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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Committee on High-Level Radioactive Waste was held on Thursday, October 27, 2005, at 9 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. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: 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
Assemblyman Joseph (Joe) M. Hogan
Assemblywoman Valerie E.Weber

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Mike McGinness, Vice Chair

COMMITTEE MEMBER ABSENT:

Senator Dean A. Rhoads

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Senior Research Analyst, Research Division
Scott McKenna, Principal Deputy Legislative Counsel, Legal Division
Matt Nichols, Deputy Legislative Counsel, Legal Division
Nenita Wasserman, Senior Research Secretary, Research Division

OPENING REMARKS

Assemblyman Harry Mortenson, Chair, gave opening remarks and Committee member introductions.

REPORTS TO THE COMMITTEE

Staff Overview of Committee

- Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau, Carson City, Nevada, and gave an overview of the committee's responsibilities and typical activities. A copy of his testimony is available as Exhibit B.

United States Department of Energy - Overview of Yucca Mountain Project

- J. Russell Dyer, Ph.D., Assistant Deputy Director for Technical and Regulatory Programs, United States Department of Energy (DOE), Office of Civilian Radioactive Waste Management, Office of Repository Development, Las Vegas, Nevada, presented an overview of the Yucca Mountain Project (Exhibit C), which included the following highlights:

  1. Background and history of the Yucca Mountain Project, including its licensing support network, license application, location/site description, and a waste transportation update;

  2. The DOE mission under NWPA; and

  3. A financial update for the budget request from the DOE to the NWPA.

There were discussions regarding construction timelines, escorts for trains carrying nuclear waste, and the schedule of enriched fuel releases.

National Conference of State Legislatures Overview of Activities Related to High-Level Nuclear Waste

- Andrea Wilkins, Program Principal, National Conference of State Legislatures (NCSL), Denver, Colorado, reviewed NCSL committees and programs relevant to Nevada's high-level radioactive waste concerns. Highlights from her Microsoft PowerPoint slide show (Exhibit D) included:

  1. A review of the NCSL Environmental Management Project;

  2. An 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 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.

- The Chairman requested a list of upcoming NCSL meetings.

Agency for Nuclear Projects Overview

- Robert R. Loux, Executive Director, Nevada's Agency for Nuclear Projects, Office of the Governor, Carson City, gave an update of issues before the Agency for Nuclear Projects which included:

1. A summary of the agency's mandate, history, and current activities regarding Yucca Mountain as it relates to Nevada's pending lawsuits and an assessment of upcoming events and issues that my be important to the Committee;

2. A review of a bar chart titled "Relative Contribution of Waste Isolation Barriers" (Exhibit E1); and

3. An explanation of a copy of an *Amicus* brief filed by the State of Nevada on the United States Court of Federal Claims Court's Order to Show Cause (Exhibit E2).

Overview of Legal Issues Regarding Yucca Mountain Project

- Marta A. Adams, Senior Deputy Attorney General, Office of the Attorney General, Carson City, gave an update (Exhibit F), which included the following points:

1. Nevada's current legal challenges to the Yucca Mountain Project, and possible future legal actions the State may undertake;

2. The Caliente Corridor Case;

3. *State of Nevada v. United States Nuclear Regulatory Commission*, No. 05-1350, (United States Court of Appeals for the District of Columbia), which challenges of NRC's rejection filed by the State of Nevada; and

4. The DOE denied Nevada access to its draft license application and that issue is on appeal to the NRC.

PUBLIC COMMENT

- Shirley Swafford, private citizen, Carson City, testified against nuclear waste storage and the scientific philosophy of the location of the proposed site in the State of Nevada.

- Bill Vasconi, private citizen, Las Vegas, opined the positive aspects of using a canister to transport nuclear waste.

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:

_____
Assemblyman Harry Mortenson, Chair

Date: _____

LIST OF EXHIBITS

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

Exhibit B is a two-page copy of testimony, dated October 26, 2005, and titled "Staff Overview, Formation and Activities of Nevada's Legislative Committee on High Level Radioactive Waste," presented by Patrick Guinan, Senior Research Analyst, Research Division, LCB, Carson City.

Exhibit C is a 20-page document dated October 27, 2005, titled "Office of Civilian Radioactive Waste Management Program Update," furnished by J. Russell Dyer Ph.D., Assistant Deputy Director for Technical and Regulatory Programs, United States Department of Energy, Office of Civilian Radioactive Waste Management, Office of Repository Development, Las Vegas.

Exhibit D is a ten-slide Microsoft PowerPoint presentation titled "National Conference of State Legislatures (NCSL)," furnished by Andrea Wilkins, Program Principal, NCSL, Denver, Colorado.

Exhibit E1 is a one-page bar chart dated January 25, 1999, titled "Relative Contribution of Waste Isolation Barriers," provided by Robert R. Loux, Executive Director, Nevada's Agency for Nuclear Projects, Carson City.

Exhibit E2 is a 15-page document dated October 27, 2005, titled "*Amicus* Brief of the State of Nevada on the Court's Order to Show Cause," submitted by Robert R. Loux, Executive Director, Nevada's Agency for Nuclear Projects, Carson City.

Exhibit F is a 16-page copy of testimony dated October 27, 2005, presented by Marta A. Adams, Senior Deputy Attorney General, Office of the Attorney General, Carson City.

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 or telephone: 775/684-6827.