



NEVADA LEGISLATURE

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

(Nevada Revised Statutes [NRS] 459.0085)

SUMMARY MINUTES

The second and final meeting of the Committee on High-Level Radioactive Waste for the 2017–2018 Interim was held on Friday, April 27, 2018, at 12:30 p.m. in Room 4412, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Granicus/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Edgar Flores, Chair
Senator David R. Parks, Vice Chair
Assemblyman Chris Brooks
Assemblyman Jim Marchant
Assemblyman William McCurdy II

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Senator Pete Goicoechea

COMMITTEE MEMBERS ABSENT:

Senator Yvanna D. Cancela (Excused)
Senator Tick Segerblom (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jann Stinnesbeck, Senior Policy Analyst, Research Division
Darcy Johnson, Principal Deputy Legislative Counsel, Legal Division
Erin Sturdivant, Senior Deputy Legislative Counsel, Legal Division
Lisa Gardner, Research Policy Assistant, Research Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—OPENING REMARKS

Chair Flores called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Chair Flores called for public comment.

Ian Zabarte, Principal Man, Western Bands of the Shoshone Nation of Indians, stated that the Western Shoshone own Yucca Mountain, as it falls within treaty territory established through the Treaty of Ruby Valley. He discussed a federal statute that protects the boundaries of Indian Country and noted health concerns with radiation exposure. Mr. Zabarte submitted a press release for an upcoming Native Community Action event ([Agenda Item II](#)).

Susan Newton, resident of Henderson, spoke in favor of developing small modular reactors (SMRs) and powering them with energy harnessed from reprocessed spent nuclear fuel (SNF). She said SMRs would be beneficial for backing up or replacing the energy grid in the event of an emergency. Ms. Newton submitted her written testimony for the record ([Agenda Item II](#)).

Jacob D. Paz, Ph.D., resident of Las Vegas, discussed federal compliance issues involving case law and a 1996 amendment to the Clean Water Act of 1972. He said the United States Department of Energy's (DOE's) license application does not include information on neutron poisoning elements and added that an erionite exposure standard has not been established to protect workers. He submitted a document for the record ([Agenda Item II](#)).

Jim Falk, resident of Fallon, expressed support for the Yucca Mountain Project and efforts to reprocess SNF in Nevada. He remarked that reprocessing SNF would reduce the country's dependence on imported fuel and noted the U.S. Navy has utilized and transported the material for 50 years without a major incident. He submitted his written testimony for the record ([Agenda Item II](#)).

Phil Klevorick, Program Manager, Clark County Nuclear Waste Division, remarked that Clark County is opposed to the Yucca Mountain Project; however, it does not have enough funding to participate in all of the proceedings.

Kerrie Kramer, representing Las Vegas Metro Chamber of Commerce, stated the Chamber and its partners, including the City of Las Vegas, are opposed to the transportation and storage of nuclear waste in Nevada due to potential negative impacts on the economy and the health and safety of residents.

Kimberly Estrada, Environmental Justice Organizer, Progressive Leadership Alliance of Nevada, expressed appreciation for [Assembly Joint Resolution 10](#) of the 2017 Session and commented on disproportionate health and safety impacts of radiation exposure on marginalized communities. She submitted her written testimony for the record ([Agenda Item II](#)).

Robert E. Frank, Colonel (Ret.), U.S. Air Force, Chair, Nevadans CAN, spoke in favor of establishing a carbon free energy center in Nevada to eliminate the need for hazardous waste storage at Yucca Mountain. Mr. Frank submitted several documents for the record ([Agenda Item II](#)) and referenced a video on nuclear recycling that can be viewed through the following link: <https://www.youtube.com/watch?v=MlMDDhQ9-pE>.

Mary Rooney, resident of Henderson, spoke in favor of reprocessing SNF in Nevada as an alternative to storage. She commented on advances in nuclear technology and expressed concern with Nevada's litigation related to the Yucca Mountain Project.

Linda Buckardt, resident of Henderson, voiced support for reprocessing SNF in Nevada. She discussed economic benefits with such activity and referenced an article written by Michael Shellenberger concerning the costs of solar and wind energy ("If Solar And Wind Are So Cheap, Why Are They Making Electricity So Expensive," *Forbes*).

Leonard Skoblar, Nevada resident, spoke in favor of the Yucca Mountain Project, efforts to reprocess SNF in Nevada, and the development of SMRs. He conveyed that licensure for the Yucca Mountain Project is legally and technically sound.

Patrick Donnelly, Field Biologist, and Member, Board of Directors, Basin and Range Watch, discussed potential impacts of groundwater contamination on the biodiversity of the Amargosa River Watershed. He urged the Committee to recommend that any future licensing proceedings include: (1) an evaluation of the research of hydrogeologist Andrew Zdon; and (2) consultation with the U.S. Fish and Wildlife Service, Department of the Interior, concerning federally protected species.

Forrest Darby, Nevada resident, expressed support for the Yucca Mountain Project. He discussed long-term employment opportunities related to the Project and noted his preference for a north-south rail route to the site.

Bill Newton, resident of Henderson, spoke in favor of reprocessing SNF and manufacturing SMRs in Nevada. He submitted his written testimony for the record ([Agenda Item II](#)).

Craig F. Smith, Ph.D., Research Professor of Physics, U.S. Naval Postgraduate School, spoke on his own behalf concerning U.S. nuclear policy and the benefits of reprocessing SNF in Nevada. He said he supports the proposal presented by Nevadans CAN ([Agenda Item II](#)) to reprocess SNF and develop advanced nuclear technologies at the Nevada National Security Site.

Connie Simkins, representing Lincoln County and the City of Caliente, voiced support for restarting the licensing process for the Yucca Mountain Project. She commented on: (1) the activities of the Lincoln County Nuclear Oversight Program; (2) efforts to protect the health and welfare of County and City residents; and (3) related funding needs for the County and City. She submitted a document for the record ([Agenda Item II](#)).

Roselaine Matta, resident of Henderson, spoke in opposition to the Yucca Mountain Project. She expressed concern with transporting material by rail and burying it in the Mountain.

Darrell Lacy, Director, Nuclear Waste Repository Project Office, Nye County, commented on Nye County's interest in moving forward with the licensing proceedings. He explained that technical issues will be resolved on a transparent basis and noted the facility has been designed to be a retrievable repository. He submitted the remarks of Dan Schinhofen, Vice Chair, Nye County Board of Commissioners, for the record ([Agenda Item II](#)).

Gary Duarte, Director, U.S. Nuclear Energy Foundation, discussed the purpose, mission, and activities of the Foundation and suggested Committee members tour the Idaho National Laboratory prior to forming an opinion about the Yucca Mountain Project. He submitted several documents for the record ([Agenda Item II](#)).

Ernie Bushman, Nevada resident, expressed opposition to the Yucca Mountain Project. He spoke in reverence to Corbin Harney, late spiritual leader of the Western Shoshone, and pointed out that Yucca Mountain is an ancestral burial ground.

Dennis Bechtel, former Manager, Nuclear Waste Division, Clark County Department of Comprehensive Planning, proposed amending AJR 10 to include references to a public opinion survey and a recommendation from the Blue Ribbon Commission on America's Nuclear Future concerning a consent-based siting process. He also suggested the state provide funding to assist affected counties.

Robert Taras, resident of Las Vegas, voiced opposition to the Yucca Mountain Project and the concept of manufacturing SMRs in Nevada. He conveyed that the DOE's license application serves special interests and does not address costs and unrecoverable losses associated with potential disasters.

Firmin Bertha, Nevada resident, indicated he supports the Yucca Mountain Project, the reprocessing of SNF, and the development of advanced nuclear technology in Nevada.

Tom Dudas, resident of Las Vegas, spoke in opposition to the Yucca Mountain Project, noting health and safety concerns. Mr. Dudas submitted his written testimony for the record ([Agenda Item II](#)).

Other members of the public submitted written remarks but did not testify at the meeting ([Agenda Item II](#)).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON MARCH 20, 2018

MOTION: Senator Parks moved to approve the minutes of the meeting held on March 20, 2018. The motion was seconded by Assemblyman Brooks and passed unanimously.

AGENDA ITEM IV—DISCUSSION OF STATE POLICY TRENDS REGARDING THE STORAGE, TRANSPORTATION, AND DISPOSAL OF NUCLEAR WASTE

Daniel Shea, Energy Policy Specialist, National Conference of State Legislatures (NCSL), provided an overview of NCSL activities and state legislative trends related to the storage, transportation, and disposal of nuclear waste ([Agenda Item IV](#)).

There was a discussion concerning:

- Fines and settlements pertaining to the storage of SNF at nuclear power facilities; and
- New Mexico legislation, which expresses support for an interim storage facility within that state.

AGENDA ITEM V—OVERVIEW AND ACTIVITIES RELATED TO THE STORAGE, TRANSPORTATION, AND DISPOSAL OF SPENT NUCLEAR FUEL

Bret W. Leslie, Ph.D., Senior Professional Staff, U.S. Nuclear Waste Technical Review Board, presented information on the Board's role with evaluating the management and disposal of the DOE's SNF, which included technical details and the Board's findings and recommendations ([Agenda Item V](#)).

AGENDA ITEM VI—WESTERN REGION PERSPECTIVES ON TRANSPORTATION OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, Western Interstate Energy Board (WIEB), shared background information on WIEB and discussed the organization's perspectives with the transportation of SNF and high-level waste ([Agenda Item VI-1](#)).

She referenced the WIEB High-Level Radioactive Waste Committee's 2017 policy papers ([Agenda Item VI-2](#)) ([Agenda Item VI-3](#)) ([Agenda Item VI-4](#)) ([Agenda Item VI-5](#)) ([Agenda Item VI-6](#)) ([Agenda Item VI-7](#)).

There was discussion concerning: (1) a north-south transportation route, located near the Rocky Mountains, to the Waste Isolation Pilot Plant—as shown on page 6 of the presentation ([Agenda Item VI-1](#)); and (2) provisions concerning appointments to the WIEB Board and the WIEB High-Level Waste Committee.

AGENDA ITEM VII—WORK SESSION—DISCUSSION AND POSSIBLE ACTION RELATING TO:

- A. A Legislative Resolution Similar to or Reaffirming Assembly Joint Resolution 10 (File 29, Statutes of Nevada 2017)*
- B. Proposals Made During This Meeting, Not Previously Discussed*

No action was taken on Agenda Item VII ([Agenda Item VII](#)).

Chair Flores pointed out that AJR 10 is the established resolution from the Nevada Legislature regarding the Yucca Mountain Project. He explained that since the measure is still in effect, it is not necessary for the Committee to consider a similar resolution.

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Flores called for public comment.

Robert J. Halstead, Executive Director, Agency for Nuclear Projects (ANP), Office of the Governor, referenced a memorandum pertaining to H.R. 3053 (The Nuclear Waste Policy Amendments Act of 2017), which he submitted for the record at the [March 20, 2018, Committee meeting](#). He said the ANP's next biennial report, due to be released in January 2019, will include information on: (1) the pros and cons of reprocessing SNF; (2) implications with the early shutdown of reactors; and (3) new technologies including SMRs and Generation IV reactors.

Chair Flores thanked Mr. Halstead for availing himself to the Committee during the interim.

Judy Triechel, Executive Director, Nevada Nuclear Waste Task Force, commented on the 30-year history of the Yucca Mountain Project. She discussed: (1) public opposition to the Project; (2) population growth in Nevada; and (3) economic activity near planned transportation routes. Ms. Triechel submitted her written testimony for the record ([Agenda Item VIII](#)).

Gary Duarte, previously identified, referenced one of his handouts (Nuclear Facts, the Science, Not Politics: Yucca Mountain Repository) ([Agenda Item II](#)). He discussed: (1) the scientific study of Yucca Mountain; (2) the economic potential of reprocessing SNF; (3) Nevada's contentions with the Yucca Mountain Project; (4) county support for the licensing process to resume; and (5) scientific advances in nuclear technology. Mr. Duarte reiterated his earlier suggestion for the Committee to tour the Idaho National Laboratory.

Robert E. Frank, previously identified, expressed opposition to the Yucca Mountain Project and conveyed an alternative would be to establish a recycling center in Nevada to reprocess SNF ([Agenda Item II](#)). He encouraged the Committee to formulate a recommendation concerning federal and private investment in such a facility.

Mary Rooney, previously identified, spoke in favor of reprocessing SNF in Nevada.

Chair Flores expressed his appreciation for Committee members and staff and encouraged the public to continue discussing the issues.

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:12 p.m.

Respectfully submitted,

Lisa Gardner
Research Policy Assistant

Jann Stinnesbeck
Senior Policy Analyst

APPROVED BY:

Assemblyman Edgar Flores, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II	Various Members of the Public	Written testimony
Agenda Item IV	Daniel Shea, Energy Policy Specialist, National Conference of State Legislatures	Presentation
Agenda Item V	Bret W. Leslie, Ph.D., Senior Professional Staff, United States Nuclear Waste Technical Review Board	Presentation
Agenda Item VI-1	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, Western Interstate Energy Board (WIEB)	Presentation
Agenda Item VI-2	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Introduction to Policy Papers
Agenda Item VI-3	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Policy Paper
Agenda Item VI-4	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Policy Paper
Agenda Item VI-5	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Policy Paper
Agenda Item VI-6	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Policy Paper
Agenda Item VI-7	Melanie K. Snyder, J.D., Program Manager, High-Level Radioactive Waste, WIEB	Policy Paper
Agenda Item VII	Jann Stinnesbeck, Senior Policy Analyst, Research Division, Legislative Counsel Bureau	Work Session Document
Agenda Item VIII	Judy Triechel, Executive Director, Nevada Nuclear Waste Task Force	Written testimony

The Summary Minutes are supplied as an informational service. Copies of all meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or (775) 684-6827.