



**NEVADA LEGISLATURE**  
**Committee on High-Level Radioactive Waste**  
(*Nevada Revised Statutes 459.0085*)

**SUMMARY MINUTES AND ACTION REPORT**

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The second meeting of the Nevada Legislature's Committee on High-Level Radioactive Waste was held on Monday, April 17, 2006, at 10 a.m., in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 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 Web site at [www.leg.state.nv.us/73rd/Interim](http://www.leg.state.nv.us/73rd/Interim). In addition, copies of the audio record may be purchased through the Publications Office of the Legislative Counsel Bureau (LCB) (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman Harry Mortenson, Chair  
Senator John Jay Lee  
Senator Sandra J. Tiffany  
Assemblyman Moises (Mo) Denis  
Assemblywoman Valerie E. Weber

**COMMITTEE MEMBER PRESENT IN CARSON CITY:**

Senator Mike McGinness, Vice Chair

**COMMITTEE MEMBERS ABSENT:**

Senator Dean A. Rhoads  
Assemblyman Joseph (Joe) M. Hogan

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Patrick Guinan, Senior Research Analyst, Research Division, LCB  
M. Scott McKenna, Principal Deputy Legislative Counsel, Legal Division, LCB  
Matthew Nichols, Deputy Legislative Counsel, Legal Division, LCB  
Nenita Wasserman, Senior Research Secretary, Research Division, LCB

## **OPENING REMARKS**

Assemblyman Harry Mortenson, Chair, welcomed Committee members, presenters and the public to the second meeting of the Nevada Legislature's Committee on High-Level Radioactive Waste.

## **APPROVAL OF THE MINUTES OF THE OCTOBER 27, 2005, MEETING HELD IN LAS VEGAS**

SENATOR LEE MOVED TO APPROVE THE MINUTES OF THE MEETING OF THE LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE HELD ON THURSDAY, OCTOBER 27, 2005. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND CARRIED UNANIMOUSLY.

## **REPORTS TO THE COMMITTEE**

### **United States Environmental Protection Agency (EPA)**

- Elizabeth Cotsworth, Director, Office of Radiation and Indoor Air, United States Environmental Protection Agency, gave an overview of the proposed environmental radiation protection standards, which are to: (1) retain the dose limit of 15 millirem per year (160 microsieverts per year) for the first 20,000 years after disposal and limit contamination of ground water during that period at the same levels EPA uses to protect current drinking water standards; (2) establish a dose limit of 350 millirem per year (3.5 millisieverts per year) for the period extending from 10,000 years to 1 million years; (3) require U.S. Department of Energy (DOE) to consider the effects of climate change, seismicity, volcanism and corrosion on the Yucca Mountain disposal system for 1 million years; and (4) specify other aspects of how the DOE should project and assess the performance of the Yucca Mountain disposal system for the extended compliance period, including use of updated scientific factors to calculate radiation dose. Her detailed testimony is available as [Exhibit B](#).

### **Nevada's Agency for Nuclear Projects**

- Robert R. Loux, Executive Director, Nevada's Agency for Nuclear Projects, Office of the Governor, Carson City, gave an overview of Nevada's position on the proposed public health and environmental radiation protection standards for Yucca Mountain: He thanked the Committee for the opportunity to comment and highlighted the following:
  1. The review and court's opinion that negated the EPA standard, indicated Nevada has only one way to address concerns, which is through the National Academy of Sciences (NAS) recommendation that the 15 millirem standard be extended to the peak dose;

2. As proposed by the EPA, the standard violates the 10,000 year recommendation by NAS;
3. The EPA two-tiered standards for radiation violate NAS and court recommendations; and
4. The new standard puts future generations of Nevadans to a far higher radiation exposure and health risk.

### **United States Department of Energy - Overview of Yucca Mountain Project**

- W. John Arthur III, Deputy Director, Office of Civilian Radioactive Waste Management (OCRWM), Representative of Technical and Regulatory Programs, United States Department of Energy (DOE), Office of Civilian Radioactive Waste Management, Office of Repository Development, Las Vegas, Nevada, gave an update on the reorganization of the OCRWM. His presentation reviewed: (1) the background and history of the Yucca Mountain Project, including its licensing support network, license application, location/site description and waste transportation update (2) DOE mission under NWPA; and (3) a financial update for the budget request from the DOE to the NWPA.

After some discussion among Committee members, Mr. Arthur testified that if more testing were to occur at the Nevada Test Site, it would not have an impact on operations at the Yucca Mountain Project.

### **National Conference of State Legislatures (NCSL) Overview of Activities Related to High-Level Nuclear Waste**

- Linda Sikkema, Group Director, Environment, Energy and Transportation Program, NCSL, Denver, Colorado, gave an overview of recent developments related to High-Level Nuclear Waste, which included the following: (1) a review of the NCSL Environmental Management Project; (2) an in-depth explanation of the NCSL joint committee meetings, which include structured state briefings that occur at the request of states; (3) a description of the duties performed by the NCSL's High-Level Waste Working Group, which examines issues such as waste transportation and interim storage; and (4) an explanation of national high-level radioactive waste production, transportation and storage with emphasis on the proposed role of Yucca Mountain.
- Christina Nelson, Policy Associate, Environment, Energy and Transportation Program, Denver, Colorado, introduced herself to the Committee and gave a brief review of the NCSL High-Level Waste Working Group (HLWWG). She explained: (1) the working group is governed by an executive committee and comprised of 61 members who are appointed by leadership in their states; (2) in addition, the eight-member Nevada Committee on High-Level Radioactive Waste also participates in the NCSL HLWWG

which holds Environmental Management roundtable meetings and site visits. A copy of her PowerPoint presentation is available as [Exhibit C](#).

## **PUBLIC COMMENT**

- Irene Navis, Clark County Manager for the Clark County Nuclear Waste Program, Las Vegas, Nevada, explained that the county has been following this topic closely for the past 20 years. She highlighted: (1) Clark County's official comments regarding EPA radiation standards and the common health affects that result due to radiation exposure, which is available as [Exhibit D](#); (2) a memorandum which compiled by the Clark County Nuclear Waste office that includes the Government Accountability Office criticisms of DOE's quality assurance issues, which is available as [Exhibit E](#); and (3) that there is a strong possibility of interim storage in Nevada.

Responding to questions posed by Committee members, Ms. Navis testified there are five staff and five consultants in her office. She stated the revenue received from the DOE for her budget is approximately \$1.6 to \$1.7 million annually.

- Judy Treichol, Executive Director, Nevada Nuclear Waste Task Force, Las Vegas, testified that it was her opinion the new EPA regulation is very detrimental for Nevada and highlighted her concerns, which included: (1) the EPA proposes a standard that states it protects the water on one hand and then the DOE writes legislation to acquire water as needed, which threatens the State of Nevada; (2) the proposed legislation is exempt from present and future transportation regulations; and (3) any attempts by states or Indian tribes to inspect transportation vehicles are pre-empted.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 11:31 a.m.

Respectfully submitted,

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Nenita Wasserman  
Senior Research Secretary

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Patrick Guinan  
Senior Research Analyst

APPROVED BY:

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Assemblyman Harry Mortenson, Chair  
Date: August 21, 2006

## LIST OF EXHIBITS

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

[Exhibit B](#) is a two-page copy of testimony, dated April 17, 2006, and titled “Staff Overview, Formation and Activities of Nevada’s Legislative Committee on High Level Radioactive Waste,” presented by Elizabeth Cotsworth, Director, Office of Radiation and Indoor Air, United States Environmental Protection Agency, Las Vegas, Nevada.

[Exhibit C](#) is a ten-slide Microsoft PowerPoint presentation titled “National Conference of State Legislatures (NCSL),” furnished by Christina Nelson, Policy Associate, Environment, Energy and Transportation Program, NCSL, Denver, Colorado.

[Exhibit D](#) is a document titled “EPA radiation standards and common health affects that result due to radiation exposure,” furnished by Irene Navis, Clark County Manager for Clark County Nuclear Waste Program, Las Vegas, Nevada.

[Exhibit E](#) is a memorandum compiled by the Clark County Nuclear Waste office that includes the Government Accountability Office’s criticisms of DOE’s quality assurance issues provided by Irene Navis, Clark County Manager for Clark County Nuclear Waste Program, Las Vegas, Nevada.

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