



OFFICE OF THE GOVERNOR
AGENCY FOR NUCLEAR PROJECTS
1761 E. College Parkway, Suite 118
Carson City, NV 89706-7954
Telephone (775) 687-3744 • Fax (775) 687-5277
E-mail: nwpo@nuc.state.nv.us

REPORT TO THE NEVADA STATE LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

January 1, 2017 – June 30, 2017

1.0 AGENCY FOR NUCLEAR PROJECTS MISSION STATEMENT

The mission of the Nevada Agency for Nuclear Projects (Agency) is to assure that the health, safety, and welfare of Nevada's citizens and the State's unique environment and economy are adequately protected with regard to any federal high-level nuclear waste and related activities in the state.

2.0 STATUTORY AUTHORITY

Statutory authority for the Agency for Nuclear Projects is contained in NRS 459.009 - NRS 459.0098. As prescribed by statute, the Agency carries out roles and responsibilities provided for the State of Nevada in the federal Nuclear Waste Policy Act of 1982, as amended (PL 97-425).

3.0 ORGANIZATION AND FUNCTIONS

The Agency oversees the federal high-level radioactive waste program; participates in the U.S. Nuclear Regulatory Commission's (NRC) licensing activities and proceedings with respect to the proposed Yucca Mountain repository project; carries out independent technical, socioeconomic and other studies; participates in activities related to implementing recommendations of the Blue Ribbon Commission (BRC) on America's Nuclear Future¹ aimed at finding alternatives to the now-terminated Yucca Mountain project; works with and coordinates activities of state agencies on matters relating to radioactive waste and radioactive waste transportation; represents Nevada on regional organizations dealing with nuclear waste and nuclear waste transportation matters; and provides information to the Governor, Attorney General, Legislature, local governments and tribes, the Commission on Nuclear Projects, the public, and interested parties.

¹ The BRC recommended that future nuclear facility siting be done using a "consent-based," voluntary approach. The final BRC report was released in January 2012 and is available on the web at: http://www.brc.gov/sites/default/files/documents/brc_finalreport_jan2012.pdf.

The Agency consists of the Division of Technical Programs and the Division of Planning, as prescribed by the statute. A seven-member Commission on Nuclear Projects advises the Governor and Legislature on nuclear wastes issues and oversees Agency activities.

4.0 OVERVIEW

The Agency, in close collaboration with the Office of the Attorney General and the state's legal/licensing team, continued preparations for the expected resumption of the NRC's Yucca Mountain licensing adjudicatory hearings². Work included development of new technical and safety contentions – or challenges – to DOE Yucca Mountain license application as a result of new information that has become available since the licensing proceeding was suspended in 2011. Considerable effort was devoted during the reporting period to tasks associated with planning and preparations for a possible resumption of the hearing process in FY 2018.

Key areas of work included overseeing and responding to initiatives at the federal level aimed at identifying consent-based solutions to the nuclear waste issue, monitoring congressional activity related to possible legislation providing for interim storage facilities for spent nuclear fuel (SNF) and implementing recommendations of the BRC, and working cooperatively with the Western Interstate Energy Board's (WIEB) High-Level Radioactive Waste Committee to provide input on DOE's plans for developing a national high-level waste (HLW) transportation system to serve future interim storage and disposal sites.

In June 2017, the Agency and Office of the Attorney General convened a 2-day meeting of the state's legal and licensing team to review the state's licensing contentions already pending before the NRC's licensing board, identify potential new contentions to be submitted if and when the licensing hearing resumes, and consider strategies and issues of importance to Nevada's case in any restarted licensing proceeding.

4.1 Legislation at the Federal Level

While the Trump Administration is proposing to provide \$120 million to DOE and NRC for Yucca Mountain-related work in its FY 2018 budget proposal, the 115th Congress, which convened on January 3, 2017, is in the process of considering new legislation dealing with high-level nuclear waste management. Since the NRC's licensing process was ordered restarted in 2013, there have been several pieces of legislation introduced in Congress aimed at restarting the federal high-level radioactive waste program and implementing key provisions contained in the BRC recommendations.³ In the U.S. House of Representatives, HR 3053, introduced by Rep. John Shimkus (R-IL), would amend the Nuclear Waste Policy Act to expedite action on Yucca

² In 2013, the U.S. Circuit Court of Appeals for the District of Columbia ordered NRC to restart the suspended Yucca Mountain licensing proceeding using available carry-over appropriated funds, even though the court acknowledged that those funds were insufficient to complete the proceeding. The full Commission responded by directing NRC staff to complete work on the five volume Safety Evaluation Report, to prepare the required Environmental Impact Statement Supplement, and to reinstitute a publically accessible database containing materials necessary for the licensing proceeding.

³ Legislative efforts to implement the BRC recommendations are examined in R.J. Halstead, A. Mushkatel, and K. Thomas, "Remaking the U.S. Nuclear Waste Program: A Window of Opportunity for Change?" Waste Management 2015, Proceedings of the Conference, Phoenix, AZ (March 15-19, 2015), available at http://www.state.nv.us/nucwaste/news2016/pdf/WM2015_RemakingWasteProgram.pdf

Mountain, in particular by transferring federal lands at the Yucca Mountain site to DOE. H.R. 3053 would restart the forced siting of a high-level nuclear waste repository at Yucca Mountain, following the primary provision of the Nuclear Waste Policy Amendments Act (NWPAA) of 1987 [42 U.S.C. 10172], which designated Yucca Mountain as the only candidate site to be studied for a geologic repository. During the Subcommittee on Environment hearing on April 26, 2017, four Nevada Members of Congress testified in support of H.R. 456, the Nuclear Waste Informed Consent Act, which would extend consent to Nevada and affected local and tribal governments regarding the Yucca Mountain project. Neither the Subcommittee nor the Committee considered amending H.R. 3053 to extend this consent regarding Yucca Mountain. In stark contrast, the Committee voted to adopt a consent-based siting process that parallels the provisions of H.R. 456 for interim storage facilities only.

In the U.S. Senate, the most comprehensive approach so far was that proposed in S.854, the Nuclear Waste Administration Act of 2015. (see <https://www.congress.gov/bill/114th-congress/senate-bill/854/>) S.854 was introduced in March 2015 by Senator Lamar Alexander (R-TN), with co-sponsors Senators Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), and Maria Cantwell (D-WA).⁴ S.854 was referred to the Senate Committee on Energy and Natural Resources, where no further action was taken. Under the Senate bill as it was introduced in 2015, the development of temporary storage sites and a permanent repository would go forward hand in hand. Additionally, the bill calls for "consent-based siting," meaning that waste facilities would only be located in states that are willing to accept them.

A new, recently introduced Senate bill from Sens. Lamar Alexander (R-Tenn.), Lisa Murkowski (R-Alaska), Maria Cantwell (D-Wash.) and Dianne Feinstein (D-Calif.) incorporates many of the provision of S.854 and would set up a pilot program for an interim nuclear waste storage facility, an approach that has been floated as a temporary alternative to Yucca Mountain.

Interestingly, the Senate Energy and Water Appropriations Subcommittee recently advanced the Senate's Energy and Water Appropriations bill, which does not include the \$120 million requested by DOE to revive Yucca Mountain, unlike the House of Representatives' version of the bill. Completion of the legally-mandated licensing process for Yucca Mountain could cost \$2 billion or more. In a 2008 report, DOE estimated new funding requirements for Yucca Mountain licensing at \$1.66 billion for a 10-year period beginning in 2007, in addition to \$670 million spent on licensing between 2003 and 2006.⁵ The NRC Chairman has stated that it would cost "about \$330 million" over "multiple years" to complete the Yucca Mountain licensing process.⁶ The last congressional action that appropriated funds to DOE and NRC for

⁴S.854, like S.1240 (2013), has its origin in a bill introduced in August 2012 by the retiring U.S. Senator from New Mexico, Jeff Bingaman, with the goal of starting a discussion on the BRC report. Bingaman's bill, S.3469 (2012) died in committee. In April 2013, the Committee on Energy and Natural Resources issued a "discussion draft" of legislation "intended to implement the recommendations" of the BRC. Over the next month, the Committee received more than 2,500 public comments on the discussion draft bill. In June 2013, S.1240 was introduced and referred back to the Committee. S.1240 represented the collaborative work of the Committee's Chairman (Ron Wyden, D-OR) and Ranking Member (Lisa Murkowski, R-AK) and the Chairman (Dianne Feinstein, D-CA) and Ranking Member (Lamar Alexander, R-TN) of the Senate Appropriations Subcommittee on Energy and Water Development. It was originally scheduled for amendments and debate in early 2014.

⁵ DOE, *Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program, Fiscal Year 2007*, DOE/RW-0591, Washington, DC (July 2008). All values were stated in 2007 dollars; see pages 8, 17 - 19.

⁶NRC Chairman Burns' response to questions during testimony before the House Appropriations Committee, Subcommittee on Energy and Water Development, February 10, 2016.

licensing activities was in Fiscal Year 2010 and also included funding for the State of Nevada (\$2.5 million), affected units of local government (\$4.5 million), and affected federally-recognized Indian Tribes (\$246,000).⁷

To be acceptable to Nevada, any new legislation would need to apply the requirement for a written consent agreement to the State of Nevada and to the Yucca Mountain project. In January 2017, Nevada Senators Dean Heller and Catherine Cortez Masto introduced S. 95, The Nuclear Waste Informed Consent Act, in the U.S. Senate, to extend consent to Nevada (see <https://www.congress.gov/bill/115th-congress/senate-bill/95>). Nevada Representatives Dina Titus, Ruben Kihuen, and Jacky Rosen introduced the same legislation as H.R. 456 in the U.S. House of Representatives (see <https://www.congress.gov/bill/115th-congress/house-bill/456>).

These bills would require a binding written consent agreement with the host state governor, affected units of local government (including contiguous counties impacted by transportation), and any affected Indian tribe before the Secretary of Energy made any expenditures from the Nuclear Waste Fund for construction and operation of a geologic repository. This approach would both extend consent to Nevada regarding the proposed Yucca Mountain repository, and it would also protect the interests of other potential host states and local government by allowing completion of the full legally-mandated NRC licensing proceeding and before requiring a binding written agreement with DOE.⁸

5.0 SUMMARY OF AGENCY ACTIVITIES

The principle focus of Agency efforts during the reporting period continued to be on responding to activities undertaken by NRC staff as a result of the court-ordered resumption of the Yucca Mountain licensing proceeding and planning for possible restarted adjudicatory hearings.

5.1 Technical Division Activities

During the period, the Agency's Technical Division continued efforts directly related to the planning for a likely resumption of Yucca Mountain licensing proceeding.

5.1.1 Licensing Activities

Technical Division work related to the Yucca Mountain Licensing Proceedings is carried out in close collaboration with the Attorney General's Office and the AG's legal/licensing team. The

⁷ PL 111-85 (for FY 2010), October 28, 2009, 123 STAT. 2864-2865, percentage allocations of total \$98.4 million appropriated from the Nuclear Waste Fund, "to remain available until expended."

⁸ An earlier approach was taken in March 2015, when Sen. Harry Reid (D-NV) and Sen. Dean Heller (R-NV) introduced the Nuclear Waste Informed Consent Act (S.691). Rep. Dina Titus (D-NV) and Rep. Joe Heck (R-NV) introduced an identical bill (H.R. 1364) in the House of Representatives. These bills would require a binding written consent agreement with the host state governor, affected units of local government (including contiguous counties impacted by transportation), and any affected Indian tribe before the NRC authorized construction of any repository. This would allow the repository consent agreement to be informed by completion of the safety evaluations required by NRC regulations and by the environmental evaluations required under NEPA. This timing change for the required agreement would extend consent to Nevada regarding the proposed Yucca Mountain repository.

Agency maintains a web page that is updated every business day, containing pertinent licensing materials, petitions, orders, etc. This web page can be found at:
<http://www.state.nv.us/nucwaste/licensing.htm> .

As part of its restarted licensing efforts, NRC directed NRC staff to make available on NRC's publically accessible database, all documentary material that was formally available through the now-defunct Licensing Support Network (LSN). The majority of the NRC LSN collection is now available on ADAMS (Agency Document Access Management System). Software and IT capabilities needed for accessing licensing-related documents and materials are separately being maintained by the Agency. However, the Agency will not need to develop its own fully searchable database⁹ if NRC's ADAMS system is able to function as a viable substitute for the original LSN. This was still unclear at the time this report was prepared.

5.1.2 Interactions

Agency personnel and contractors attended or participated in meetings and teleconferences sponsored by DOE, NRC, the US Nuclear Waste Technical Review Board, regional organizations of states and tribes, and nuclear industry groups addressing various aspects of the federal high-level radioactive waste program during the time period covered by this report. The Agency Executive Director provided updates on the status of the Yucca Mountain licensing process and other matters to the Legislature, local governments, and others.

The Agency, in close collaboration with the Office of the Attorney General, convened a licensing team meeting in Las Vegas on June 28 – 29, 2017. The meeting involved representatives from the Agency, the AG's Office and the State's licensing attorneys, and the Agency's technical experts. The meeting reviewed the status of the Agency's contentions pending before the NRC, reviewed possible new contentions should the licensing proceeding resume, examined legal strategies for any restarted NRC proceeding, and evaluated the need for additional research/studies to support the licensing effort.

5.1.3 Independent Studies

As a result of the licensing team meeting in June 2017, several promising areas for new/augmented studies were identified. These included possible new work on corrosion regarding the proposed drip shields designed to protect waste packages from water intruding into the repository, new studies of fracture flow/infiltration within the repository system, and continued work in the areas of volcanism and the potential for renewed volcanic activity at Yucca Mountain.

⁹ Following the suspension of the licensing proceeding in 2010, NRC directed, as a cost cutting measure, that the LSN containing all of the documents from all parties to the proceeding (several million pages in all) be discontinued and that documents be retained in electronic form by NRC staff, but not accessible to licensing participants or the public. As part of its planning for the court-ordered restart of the proceeding, NRC indicated that the LSN documents would be loaded onto NRC's regular document system (ADAMS).

5.1.4 Quality Assurance (QA) Oversight

All QA audits have ceased at this time because DOE is no longer conducting site characterization work at Yucca Mountain and has terminated all activities at the site.

5.1.5 On-site Monitoring

Because the Yucca Mountain site has been shut down, no on-site monitoring activities were ongoing during the period. However, it was determined at the licensing team meeting that a site visit by the technical team is warranted in anticipation of a renewed NRC licensing proceeding.

5.2 Planning Division Activities

5.2.1 Transportation and NEPA Licensing Contentions

During the reporting period, work continued on studies and information gathering efforts in support of the Nevada's transportation and environmental (i.e., National Environmental Policy Act – NEPA) contentions in the NRC's Yucca Mountain licensing proceeding. Work during the reporting period included the following:

- Updating and identifying sources of information with regard to the Union Pacific Railroad corridor through Las Vegas, including demographics, rail, pipeline infrastructure, train operations, pipeline operations, vehicle traffic through area, existing studies and emergency response plans, potential for evacuation impacts, potential for contamination impacts, potential for disruption of government facilities that provide essential services.
- Analyses of the costs of a repository at Yucca Mountain compared to other potential repository locations in other geologic media;
- Continued work on impacts associated with the construction and operation of the proposed Caliente rail corridor for shipments of SNF and HLW to Yucca Mountain;
- Research into the relationship of hazardous materials transportation (i.e., petroleum, other hazardous chemicals, etc.) within the Las Vegas Valley to potential HLW/SNF shipments associated with a Yucca Mountain repository and potential cumulative impacts;
- Updating information regarding key radionuclides in transport cask inventories and understanding the hazards posed by spent nuclear fuel, especially in cases involving accident or malevolent acts;
- Gathering information on areas of impact to Native American communities and cultural resources as a result of the transportation of spent fuel to a possible Yucca Mountain repository.

5.2.2 Preparations and oversight for transuranic waste shipments within Nevada

The Agency continued to work with other Nevada state agencies to prepare for future transuranic waste shipments originating in northern California and destined for the Idaho National Laboratory (INL) via Interstate 80 through northern Nevada.¹⁰ This program that has been ongoing in Nevada since 2000 and has resulted in the safe transportation of transuranic waste formerly stored at NNSS to both the Waste Isolation Pilot Plant (WIPP)¹¹ facility in New Mexico and to INL. However, while there have been no recent transuranic waste shipments within Nevada, DOE plans additional shipments from generator sites in northern California over the next decade. The Agency's work in this regard involves assuring preparedness for such shipments in the future. The Agency's efforts are carried out using funds from an agreement between the Agency and the Western Governors Association as part of a region-wide WIPP Transportation Program.

5.2.3 Information Provision and Coordination

The Agency continues to maintain a database of reports and materials supporting the state's NRC licensing contentions and licensing intervention activities in anticipation of the possible resumption of the adjudicatory hearings. The database consists of almost 6,000 documents comprised of close to 200,000 pages. The Agency has also acquired the electronic version of DOE's entire LSN¹² collection, comprising several million pages of document materials so as to be prepared for any resumption of licensing in the future. In the event NRC does not or cannot re-establish a functional, accessible database for all parties' licensing materials, the Agency plans to be able to convert this extensive DOE database into a more readily searchable format and identify how best to provide useful access to this information.

The Agency also continues to maintain a multifaceted website containing information on Yucca Mountain, the NRC licensing process and related information, nuclear issues in general, and links to other relevant information sources. The web page is a cost-effective and useful way to provide information to a wide audience. The web page is available at: <http://www.state.nv.us/nucwaste/>.

¹⁰ This project is funded by – and operated in close cooperation with – the Western Governors Association (WGA). The funds received by Nevada from WGA are part of a larger, regional program whereby WGA receives funds from DOE to implement a comprehensive regional program aimed at preparing states and local communities for transuranic waste shipments through their jurisdictions and assuring that such shipments are implemented in a safe and routine manner. Working with the states, WGA has developed a system of transportation protocols that cover all aspects of the transuranic waste shipping campaign. WGA passes funds on to affected states to implement the transportation program.

¹¹ WIPP, located in Carlsbad, NM, is a repository for disposal of defense transuranic waste. Transuranic waste is essentially lower-level radioactive and mixed hazardous/radioactive waste that has been contaminated with low levels of plutonium or other very long-lived radioisotopes that require long-term isolation from the environment.

¹² The NRC's Licensing Support Network (LSN) was a comprehensive, web-based database containing several million pages of documentary material from all parties to the Yucca Mountain licensing proceeding. When the proceeding was suspended in 2011, NRC discontinued the LSN for lack of funding, and the system remains unavailable. NRC is in the process of converting LSN documents and materials for uploading on the standard, searchable NRC database known as ADAMS (see footnote 2 above).

6.0 DESCRIPTION OF THE AGENCY'S CONTRACTS DURING THE PERIOD

A description of all contracts in place during the reporting period is included as Attachment I of this report.

7.0 STATUS OF ANY LITIGATION RELATING TO THE MISSION OF THE AGENCY AND TO WHICH THE STATE OF NEVADA IS A PARTY (January 1, 2017 – June 30, 2017)

FEDERAL DISTRICT COURT IN NEVADA, U.S. COURTS OF APPEALS,
AND STATE DISTRICT COURT IN TONOPAH

(1) *United States v. State Engineer* (5th Judicial District Court, Nye County, No. 15722). This is the appeal filed by the United States on behalf of the U.S. Department of Energy (DOE) following the State Engineer's denial of DOE's applications for permanent water rights to construct and operate the proposed Yucca Mountain repository. This case was filed as a protective measure while the United States pursues its constitutional claims in the main water litigation in federal court (See below). The case remains pending.

(2) *United States v. State of Nevada* (U.S. District Court, No. CV-S-00-0268-DWH-LRL). This case is the United States' challenge of the Nevada State Engineer's decision determining that the United States Department of Energy (DOE) is not entitled to permanent water rights to construct and operate the proposed repository based on the State Engineer's finding that the proposed use threatens to be detrimental to the public interest. DOE has curtailed its minimal water use and in 2009, publically announced that the proposed Yucca Mountain High-Level Nuclear Waste repository is unworkable. Due largely to efforts by U.S. Senator Harry Reid, funding for Yucca Mountain has been blocked. Although the Trump Administration has signaled a desire to restart Yucca Mountain licensing proceeding, no federal funds have yet been appropriated for that purpose. The litigation remains pending.

(3) *Nevada v. United States Environmental Protection Agency (EPA)* (U.S. Court of Appeals for the District of Columbia Circuit, No. 08-1327). Nevada filed suit on October 10, 2008 against EPA, challenging the revised EPA radiation standard for the proposed Yucca Mountain repository. On January 7, 2009, the Court issued an initial scheduling order. An unopposed motion was submitted to the Court to extend the briefing schedule, which allowed the State to file its opening brief on March 15, 2010. Because DOE moved to withdraw its license application and has proceeded to terminate the Yucca Mountain Project and Congress has zeroed out funding for the Yucca Mountain project, this litigation is being held in abeyance pending resolution of the termination question. In the event the adjudicatory portion of NRC licensing proceeding resumes, a restart of this litigation may be considered. Quarterly status reports continue to be filed with the Court.

(4) *Nevada v. United States Nuclear Regulatory Commission (NRC)* (U.S. Court of Appeals for the District of Columbia Circuit, No. 09- 1133) Nevada filed a petition for judicial review of the

NRC's Licensing Rule for the proposed Yucca Mountain repository on May 8, 2009. Motions to govern procedural matters were filed August 31, 2009 and a request to the Court for tandem consideration of this case and the EPA case was filed also. Dispositive motions and the NRC index to the record were filed September 29, 2009. The case is pending. Similarly to the case above, this litigation is being held in abeyance pending resolution of whether the Yucca Mountain project can be terminated. In the event the adjudicatory portion of the NRC licensing proceeding resumes, a restart of this litigation may be considered. Quarterly status reports continue to be filed with the Court.

(5) *Nevada v. United States Department of Energy* (9th Circuit 09-71015). This case challenges DOE's selection of the Caliente rail corridor and currently is being held in abeyance pending confirmation of the project's termination.

(6) *Texas v. United States Department of Energy (DOE), et al* (5th Circuit 17-60191). Nevada intervened in this Texas litigation still in its early stages. Texas challenges DOE's "consent-based siting" effort (no longer in effect) and further claims DOE is violating the 2013 order of the United States Court of Appeals for the District of Columbia Circuit in *Aiken County v. DOE* (725 F.3d 255 (D.C. Cir.)) which ordered the U.S. Nuclear Regulatory Commission (NRC) to expend its remaining Yucca Mountain funds in furtherance of Yucca Mountain licensing despite the fact that NRC's remaining funds were insufficient to complete the effort. Because both of Texas' claims fail, it is likely that this case will be dismissed. If it is not, Nevada will be positioned to influence the outcome and prevent attempts to truncate NRC licensing.

PENDING ADMINISTRATIVE PETITIONS

1. On June 29, 2010, the Atomic Safety and Licensing Board (also known as the Construction Authorization Board or "CAB") issued an Order which, among other things, denied DOE's motion to withdraw its Yucca Mountain license application. The matter was appealed to the full NRC. In September 2011, NRC formally acknowledged that it was not able to reach a decision on the appeal due to a 2-2 split among commissioners (with one member of the Commission recusing himself). The result is that the licensing board's denial of DOE's motion to withdraw the license application stands.

2. *Petition for Rulemaking with NRC (filed April 8, 2005 PRM- -51-9)*: seeks to revise NRC's standards for reviewing and litigating National Environmental Policy Act (NEPA) issues discussed in DOE's Environmental Impact Statement (EIS) for Yucca Mountain to clearly conform to the decision in *NEI v. EPA*, 373 F.3d 1251 (D.C. Cir. 2004). The petition was published for comment on August 12, 2005, and the comment period expired on October 26, 2005. No further action has been taken by NRC.

3. *Petition for Rulemaking with NRC (filed December 22, 2006 and supplemented on January 23, 2007 PRM 63-2)*: addresses the critical issue of DOE's proposed "aging pad" for commercial spent fuel at Yucca Mountain. The petition has not yet been noticed for comment in the Federal Register despite Nevada's requests that it be published. The petition is still pending.

4. *Petition for Rulemaking (filed June 19, 2007)*: Petition for rulemaking asking NRC to fill in a gap in its Rules of Practice by specifying issues for consideration in the “mandatory hearing” on the prospective Yucca Mountain construction authorization application. The petition has been docketed but no other action has been taken. The petition was noticed for public comment on August 29, 2007 and the comment period closed November 13, 2007. The matter remains pending.

ATTACHMENT I
DESCRIPTION OF AGENCY CONTRACTS

January 1, 2017 – June 30, 2017

INTRODUCTION

The following contracts constitute Agency for Nuclear Projects' contracts in place during the reporting period:

DESCRIPTION OF CONTRACTS: 1/1/17 – 6/30/17

CONTRACTOR:

Egan, Fitzpatrick, Malsch & Lawrence¹³
12500 San Pedro Avenue, Suite 555
San Antonio, Texas 78216

COMPENSATION:

Total Compensation: \$ 387,947.62

NARRATIVE:

This is a tripartite agreement between the Agency, the Attorney General, and the contractor whereby the contractor serves as special counsel to the State to represent the State before the Nuclear Regulatory Commission on issues related to the U.S. Department of Energy's license application for the proposed Yucca Mountain repository and in litigation arising under the Nuclear Waste Policy Act where the Attorney General and the Agency mutually agree such services are beneficial for the State.

**NEED FOR CONTRACT/CONTRIBUTION TO THE
AGENCY'S MISSION**

This contract is essential to furthering the Agency's mission to assure that Nevada's interests are protected with regard to the federal high-level nuclear waste program. It provides for essential representation before the NRC and the NRC licensing process for a repository.

STATUS:

Contract runs through 9/30/2017

¹³ This is a three-party contract wherein the Agency and the Attorney General's Office jointly manage the contract and contribute toward paying expenses.

CONTRACTOR:

Nevada Division of Emergency Management
Capitol Complex
Carson City, NV 89710

COMPENSATION:

Total Compensation: \$ 100,523.00

NARRATIVE:

Contract provides for DEM review, monitoring, and assessment of emergency preparedness, public safety and other issues arising in the context of the transportation of transuranic waste from the Nevada Nuclear Security Site to the Waste Isolation Pilot Plant facility in New Mexico. Funds for this agreement are provided through a grant from the Western Governors' Association. This is an interagency agreement that is implemented by means of specific tasks/work plans.

NEED FOR CONTRACT/CONTRIBUTION TO THE
AGENCY'S MISSION

The Agency is required by statute to coordinate activities with other State agencies affected by the federal HLW program. This contract provides for the participation of a key State agency that will be significantly impacted by HLW transportation should the Yucca Mountain project go forward.

STATUS:

This is an ongoing interagency agreement. DEM will participate in emergency response/preparedness planning and development of training needs assessments and costs estimates as funding permits.

CONTRACTOR:

Nevada Division of Public and Behavioral Health
Radiation Control Program
Capitol Complex
Carson City, NV 89710

COMPENSATION:

Total Compensation: \$ 0

NARRATIVE:

Contract provides for the State Health Division's Radiological Health Section (Rad. Health) to plan for, train, and implement required oversight and inspection activities to meet the requirements of public health and safety with respect to the transportation of transuranic waste from the Nevada Nuclear Security Site to the Waste Isolation Pilot Plant facility in New Mexico. Funds for this agreement are provided through a grant from the Western Governors' Association.

NEED FOR CONTRACT/CONTRIBUTION TO THE AGENCY'S MISSION

The objective of this contract is to provide the State of Nevada with the capability to carry out activities needed to ensure the safe and uneventful transportation of transuranic waste within Nevada on its way from NNSS to WIPP. The Agency has been designated by the Governor as the lead State agency for policy and coordination of other State agencies. Rad. Health will need to be prepared to provide carry out radiological inspections, help train and equip local and state responders, and assist with other activities related to the WIPP shipments.

STATUS:

This is an ongoing interagency agreement. Rad. Health will participate in preparedness planning, training, exercises, and implementation activities as funding permits.

CONTRACTOR:

Nevada Department of Public Safety
Highway Patrol Division
Capitol Complex
Carson City, NV 89710

COMPENSATION:

Total Compensation: \$ 21,407.47

NARRATIVE:

Contract provides for NHP to plan for, train, and implement required safety activities to meet the requirements of public safety with respect to the transportation of transuranic waste from the Nevada Nuclear Security Site to the Waste Isolation Pilot Plant facility in New Mexico. Funds for this agreement are provided through a grant from the Western Governors' Association.

NEED FOR CONTRACT/CONTRIBUTION TO THE AGENCY'S MISSION

The objective of this contract is to provide the State of Nevada with the capability to carry out activities needed to ensure the safe and uneventful transportation of transuranic waste within Nevada on its way from NNSS to WIPP. The Agency has been designated by the Governor as the lead State agency for policy and coordination of other State agencies. NHP will need to be prepared to provide shipment escorts, serve as potential first responders for accidents, monitor real time tracking for the shipments, and carry out the vehicle aspects of point-of-origin inspections.

STATUS:

This is an ongoing interagency agreement. NHP will participate in preparedness planning, training, exercises, and implementation activities as funding permits.

CONTRACTOR:

Nevada Department of Transportation
1263 Stewart Street
Carson City, Nevada 89701

COMPENSATION:

Total Compensation: \$ 0

NARRATIVE:

This is one of a series of interagency agreements with State agencies that are potentially affected by, or that have responsibilities with respect to, shipment of transuranic waste from the Nevada National Security Site to the Waste Isolation Pilot Plant in New Mexico. The Agreement provides for reviewing and evaluating highway conditions along the proposed shipping route and participating in planning and operational activities related to these shipments. Funds for this agreement are provided through a grant from the Western Governors' Association.

**NEED FOR CONTRACT/CONTRIBUTION TO THE
AGENCY'S MISSION**

The objective of this contract is to provide the State of Nevada with the capability to carry out activities needed to ensure the safe and uneventful transportation of transuranic waste within Nevada on its way from NNSS to WIPP. The Agency has been designated by the Governor as the lead State agency for policy and coordination of other State agencies. NDOT will need to be prepared to assist NDEM and NHP as necessary to assure safe and uneventful shipments.

STATUS:

This is an ongoing interagency agreement. NDOT will participate in preparedness planning, training, exercises, and implementation activities as funding permits.

CONTRACTOR:

Strolin Consulting, LLC
2559 Nye Drive
Minden, NV 89423

COMPENSATION:

Total Compensation: \$ 33,690.32

NARRATIVE:

Contract provides for services necessary for implementing the Agency's mission in light of reductions in staff and the continuing requirements for oversight of the proposed Yucca Mountain high-level nuclear waste program and the NRC licensing proceeding; for work related to the Agency's obligations with respect to transuranic and low-level radioactive waste shipments within Nevada; for work associated with the Agency's responsibilities

under the Agreement-in-Principle (AIP) between the State of Nevada and the US Department of Energy/NNSA/Nevada Site Office; and for other services required for the effective operations of the Agency.

NEED FOR CONTRACT/CONTRIBUTION TO THE AGENCY'S MISSION

Due to budget reductions, it was not possible to fund the Planning Division Administrator position beginning with the FY 2010 - 2011 biennium. Strolin Consulting assists the Agency on a part-time basis to assure that important Planning Division work can continue. Contractor has unique qualifications, knowledge and experience as a result of the principal's long tenure with the Agency and intimate involvement with the Yucca Mountain program and other nuclear waste issues/activities in Nevada. The Agency is at a crucial stage with respect to Yucca Mountain program, the ongoing Nuclear Regulatory licensing proceeding, and waste transportation involving planning and oversight of spent fuel, high-level waste, low-level waste, and transuranic waste affecting Nevada. Providing for the services of the contractor at this crucial time is essential to the effective functioning of the Agency.

STATUS:

Contract has been extended through 12/31/17.

CONTRACTOR

Urban Environmental Research, LLC
2850 W. Horizon Ridge Parkway, Suite 200
Henderson, NV 89052

COMPENSATION:

Total Compensation: \$ 63,021.87

NARRATIVE:

The work to be accomplished under this contract involves the implementation of studies and activities in support of important transportation contentions in the NRC's Yucca Mountain licensing proceeding and specific studies, reports, etc. addressing impacts that would be associated with the location and operation of a HLW repository at Yucca Mountain, including impacts from the transportation of spent nuclear fuel and HLW to such a facility.

NEED FOR CONTRACT/CONTRIBUTION TO THE AGENCY'S MISSION

In July 2002, the U.S. Congress voted to uphold the decision by the Energy Department (DOE) and the President to select Yucca Mountain in southern Nevada as the potential location for the nation's first high-level nuclear waste repository. Nevada is presently challenging the project in NRC's licensing proceeding. The work under this contract involves specific and focused studies and reports by subject-matter experts in

environmental and transportation area in support of contentions or challenges the State is pursuing in the context of the NRC's licensing proceeding. Other work includes maintaining/updating baseline information; monitoring selected socioeconomic impacts identified in the Agency's Yucca Mountain Impact Report that would be associated with the location and operation of a HLW repository at Yucca Mountain, including impacts from the transportation of spent nuclear fuel and HLW to such a facility in Nevada and nationally; and carrying out additional research and/or data collection that is necessary to provide support for legal cases involving certain aspects of the Yucca Mountain program and for the State's activities associated with NRC's licensing proceedings.

STATUS:

Contract runs through 12/31/17.