dated February 2014, titled “Yucca Mountain Fact Sheet,” provided by Mr. Schinhofen.

[Exhibit U](#) is a cover letter dated January 24, 2014, to the Honorable Fred Upton, Chairman, Committee on Energy and Commerce, United States House of Representatives, from Allison M. Macfarlane, Chairman, NRC, and an accompanying document titled “Monthly Status Report to the Congress, Activities Related to the Yucca Mountain Licensing Action, Report for December 2013,” provided by Cash Jaszczak, resident, Pahrump, Nevada, and consultant, SRS Technologies.

[Exhibit V](#) is the “Executive Summary” for the NRC’s final report titled *Spent Fuel Transportation Risk Assessment*, provided by Cash Jaszczak, resident, Pahrump, and consultant, SRS Technologies. The complete report can be accessed through the following link: <http://pbadupws.nrc.gov/docs/ML1403/ML14031A323.pdf>.

[Exhibit W](#) is a document titled “Five Myths About Yucca Mountain,” provided by Cash Jaszczak, resident, Pahrump, and consultant, SRS Technologies.

[Exhibit X](#) is a document containing the talking points for Nye County titled “Talking Points, Nevada Legislative Committee on High-Level Waste, February 21, 2014,” provided subsequent to the meeting by Cash Jaszczak, resident, Pahrump, and consultant, SRS Technologies.

[Exhibit Y](#) is the prepared remarks of Connie Simkins, Coordinator, Nuclear Projects Office, Lincoln County Board of Commissioners, to the Nevada Legislative Committee on High-Level Radioactive Waste, provided by Ms. Simkins.

[Exhibit Z](#) is the talking points for Edwin Mueller, Director, Esmeralda County Oversight Program for Yucca Mountain, provided by Mr. Mueller.

[Exhibit AA](#) is the talking points for Irene Navis, Plans and Operation’s Coordinator, Office of Emergency Management, Homeland Security, Clark County, who spoke on behalf of Philip Klevorick, Nuclear Waste Program Manager, Clark County, provided by Ms. Navis.

[Exhibit BB](#) is a letter to the Honorable Maggie Carlton, Chair, Nevada Legislative Committee on High-Level Radioactive Waste, from Ronald Damele, Public Works Director, Office of Eureka County Public Works, regarding Eureka County as an Affected Unit of Local Government under Section 116 of the Nuclear Waste Policy Act (as amended), received subsequent to the meeting from Kim Todd, Administrative Assistant, Office of Eureka County Public Works.

[Exhibit CC](#) is a document containing additional public comments of Gary J. Duarte, resident, Sparks, and Director, U.S. Nuclear Energy Foundation, provided subsequent to the meeting by Mr. Duarte.

[Exhibit DD](#) is a map of Nevada broken down by counties titled “7 of Nevada’s 16 Counties Voice Opinion to Support the Completion of the NRC’s Yucca Mountain Application Study,” provided by Gary J. Duarte, resident, Sparks, and Director, U.S. Nuclear Energy Foundation.

[Exhibit EE](#) is a document containing the prepared public comments of Captain John W. Weiss, resident, Reno, Nevada, provided by Captain Weiss.

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 and other materials distributed at the meeting 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 or telephone: 775/684-6827.