

*Legislative Committee on
High-Level Radioactive Waste*



*Legislative Counsel
Bureau*

*Bulletin No.
97-15*

January 1997

LEGISLATIVE COMMITTEE ON
HIGH-LEVEL RADIOACTIVE WASTE

BULLETIN NO. 97-15

JANUARY 1997

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REPORT TO THE 69TH SESSION OF THE NEVADA LEGISLATURE BY THE LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee, which is authorized by *Nevada Revised Statutes* 495.0085. Created in 1985, the Committee is responsible for performing legislative oversight responsibilities to study and evaluate:

- Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;
- Any potential adverse effects from the construction and operation of a facility and the ways of mitigating those effects;
- Any other policies relating to the disposal of high-level radioactive waste; and
- Recommendations concerning appropriate legislation to be presented to the Legislature and the Legislative Commission.

The following eight legislators served on the Committee during the 1995 through 1996 interim period:

Assemblyman Bob Price, Chairman
Senator Joseph M. Neal, Jr., Vice Chairman
Senator Lawrence E. Jacobsen
Senator Mike McGinness
Senator John B. (Jack) Regan
Assemblyman Max J. Bennett
Assemblywoman Joan A. Lambert
Assemblyman Richard D. Perkins

The Committee held six meetings in the 1995 through 1996 interim period. Committee members have also participated on the High-Level Radioactive Waste Interim Storage and Transportation Working Group of the National Conference of State Legislatures. In addition, the members have monitored meetings of the Nuclear Waste Technical Review Board, the Advisory Committee on Nuclear Waste of the Nuclear Regulatory Commission, and technical exchange meetings between the United States Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC).

In addition to performing its mandated oversight functions, the Committee has been closely watching the progress through the United States Congress of the proposed amendments to the Nuclear Waste Policy Act of 1982, as amended.

No recommended action is being proposed at this time. However, the Committee will be closely monitoring the legislative changes before Congress and, if appropriate, will recommend appropriate action.

I. BACKGROUND INFORMATION

The question of how to dispose of high-level nuclear waste has been a scientific and public concern since the beginning of the nuclear age. The first nuclear power plant in the United States began operation in 1957. Since that time more than 100 nuclear power plants have been constructed, and in 1994 they produced 20 percent of the Nation's electricity. (See Appendix B, a pie chart of energy generation sources.) However, the benefits of nuclear power come coupled with the great challenge of safe disposal of the radioactive waste.

In 1982, Congress passed the Nuclear Waste Policy Act (NWPA), which was designed to provide for the safe and permanent disposal of spent nuclear fuel from the Nation's civilian power plants and defense high-level radioactive waste, in a deep geological repository. This policy was primarily based on recommendations from the scientific community, including a 1957 report by the National Academy of Sciences, which recommended the burial of high-level and transuranic radioactive waste in geologic formations. (See Appendix C, page 42 from "The Nuclear Waste Primer.")

Following passage of the NWPA, nine potential repository sites were studied in six states. Based on the studies, the President approved three sites for intensive scientific study called site characterization. The three sites were Yucca Mountain, Nevada; Deaf Smith County, Texas; and Hanford, Washington. In 1987, Congress amended the NWPA and directed the DOE to study only Yucca Mountain, Nevada, to determine if it is suitable to be the Nation's first deep geologic nuclear waste repository. Site characterization activities are presently underway.

To provide State oversight of the Yucca Mountain Site Characterization program, which was authorized by the NWPA, the Nevada Legislature created the Committee on High-Level Radioactive Waste (HLRW), Nevada's Commission on Nuclear Projects, and Nevada's Agency for Nuclear Projects (NANP).

The purpose of this report is to provide general information on the Federal Nuclear Waste Program, as well as the State and local government oversight organizations, and the activities and goals of the HLRW Committee.

II. PROGRAM OVERVIEW

Federal Historical Perspective

The Yucca Mountain Site Characterization Project started in 1977 when the DOE began investigating the possibility of disposing of high-level radioactive waste in a geologic repository at the Nevada Test Site (NTS). Over the next two years, the DOE investigated a number of locations at the NTS and ultimately selected Yucca Mountain as a potentially acceptable repository site.

In 1982, the enactment of the Nuclear Waste Policy Act (42 *United States Code* 10101, and following 96 Stat. 2201) established a national policy for the disposal of high-level radioactive waste materials, which primarily consist of spent nuclear fuel from commercial power reactors and defense high-level waste. With the NWPA, the Federal Government accepted responsibility for the timely development of a national capability to accept, transport, store, and permanently dispose of high-level radioactive waste in a manner consistent with the protection of public health, worker safety, and the quality of the environment.

The NWPA created the Office of Civilian Radioactive Waste Management (OCRWM) within the DOE and assigned it the responsibility for developing a waste management system. The NWPA also:

- Established a Nuclear Waste Fund to finance the system through a surcharge on electricity produced by nuclear power;
- Specified the process for siting repositories for the permanent deep geologic disposal of spent nuclear fuel and high-level radioactive waste;
- Required the DOE to submit a proposal to construct a facility for monitored retrievable (interim) storage of spent nuclear fuel;
- Required the President of the United States to evaluate the use of the repositories to be developed under the NWPA for the disposal of high-level waste for defense activities; and

- Included specific provisions for the participation of states and Indian Tribes in the waste-management program.

The DOE developed guidelines for evaluating the suitability of sites for repositories, obtained concurrence on the guidelines from the NRC, and started the site screening process. The NRC is the federal agency responsible for licensing a repository or interim storage facility. Nine possible repository sites, located throughout the Nation, were initially evaluated. Three of those sites (Yucca Mountain, Nevada; Deaf Smith, Texas; and Hanford, Washington) were ranked as being the most suitable for a detailed study and analysis (site characterization) as possible repository sites.

Amendments to the NWPAA in 1987 specified Yucca Mountain as the only site to be characterized to determine its suitability as a geologic repository. The DOE developed a Site Characterization Plan in 1988 in accordance with the NWPAA and the OCRWM is now conducting scientific investigations as defined in the plan to determine the suitability of Yucca Mountain.

If the DOE finds Yucca Mountain suitable, it must develop a Site Recommendation Report for submittal to the President. If the site is approved by the President and Congress, the DOE will submit an application to the NRC for a license to construct a repository. An Environmental Impact Statement for a repository must accompany the Site Characterization Report.

According to the NWPAA, if the DOE finds Yucca Mountain unsuitable, the agency must mitigate all site characterization activities and any significant adverse environmental impacts, and provide recommendations to Congress for further action to assure safe, permanent disposal of spent fuel and high-level radioactive waste.

1. *Site Characterization*

The Yucca Mountain Site Characterization Program has continually fallen behind the targeted goals and schedules, which has resulted in delays of the projected opening date for the repository. In 1982, it was estimated that the opening date was 16 years away. Fourteen years and more than \$4 billion later, the opening date of the year 2010 is still at least 14 years away. The management and progress of the program have received criticism from interested groups, organizations, and agencies, such as: (1) the United States General Accounting Office; (2) Nuclear Waste Technical Review Board; (3) National Academy of Science; (4) the Advisory Committee on Nuclear Waste of the NRC; (5) electric utilities that operate nuclear power plants; and (6) the NAWP.

When Dr. Daniel Dreyfus became director of the OCRWM in 1993, he was directed to develop a method to address the problems with the high-level nuclear waste program. His analysis concluded that there appeared to be little consistency between the activities being carried out and expectations for the costs and schedules.

To address the identified deficiencies and get the program back on schedule, DOE developed a new focused program management system. The approach, which was described in the *1994 Civilian Radioactive Waste Management Program Plan*, realigned the site characterization program closer to the original intent of the legislative and regulatory framework. It was originally designed to generate scientific information by achievable increments and in the detail needed to achieve specific program goals that are consistent with the resources available to the program.

2. *Revised Program Approach*

In Fiscal Year 1995, DOE made significant progress toward achieving the objectives outlined in the new approach. However, during the Congressional debate over deficit reduction and balancing the national budget, the OCRWM budget was reduced from \$522 to \$400 million. As a result of the \$122 million cut, it was necessary to revise the program strategy so it is consistent with the guidance provided by the President and Congress, limitations of the FY 1996 budget, and the outlook for future funding.

The revised program strategy was designed to maintain the momentum that has been achieved in the scientific investigation of the Yucca Mountain site, to regain target dates for determining the suitability of the site for a geologic repository, and for submitting a license application to the NRC. The site characterization efforts have been redirected to address the major unresolved technical questions so that an assessment can be made in 1998 of the viability of licensing and constructing a repository at the Yucca Mountain site.

The program will also maintain a core capability to lay groundwork for a possible new policy direction regarding interim storage.

The key elements of the revised program strategy are as follows:

- Update the regulatory framework for a repository at Yucca Mountain in 1997.
- Complete the viability assessment of the Yucca Mountain repository site in 1998.
- Recommend a site to the President in 2001 and submit a Repository License Application to the Nuclear Regulatory Commission in 2002.

- Develop a market-driven (privatized) waste acceptance, storage, and transportation approach.
- Conduct a non-site specific interim storage facility design and engineering safety analyses in 1997.
- Restructure program management activities.

See Appendix D for a comparison of key objectives between the 1994 new program plan and revision 1, as well as a listing of major milestones (selected pages from “Program Plan - Revision 1”).

State Historical Perspective

The NWPA, as amended, authorizes the State of Nevada (Legislature and Governor) to carry out oversight on all aspects of the High-Level Radioactive Waste Program. State legislative oversight began in 1983 with the adoption of Senate Concurrent Resolution No. 52 (File No. 135, *Statutes of Nevada* 1983), which directed the Legislative Commission to appoint an interim subcommittee to observe and participate in the Federal study. The subcommittee’s major objectives were:

- Becoming familiar with the Federal program for study of potential locations of a repository; and
- Establishing a structure within the State of Nevada to analyze and address the issues associated with the possibility of locating a repository in the State.

The subcommittee recommended to the 1985 Legislature that:

- The Legislature should continue to be actively involved in the State’s program by creating a permanent legislative committee to perform oversight functions and formulate recommendations concerning the high-level radioactive waste repository issue; and
- An executive branch advisory commission and agency should be legally created by statute.

1. *Creation of Permanent Legislative Oversight Committee*

In 1985, the Legislature's Committee on High-Level Radioactive Waste, codified as *Nevada Revised Statutes* 459.0085, was created by Senate Bill 55 (Chapter 211, *Statutes of Nevada*). This permanent committee was charged with legislative oversight responsibilities as outlined on page 1 of this report.

The Committee was not authorized to undertake technical studies or duplicate efforts of the State's Agency for Nuclear Projects.

2. *Creation of Commission and State Agency*

Pursuant to the Federal NWP, Nevada's Agency for Nuclear Projects was established in early 1983 by Executive Order and placed within the Department of Minerals. In December 1983, it was transferred to the Governor's Office. In 1985, Senate Bill 56 (*Statutes of Nevada* 1985) created the Commission on Nuclear Projects and statutorily provided for the NANP. Grants from the DOE have provided funds for the operation of the office.

Major functions of NANP have included:

- Identifying health, safety, and environmental issues which are of concern to Nevada;
- Reviewing and evaluating DOE's environmental, socioeconomic, and technical studies; and
- Performing selective independent studies of critical issues in order to confirm or negate the DOE's analyses.

The NANP has aggressively performed its monitoring and oversight responsibilities. Emphasis has been placed on reviewing and commenting on technical studies in the areas of hydrology, groundwater travel time, pneumatic pathways, volcanism, seismology, transportation routes and modes, waste packaging, and socioeconomic impacts, as well as providing information to the public about the Yucca Mountain Site Characterization Program.

Details of NANP's activities are available in its annual report. Copies are available at public libraries throughout the state or a copy may be obtained from NANP's office at 1802 North Carson Street, Suite 252, Carson City, Nevada 89710, or telephone (702) 687-3744. See Appendix E, "Nevada Agency for Nuclear Projects Summary of Mission and Functions."

3. *Affected Units of Local Governments*

The NWPA provides that units of local government which might be affected by a repository may conduct certain types of independent oversight of the High-Level Radioactive Waste Program.

The Affected Units of Local Government (AULG) have been identified as the county in which the proposed repository site is being studied and the counties which surround it. The AULG for the Yucca Mountain Site Characterization Project are Churchill, Clark, Esmeralda, Eureka, Lander, Lincoln, Mineral, Nye, and White Pine Counties in Nevada, and Inyo County in California.

The oversight activities of the AULG may include the following:

- Review studies and materials for the purpose of determining any potential economic, social, public health and safety, and environmental impacts of a repository.
- Develop a request for impact assistance.
- Engage in monitoring, testing, or evaluating activities with respect to site characterization programs.
- Provide information to residents regarding activities of the State, DOE, or NRC with respect to the site.
- Request information from, and make comments and recommendations to DOE regarding activities undertaken with respect to the site.

Grant funding for the AULG oversight had been provided by DOE until Federal Fiscal Year 1996 when Congress failed to appropriate funds for State and AULG oversight. Funding was again withheld in Federal FY 1997. As a result of the funding loss, the AULG have been forced to severely curtail or suspend oversight activities.

Details of the activities and the status of each AULG's oversight program may be obtained by contacting a specific AULG directly. Appendix F contains a list of each AULG with a contact person and telephone number.

III. LEGISLATIVE OVERSIGHT 1995 THROUGH 1996

In performing its oversight responsibilities in 1995 and 1996, the HLRW Committee held six hearings and participated in five meetings of the High-Level Radioactive Waste Transportation and Interim Storage Working Group of the National Conference of State Legislatures. The Committee also monitored meetings of the Nuclear Waste Technical Review Board, the NRC's Advisory Committee on Nuclear Waste, Nevada's Commission on Nuclear Projects, and various technical exchange meetings between DOE and NRC.

Committee Oversight

Listed below are the dates, locations, and a brief description of each meeting held by the HLRW Committee during 1995 and 1996.

- a. The May 11, 1995, meeting was held in Carson City. Presentations were made by representatives of the DOE, the NRC, and NANP. The meeting provided the Committee members with an update on the status of current and planned activities of the federal and state agencies.
- b. The September 20 and 21, 1995, meeting was held in Las Vegas, and included an oversight tour to Yucca Mountain. The highlight of the tour was a trip into the Exploratory Studies Facility (tunnel), and several of the test alcoves where an explanation of the scientific tests being undertaken was provided by DOE's technical personnel.

Presentations were made by DOE, NANP, and representatives from Clark, Lincoln, and Nye Counties on the status of their respective scientific and oversight activities. The meeting provided the Committee members with an update on DOE site characterization activities and a review of the potential impacts on transportation routes in Nevada, if an interim spent nuclear fuel storage facility (which was being considered by Congress) were developed in Area 25 at the Nevada Test Site.

- c. The January 31, 1996, meeting was held in Las Vegas. A technical presentation on the scientific studies at Yucca Mountain was provided by

DOE staff. Status update reports were made by NANP and the On-Site Licensing Representatives for the NRC. The meeting provided the Committee an update on the program modification and adjustments that DOE was required to make as a result of Federal FY 1996 budget reductions.

- d. The April 29 and 30, 1996, meeting was held in Caliente, Nevada, and included an oversight tour of one of the proposed heavy-haul truck routes for the transportation of spent nuclear fuel from a proposed intermodal transfer station in Caliente to a repository at Yucca Mountain or an interim storage facility on the Nevada Test Site.

Presentations were made to the Committee by the Mayor of the City of Caliente, the Nuclear Waste Coordinator for Lincoln County and the City of Caliente, and transportation specialists from the DOE, Nevada's Department of Transportation, and NANP. The meeting provided the Committee information regarding possible highway routes for the transportation of spent nuclear fuels through Nevada.

- e. The September 9, 1996, meeting was held in Las Vegas. Presentations were made by representatives of DOE, NANP, NRC, and Clark County. The meeting provided information on the status of the site characterization studies, the progress of the Exploratory Studies Facility (ESF) and study alcoves, Revision 1 of the Civilian Radioactive Waste Management Plan, and the proposed schedule for the site viability report to the President and Congress. Also reviewed was the status of the OCRWM budget for Federal FY 1997 and legislation revising the Nuclear Waste Policy Act, which were being considered by Congress.
- f. The December 4 and 5, 1996, meeting was held in Pahrump, Nevada, and included an oversight tour of Yucca Mountain. The highlight of the site visit was a trip into the the ESF and the thermal testing alcove. The Committee traveled 4.5 miles into the tunnel and toured the tunnel boring machine, including the scientific mapping gantry, and the control room. The DOE has about one-half mile left to complete the tunnel. The exit at the South Portal is expected during the first quarter of 1997.

Presentations were made by representatives of DOE, NANP, and Nye County. The meeting provided the Committee members with a technical update of the scientific studies and status of the viability assessment analysis.

See Appendix G for copies of agendas of the meetings held in 1995 and 1996.

Legislative High-Level Radioactive Waste Interim Storage and Transportation Working Group

The members of Nevada's HLRW Committee serve on the Legislative High-Level Radioactive Waste Interim Storage and Transportation Working Group of the National Conference of State Legislatures (NCSL). The NCSL Working Group has held four meetings during 1995 and 1996. In addition, NCSL sponsored a special tour of the Oconee, South Carolina, and Surry, Virginia, nuclear power plants for Nevada's HLRW Committee.

Listed below are the dates, locations, and a brief description of each meeting held by the working group.

- a. The May 3-5, 1995, working group meeting was held in San Francisco, California. The group heard presentations from DOE, NRC, the National Association of Regulatory Commissioners, and the Nuclear Energy Institute, the Mescalero Apache Indian Tribe on its private interim storage project, and the General Electric Company on its Morris Facility. The group also toured the closed Rancho Seco nuclear power plant near Sacramento, California, to obtain a better understanding of the planned on-site dry cask storage facility being developed for spent nuclear fuel.
- b. The August 24-26, 1995, Working Group meeting was held in Buffalo, New York. Presentations to the group were made by DOE, NRC, the National Association of Regulatory Utility Commissioners, and the Nuclear Energy Institute. An updated report was also made by the Mescalero Apache Indian Tribe on its private interim storage project.

The group toured the West Valley Demonstration Project Site where radioactive sludge and liquid waste from the reprocessing of spent nuclear fuel is stored and will be vitrified into glass logs for placement in storage casks for interim storage and eventual disposal in a repository.

- c. On November 13-15, 1995, the NCSL sponsored a site visit to the Oconee, South Carolina, and Surry, Virginia, nuclear power plants for the Nevada HLRW Committee. The trip provided the Committee members an opportunity to visit operating nuclear power plants, meet with local government officials from communities near the power plants, and observe two types of dry cask storage being used for the temporary on-site storage of spent nuclear fuel.
- d. The May 15-18, 1996, meeting of the working group was held in Oak Ridge, Tennessee. The group toured the Oak Ridge National Laboratory, as well as several local high tech companies, which minimize or recycle hazardous and radioactive waste. During the business meeting, presentations were made by the DOE, NRC, Northern States Power, the Mescalero Apache Indian Tribe, and various employees of the Oak Ridge Laboratory who are involved with hazardous materials transportation.
- e. The November 13-15, 1996, meeting of the working group was held in Santa Fe, New Mexico. The group toured the Los Alamos National Laboratory, where work on a number of the important Yucca Mountain Site Characterization studies is being conducted. Presentations were made by the DOE, NRC, Nuclear Energy Institute, Nuclear Waste Technical Review Board (NWTRB), and the U.S. Navy.

Meetings Monitored

In addition to participating in the meetings listed above, the members of the Committee have also monitored meetings of other oversight organizations which are listed below:

- a. The Nuclear Waste Technical Review Board: This board was created to advise both Congress and the Secretary of Energy on the technical and scientific validity of the DOE's Civilian Radioactive Waste Program. The members are appointed by the President from a list of nationally recognized scientists who are recommended by the National Academy of Sciences.
- b. The Advisory Committee on Nuclear Waste to the Nuclear Regulatory Commission: This committee conducts independent oversight of the Nation's high-level radioactive waste program and reports its findings and recommendations to the NRC. The committee also consists of nationally recognized scientists who are appointed by the NRC.

- c. Nevada's Commission on Nuclear Projects: This Commission was created by the Nevada Legislature to review, report, and make recommendations to the Governor and Legislature on matters relating to the disposal of radioactive waste. The Commission is composed of seven members appointed by the Governor (three members of the Governor's own choosing, two members who are recommended by the Legislative Commission, and two members who are recommended by the Nevada Association of Counties and the Nevada League of Cities.)
- d. Technical Exchange Meetings between DOE and the NRC staff, which are conducted regularly to share information on specific aspects of the Yucca Mountain Site Characterization Project.
- e. Miscellaneous Meetings included meetings with stakeholders, affected units of local government, and other interested groups and organizations.

IV. FUTURE OVERSIGHT ACTIVITIES OF THE LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Over the next few years, important policy decisions and research milestones are expected to be reached with the Nation's civilian high-level radioactive waste management program. These activities will require continued scrutiny and oversight primarily in the following areas:

Yucca Mountain Site Characterization Program Revision

The DOE has revised its Civilian Radioactive Waste Management Program Plan to be consistent with the administration's position on the high-level radioactive waste management, in that permanent geologic disposal remains the program's basic goal. The plan establishes several main elements for the future direction of the Yucca Mountain Project in Nevada, which include: (1) updating of the regulatory framework for a Yucca Mountain repository, including the amendment of DOE's repository siting guidelines in 1997; (2) completing the viability assessment of the Yucca Mountain Repository in 1998; (3) recommending a repository site to the President in 2001; and (4) submitting a license application to the NRC in 2002.

Yucca Mountain Environmental Impact Statement

The DOE has awarded a contract for the preparation of the Environmental Impact Statement (EIS) for the proposed repository at Yucca Mountain, Nevada. The EIS is designed to assess the potential effects on the environment if Yucca Mountain becomes the permanent disposal site for spent nuclear fuel and high-level radioactive waste. The project is scheduled to begin in October 1996 and to be completed in the year 2000.

Acceptance, Storage, and Transportation of Spent Nuclear Fuel

The DOE is considering the privatization of services for the acceptance, storage, and transportation of spent nuclear fuel. The intent is to contract for a variety of suppliers and services, including:

- Accepting spent nuclear fuel from nuclear facilities.
- Supplying compatible transportation (and possibly storage) casks and equipment.
- Transporting spent nuclear fuel to a designated federal facility.
- Providing any intermodal transport required, including heavy haul.

Transportation and storage equipment to be supplied would be required to comply with applicable NRC and U.S. Department of Transportation regulations, DOE acceptance criteria, and standard commercial practices. The plans call for contractors, not the states, to recommend preferred transportation routes.

Possible Amendments to the Nuclear Waste Policy Act

Legislation, which would have made major changes to the Nuclear Waste Policy Act including the creation of an interim nuclear waste storage facility at the Nevada Test Site, died in the closing days of the 104th Congress. Even though the bill died, the problem of what to do with spent nuclear fuel and high-level radioactive waste is still very much alive. Indications are that similar legislation will be introduced early in the 105th Congress. The U.S. Court of Appeals for the District of Columbia ruling that DOE is required to begin accepting spent nuclear fuel from private nuclear power plants no later than January 31, 1998, is another factor which will affect the urgency for Congress to designate an interim storage facility.

Additional Oversight Issues

- Development of a policy by DOE for emergency training, technical assistance, and funding for state and local government “first responders” under the provisions of Section 180(c) of the Nuclear Waste Policy Act.
- Development by the U.S. Environmental Protection Agency of new radiation release standards for a nuclear waste repository.
- Federal oversight funding for the State of Nevada and the AULG.
- Liaison with state and local government monitoring agencies.

V. CONCLUSION

Over the last two years, Congress, the nuclear energy industry, governmental agencies, and special interest groups have debated the issue of high-level radioactive waste, interim storage, transportation modes and routes, and health release standards for a repository. The 104th Congress considered legislation to make major changes to the NWPA and establish an interim storage facility at the NTS. A bill was passed by the Senate and another was recommended for passage by a committee in the House of Representatives. These proposed changes to the Nation’s high-level radioactive waste program were not adopted, due in part to procedural delays by the Nevada members of Congress and a threatened veto by the President. However, similar legislation is expected to be introduced early in the 105th Congress, so the debate will continue.

To further exacerbate the issue of nuclear waste disposal, the U.S. Circuit Court of Appeals for the District of Columbia ruled on July 23, 1996, that the NWPA requires the DOE to begin accepting spent nuclear fuel from the civilian nuclear power reactors no later than January 31, 1998. A combination of the court ruling and the need to begin removing spent nuclear fuel from the civilian nuclear power plants significantly increases the pressure to establish an interim storage facility.

While attention was focused on the debates in Washington, D.C., the DOE was also methodically proceeding with the site characterization of Yucca Mountain to determine if it is suitable for a permanent repository. A detailed outline of projected activities, products, and time frames is presented on pages 5 through 6 of this report.

The necessity of continued oversight at the State, Legislative, and Executive levels is highlighted by (1) the DOE's continuing activities with the site characterization at Yucca Mountain; (2) the anticipated consideration by Congress of designating an interim storage facility at the NTS; and (3) the court ruling requiring DOE to begin accepting spent nuclear fuel in 1998.

VI. APPENDICES

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APPENDIX A

Nevada Revised Statutes 459.0085, "Creation; membership; duties;
salary and expenses of members"

NEVADA REVISED STATUTES

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

459.0085. Creation; membership; duties; compensation and expenses of members.

1. There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:

- (a) Four members of the senate, appointed by the majority leader of the senate.
- (b) Four members of the assembly, appointed by the speaker.

2. The legislative commission shall select a chairman and a vice chairman from the members of the committee.

3. The committee shall meet at the call of the chairman to study and evaluate:

(a) Information and policies regarding the location in this state of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The committee shall report the results of its studies and evaluations to the legislative commission and the interim finance committee at such times as the legislative commission or the interim finance committee may require.

5. The committee may recommend any appropriate legislation to the legislature and the legislative commission.

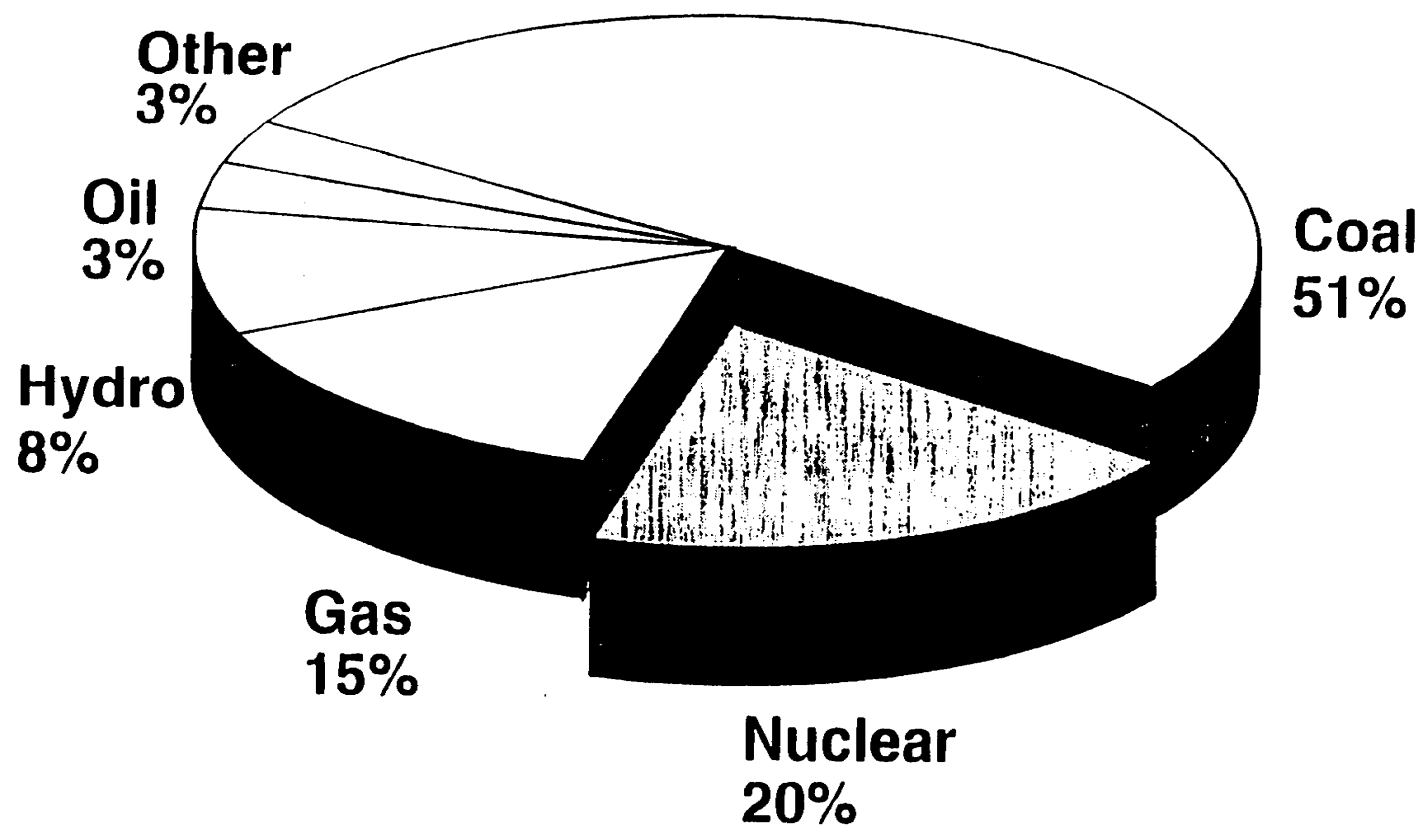
6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.

(Added to NRS by 1985, 685; A 1987, 399; 1989, 1221; 1995, 1454)

APPENDIX B

A pie chart entitled "Nuclear Energy is America's #2 Source of Electricity"

NUCLEAR ENERGY IS AMERICA'S #2 SOURCE OF ELECTRICITY



Nuclear power plants produced 20% of our Nation's electricity in 1994.
Source: Nuclear Energy Institute

APPENDIX C

Page 42 from "The Nuclear Waste Primer"

THE
NUCLEAR
WASTE
PRIMER

THE LEAGUE OF WOMAN VOTERS
EDUCATION FUND

high-level waste permanently. As the following section on policies and programs explains in more detail, Congress in 1987 directed DOE to confine its siting investigations for this facility to Yucca Mountain, Nevada. If constructed, the repository would isolate nuclear waste in a stable geologic (rock) formation at least one thousand feet below ground. A combination of natural geologic features and engineered components is expected to provide a series of barriers to prevent the uncontrolled release of radionuclides into the environment. The barriers will include the chemical and physical form of the waste; the covering (cladding) on the fuel rods; the canister that will hold the waste; any packing material around the canister; and the natural characteristics of the rock formation itself.

The concept of geologic disposal of high-level waste and spent fuel has widespread international acceptance in much of the scientific community. A 1992 report from the National Academy of Sciences notes that most countries have concluded that "the best means of long-term disposal of high-level radioactive waste is deep geological emplacement, always including some form of engineered containment or encapsulation and generally with some limited retrieval capability, at least initially."

Geologic disposal has been the focus of federal research for more than 30 years. As early as 1957, a National Academy of Sciences report to the Atomic Energy Commission recommended the burial of high-level and transuranic waste in geologic formations. The Academy urged the investigation of a large number of potential sites and specifically recommended further research on salt beds and salt domes.

In addition to investigating salt extensively (see Chapter 6), DOE has conducted research on geologic formations of basalt, tuff, and crystalline rock (granite) as potential nuclear waste disposal sites. The department conducted experiments in basalt at the Hanford Reservation in Washington and in granite and other kinds of rock formations at the Nevada Test Site, in addition to participating in international research projects.

APPENDIX D

Draft "Program Plan Revision 1" - Key Objectives and Major Program Milestones

DRAFT

Civilian Radioactive Waste Management

PROGRAM PLAN

REVISION 1

May 1996

**Office of Civilian Radioactive Waste Management
U.S. Department of Energy**

COMPARISON OF KEY OBJECTIVES BETWEEN THE 1994 PROGRAM PLAN AND THE PROGRAM PLAN, REVISION 1.

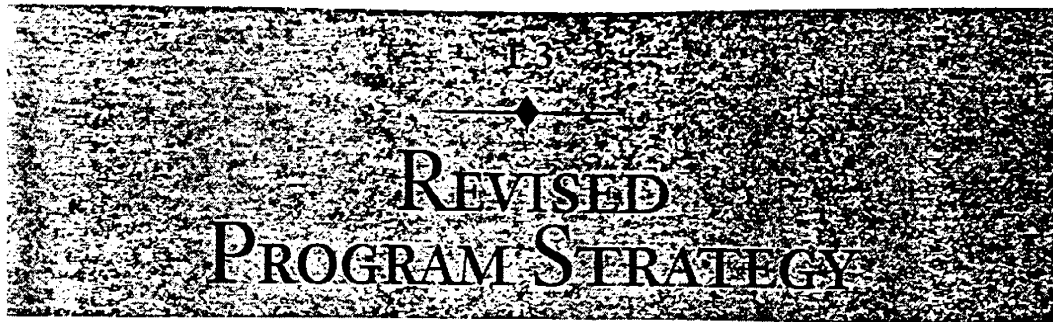
Yucca Mountain Site Characterization Project

1994 PROGRAM PLAN OBJECTIVES	ACTIONS TAKEN IN RESPONSE TO FISCAL YEAR 1996 APPROPRIATION	PROGRAM PLAN, REVISION 1 OBJECTIVES
1998: Technical Site Suitability Evaluation based on Siting Guidelines (10 CFR Part 960) - Technical basis reports - National Academy of Sciences' peer review - Higher-level findings - Public participation	Canceled technical site suitability process and eliminated preparation of technical basis reports and National Academy of Sciences' peer review Implemented development of discrete design products in lieu of consolidated design packages	1998: Viability Assessment - Repository and waste package designs for critical elements - Total system performance assessment - License application plan - Repository cost and schedule estimates
2000: Environmental Impact Statement and site recommendation to President	Deferred contract award for Environmental Impact Statement preparation; deferred documentation of Environmental Impact Statement scoping results and eliminated preparation of Implementation Plan	2000: Environmental Impact Statement 2001: Site recommendation to President
2001: License application to Nuclear Regulatory Commission for construction authorization	Eliminated revision to License Application Annotated Outline and reduced interactions with Nuclear Regulatory Commission	2002: License application to Nuclear Regulatory Commission for construction authorization
2010: Initial emplacement of spent fuel in repository		2010: Initial emplacement of spent fuel in repository

Waste Acceptance, Storage, and Transportation Project

1994 PROGRAM PLAN OBJECTIVES	ACTIONS TAKEN IN RESPONSE TO FISCAL YEAR 1996 APPROPRIATION	PROGRAM PLAN, REVISION 1 OBJECTIVES
1998: Develop and deploy a multi-purpose canister system for waste acceptance, storage, and disposal	Terminated program funding; bringing multi-purpose canister development program to orderly close	Contingent on 1999 interim storage facility site designation: 1999: Award contracts for waste acceptance, storage modules, and transportation services and equipment 2000: Submit Phase I interim storage facility license application 2002: Commence Phase I interim storage facility operations
1998: Develop a prototype for advanced technology truck cask	Canceled; bringing truck cask development program to orderly close	

TABLE 2



The Program has defined a revised program strategy consistent with the guidance provided by the President and the Congress, the exigencies of the Fiscal Year 1996 situation, and the outlook for future funding. Available resources have been concentrated on those efforts that are most essential to the long-range success of the Program's mission to manage and dispose of the Nation's spent nuclear fuel and high-level radioactive waste. With adequate future funding, the revised strategy will enable the Program to maintain progress toward accomplishing the goals of the Nation's civilian radioactive waste management policy on a reasonable schedule.

The revised program strategy is designed to maintain the momentum that has been achieved in the scientific investigation of the Yucca Mountain site and to regain target dates for determining the site's suitability for a geologic repository and for submitting a license application. The efforts of the Yucca Mountain Site Characterization Project have been redirected to address the major unresolved technical questions so that, in 1998, an assessment can be made of the viability of licensing and constructing a repository at the Yucca Mountain site. The Program will also consider revisions to the regulatory framework which may be needed to implement the restructured repository project plan. The Program expects to apply to the Nuclear Regulatory Commission in 2002 for a license authorizing construction of a repository at the Yucca Mountain site.

The Program will maintain a core capability in the Waste Acceptance, Storage, and Transportation Project to lay the groundwork for new policy direction regarding interim storage. We have devised a strategy based upon the assumption that an interim storage facility site will be designated in 1999. This assumption reflects the Administration's position that the interim storage facility siting decision should be informed by the results of the Yucca Mountain viability assessment to be completed in 1998.⁶

Some waste acceptance, storage, and transportation activities can be conducted prior to designation of an interim storage facility site, and could expedite the start of interim

⁶ Testimony of Secretary of Energy Hazel R. O'Leary before the Committee on Energy and Natural Resources, U.S. Senate, December 14, 1995.

storage operations when a site is designated and the facility authorized. These activities are the development of a market-driven approach that relies on the private sector for waste acceptance, storage, and transportation services, and the conduct of design, engineering and safety analyses for a non-site specific, phased, interim storage facility. Work to be accomplished after a site is designated includes facility development and the acquisition of waste acceptance, storage, and transportation equipment and services from the private sector. *Appendix C* discusses activities to be conducted after a site is designated.

Finally, the efficiency of program management has been significantly improved to reduce management costs. The program management function will be further refined to support the revised strategy and to enhance our management capabilities in the particular area of management information and control systems.

The key elements of the revised program strategy are summarized below. An expanded discussion is provided in *Sections 2.1, 2.2, and 2.3.*

1.3.1

UPDATE THE REGULATORY FRAMEWORK FOR A REPOSITORY AT YUCCA MOUNTAIN IN 1997

Based on our site characterization progress and the policy changes that have occurred over the past 10 years, we will propose amendments to the Department's siting guidelines (10 CFR Part 960) that will lead to a more efficient process for evaluating the suitability of the Yucca Mountain site for development as a geologic repository. Efficiencies will result from adopting a streamlined methodology specific to the Yucca Mountain site for applying the siting guidelines. Siting guideline revisions will be developed concurrently with the development of a site-specific radiological protection standard for Yucca Mountain by the Environmental Protection Agency and conformance of the licensing regulations to this new standard by the Nuclear Regulatory Commission. We will continue to consult with the Agency, the Commission, and other stakeholders as the regulatory framework for the geologic repository is updated.

1.3.2

COMPLETE VIABILITY ASSESSMENT OF THE YUCCA MOUNTAIN REPOSITORY SITE IN 1998

A principal objective of the revised strategy is to address by 1998 the major unresolved technical questions so that an informed assessment can be made of the viability of licensing and constructing a geologic repository at the Yucca Mountain site. This objective will require the completion of tasks that constitute a logical convergence point in the Program's work. The tasks include:

- a package of more specific design work on the critical elements of the repository concept and the waste package;

- a total system performance assessment, based upon that design concept and the scientific data and analysis that will be available to us by 1998, which will describe the probable behavior of the repository in the Yucca Mountain geologic setting;
- a plan and cost estimate for the remaining work required to complete a license application; and
- an upgraded estimate of the costs to construct and operate the repository in accordance with the design.

The Congress directed, and the reduced funding level in Fiscal Year 1996 has required, that repository licensing activities be deferred. The goal of submitting a successful license application to the Nuclear Regulatory Commission, however, remains central to the Program's mission. The work completed for the viability assessment will be an early and integral step on the path to a license application. The Administration's budget request for Fiscal Year 1997 sets forth a scope of work, budget profile, and schedule for the Yucca Mountain Site Characterization Project that are capable of supporting an application to the Commission for the repository license in 2002. The revised Program Plan is consistent with that funding outlook, with the Nuclear Waste Policy Act, as amended, and with the current understanding of the waste containment and isolation strategy appropriate to the Yucca Mountain site. The Program's regulatory approach and plans set forth earlier in the evolution of the Yucca Mountain Project will be revised to reflect the new approach.

1.3.3

RECOMMEND A REPOSITORY SITE TO THE PRESIDENT IN 2001 AND SUBMIT A REPOSITORY LICENSE APPLICATION TO THE NUCLEAR REGULATORY COMMISSION IN 2002

The Program's strategy for the Yucca Mountain Site Characterization Project has been revised to identify, prioritize, and schedule a focused set of site characterization activities that will allow us to submit a license application for construction authorization in 2002. Our activities will concentrate on the factors that are significant to the performance of a repository at the Yucca Mountain site. After completion of the viability assessment in 1998, we will prepare the additional information required for the Secretary of Energy's site recommendation to the President and for the license application to the Nuclear Regulatory Commission. As part of the site recommendation and license application process, we will issue the Draft Repository Environmental Impact Statement for public review and comment in 1999 and issue the Final Repository Environmental Impact Statement and Record of Decision in 2000. If the site is found suitable in accordance with our revised siting guidelines, the Secretary will issue a site recommendation in 2001, following public hearings that the Program will conduct in the State of Nevada prior to the possible site recommendation. The decision on site

recommendation will be based on the data obtained from site characterization, a description of the proposed repository and waste package, the Final Repository Environmental Impact Statement, preliminary comments from the Nuclear Regulatory Commission on the sufficiency of our information for licensing, the views and comments of the State of Nevada, and other relevant information required by the Nuclear Waste Policy Act, as amended. If the site is approved, we will submit a license application in 2002. This schedule will allow us to meet our long-term goal of starting repository emplacement operations in 2010.

1.3.4

DEVELOP MARKET-DRIVEN WASTE ACCEPTANCE, STORAGE, AND TRANSPORTATION APPROACH

The revised program strategy includes a market-driven approach that relies on the private sector for transportation, storage, and waste acceptance services. The approach will allow for the maximum use of private industry capabilities, expertise, and experience in accepting, transporting, and storing commercial spent nuclear fuel. The Program plans to develop and implement a competitive procurement process resulting in awards of fixed-price, multi-year, performance-based contracts to obtain needed services and equipment at a reasonable cost. Incentives and flexibility will be offered to encourage innovative private sector approaches. Under this approach, private industry will act for the Department in carrying out certain functions under the *Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste* (10 CFR Part 961) to accept spent nuclear fuel at utility sites for delivery to a Federal facility.

1.3.5

CONDUCT NON-SITE SPECIFIC DESIGN AND ENGINEERING SAFETY ANALYSES

Our interim storage readiness capability will be based upon a phased interim storage facility consistent with the concept discussed during Congressional debate. We will address the technical, safety, and procedural issues involved in licensing an interim storage facility to expedite the process if an interim storage site is designated. We have initiated development of a non-site specific topical safety analysis report for the first phase of operations at an interim storage facility. This report is scheduled to be submitted to the Nuclear Regulatory Commission for review in 1997. Completion of a topical safety analysis report and its subsequent submittal to the Commission for review and approval are contingent upon adequate future funding.

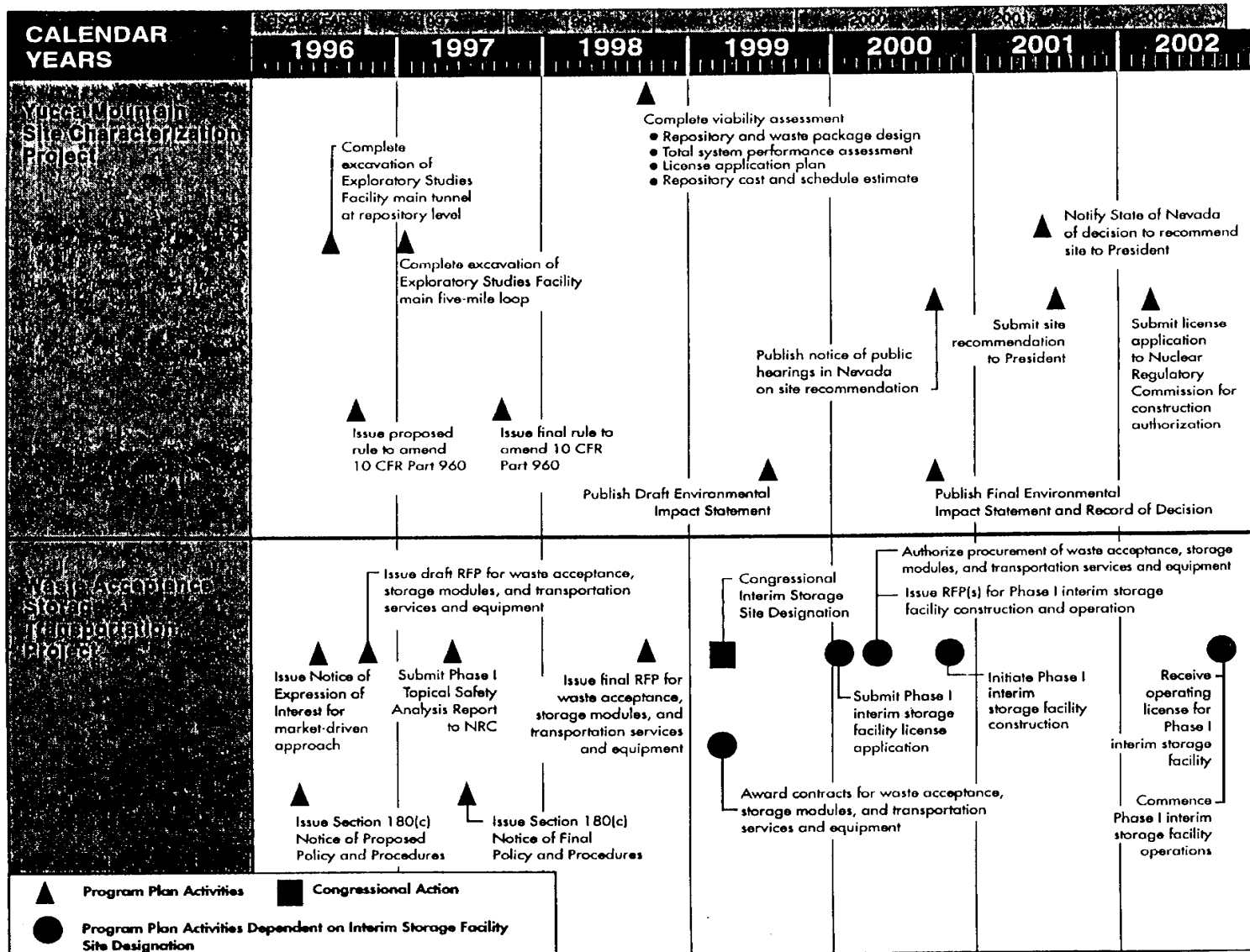
1.3.6

RESTRUCTURE PROGRAM MANAGEMENT ACTIVITIES

The revised strategy also restructures program management activities consistent with a reduced funding level and the Program's refocused priorities. The Management Center will provide continued administrative support and strategic planning assistance to the Yucca Mountain Site Characterization Project and Waste Acceptance, Storage, and Transportation Project as the revised Program Plan is implemented. It will address the crosscutting issues affecting both business centers, and support the Director's office in overall management and representation of the Program and in development of program policies and strategic plans. Efforts will concentrate on improving and updating management systems to ensure the efficient application of reduced funding levels to program priorities. Emphasis will also be placed on increasing the ability of the Federal management staff to carry out its responsibilities with reduced contractor support.

Table 2 on the following page compares the objectives of the 1994 Program Plan with the objectives of the Program Plan, Revision 1, and indicates the immediate actions taken in response to the Fiscal Year 1996 funding level reductions (center column). Figure 3 on page 20 illustrates 1996-2002 major program milestones for the Program's revised strategy.

MAJOR PROGRAM MILESTONES



MAJOR PROGRAM MILESTONES AND FUNDING REQUIREMENTS

The major program milestones for the Program's revised strategy are listed below by fiscal years and the funding requirements are shown in *Table 3* on page 23. The Fiscal Year 1996 dollars reflect the Program's Congressional appropriation. The 1997 dollars reflect the Administration's Fiscal Year 1997 budget request, and Fiscal Year 1998-2002 dollars reflect estimated funding requirements for the revised program strategy.

YUCCA MOUNTAIN SITE CHARACTERIZATION PROJECT

Fiscal Year 1996

- Complete excavation of the Exploratory Studies Facility main tunnel at the repository level
- Issue proposed rule to amend the repository siting guidelines (10 CFR Part 960)

Fiscal Year 1997

- Complete excavation of the south ramp back to the surface to finish the Exploratory Studies Facility main, U-shaped, five-mile underground loop
- Issue the final rule amending the repository siting guidelines (10 CFR Part 960)

Fiscal Year 1998

- Complete the viability assessment of the Yucca Mountain site, including the following components:
 - Repository and waste package designs
 - Total system performance assessment
 - License application plan
 - Repository cost and schedule estimates

Fiscal Year 1999

- Publish Draft Repository Environmental Impact Statement

Fiscal Year 2000

- Publish Final Repository Environmental Impact Statement and Record of Decision
- Publish notice of public hearings in Nevada on possible site recommendation

Fiscal Year 2001

- Secretary of Energy notifies State of Nevada of decision to recommend site to the President
- Secretary of Energy submits repository site recommendation to the President

Fiscal Year 2002

- Submit license application to the Nuclear Regulatory Commission for repository construction authorization

WASTE ACCEPTANCE, STORAGE, AND TRANSPORTATION PROJECT

Fiscal Year 1996

- Issue Section 180(c) Notice of Proposed Policy and Procedures
- Issue Notice of Expression of Interest to solicit views on the proposed market-driven waste acceptance, storage, and transportation approach

Fiscal Year 1997

- Issue draft request for proposals for waste acceptance, storage modules, and transportation services and equipment
- Submit non-site specific Phase I interim storage facility Topical Safety Analysis Report to the Nuclear Regulatory Commission
- Issue Section 180(c) Notice of Final Policy and Procedures

Fiscal Year 1998

- Issue final request for proposals for waste acceptance, storage modules, and transportation services and equipment

Fiscal Year 1999¹

- Award multiple contracts for waste acceptance, storage modules, and transportation services and equipment

Fiscal Year 2000

- Submit Phase I interim storage facility license application to the Nuclear Regulatory Commission
- Authorize contractor procurement of waste acceptance, storage modules, and transportation services and equipment
- Issue request(s) for proposals for Phase I interim storage facility construction and operation

Fiscal Year 2001

- Initiate Phase I interim storage facility construction

Fiscal Year 2002

- Receive Phase I interim storage facility operating license
- Commence interim storage facility operations

¹ Successive Waste Acceptance, Storage, and Transportation Project milestones for Fiscal Years 1999 - 2002 are contingent on Congressional interim storage authorization, funding, and site designation.

APPENDIX E

“Nevada Agency For Nuclear Projects Summary of Mission and Functions”

NEVADA AGENCY FOR NUCLEAR PROJECTS SUMMARY OF MISSION AND FUNCTIONS

AGENCY MISSION STATEMENT

The mission of the Nevada Agency for Nuclear Projects 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 disposal activities in the State.

...

ORGANIZATIONAL STRUCTURE AND FUNCTIONS

The Agency for Nuclear Projects operates as part of the Nevada Governor's Office and consists of a Division of Technical Programs and a Division of Planning. The Executive Director is appointed by the governor and serves at the pleasure of the Commission on Nuclear Projects. The seven member Commission advises the governor and legislature on nuclear wastes issues and oversees Agency activities. The Agency oversees the federal high-level radioactive waste disposal program; carries out independent technical, socioeconomic and other studies; works closely with state agencies and local governments on matters relating to radioactive waste; and provides information to the governor, legislature, and any interested parties. The Agency uses a small, central staff supplemented by contractual services for needed technical and specialized expertise in order to provide high quality oversight and monitoring of federal activities, to conduct necessary independent studies, and to avoid unnecessary duplication of efforts and resources.

The work of the Agency specifically includes:

- ☐ monitoring all DOE activities relative to the federal high-level nuclear waste repository proposed for Nevada;
- ☐ coordinating State and local responses and reviews of DOE technical and planning documents and proposals, and assuring that all affected State and local governmental agencies are appropriately involved in all phases of federal repository activities;
- ☐ conducting independent reviews of hydrological, geological, engineering and other technical aspects of the proposed federal repository project; conducting independent studies in areas of socioeconomic, transportation, and others as needed;
- ☐ consulting and coordinating with other appropriate State agencies for input and guidance regarding the design of the State program, for review and comment relative to federal documents, and for identifying potential impacts of the federal program and formulating mitigation strategies;
- ☐ coordinating and facilitating the involvement of affected local governments in planning for impacts associated with a potential repository in the State;
- ☐ identifying health, safety and environmental issues which are of concern to the State and developing State responses and strategies for addressing these issues;
- ☐ providing timely and accurate information to the Governor, the Legislature, local governments, and the public on all aspects of the federal program;
- ☐ identifying major legal issues arising out of the proposed repository project and developing strategies for effectively addressing such issues to the benefit of the State and affected local communities;
- ☐ representing Nevada's interests at the national level, including participation in Nuclear Regulatory Commission deliberations and rulemaking activities concerning licensing of a waste repository; sharing information on Nevada's activities with other affected states; and working with organizations such as the Western Governors' Association, the National Governors' Association, the Western Interstate Energy Board, various DOE working groups and other entities to identify, evaluate, and plan for impacts and associated consequences of repository activities and related nuclear materials transportation.

STATUTORY AUTHORITY

The Agency functions under the authority specified in the Nevada Revised Statutes (NRS 459.009 - 459.0098).

Nuclear Waste Project Home Page

State of Nevada
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710
(702) 687-3744

*

APPENDIX F

“Affected Units of Local Governments and Contact Person”

AFFECTED UNITS OF LOCAL GOVERNMENTS

AND

CONTACT PERSON

CHURCHILL COUNTY

Bjorn P. Selender
County Manager
190 West First Street
Fallon, Nevada 89406

Phone: (702) 423-5136

CLARK COUNTY

Dennis Bechtel, Coordinator
Clark County Nuclear Waste Division
500 South Central Parkway
P.O. Box 551751
Las Vegas, Nevada 89177-1751

Phone: (702) 445-5175

ESMERALDA COUNTY

Juanita D. Hoffman, Program Director
Esmeralda County Nuclear Waste Program
P.O. Box 490
Goldfield, Nevada 89013

Phone: (702) 485-3541

EUREKA COUNTY

Sandy Green
Project Coordinator
Yucca Mountain Information Office
Eureka, Nevada 89316

Phone: (702) 237-5407

INYO COUNTY

Brad Mettam, Project Coordinator
Inyo County Yucca Mountain
Repository Assessment Office
P.O. Drawer L
Independence, California 93526

Phone: (619) 878-0380

LANDER COUNTY

Tammy Manzini
Project Coordinator
P.O. Box 10
Austin, Nevada 89310

Phone: (702) 964-2447

LINCOLN COUNTY

Jason Pitts
Program Coordinator
P.O. Box 90
Pioche, Nevada 89043

Phone: (702)

MINERAL COUNTY

Vernon Poe
Office of Emergency Management
P.O. Box 1600
Hawthorne, Nevada 89415

Phone: (702) 945-2484

NYE COUNTY

Janice Williams
Project Coordinator
P.O. Box 1767
Tonopah, Nevada 89049

Phone: (702) 482-8131

WHITE PINE COUNTY

Florindo "Ferd" Mariani
Nuclear Waste Coordinator
957 Campton Street
Ely, Nevada 89301

Phone: (702) 289-2033

APPENDIX G

Meeting Agendas of the Nevada Legislature's Committee on High-Level Radioactive Waste for the 1995 through 1996 Interim Period

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710
Fax No.: (702) 687-5962



LEGISLATIVE COMMISSION (702) 687-6800
RANDOLPH J. TOWNSEND, *Senator, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 687-6821
JOHN W. MARVEL, *Assemblyman, Chairman*
MORSE ARBERRY, JR., *Assemblyman, Chairman*
Daniel G. Miles, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(702) 687-6800

Wm. GARY CREWS, *Legislative Auditor* (702) 687-6815
ROBERT E. ERICKSON, *Research Director* (702) 687-6825
BRENDA J. ERDOES, *Legislative Counsel* (702) 687-6830

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on
High-Level Radioactive Waste
(NRS 459.0085)

Date & Time of Meeting: Thursday, May 11, 1995
4 p.m. to 6 p.m.

Place of Meeting: Legislative Building
401 South Carson Street, Room 238
Carson City, Nevada

A G E N D A

- I. Opening Remarks and Introductions by the Chairman
Assemblyman Bob Price
- *II. Actions on Minutes of Previous Meetings:

July 13, 14, 1994
- III. Reports to Committee
 1. Review of HLRW Committee Law (NRS 459.0085)
Steven J. Coburn, Legislative Counsel Bureau
 2. Update of the Radioactive Waste Program by the United States
Department of Energy
Wesley Barnes, Project Manager
 - Yucca Mountain Site Characterization
 - Multiple Purpose Canister, Transportation Modes and
Route Selection Process
 - Interim Storage of Spent Nuclear Fuel
 - Proposed Nuclear Waste Program Legislation

3. Update of Activities by Nevada's Agency for Nuclear Projects

Robert R. Loux, Executive Director

- Agency Oversight and Monitoring Program
- Nevada Commission on Nuclear Projects

4. National Conference of State Legislatures

Cheryl Runyon, Jim Reed

- Update on High-Level Radioactive Waste Interim Storage and Transportation Working Group
- Services and Assistance available through NCSL on High-Level Radioactive Waste Programs

IV. HLRW Committee Comments

V. Public Testimony

VI. Adjournment

* Denotes items on which committee will take action

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, Capitol Complex, Carson City, Nevada 89710, or call Jeanne Peyton at 687-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; Carson City Courthouse, 198 North Carson Street; Legislative Building, Main Lobby; and Nevada State Library and Archives, 100 Stewart Street. Notice of this meeting was FAXED for posting to the following Las Vegas, Nevada, locations: Clark County Library, 1401 East Flamingo Road; and Clark County Office, 500 S. Grand Central Parkway.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710
Fax No.: (702) 687-5962



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BRENDA J. ERDOES, *Legislative Counsel* (702) 687-6830

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on
High-Level Radioactive Waste
(NRS 459.0085)

Date, Time, & Place
of Meeting: Wednesday, September 20, 1995
8 a.m.
Yucca Mountain Science Center
4101B Meadows Lane
Las Vegas, Nevada

and

Thursday, September 21, 1995
9 a.m.
Grant Sawyer State Office Building
555 E. Washington Avenue, Room 4401
Las Vegas, Nevada

Note: Some members of the committee may be attending the meeting on September 21, 1995, and other persons may observe the meeting and provide testimony through a simultaneous video teleconference conducted at the following location:

Legislative Building
401 South Carson Street, Room 119
Carson City, Nevada

AGENDA

September 20, 1995 - Tour of Yucca Mountain Project and New Member Orientation of High-Level Radioactive Waste Program by United States Department of Energy (DOE) Staff

Note: Any person wishing to accompany the tour must obtain a badge from the U.S. Department of Energy's Yucca Mountain Project Office (YMPO) to enter the Nevada Test Site. Please contact Carleen Hill of the YMPO at (702) 794-7375 by September 8, 1995. Be prepared to provide the following information: full name, date and place of birth, Social Security Number, and the date and name of the tour.

September 21, 1995

- I. Opening Remarks and Introductions by the Chairman,
Assemblyman Bob Price
- *II. Actions on Minutes of Previous Meetings:

May 11, 1995
- III. Reports to Committee
 - A. Update on status of the Radioactive Waste Program by DOE Staff.
Topics to include:
 - 1. Yucca Mountain Site Characterization surface testing and Exploratory Study Facility progress.
 - 2. Affect on repository design of the National Academy of Sciences' recommendation on radiation release criteria.
 - 3. Yucca Mountain Environmental Impact Statement schedule and progress.
 - 4. Status of proposed changes to the Nuclear Waste Policy Act.
 - 5. Yucca Mountain Site Specific Advisory Board status and role.
 - 6. Status of proposal to place Interim Storage Facility at Yucca Mountain and effect on selection of transportation routes, modes, transportation/storage containers, Multi-purpose Canister program, emergency preparedness and training, and access to Yucca Mountain.
 - B. Update on the Nevada Agency for Nuclear Projects activities by Agency staff. Topics to include:
 - 1. Status of Agency oversight and monitoring activities for 1995, such as key technical issues, socio-economic impact studies, and transportation routes in Nevada to a possible interim storage facility at Yucca Mountain.
 - 2. Possible 1996 workplan modifications resulting from changes in the Nuclear Waste Policy Act that are under consideration by Congress.
 - 3. Status of state litigation relating to the High-level Radioactive Waste Program.

C. Update on activities of Affected Units of Local Governments (Nye, Clark, and Lincoln Counties)

1. Nye County: Independent Science Verification Program, and affects of proposed interim storage facility at Yucca Mountain.
2. Clark County: Impacts from the proposed interim storage facility at Yucca Mountain with possible transportation routes through the Las Vegas area; and short and long term socio-economic impacts to Clark County.
3. Lincoln County: Impacts from the proposed interim storage facility at Yucca Mountain with possible railway and heavy-haul truck routes through Lincoln County; necessary appurtenances and socio-economic impacts on the county.

IV. Comments and discussion by HLRW Committee Members

V. Public Testimony

VI. Adjournment

* Denotes items on which committee will take action

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, Capitol Complex, Carson City, Nevada 89710, or call Jeanne Peyton at 687-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; Carson City Courthouse, 198 North Carson Street; Legislative Building, Main Lobby; and Nevada State Library and Archives, 100 Stewart Street. Notice of this meeting was FAXED for posting to the following Las Vegas, Nevada, locations: Grant Sawyer State Office Building, 555 E. Washington Street; and Clark County Office, 500 S. Grand Central Parkway.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

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ROBERT E. ERICKSON, *Research Director* (702) 687-6825
BRENDA J. ERDOES, *Legislative Counsel* (702) 687-6830

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on
High-Level Radioactive Waste
(NRS 459.0085)

Date, Time, & Place
of Meeting: Wednesday, January 31, 1996
9:30 a.m.
Grant Sawyer State Office Building
555 E. Washington Avenue, Room 4401
Las Vegas, Nevada

Note: Some members of the committee may be attending the meeting on January 31, 1996, and other persons may observe the meeting and provide testimony through a simultaneous video teleconference conducted at the following location:

Legislative Building
401 South Carson Street, Room 119
Carson City, Nevada

AGENDA

- I. Opening Remarks and Introductions by the Chairman,
Assemblyman Bob Price
- *II. Actions on Minutes of Previous Meetings:

September 20 - 21, 1995
- III. Reports to Committee
 - A. Update of the Radioactive Waste Program by the United States Department of Energy (DOE). Topics to include:
 1. Scientific work on the Yucca Mountain Site Characterization project, work plan modifications resulting from funding reductions and strategy for making a site suitability determination in 1998.
 2. Spent Nuclear Fuel Interim Storage Program and the \$85 million set-aside for interim storage facility development.

3. Proposed Radioactive Waste legislation.
4. Multi-purpose Canister development, transportation planning, and Yucca Mountain Environmental Impact Statement.

B. Update on Nevada's Agency for Nuclear Projects activities by Agency staff.
Topics to include:

1. Update on Agency's activities and monitoring efforts.
2. Description of revised work plan and agency activities under the reduced budget.
3. Plans for monitoring DOE site characterization activities under revised 1996 work plan.

C. Update from the United States Nuclear Regulatory Commission. Topics to include:

1. Status of current activities pertaining to the Yucca Mountain Project.
2. Plans for interfacing with DOE under restructured site characterization program.
3. Description of regulatory requirements for establishing an interim storage facility and time frame to begin accepting spent nuclear fuel.

IV. Comments and discussion by Committee Members.

V. Public Testimony.

VI. Adjournment.

* Denotes items on which committee may take action.

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LEGISLATIVE COMMISSION (702) 687-6800
RANDOLPH J. TOWNSEND, *Senator, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 687-6821
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MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on High-Level Radioactive Waste (N.R.S. 459.0085)

Date, Time, & Place
of Meeting: Monday, April 29, 1996
8:30 a.m.
Nevada's Motor Pool Division
5085 Rent-A-Car Road
Las Vegas, Nevada

and

Tuesday, April 30, 1996
9:00 a.m.
City of Caliente Council Chambers
100 Depot Road
Caliente, Nevada

AGENDA

April 29, 1996 - Tour of the Congressionally Proposed Route for the Transportation of High-Level Radioactive Waste from Caliente, Nevada to the Back Gate of the Nellis Air Force Range - near Rachel, Nevada.

TOUR: At 8:30 a.m., the Nevada Legislature's Committee on High-Level Radioactive Waste will leave Nevada's Motor Pool Division, 5085 Rent-A-Car Road, Las Vegas, Nevada, to tour the proposed route for the transportation of high-level radioactive waste. The public is cordially invited to participate. If you plan to attend, you must arrange for your own transportation. For more information, please call John Meder, Senior Research Analyst (telephone numbers: Carson City, 687-6825; Las Vegas, 384-2225, Extension 6825; Rural Areas, 1-800-992-0900, Extension 6825).

April 30, 1996

- I. Opening Remarks and Introductions by the Chairman, Assemblyman Bob Price.
- *II. Actions on Minutes of Previous Meetings:
 - January 31, 1996
- III. Reports to Committee:
 - A. Update on oversight activities by Lincoln County and City of Caliente.
 - B. Update on the Radioactive Waste Program by United States Department of Energy staff. Topics to include:
 - 1. Site Viability progress.
 - 2. Status of the congressionally proposed changes to the Nuclear Waste Policy Act.
 - 3. Status of the radiation release criteria recommendation by the National Academy of Sciences.
 - 4. Analysis of heavy haul transportation routes from Caliente to the Nevada Test Site. (highway vs. rail).
 - C. Nevada Department of Transportation - Analysis of proposed heavy haul transportation route from Caliente to Nevada Test Site.
 - D. Update on the Nevada Agency for Nuclear Projects activities by Agency staff. Topics to include:
 - 1. Status and findings of Agency oversight and monitoring activities.
 - 2. Agency analysis of proposed heavy haul transportation route from Caliente to possible waste disposal site at the Nevada Test Site.
- IV. Public Testimony.
- V. Comments and discussion by HLRW Committee Members.
- VI. Adjournment.

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MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on High-Level Radioactive Waste (NRS 459.0085)

Date and Time of Meeting: Monday, September 9, 1996
9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the committee may be attending the meeting, and other persons may observe the meeting and provide testimony, through a simultaneous video conference conducted at the following location:

Public Service Commission of Nevada
Hearing Room A
727 Fairview Drive
Carson City, Nevada

AGENDA

- I. Opening Remarks and Introductions by the Chairman
Assemblyman Bob Price
- *II. Action on Minutes of Previous Meetings Held on April 29 and 30, 1996
- III. Reports to Committee
 - A. Update on the Radioactive Waste Program by the United States Department of Energy (DOE). Topics to include:
 1. Status of the scientific work on the Yucca Mountain Site Characterization project.
 2. Explanation of the Civilian Radioactive Waste Management Program Plan, Revision 1.

3. Status of the Budget for the Office of Civilian Radioactive Waste Management for Federal Fiscal Year 1997.
 4. Status of Proposal to Implement the Notice of Waste Acceptance, Storage, and Transportation Services.
 5. Implications of Federal Appeals Court Ruling on DOE's obligation to begin accepting spent nuclear fuel by 1998.
 6. Explanation for implementing the proposed policy for Section 180(c) of the Nuclear Waste Policy Act 1982, as amended, concerning training for emergency response.
 7. Development of repository health standards by the United States Environmental Protection Agency and comparison with those in pending federal legislation.
 - *8. Discussion of pending legislation before the U.S. Congress.
- B. Update on the Activities of Nevada's Agency for Nuclear Projects by Agency Staff. Topics to include:
1. Status and findings of agency's oversight and monitoring efforts.
 2. Proposed work plan and agency activities for the remainder of 1996.
- C. Update from the United States Nuclear Regulatory Commission Concerning the Commission's Responsibilities Relating to the Yucca Mountain Project. Topics to include:

Status of current activities pertaining to the Yucca Mountain Project.

IV. Public Testimony.

V. Comments and Discussion by Committee Members.

VI. Adjournment.

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REVISED

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on
High-Level Radioactive Waste
(NRS 459.0085)

Date, Time, & Place
of Meeting: Wednesday, December 4, 1996
6:30 a.m.
Yucca Mountain Science Center
4101B Meadows Lane
Las Vegas, Nevada

and

Thursday, December 5, 1996
9 a.m.
Bob Ruud Community Center, Room B
Highway 160 and East Basin Road
Pahrump, Nevada

AGENDA

December 4, 1996 - Tour of Yucca Mountain Project by United States Department of Energy (DOE) Staff

Note: Any person wishing to accompany the tour must obtain a badge from the DOE's Yucca Mountain Project Office (YMPO) to enter the Nevada Test Site. Please contact Charlie Germack of the YMPO at (702) 794-1339 by November 27, 1996. Be prepared to provide the following information: full name, date and place of birth, social security number, and the date and name of the tour.

December 5, 1996

- I. Opening Remarks and Introductions by the Chairman
Assemblyman Bob Price
- *II. Action on Minutes of Previous Meeting:
September 9, 1996
- III. Reports to Committee
 - A. Update on Status of the Radioactive Waste Program by DOE Staff. Topics to include: The status of underground and surface scientific studies relating to the Yucca Mountain Site Characterization Program.
 - B. Update on the Nevada Agency for Nuclear Projects Activities by Agency Staff. Topics to include:
 - 1. Overview of State's scientific studies
 - 2. State's perspective of the Yucca Mountain Viability Assessment proposed by DOE
 - C. Update on Oversight Activities of Nye County. Topics to include:
 - 1. Status and findings of the Nye County Independent Science Verification Program
 - 2. Status, findings, and future plans of county oversight activities
 - D. Affected Units of Local Governments
- IV. Public Testimony
- V. Comments and Discussion by Committee Members
- VI. Adjournment

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