

BRIAN SANDOVAL
Governor

STATE OF NEVADA

ROBERT J. HALSTEAD
Executive Director



OFFICE OF THE GOVERNOR
AGENCY FOR NUCLEAR PROJECTS

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August 15, 2012

Sen. David R. Parks, Chairman
Legislative Committee on High-Level
Radioactive Waste
Legislative Building
Capitol Complex
Carson City, Nevada 89710

Dear Senator Parks:

Enclosed is the Nevada Agency for Nuclear Projects' semi-annual report for the period January 1, 2012 – June 30, 2012. Should you have questions regarding the report or if you would like additional information, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Halstead", written over a circular blue ink stamp.

Robert J. Halstead
Executive Director

RJH/
Enclosure

cc Richard Bryan, Chairman, Nevada Commission on Nuclear Projects
Patrick Guinan, LCB

**NEVADA AGENCY FOR NUCLEAR PROJECTS
REPORT TO THE NEVADA LEGISLATURE'S COMMITTEE
ON HIGH-LEVEL RADIOACTIVE WASTE
*January 1, 2012 – June 30, 2012***

1.0 MISSION STATEMENT

The mission of the Nevada Agency for Nuclear Projects (Agency) is to assure 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

The Nevada Agency for Nuclear Projects (Agency) operates under statutory authority provided by NRS 459.009 - NRS 459.0098. In addition, the Agency carries out roles and responsibilities prescribed by the federal Nuclear Waste Policy Act of 1982, as amended (PL 97-425).

3.0 ORGANIZATIONAL STRUCTURE AND FUNCTIONS

Agency responsibilities encompass a broad spectrum of activities related to federal radioactive waste activities and other nuclear issues affecting Nevada. 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 on America's Nuclear Future (BRC)¹; works closely with and coordinates activities of state agencies and local governments 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, Legislature, Commission on Nuclear Projects, the public, and interested parties.

Organizationally, the Agency is located within the Office of the Governor and by law consists of the Division of Technical Programs and the Division of Planning. A seven-member Commission

¹ The Obama Administration established the BRC in early 2010 to assess and recommend alternatives to the Yucca Mountain program for management of spent nuclear fuel and high-level radioactive waste. The BRC established subcommittees dealing with disposal, transportation and storage, and reactor and fuel cycle technologies and solicited extensive public and stakeholder comments on alternative approaches. A draft report was issued for public comment in July, 2011, and a final report containing the BRC's recommendations was released in January, 2012. The final BRC report is available on the BRC's web site at:
http://www.brc.gov/sites/default/files/documents/brc_finalreport_jan2012.pdf

advises the Governor and Legislature on nuclear wastes issues and oversees Agency activities. The Executive Director is appointed by the Governor, from a list of three names submitted by the Nevada Commission on Nuclear Projects, and serves at the discretion of the Commission.

3.1 OVERVIEW AND STATUS

The status of the Yucca Mountain project remains unchanged from the last report submitted by the Agency. While DOE has formally moved to withdraw the license application (LA) that it originally submitted to the U.S. Nuclear Regulatory Commission (NRC) in 2008 and terminate the program, the NRC's licensing board denied that motion in 2010. The board's decision has been appealed to the full NRC, which in September, 2011 announced that it was evenly split (2-2) on whether to overturn or uphold the licensing board's ruling. The result is that the licensing board's decision stands, although action by Congress zeroing out funds for the Yucca project and for NRC's licensing activities for the past two fiscal years means that the licensing proceeding remains suspended.

Concurrently, the States of South Carolina and Washington, one South Carolina County, the National Association of Regulatory Utility Commissioners, several individuals from Washington State, and Nye County, Nevada (which recently joined the others in this litigation) are parties to a lawsuit pending before the U.S. Circuit Court of Appeals for the District of Columbia asking the court to require the NRC to restart the currently-suspended Yucca Mountain licensing hearing and render a decision regarding the granting of a license to construct the proposed nuclear waste repository within 14 months. The NRC, the U.S. Department of Justice and the State of Nevada argued that the NRC's suspension of the Yucca Mountain licensing proceeding occurred because of congressional decisions to zero out funding for Yucca Mountain and is neither arbitrary nor unreasonable within the context of events involving congressional appropriations. Oral arguments in the case were held on May 2, 2012, and closing briefs were filed in June 2012. On August 3, 2012, the Court ordered that the case be held in abeyance, and that the parties file updates on the status of congressional appropriations no later than December 14, 2012.

Given the uncertainty surrounding the Yucca Mountain project and the potential for the licensing proceeding to be resumed, the principal focus of the Agency's work has continued to be maintaining preparedness for participating in the NRC's licensing process should the court require NRC to re-start the proceeding.

During this period, the Agency has also continued to closely monitor the results of the work of the Blue Ribbon Commission on America's Nuclear Future that was established by the federal government to evaluate and recommend alternative approaches for addressing the spent nuclear fuel and high-level radioactive waste issue nationally. Agency staff and consultants previously provided the BRC with reports and other materials addressing lessons learned from the failed Yucca Mountain program. Much of the Agency's input was incorporated into the BRC's final

report and recommendations, which would require that any future high-level nuclear waste siting efforts be voluntary and obtain the consent of potential host states and communities.

4.0 SUMMARY OF AGENCY ACTIVITIES (1/1/12 – 6/30/12)

4.1 Technical Division Activities

For the period January 1, 2012 – June 30, 2012 Technical Division activities continued to involve support for the Agency's and Attorney General's Yucca Mountain licensing intervention activities, participation in meetings and activities related to the final recommendations of the Blue Ribbon Commission, participation in US Nuclear Waste Technical Review Board meetings and other pertinent meetings, and continued maintenance and updating of documents for the State's Licensing Support Network (LSN) database.

4.1.1 Licensing Activities

As of the date of this report, the licensing proceedings for the proposed Yucca Mountain repository are still suspended, per the direction of the Nuclear Regulatory Commission.

The Blue Ribbon Commission (BRC) issued its final report on January 26, 2012. Three Congressional hearings were held on the BRC Final Report: 1) the House Committee on Energy and Commerce Subcommittee on Energy and the Economy on February 1, 2012; 2) the Senate Committee on Energy and Natural Resources on February 2, 2012; and 3) the House Committee on Science, Space, and Technology. Nevada's Special Deputy Attorneys' General Martin Malsch gave a presentation to the House Committee on Energy and Commerce on behalf of Nevada. The Agency monitored the other Congressional hearings by webcast.

The US Technical Review Board (TRB) held meetings in January 2012 and March 2012. Agency contractor personnel attended the meetings.

All Technical Division work with respect to the Yucca Mountain Licensing Proceedings is being done in close coordination with the State's legal/licensing team and in close collaboration with the Attorney General's Office. The Agency maintains a comprehensive web page containing all pertinent licensing materials, petitions, orders, etc. This web page can be found at: <http://www.state.nv.us/nucwaste/licensing.htm>.

4.1.2 Interactions

Agency personnel attended and participated in Blue Ribbon Commission (BRC) meetings and meetings of the Nuclear Waste Technical Review Board (NWTRB) during the time period covered by this report.

The Agency made a presentation that summarized Nevada's recommendations to the BRC at the Waste Management 2012 Conference in Arizona in February 2012. Agency contractor personnel also presented two technical papers on spent fuel transportation safety and security at the conference. The Agency also made a presentation to the Legislative High-Level Waste Committee meeting in March 2012. The Agency also provided information on Nevada's recommendations to the BRC to the DOE task force on BRC implementation in June 2012.

In February 2012, the Agency conducted a review of the NRC's report on *Background and Assumptions for an Environmental Impact Statement – Long-Term Waste Confidence Update* and provided comments.

4.1.3 Independent Studies

The majority of the independent studies by Nevada have been suspended at this time, due to funding constraints and the issuance of the License Application.

4.1.4 Quality Assurance Oversight

The Agency has historically maintained oversight of the DOE Quality Assurance (QA) Program for the Yucca Mountain Project. Site characterization for Yucca Mountain, according to NRC regulations, must be carried out under an NRC-approved QA program, and any analyses and data, as well as design work used in the license application must have been carried out under a qualified QA program. However, all QA audits have ceased at this time. If DOE receives a construction authorization, QA audits will recommence and the Agency will again monitor these activities.

4.1.5 On-site Monitoring

The Yucca Mountain site has essentially been shut down, with only essential maintenance being done at the site. As a result, Agency on-site monitoring currently consists of attending Construction Authorization Board meetings, and participating in activities of the Blue Ribbon Commission and licensing-related activities.

4.2 Planning Division Activities

The Agency's Planning Division's has continued to concentrate on development of materials and expertise needed to support licensing contentions addressing nuclear waste transportation and environmental (i.e., National Environmental Policy Act – NEPA) issues in the Yucca Mountain licensing proceeding and on monitoring implementation of the recommendations of the Blue Ribbon Commission on alternative approaches for managing spent nuclear fuel and high-level radioactive waste.

Planning Division personnel also provided detailed comments on DOE's Draft Site-Wide Environmental Impact Statement (SWEIS) for the Nevada National Security Site and continued preparation for reviewing the final SWEIS when it is released, possibly in the fall of 2012.

The Agency also continued to oversee and coordinate State efforts related to DOE shipments of transuranic waste from storage and generator sites in California to the Idaho National Laboratory via Interstate 80 across northern Nevada.

4.2.1 Transportation and NEPA Contentions

Sixteen of Nevada's admitted contentions in the NRC's Yucca Mountain licensing proceeding involve key nuclear waste transportation issues and directly challenge DOE's failure to comply with the requirements of the National Environmental Policy Act in the areas of (1) impacts of transportation sabotage and severe accidents; (2) impacts of rail access and rail line construction and operations; (3) impacts of routine radiation exposures; (4) impacts of DOE's proposed (and yet-to-be-built) Transportation, Aging and Disposal (TAD) containers; (5) and impacts of DOE's representative HLW shipping routes used in the Yucca Mountain EIS.

The Agency and its expert consultants continued to carry out research and develop information in support of Nevada's transportation and NEPA contentions² and prepare for the discovery phase of the proceeding should the Yucca project go forward. Some of the research carried out by the Agency during the period included: literature reviews of research and materials from other entities that support Nevada's contentions; evaluation of the feasibility of rail spur development and the regulatory hurdles faced by DOE should the Yucca project go forward; lessons learned from the Fukushima nuclear accident that may be relevant to the Yucca Mountain issue and their potential utility in the licensing proceeding; implications of the work of the Blue Ribbon Commission for Nevada's licensing strategy; analysis of past rail accidents in the U.S and implications for Nevada's licensing contentions; evaluation of population trends and characteristics along potential highway and rail shipping routes in the U.S.; and identification of counties potentially impacted by SNF and HLW shipments.

4.2.2 Preparations and oversight for transuranic waste shipments within Nevada

The Western Governors Association³, under an agreement with DOE, operates a multi-state

² The entire Nevada petition is available at: http://www.state.nv.us/nucwaste/licensing/Contentions_NV.pdf . A comprehensive collection of briefs, petitions, orders, etc. related to the Yucca Mountain license application are updated regularly on the Agency's "Yucca Mountain Licensing Proceeding" web page at: <http://www.state.nv.us/nucwaste/licensing.htm> .

³ The WGA grant is part of a larger, regional program whereby WGA receives funds from DOE to implement a comprehensive 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 truwaste shipping campaign and passes funds through to affected states to implement the transportation program.

program to provide for the safe and uneventful shipments of transuranic waste through western states from DOE facilities to the Waste Isolation Pilot Plant (WIPP)⁴ facility in New Mexico. In Nevada, these shipments initially involved moving transuranic waste temporarily stored at the Nevada Test Site (now called the Nevada National Security Site) either directly to WIPP or to DOE's Idaho National Laboratory (INL) for characterization prior to transfer to WIPP for final disposal. Shipments from the NNSS were completed in FY 2009, although a small amount remains in storage at NNSS. WGA provides a small amount of funds to western states (including Nevada) to implement the transportation program within those states. The Agency passes those funds on to Nevada state agencies with operational responsibilities for preparing for and overseeing such shipments within Nevada.

Beginning in early 2010, the Agency developed and implemented an action plan in cooperation with the Nevada Highway Patrol (NHP), the Nevada Division of Emergency Management (NDEM), the Nevada State Health Division Radiation Control Program (NSHD), and the Nevada Department of Transportation (NDOT) to prepare for and oversee shipments of transuranic waste from DOE sites in northern California to INL using Interstate 80 across northern Nevada. Shipments were made from the GE Vallecitos facility and Lawrence Livermore National Laboratory to INL in June 2010 and from Lawrence Berkeley National Laboratory to INL in June 2011. Because additional shipments are expected to continue to occur in the future at irregular intervals, it is necessary to maintain readiness by providing training and equipment for state and local government emergency response and public safety personnel along the route and maintaining plans and protocols for State inspections and escorts.

During the period, the Agency and other affected state agencies continued to focus on maintaining adequate training and preparedness along currently-open WIPP routes in the state, particularly the more than 400 miles of the I-80 corridor that spans the Washoe County-Reno/Sparks metro area as well as the rural counties of Storey, Lyon, Churchill, Pershing, Humboldt, Eureka, and Elko. In addition, remaining truwaste stored at the NNSS will eventually need to be shipped either directly to WIPP or to INL for characterization. The Agency and other affected state agencies continued to focus on maintaining necessary emergency response, inspection, escort and oversight capabilities to assure that future shipments can proceed smoothly and safely.

State agencies' operational responsibilities for these shipments are governed by a Governor's policy directive that was issued to affected agencies in May 2000. In addition to designating the Agency for Nuclear Projects as the lead coordinating agency, the Governor directed the various agencies to undertake specific activities with respect to transuranic waste shipments in Nevada, including, training and equipping state and local emergency response personnel along

⁴ WIPP is a repository for disposal of defense transuranic waste located in Carlsbad, NM. 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 have exceeding long half-lives and require long-term isolation from the environment.

prospective shipping routes (NDEM); inspecting all shipments and escorting them while they are in Nevada (NHP); providing expertise and technical assistance with respect to radiological inspections and emergency response (NSHD); and providing support for highway route analyses and routine highway safety with regard to the shipments (NDOT).

The Agency established a state agencies' transuranic waste shipments working group comprised of the affected State agencies as a mechanism for coordinating activities and assuring effective state response with respect to shipment planning, preparation, and oversight.

4.2.3 Other Planning Division Transportation Activities

Planning Division personnel continued to work cooperatively with the Western Interstate Energy Board's High-Level Radioactive Waste Committee and the Western Governors' Association in providing a western states' perspective on transportation and storage of spent fuel and high-level waste and overseeing the implementation of recommendations of the Blue Ribbon Commission on America's Nuclear Future as these pertain to the transportation of SNF and HLW.

4.2.4 Coordination and Information Provision

The Agency, as a condition for participation in the NRC Yucca Mountain licensing proceeding, is required to maintain a Licensing Support Network (LSN) collection of materials containing documentary and related materials relevant to the licensing proceeding as well as sections containing information on technical, socioeconomic, transportation, legal and other nuclear waste related issues. The Agency's collection of materials in support of the state's licensing contentions consists of almost 6,000 documents comprised of close to 200,000 pages. In addition, due to requirements imposed by the NRC's licensing board as a result of the current temporary suspension of the licensing proceeding, the Agency was required to obtain the electronic version of DOE's entire LSM collection so as to be prepared for any resumption of licensing in the future.

The Agency continued to operate a comprehensive web page containing information on Agency activities, nuclear waste and nuclear issues in general, and links to other information sources. The web page has proven to be an extremely efficient and cost effective mechanism for providing information to a wide audience quickly and accurately. The web page is available at: <http://www.state.nv.us/nucwaste/>.

5.0 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.

6.0 STATUS OF ANY LITIGATION RELATING TO THE MISSION OF THE AGENCY AND TO WHICH THE STATE OF NEVADA IS A PARTY (July 1, 2011 – Dec. 31, 2011)

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). Filed by the United States on behalf of the U.S. Department of Energy (DOE) following the State Engineer's denial of its applications for permanent water rights as a protective measure while the United States pursues its constitutional claims in the main water litigation in federal court. The case remains pending.

(2) *United States v. State of Nevada* (U.S. District Court, No. CV-S-00-0168-DWH-LRL). The United States challenges the Nevada State Engineer's decision that DOE is not entitled to permanent water rights to construct and operate the repository based on the State Engineer's finding that the proposed use threatens to be detrimental to the public interest. At present, DOE has curtailed its minimal water use pending a final resolution of its motion to the U.S. Nuclear Regulatory Commission (NRC) to withdraw its Yucca Mountain license application. 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 the 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 intends 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.

(4) *Nevada v. United States Nuclear Regulatory Commission* (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 license application can be withdrawn.

(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) *Aiken County, South Carolina v. US Department of Energy (DOE) and NRC* (D.C. Circuit 10-1050); *State of Washington v. DOE and NRC*; (D.C. Circuit 10-1082); *State of South Carolina v. DOE and NRC* (D. C. Circuit 10-1069). This consolidated case was dismissed for lack of ripeness.

(7) *Aiken County, et al. v. U.S. Nuclear Regulatory Commission, et al.* (D.C. Circuit 11-1271). Following dismissal of the above-referenced case, petitioners (this time including Nye County, Nevada) filed this case seeking a mandamus order which would require that the NRC be ordered by the Court to adjudicate the Yucca Mountain license application within the three-four year time limitation provided for in the Nuclear Waste Policy Act. As argued on May 2, 2012 the NRC and Nevada as an intervener contend that the NRC's suspension of the Yucca Mountain licensing proceeding occurred because of congressional decisions to zero out funding for Yucca Mountain and is neither arbitrary nor unreasonable within the context of congressional decisions. On August 3, 2012, the Court ordered that the case be held in abeyance, and that the parties file updates on the status of congressional appropriations no later than December 14, 2012.

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, although the licensing proceeding remains suspended due to the failure of Congress to provide funds for the Yucca program or for NRC's licensing activities.

2. *Petition for Rulemaking with NRC (filed June 22, 1999—PRM-73-10)*: Nevada filed a petition requesting that the NRC conduct rulemaking on its safeguards against terrorism as applied to shipments of nuclear waste. NRC accepted in part Nevada's petition and is in the process of issuing a final rule to address deficiencies in its terrorism safeguard requirements for radioactive waste shipments. As things currently stand, shipments of high-level nuclear waste and spent nuclear fuel to the proposed Yucca Mountain repository (or any other facility developed under the existing Nuclear Waste Policy Act) would not be subject to this rule-making because DOE, as the shipper, is not subject to NRC regulations.

3. *Petition for Rulemaking with NRC (filed April 8, 2005 PRM- -51-9)*: seeks to revise the NRC's standards for reviewing and litigating National Environmental Policy Act (NEPA) issues discussed in the 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.

4. *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.

5. *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.

RELEVANT COURT DECISIONS⁵

1. *State of New York, et al. v. NRC* (D.C. Circuit, June, 2012): A three-member panel rejected the "Waste Confidence" regulation adopted by the NRC in December, 2010 which allowed nuclear waste (spent nuclear fuel) to be stored at reactor sites for 100 years or more. The court said that the NRC had failed to fully study the environmental risks of long-term onsite storage under applicable provisions of the National Environmental Policy Act (NEPA). The panel sent the Waste Confidence regulation back to the NRC, directing the agency to perform a detailed NEPA evaluation of possible nuclear waste fires and storage pool leaks from extended storage at reactor sites, or explain why such an evaluation is not needed.

2. *National Association of Regulatory Commissioners v. DOE* (D.C. Circuit, June, 2012): The D.C. Circuit Court of Appeals found that DOE did not complete the review required by the Nuclear Waste Policy Act to continue collecting \$750 million in fees from nuclear power plant operators annually. The Court did not order that the fee collection be

⁵ These are court actions that are related to the management of spent nuclear fuel and high-level radioactive waste, but the State of Nevada is not a party to the litigation. They are discussed here for informational purposes only.

suspended, but instead gave DOE six months to complete its review. DOE has indicated it will comply with the order.

ATTACHMENT I
DESCRIPTION OF AGENCY CONTRACTS
January 1, 2012 – June 30, 2012

INTRODUCTION

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

DESCRIPTION OF CONTRACTS: 1/1/12 – 6/30/12

CONTRACTOR:

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

COMPENSATION:

Total Compensation: \$116,318.50⁶

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 extends through September 30, 2013

⁶ This is a three-party contract wherein the Agency and the Attorney General's Office contribute towards paying expenses.

CONTRACTOR:

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

COMPENSATION:

Total Compensation: \$ 14,083.72

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 Test 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 impacts 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 State Health Division
Radiation Control Program
Capitol Complex
Carson City, NV 89710

COMPENSATION:

Total Compensation: \$18,540.10

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 Test 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 NTS 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 Motor Vehicles and Public Safety
Highway Patrol Division
Capitol Complex
Carson City, NV 89710

COMPENSATION:

Total Compensation: \$ 18,453.87

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 Test 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 NTS 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 Test 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 NTS 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

Pacific World History Institute
343 East Main Street, Suite 700
Stockton, CA 95202

COMPENSATION:

Total Compensation: \$ 175,679.09

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 6/30/13.

CONTRACTOR:

Strolin Consulting, LLC
2559 Nye Drive
Minden, NV 89423

COMPENSATION:

Total Compensation: \$25,657.41

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 runs through 12/31/12