Committee on High-Level Radioactive Waste

January 2007

Legislative Counsel Bureau

Bulletin No. 07-21

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes **459.0085**

BULLETIN 07-21

JANUARY 2007

TABLE OF CONTENTS

ACRONYMS USED BULLETIN NO. 03-21

ANP ..... Nevada's Agency for Nuclear Projects

AULG ..... Affected Units of Local Governments

DOE. ..... United States Department of Energy

EIS ..... Environmental Impact Statement

EM ..... Environmental Management

EPA ..... United States Environmental Protection Agency

HLRW ..... High-Level Radioactive Waste

HLWWG ..... High-Level Radioactive Waste Working Group

IG ..... Department of Energy Inspector General

LCB ..... Legislative Counsel Bureau

NCSL ..... National Conference of State Legislatures

NRC ..... United States Nuclear Regulatory Commission

NTS ..... Nevada Test Site

NWPA ..... Nuclear Waste Policy Act of 1982

OCRWM ..... Office of Civilian Radioactive Waste Management
United States Department of Energy

S.J.R. ..... Senate Joint Resolution

WIPP ..... Waste Isolation Pilot Plant

REPORT TO THE 74th SESSION OF THE NEVADA STATE LEGISLATURE BY THE LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

I. INTRODUCTION

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee of the Nevada State Legislature whose authorization and duties are set forth under *Nevada Revised Statutes* 459.0085 (see Appendix A). Created in 1985, the Committee is charged to study and evaluate the following:

- Information and policies regarding the location of a facility for the disposal of high-level radioactive waste in the State of Nevada;

- 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 Committee also provides a forum for the discussion of high-level radioactive waste matters with federal, State, and local officials; representatives of special interest groups; and interested individuals.

A. Committee Members and Staff

The following legislators served on the Committee during the 2005-2006 Legislative interim:

Assemblyman Harry Mortenson, Chair
Senator Mike McGinness, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Sandra J. Tiffany
Assemblyman Moises Denis
Assemblyman Joseph Hogan
Assemblywoman Valerie Weber

The Legislative Counsel Bureau (LCB) provided staff services to the Committee. Research Division staff included Patrick Guinan, Senior Research Analyst, and Nenita Wasserman, Senior Research Secretary. M. Scott McKenna, Senior Principal Deputy

Legislative Counsel, and Matthew Nichols, Senior Deputy Legislative Counsel, provided staff services from the Legal Division.

B. Meetings and Activities

The Committee held three meetings during the 2005-2006 Legislative interim. As well as performing its mandated oversight functions, the Committee monitored the actions of the 109th United States Congress, and the progress of the State of Nevada's legal challenges to the Yucca Mountain Project. Committee members participated in meetings of the National Conference of State Legislatures' (NCSL) High-Level Radioactive Waste Working Group (HLWWG). Members also monitored meetings of the United States Nuclear Waste Technical Review Board (NWTRB), the Advisory Committee on Nuclear Waste of the United States Nuclear Regulatory Commission (NRC), Nevada's Commission on Nuclear Projects, and technical exchange meetings between the United States Department of Energy (DOE) and the NRC.

At this time, the Committee does not recommend legislative action. However, in addition to conducting its legislative oversight responsibilities the Committee will continue to monitor Nevada's legal challenges to various aspects of the Yucca Mountain Program, and developments in related areas pertaining to the nation's high-level radioactive waste program. If it is deemed appropriate, the Committee will recommend relevant action to the Nevada State Legislature or Legislative Commission in the future.

The purpose of this report is to provide information on: (1) recent developments in the Federal Nuclear Waste Program affecting the Yucca Mountain Project; (2) the activities of the Committee on High-Level Radioactive Waste (HLRW); (3) the activities of State and local government oversight organizations; and, (4) the history of the Federal Nuclear Waste program including Nevada's involvement in the Yucca Mountain Project.

II. RECENT DEVELOPMENTS PERTINENT TO THE YUCCA MOUNTAIN PROJECT

A. Repository Design and Licensing

On October 25, 2005, the DOE announced its intent to revise its repository design and transportation planning in order to operate the proposed Yucca Mountain repository as a "clean" facility. This change would be achieved primarily through the use of Transportation, Aging, and Disposal (TAD) canisters for the majority of high-level nuclear waste destined for the repository (see Appendix B). According to the DOE, use of TAD canisters will mean "that most spent nuclear fuel would be sent to the repository in a standardized canister that would not require repetitive handling of fuel prior to disposal." This modification will "simplify fuel handling and the construction of the repository, while easing the complexities of

Yucca Mountain's post-construction operations." The new design is also intended to be more cost effective than its predecessor.

In accordance with these design changes and other considerations, newly appointed Office of Civilian Radioactive Waste Management (OCRWM) Director, Edward F. Sproat III, announced on July 19, 2006, a revised timeline for submission of a repository construction license application to the NRC. The revised schedule anticipates submittal of the license application by June 30, 2008 (See Appendix C). More information on developments within the Yucca Mountain Project is available at www.ymp.gov.

B. Transport of High-Level Radioactive Waste to Proposed Repository

If the NRC licenses Yucca Mountain as the national repository, it will be necessary to transport spent nuclear fuel and high-level radioactive waste located throughout the country to the site. Anticipating NRC approval of its license application, in April 2004, the DOE announced its decision to proceed with a "mostly rail" waste transportation scenario, and to move forward with plans to construct a 319-mile rail line in Nevada to facilitate those plans.

Commonly referred to as the Caliente Corridor, the proposed railway would run from the city of Caliente in southeastern Nevada, northwest across the State and around the Nevada Test Site (NTS) to a point near the city of Tonopah, then turn south by southwest eventually entering the NTS from the south, just above the town of Amargosa (see Appendix D).

When the DOE conducted its initial Yucca Mountain Repository Environmental Impact Study (EIS), it included another potential rail alignment known as the Mina Rail Corridor in its considerations. However, in 1991 the Walker River Paiute Tribe informed the DOE that it would not allow nuclear waste to be transported across its reservation, effectively removing the Mina route from consideration.

In May 2006, the Tribe reconsidered and informed the DOE that, while it had not decided to allow nuclear shipments, it would be open to including the Mina route in the EIS that the DOE is conducting to assess rail alternatives within Nevada. As of November 2006, the DOE is holding statewide scoping meetings on the EIS, and including the Mina route in its considerations (see Appendix E). The public comment period for the EIS ends on December 12, 2006. Under the DOE's current schedule, March 2017 is the earliest date that the repository could begin accepting nuclear waste shipments.

C. Actions of the 109th United States Congress

At the writing of this document, the 109th United States Congress has passed no legislation that relates directly to the Yucca Mountain Project. However, as part of the Advanced Energy Initiative (AEI) announced by United States President George W. Bush in his 2006 State of the

Union address, the DOE has embarked on a new "Global Nuclear Energy Partnership" (GNEP). One element of the GNEP is proposed federal legislation which, if passed, would significantly impact the Yucca Mountain Project.

Additionally, as Chairman of the House Subcommittee on the Federal Workforce and Agency Organization, Committee on Government Reform, Congressman Jon C. Porter (R-NV), held hearings concerning the discovery by the DOE of electronic mail (email) messages sent between employees of the United States Geological Service (USGS), which indicated that some of the scientific modeling used to support the Yucca Mountain Project may have been falsified. Each of these developments is addressed briefly below.

The Global Nuclear Energy Partnership

According to the DOE:

> The Global Nuclear Energy Partnership has four main goals. First, reduce America's dependence on foreign sources of fossil fuels and encourage economic growth. Second, recycle nuclear fuel using new proliferation-resistant technologies to recover more energy and reduce waste. Third, encourage prosperity, growth and clean development around the world. And fourth, utilize the latest technologies to reduce the risk of nuclear proliferation worldwide.
>
> Through GNEP, the United States will work with other nations possessing advanced nuclear technologies to develop new proliferation-resistant recycling technologies in order to produce more energy, reduce waste and minimize proliferation concerns. Additionally, partner nations will develop a fuel services program to provide nuclear fuel to developing nations allowing them to enjoy the benefits of abundant sources of clean, safe nuclear energy in a cost effective manner in exchange for their commitment to forgo enrichment and reprocessing activities, also alleviating proliferation concerns.

In conjunction with its goals for the GNEP, on April 6, 2006, the DOE introduced S. Bill 2589, titled the "Nuclear Fuel Management and Disposal Act," in the United States Senate (see Appendix F). Also known as the "Fix Yucca" bill, this measure seeks several changes to federal law designed to facilitate and/or expedite the development of the proposed repository at Yucca Mountain. Among other changes, the measure would:

- Specify that an initial application for construction authorization at Yucca Mountain need not include information on surface facilities other than those facilities necessary for initial operations.

- Repeal the 70,000 metric ton limit on the quantity of spent fuel that could be emplaced at the Yucca Mountain repository. Removing this limit would allow the nearly 120,000 metric tons of spent nuclear fuel and high-level nuclear waste whose environmental impact was analyzed in 2002 to be emplaced at Yucca Mountain. Enactment of this provision would postpone the need to initiate a second repository program.

- Establish an expedited one-year schedule and a simplified, informal process (including discovery procedures) for use by the NRC (if the NRC authorizes construction of the repository) to consider an application for permission to "receive and possess" nuclear materials, as well as applications for other license actions. A six-month extension would be allowed under the provision. Current law sets no limits on this process beyond the construction authorization.

- Authorize the Secretary to undertake infrastructure activities needed to further waste disposal activities at the Yucca Mountain site or transportation to such site of spent nuclear fuel or high level radioactive waste, including the construction of a rail line to connect the Yucca Mountain site with the national rail network. These activities could be undertaken before or after an NRC construction authorization decision on the Yucca Mountain repository.

- Direct relevant federal, State, local, and tribal officials to grant expeditiously, to the extent consistent with law, rights-of-way and other authorizations for infrastructure activities. This section also makes clear that such activities are in the public interest and are consistent with the public convenience and necessity.

- Indicate that the NRC need not consider in its environmental review relating to the Yucca Mountain repository an action connected or otherwise related to the repository that is undertaken outside the geologic repository operations area and does not need an NRC license. This would allow the NRC to focus its time and attention on matters related to repository safety.

- Facilitate adequate funding for the licensing and construction phase of the Yucca Mountain program by making a technical budgetary scoring change. The annual fees collected from utilities would be classified as discretionary offsetting collections and would be credited against the amount appropriated from the Nuclear Waste Fund each year. Up to now the fees collected have been scored as mandatory receipts (fees required by law), while repository program expenditures have been classified as discretionary expenditures. Under deficit reduction laws, mandatory receipts cannot be used to offset discretionary expenditures. This proposal would correct that structural budget problem.

- Add infrastructure activities to the list of activities for which expenditures may be made from the Fund.

- Exempt from the requirements of the Resource Conservation and Recovery Act (RCRA) any material owned by the Secretary if it is transported in a package, cask, or other container certified by the NRC for transportation or storage of that type of material. Similarly, any material located at the Yucca Mountain site would be exempt

from RCRA if managed in accordance with a license issued by the NRC to receive and possess high-level waste and spent nuclear fuel.

- Designate the Environmental Protection Agency (EPA) as the appropriate agency to issue, administer, and enforce any air quality permits required in connection with the nuclear waste project.

- Provide that the Secretary of Energy is authorized to determine the extent to which any transportation done in carrying out the Secretary of Energy's functions under the Nuclear Waste Policy Act of 1982 would be regulated exclusively under the Atomic Energy Act of 1954, as is currently the case with respect to the transportation of weapons grade material. In addition, on request by the Secretary of Energy, the Secretary of Transportation would be authorized to determine pursuant to Section 5125 of Title 49, *United States Code*, that any requirement of a state, political subdivision of a state, or Indian tribe regarding transportation done by or on behalf of the Secretary of Energy in carrying out the NWPA is preempted, irrespective of whether the transportation otherwise is or would be subject to regulation under the Hazardous Materials Transportation Authorization Act of 1994.

- Declare the use of water from any source for carrying out DOE functions under the Nuclear Waste Policy Act of 1982 to be beneficial to interstate commerce in quantities sufficient to accomplish the purposes of the Act and would declare that such use does not threaten to prove detrimental to the public interest. The section would prohibit a state from enacting or applying a law that discriminates against that use. The section also would authorize the Secretary to obtain water rights by purchase or otherwise to carry out the Department's functions under the NWPA.

- Require the NRC, in considering whether to permit the construction or operation of a nuclear reactor or a related facility, to deem, without further consideration, that sufficient capacity will be available in a timely manner to dispose of the spent nuclear fuel and high-level radioactive waste resulting from the operation of the reactor and any related facilities.

  Senate Bill 2589 was referred to the U.S. Senate Committee on Energy and Natural Resources. The Committee held one hearing on the measure on August 3, 2006, but has yet to take any action. The bill will die if it is not passed prior to final adjournment of the 109th Congress. Should this occur, in order for the bill to receive any further consideration it will have to be reintroduced during the 110th Congress in 2007.

Investigating Questionable U.S. Geological Survey Emails

On March 16, 2005, Energy Secretary Samuel W. Bodman issued a press release indicating that:

> The Department of Energy has learned that certain employees of the US Geological Survey (USGS) at the Department of the Interior working on the Yucca Mountain project may have falsified documentation of their work. This documentation is required as part of the Department of Energy and Nuclear Regulatory Commission's quality assurance programs that verify the accuracy and credibility of work that has been completed. This documentation in question relates to computer modeling involving water infiltration and climate.
>
> During the document review process associated with the Licensing Support Network preparation for the Yucca Mountain Project, DOE contractors discovered multiple emails written between May 1998 and March 2000, in which a USGS employee indicated that he had fabricated documentation of his work.

In light of this discovery, the DOE undertook a scientific investigation to determine if any of the modeling work associated with the emails was deficient. It also referred the matter to the DOE Inspector General (IG) for investigation. While the U.S. Attorney declined to file any criminal charges in the matter, the IG characterized the employee's actions as "irresponsible and reckless" and outlined in a memo to Secretary Bodman the Yucca Mountain Project's failings "that were pertinent to the allegations. . . ."

In addition to the investigations into these emails undertaken by the DOE, Congressman Jon C. Porter (R-NV) held several hearings on the subject beginning in April 2005. The USGS scientist at the center of the email probe, Josesph Hevesi, testified on June 29, 2005, that he had never falsified any scientific data in his work on the Yucca Mountain Project. However, Congressman Porter's request that the DOE provide documentation relating to this issue, including the draft license application that DOE had prepared for the proposed repository, were ignored.

On Wednesday, July 20, 2005, the House Government Reform Committee issued a subpoena to the DOE asking that a long list of documents be turned over for review. The DOE complied only partially with the subpoena, and in September 2005 Secretary Bodman requested that the subpoena be amended to exclude certain documents, including the draft license application, that Congressman Porter deems necessary to conducting the investigation. The subpoena was not amended but, to date, the DOE has not produced the draft license application.

In March 2006, Congressman Porter released an updated Government Accountability Office report on the Yucca Mountain Project that he had requested in April 2005 when the troubling emails surfaced. The updated report, titled "Quality Assurance at DOE's Planned Nuclear Waste Repository Needs Increased Management Attention," concluded that "Before DOE submits a license application, its aggressive 'new path forward' effort faces substantial quality assurance and other challenges" (see Appendix G). At present, Congressman Porter's investigation into the USGS emails, and into quality assurance practices within the Yucca Mountain Project generally, is ongoing.

D. Nevada's Legal Challenges to the Yucca Mountain Project

The State of Nevada has hired Egan and Associates, PLLC, of Virginia to represent its interests in court. Egan and Associates specializes in nuclear law and has handled many high-profile cases around the world. Over the life of the Yucca Mountain Project, Nevada has filed several lawsuits against entities within the federal government including the DOE, the President of the United States, the EPA, and the NRC. Generally, these lawsuits have challenged various aspects of the federal government's decision to designate Yucca Mountain as the nation's sole nuclear waste repository and, subsequently, have challenged actions taken or decisions made by these agencies relating to repository development.

As an example, one of Nevada's legal challenges argued that President Bush's designation of Yucca Mountain was invalid because the DOE, EPA, and NRC violated the law throughout the Yucca Mountain site recommendation and approval process. At the request of attorneys for the State of Nevada, the District of Columbia Court of Appeals in November 2002 agreed to consider "in-tandem" Nevada's three challenges that were pending in that court. The decision to allow "in-tandem" consideration enabled all the significant questions concerning the proposed repository to be addressed concurrently. These three cases included: (1) a consolidated challenge to the DOE's site suitability rule and the EIS for Yucca Mountain; (2) a challenge to the NRC's licensing rule; and (3) a challenge to the Yucca Mountain radiation standard set by the EPA. Oral arguments in these cases were heard in January 2004, and the court handed down its decision in July 2004. The court rejected Nevada's first two arguments, but upheld the third, agreeing that the EPA had violated the NWPA by ignoring scientific recommendations when it set the radiation safety standard for Yucca Mountain. As of today, the EPA has proposed a new radiation safety standard and is reviewing public comments prior to issuing a final decision.

Nevada currently has one active case filed against the DOE in U.S. District Court in Northern Nevada (No. 3:06-cv-153-ECR). This is a Freedom of Information Act challenge to the DOE's refusal to provide the State with a copy of its draft license application to construct the repository at Yucca Mountain.

Additionally, the DOE has filed two lawsuits, one against Nevada's State Engineer and one against the State of Nevada, both concerning the State Engineer's refusal to grant the DOE permanent water rights to construct and operate the repository based on a finding that the proposed use may be detrimental to the public interest.

Summary and full text versions of court decisions, as well as other information concerning Nevada's legal challenges to the Yucca Mountain Project are available on the ANP's Web site at: http://www.state.nv.us/nucwaste.

III. LEGISLATIVE OVERSIGHT

Past Actions

Below is a summary of recommendations made and actions taken by the Committee as a result of its oversight activities during the 2001-2002 Legislative interim. This was the most recent interim period during which the Committee chose to recommend legislative action.

At its January 29, 2002, meeting, the Committee approved a motion recommending that the Legislative Commission transmit a copy of Senate Joint Resolution No. 6 to Governor Kenny C. Guinn. The Committee also recommended that the resolution be included with the Governor's expected "Notice of Disapproval," should President Bush submit a Yucca Mountain Project site suitability recommendation to Congress (see Appendix H).

Additionally, the Committee approved a motion to have the chairman of the Committee transmit a letter to United States Secretary of Energy Spencer Abraham requesting that when he submitted the Yucca Mountain site suitability recommendations to the President, that they contain the Final EIS and Record of Decision for Yucca Mountain as required by the NWPA and the National Environmental Protection Act of 1973 (see Appendix I).

Current Activities

During the 2005-2006 Legislative interim, the Legislative Committee on High-Level Radioactive Waste held three meetings in Las Vegas, Nevada. All three meetings were public hearings and were videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City. All minutes of meetings and their corresponding exhibits are on file in the LCB Research Library (775/684-6827). In addition to the original documents on file with the Research Library, minutes are available on-line at: http://www.leg.state.nv.us/73rd/Interim/StatCom/HLRW/ (see also Appendix J).

The Committee also participated in the NCSL's High-Level Waste Working Group meetings. Committee members also monitored meetings of: (1) the Nuclear Waste Technical Review Board; (2) the NRC's Advisory Committee on Nuclear Waste; (3) Nevada's Commission on Nuclear Projects; and (4) various technical exchange and management meetings between the DOE and the NRC.

A. Committee Meetings 2005 - 2006

Following are summaries of the Committee's discussion and activities at each of its three meetings held in Las Vegas during the 2005-2006 interim:

1. October 27, 2005

At its October 27, 2005, meeting the Committee received a presentation from the DOE concerning the history of the Yucca Mountain Project, the DOE mission as outlined in the

NWPA, a discussion of the DOE's decision to alter the proposed design and operation of the repository, and an overview of the agency's budget request to Congress for the upcoming year. There was also discussion of repository construction timelines and escorts for trains carrying nuclear waste.

A representative of the NCSL also gave a presentation on that body's programs and activities related to high-level radioactive waste, including a discussion of the role played by the HLWWG in assisting state legislatures to set their priorities in this area.

The Committee also heard testimony from the ANP on the agency's mandate, history, and current activities. Special attention was given to Nevada's legal challenges to the Yucca Mountain Project and to a forecast of upcoming events that might impact the project.

2. April 17, 2006

At this meeting the Committee received testimony from the EPA on that agency's newly proposed environmental radiation protection standards for the repository. As noted above, the EPA was required to develop new standards in light of a court decision vacating the original standards. The Committee also heard a presentation from the ANP explaining Nevada's opposition to the newly proposed radiation standards.

Additionally, the DOE provided the Committee with an overview of the recent OCRWM reorganization and discussed the consequences of that reorganization to the Yucca Mountain Project.

Finally, the Committee heard a presentation from the NCSL on its recent activities related to high-level radioactive waste.

Public comment at this meeting included brief remarks from the Clark County Nuclear Waste Program Office on its mission and current activities, as well as remarks from the Nevada Nuclear Waste Task Force regarding its concerns about the negative impact that the EPA's proposed radiation standards may have on Nevadans.

3. August 21, 2006

At its final meeting of the interim, the Committee received from Edward F. Sproat III, Director, OCRWM, an overview of the DOE's current planning and progress on the Yucca Mountain Project, including a discussion of newly proposed federal legislation intended to expedite project completion. Additionally, the Committee took testimony from the ANP regarding its current planning and progress with regard to the Yucca Mountain Project, focusing in particular on the proposed legislation mentioned above and on Nevada's legal challenges to the project.

B. The National Conference of State Legislatures High-Level Radioactive Waste Working Group

The members of Nevada's High-Level Radioactive Waste Committee serve on the NCSL's Legislative HLWWG and NCSL's Environmental Management Legislative Roundtable. The HLWWG held two meetings during the 2005-2006 interim.

Listed below are the dates, locations, and a brief description of each meeting.

- August 15, 2006, Nashville, Tennessee: Updates were provided by the DOE and OCRWM, NCSL, the Southern States Energy Board, the Council of State Governments, the Commercial Vehicle Safety Alliance, and the NRC.

- October 3 through 5, 2006, San Diego, California: This was a joint meeting of the Southern States Energy Board, the Western Governor's Association, and the HLWWG. Presentations were given by the DOE, OCRWM, the Federal Motor Carrier Safety Administration, the Southern States Energy Board, the NRC, and the Council of State Governments.

C. Meetings Monitored

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

1. The United States 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.

2. 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.

3. Nevada's Commission on Nuclear Projects

This Commission was created by the Nevada State 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 chosen by the Governor, two members recommended by the

Legislative Commission, and two members recommended by the Nevada Association of Counties and the Nevada League of Cities).

4. Technical Exchange Meetings Between the Department of Energy and the Nuclear Regulatory Commission

These meetings are conducted regularly to share information on specific aspects of the Yucca Mountain Site Characterization Project.

5. Miscellaneous Meetings

The Committee also monitors meetings between stakeholders, AULGs, and other interested groups and organizations.

IV. HISTORICAL OVERVIEW

In 1957, the first nuclear power plant in the United States began operation. Since that time, more than 100 nuclear power plants have been constructed and, as of 2006 they provide about 20 percent of the nation's electricity. However, the benefits of nuclear power are connected with the enormous challenge of safely managing the temporary storage and permanent disposal of spent fuel and high-level radioactive waste (see Appendix K).

In 1982, the Congress passed the Nuclear Waste Policy Act (NWPA) (42 *United States Code* 10101 *et seq*.), which was crafted 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 based primarily 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. High-level radioactive waste is a byproduct of nuclear power and requires permanent isolation from the environment. Transuranic waste consists primarily of equipment, protective clothing, sludge, soil, and tools that have been contaminated with trace amounts of manmade radioactive elements, such as plutonium.

In the NWPA, Congress designated the three agencies responsible for implementing this policy and their specified roles. First, the DOE must characterize, site, design, build, and manage a federal waste repository. Second, the EPA must set the public health standards for a waste repository. Finally, the NRC must license the construction, operation, and closure of a waste repository.

In 1985, the Nevada State Legislature created the Committee on High-Level Radioactive Waste, Nevada Commission on Nuclear Projects, and Nevada's ANP to conduct state oversight of the Yucca Mountain Site Characterization Program. Subsequently, in 1987, Congress amended the

NWPA and directed the DOE to study only Yucca Mountain to determine its suitability as a geologic high-level nuclear waste repository.

A. Federal Historical Perspective

The site characterization of Yucca Mountain began in 1977 when the DOE initiated an investigation to determine the viability 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.

The enactment of the NWPA in 1982 established the national policy for the disposal of high-level radioactive waste. This waste consists primarily of spent nuclear fuel from commercial power reactors and defense-related high-level radioactive waste. The NWPA created a federal obligation to accept spent nuclear fuel and dispose of it in a geologic facility. The act also required the federal government to develop a national program to accept, transport, store, and permanently dispose of high-level radioactive waste in a timely manner that would assure public and worker health, protect the environment, merit public confidence, and be economically viable.

The NWPA created the 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 plants;

- 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 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 from 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 proposed repository sites, obtained concurrence on the guidelines from the NRC, and began the site screening process. Nine possible repository sites located throughout the nation were initially evaluated. Three of them ([1] Yucca Mountain, Nevada; [2] Deaf Smith, Texas; and [3] Hanford, Washington) were

ranked as being the most suitable for detailed study and analysis (site characterization) as possible repository sites.

In 1987, amendments to the NWPA specified Yucca Mountain as the only site to be characterized to determine its suitability as a geologic repository. Under the NWPA, the DOE had to complete several important stages in evaluating the site before a Secretarial recommendation could occur. The NWPA directed the Secretary of Energy to develop a site characterization plan to guide test programs for the collection of site evaluation data, and to conduct any necessary site suitability characterization studies. It also directed the Secretary to hold public hearings in the vicinity of the prospective site to inform local residents and receive their comments.

If the Secretary of Energy found the site suitable, the NWPA directed him to recommend it to the President for development as a permanent repository. However, if the DOE found Yucca Mountain unsuitable, the agency would be forced to halt all site characterization activities, mitigate any significant adverse environmental impacts, and recommend further action to Congress to assure the safe, permanent disposal of spent fuel and high-level radioactive waste.

In accordance with the NWPA, the DOE developed a Site Characterization Plan in 1988. The Yucca Mountain Project Office, OCRWM, conducted scientific investigations to determine if Yucca Mountain would be suitable for a permanent repository. The Draft EIS for a repository at Yucca Mountain was released to the public on August 13, 1999. Approximately 2,800 individuals attended 21 public hearings held by the DOE; 716 people commented at the hearings. Ten hearings were held in Nevada with the remainder being held at different locations throughout the country. The Final EIS considered both individually and collectively more than 11,000 comments received either at the hearings or via electronic mail, facsimile, or United States mail. The DOE Web site contains detailed information on the Yucca Mountain Site Characterization Program, and may be accessed at: http://www.ymp.gov

As previously mentioned, under the NWPA, the DOE was charged with determining if Yucca Mountain was a suitable site for the geologic disposal of spent nuclear fuel and high-level nuclear waste. Under the provisions of the NWPA, DOE had to develop and submit a Site Recommendation Report, which included a Final EIS, to the Secretary of Energy. If the Secretary agreed with the site recommendation, he was required to forward it to the President and the United States Congress.

After spending more than $4 billion over a period of 20 years, the DOE determined that, Yucca Mountain was a suitable site within the meaning of the NWPA, for development as a permanent nuclear waste and spent fuel repository. After reviewing the DOE's extensive analysis of the Yucca Mountain Site, the Secretary of Energy found Yucca Mountain suitable for development as a permanent nuclear waste and spent fuel repository. The Secretary then forwarded the site recommendation to the President and Congress, both of which confirmed the

selection of Yucca Mountain. The DOE now must prepare and submit an application to the NRC for a license to construct and operate a repository. This process is currently underway.

Following Presidential and Congressional approval of the site recommendation, however, the Governor of Nevada or the Legislature were allowed under the provisions of the NWPA to submit a notice of disapproval to the Congress within 60 days after the President submitted his recommendation to Congress. After receiving the notice of disapproval, Congress, within 90 days of a continuous session, could pass a resolution approving the site, thereby overriding the effect of the state's notice of disproval. However, failure to approve the resolution within the 90-day period would have ended further consideration of Yucca Mountain as the repository site (see Appendix L).

Below is a timeline of events that occurred regarding the recommendation to develop Yucca Mountain as a high-level radioactive waste repository:

- On January 10, 2002, the U.S. Secretary of Energy notified Nevada Governor Kenny C. Guinn and the Nevada State Legislature of his decision to recommend the Yucca Mountain site for development as a nuclear waste repository (see Appendix M).

- On February 14, 2002, the Secretary submitted his site recommendation to President Bush. (No earlier than 30 days after providing such notice to the Governor and the Legislature, the Secretary is required to submit his site recommendation to the President.) (see Appendix N.)

- On February 15, 2002, President Bush submitted his recommendation to the United States Congress for approval of the Yucca Mountain site (see Appendix O).

- On April 8, 2002, Governor Guinn submitted a notice of disapproval regarding the President's recommendation. However, within 90 days of a continuous session of Congress after receiving the notice of disapproval, Congress may pass a resolution to approve the site, thereby overriding the effect of the state's notice of disapproval (see Appendix P).

- On May 8, 2002, the United States House of Representatives rejected Governor Guinn's notice of disapproval and supported the President's recommendation by a vote of 306 to 117 (see Appendix Q).

- On July 9, 2002, the United States Senate voted to override Governor Guinn's notice of disapproval and supported the President's recommendation by a vote of 60 to 39.

Congressional approval of the President's recommendation to move forward with the Yucca Mountain site allowed the DOE to begin the application process for a license to construct and operate a facility at Yucca Mountain. The DOE expected to file a license application by December 2004, but announced in October 2004 that submittal of the license application would be delayed until sometime in 2005. However, the DOE was not able to submit the application

in 2005. The DOE's most current estimate is that the license application will be submitted at the end of June 2008.

If, after a lengthy review process, the NRC approves the DOE's license application, facility construction will begin. The DOE will then have to apply for and obtain a separate operating license from the NRC before any nuclear waste can be received. The DOE has stated that shipments of nuclear waste will not be received at Yucca Mountain before 2017.

B. State Historical Perspective

The NWPA, as amended, authorizes the Nevada State Legislature and the Governor to carry out oversight on all aspects of the High-Level Radioactive Waste Project. 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 committee to observe and participate in the federal study. The Committee's major objectives were to:

- Become familiar with the federal program for study of potential locations of a repository; and

- Establish 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 interim committee recommended to the 1985 Legislature that:

- The Legislature 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 be created by statute.

1. Creation of Permanent Legislative Oversight Committee

The Nevada State Legislature's Committee on High-Level Radioactive Waste was created in 1985 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 is not authorized to undertake technical studies or duplicate efforts of ANP.

2. Creation of Commission and State Agency

Pursuant to the NWPA, Nevada's Agency for Nuclear Projects (ANP) was established in early 1983 by Executive Order of the Governor and placed within the Department of Minerals. In December 1983, the ANP was transferred to the Governor's Office. In 1985, Senate Bill 56

(Chapter 680, *Statutes of Nevada*) created the Commission on Nuclear Projects and the responsibilities of the ANP.

Major functions of the ANP include:

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

According to Robert R. Loux, Executive Director, ANP, the agency 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, waste packaging, transportation routes and modes, and socioeconomic impacts, as well as on providing information to the public about the Yucca Mountain Site Characterization Program.

Details of the ANP's oversight activities can be obtained by contacting the office at 1761 East College Parkway, Suite 118, Carson City, Nevada 89706; telephone: 775/687-3744; or by visiting the ANP's Web site at: http://www.state.nv.us/nucwaste. Copies of ANP reports and studies are available at most public libraries in Nevada.

3. Affected Units of Local Government

The NWPA provides that units of local government that 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 include:

- Reviewing studies and materials for the purpose of determining any potential economic, social, public health and safety, and environmental impacts of a repository;
- Developing requests for impact assistance;

- Engaging in monitoring, testing, or evaluating activities with respect to site characterization programs;

- Providing information to residents regarding site-related activities of the DOE, NRC, or State; and

- Requesting information from and making comments and recommendations to the DOE regarding activities undertaken with respect to the site.

Details of the activities and the status of each AULG oversight program may be obtained by contacting a specific AULG directly. (See Appendix R)

V. THE FUTURE

The OCRWM believes that the scientific studies and engineering tests of the Yucca Mountain site that began in 1987 generated enough information to make a site recommendation. The Secretary of Energy agreed with that assessment and submitted a site recommendation report to the President, which Congress approved.

However, the recommendation was a preliminary step which merely began the formal safety evaluation process. Before a license is granted to begin construction of a facility at Yucca Mountain, the DOE must submit an application for a construction license. The DOE must defend its application through the formal review process, which includes public hearings and receive construction authorization from the NRC. According to the DOE, the NRC licensing process is expected to take at least three years. If the NRC grants this license, it will only authorize initial construction. The DOE will then have to seek and obtain an operating license from the NRC before any waste can be received. Altogether, the process is expected to take at least ten years.

Further, the decision by the District of Columbia Court of Appeals to vacate the EPA's 10,000 year radiation safety standard has caused the Yucca Mountain Project significant delays. As at least three lawsuits remain unresolved, more delays are likely, and it is possible that a future legal decision will force the DOE to abandon the project completely.

Therefore, Nevada's Legislative Committee on High-Level Radioactive Waste is of the opinion that it is too soon to make any recommendations to the Nevada State Legislature. The Committee will continue to monitor the progress of the DOE, Congress, the Administration, and the federal courts, and will make any recommendations for legislative action at the appropriate time.

The Legislative Committee on High-Level Radioactive Waste will continue its oversight and monitoring efforts, and maintain its focus on the topics listed below.

- Nevada's ongoing legal challenges to various aspects of the Yucca Mountain Project;

- The submission of a license application by DOE to begin construction of a facility at Yucca Mountain;

- The NRC's review of a license application from DOE to begin construction at Yucca Mountain;

- The progress of the DOE's environmental assessment and related issues surrounding the proposed Caliente and Mina corridor rail lines and other transportation matters; and

- Liaison with State and local government monitoring agencies.

VI. APPENDICES

Page

Page

APPENDIX A

Nevada Revised Statutes 459.0085

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

NRS 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

Press Release, United States Department of Energy New Yucca Mountain Repository Design to be Simpler, Safer, and More Cost Effective

United States Department of Energy
Office of Public Affairs
Washington, D.C. 20585

News Media Contact(s):
Craig Stevens, 202/586-4940

For Immediate Release
October 25, 2005

New Yucca Mountain Repository Design to be Simpler, Safer and More Cost Effective

WASHINGTON, DC – The U.S. Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM) today instructed its managing contractor to devise a plan to operate the Yucca Mountain repository as a primarily "clean" or non-contaminated facility. Operating the site "clean" will improve the safety, operation, and long-term performance of Yucca Mountain.

"Our new path forward will provide clear direction to improve safety and reliability as well as reduce programmatic risk," OCRWM's Acting Director Paul Golan said. "While this change requires coordination with utilities and the Nuclear Regulatory Commission (NRC), we are confident that the simpler we make the design, the more reliable the project will be."

The direction for the change in design, outlined in a letter to Bechtel SAIC, means that most spent nuclear fuel would be sent to the repository in a standardized canister that would not require repetitive handling of fuel prior to disposal. Prior to today, plans called for shipping spent fuel assemblies in various types of canisters to the repository where workers would handle 70,000 tons of spent fuel up to four separate times per fuel assembly.

The improved design is intended to simplify fuel handling and the construction of the repository, while easing complexities of Yucca Mountain's post-construction operations. The new path envisions spent fuel being delivered to Yucca Mountain primarily in standard canisters which are then placed in a waste package for emplacement, without handling individual fuel canisters.

Switching to a clean facility frees the project from having to construct several multi-million square-foot, multi-billion dollar facilities for handling spent fuel. It also reduces the potential hazards caused by the oxidation of bare spent nuclear fuel during handling. Under the previous plan, the design was to construct large handling facilities that would prepare fuel for emplacement into the repository once it is received from utilities or other sources. These facilities would have been inerted, meaning the composition of the air in the facilities would be altered to reduce potential oxidation. The old design was unique to the proposed repository, as no similar facilities had ever been built or licensed in the United States.

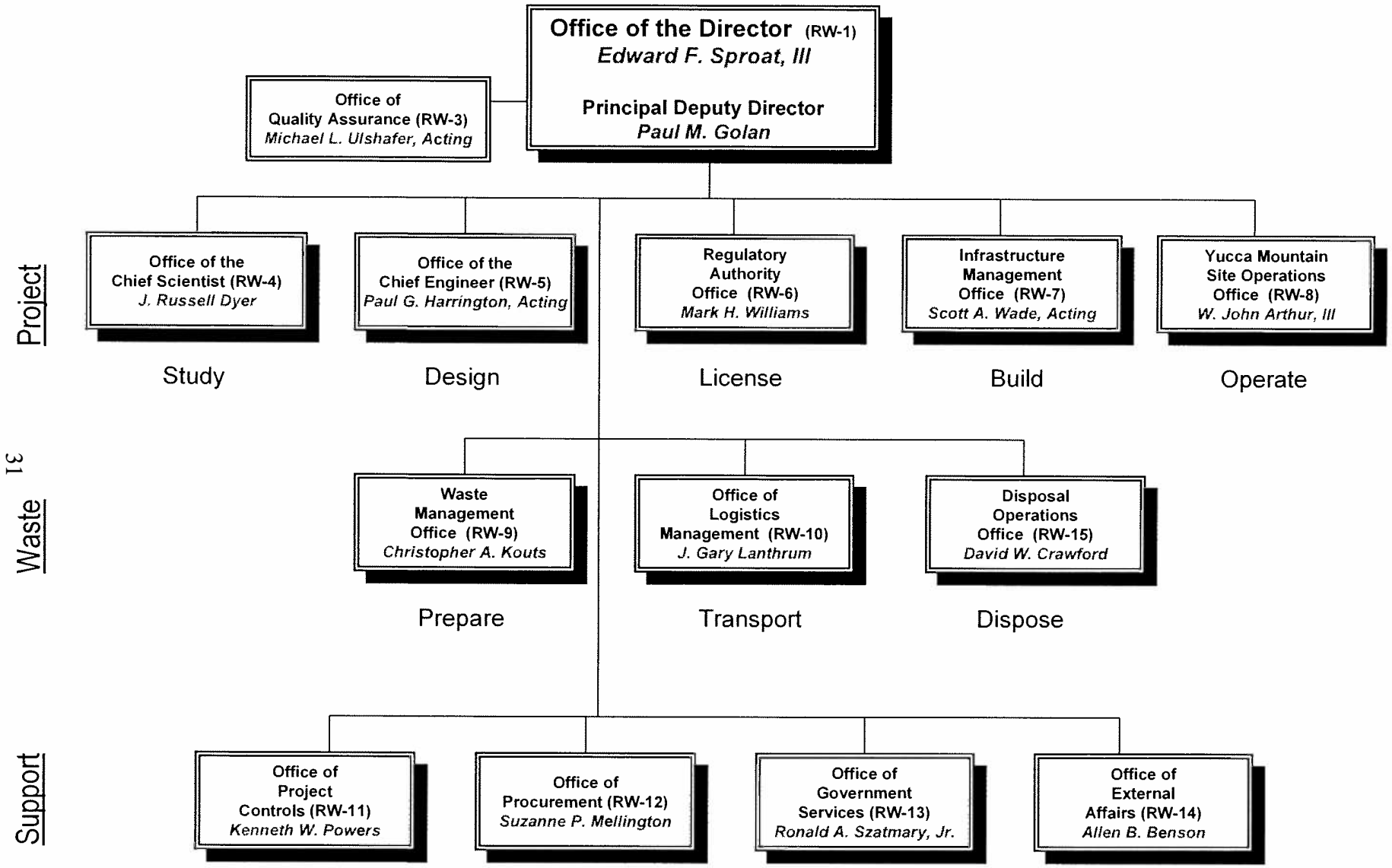
"The old plan is complex and adds a dimension of uncertainty to obtaining an NRC license. Nothing like this has even been licensed," Acting Director Golan said. "The program needs to make a solid, fully defensible technical case to the Nuclear Regulatory Commission, and this change takes a degree

of complexity out of the licensing process. The bottom line is that this new path gives us simplification in design, licensing, and construction, while increasing worker and public safety."

The letter, signed by OCRWM's deputy director W. John Arthur, specifies development of a "conceptual design," or CD-1, package that addresses simpler surface facility and canister operations. The final package will be submitted to the Secretary of Energy's Acquisition Advisory Board for review. If the board approves the package, it will become the project's baseline design.

U.S. Department of Energy, Office of Public Affairs, Washington, D.C.

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT



7/24/2006

APPENDIX C

Yucca Mountain Repository Schedule
Office of Civilian Radioactive Waste Management,
United States Department of Energy

Yucca Mountain Repository Schedule
July 19, 2006

Milestone	Date
Design for License Application Complete	30 November 2007
Licensing Support Network Certification	21 December 2007
Supplemental Environmental Impact Statement (EIS) Issued	30 May 2008
Final License Application Verifications Complete	30 May 2008
Final Rail Alignment EIS Issued	30 June 2008
License Application Submittal	30 June 2008
License Application Docketed by NRC	30 September 2008

Best-Achievable Repository Construction Schedule

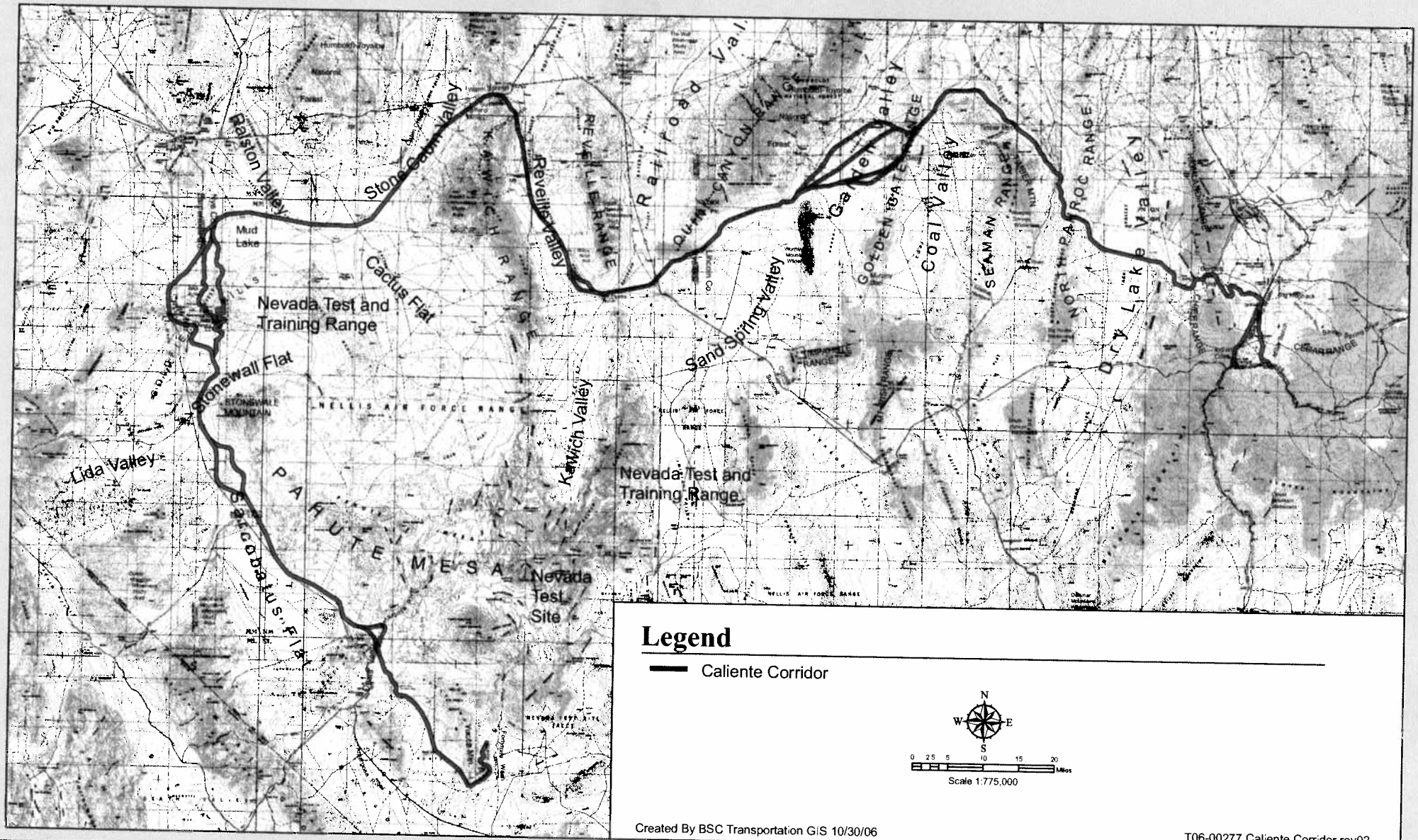
Start Nevada Rail Construction	5 October 2009
Construction Authorization	30 September 2011
Receive and Possess License Application Submittal to NRC	29 March 2013
Rail Access In-Service	30 June 2014
Construction Complete for Initial Operations	30 March 2016
Start up and Pre-Op Testing Complete	31 December 2016
Begin Receipt	31 March 2017

The schedule above is based on factors within the control of DOE, appropriations consistent with optimum Project execution, issuance of an NRC Construction Authorization consistent with the three year period specified in the Nuclear Waste Policy Act, and the timely issuance by the NRC of a Receive and Possess license. This schedule also is dependent on the timely issuance of all necessary other authorizations and permits, the absence of litigation related delays and the enactment of pending legislation proposed by the Administration.

APPENDIX D

Map of Proposed Caliente Corridor Rail Alignment

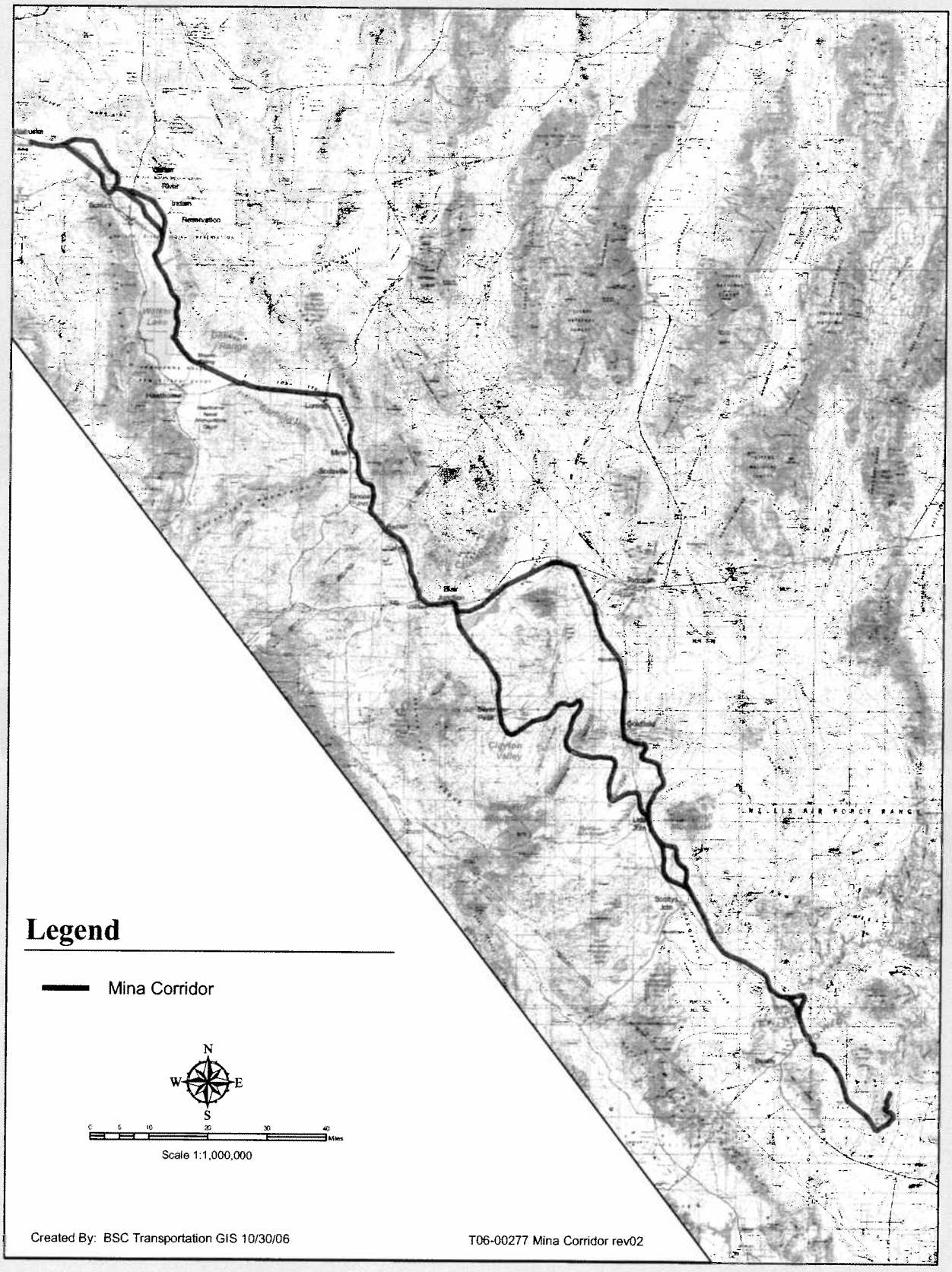
Caliente Corridor



APPENDIX E

Map of Proposed Mina Corridor Rail Alignment

Mina Corridor



APPENDIX F

Senate Bill 2589, "The Nuclear Fuel Management and Disposal Act," in the United States Senate

S 2589 IS

109th CONGRESS

2d Session

S. 2589

To enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

IN THE SENATE OF THE UNITED STATES

April 6, 2006

Mr. DOMENICI (for himself and Mr. INHOFE) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Nuclear Fuel Management and Disposal Act'.

SEC. 2. DEFINITIONS.

(a) Definitions From Nuclear Waste Policy Act of 1982- In this Act, the terms `Commission', `disposal', `Federal agency', `high-level radioactive waste', `repository', `Secretary', `State', `spent nuclear fuel', and `Yucca Mountain site' have the meaning given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) Other Definitions- In this Act:

(1) PROJECT- The term `Project' means the Yucca Mountain Project.

(2) SECRETARY CONCERNED- The term `Secretary concerned' means the Secretary of the Air Force or the Secretary of the Interior, or both, as appropriate.

(3) WITHDRAWAL- The term `Withdrawal' means the withdrawal under section 3(a)(1) of the geographic area consisting of the land described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION.

(a) Land Withdrawal, Jurisdiction, and Reservation-

(1) LAND WITHDRAWAL- Subject to valid existing rights and except as provided otherwise in this Act, the land described in subsection (c) is withdrawn permanently from all forms of entry, appropriation, and disposal under the public land laws, including, without limitation, the mineral leasing laws, geothermal leasing laws, and mining laws.

(2) JURISDICTION-

(A) IN GENERAL- Except as otherwise provided in this Act, the Secretary shall have jurisdiction over the Withdrawal.

(B) TRANSFER- There is transferred to the Secretary the land covered by the Withdrawal that is under the jurisdiction of the Secretary concerned on the date of enactment of this Act.

(3) RESERVATION- The land covered by the Withdrawal is reserved for use by the Secretary for the development, preconstruction testing and performance confirmation, licensing, construction, management and operation, monitoring, closure, post-closure, and other activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) Revocation and Modification of Public Land Orders and Rights-of-Way-

(1) PUBLIC LAND ORDER REVOCATION- Public Land Order 6802 of September 25, 1990, as extended by Public Land Order 7534, and any conditions or memoranda of understanding accompanying those land orders, are revoked.

(2) RIGHT OF WAY RESERVATIONS- Project right-of-way reservations N-48602 and N-47748 of January 5, 2001, are revoked.

(c) Land Description-

(1) BOUNDARIES- The land and interests in land covered by the

Withdrawal and reserved by this Act comprise the approximately 147,000 acres of land in Nye County, Nevada, as generally depicted on the Yucca Mountain Project Map, YMP-03-024.2, entitled `Proposed Land Withdrawal' and dated July 21, 2005.

(2) LEGAL DESCRIPTION AND MAP- As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall--

(A) publish in the Federal Register a notice containing a legal description of the land covered by the Withdrawal; and

(B) file copies of the maps described in paragraph (1) and the legal description of the land covered by the Withdrawal with Congress, the Governor of the State of Nevada, and the Archivist of the United States.

(3) TECHNICAL CORRECTIONS- The maps and legal description referred to in this subsection have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(d) Relationship to Other Reservations-

(1) IN GENERAL- Subtitle A of title XXX of the Military Lands Withdrawal Act of 1999 (Public Law 106-65; 113 Stat. 885) and Public Land Order 2568 do not apply to the land covered by the Withdrawal and reserved by subsection (a).

(2) OTHER WITHDRAWN LAND- This Act does not apply to any other land withdrawn for use by the Department of Defense under subtitle A of title XXX of the Military Lands Withdrawal Act of 1999.

(e) Management Responsibilities-

(1) GENERAL AUTHORITY- The Secretary, in consultation with the Secretary concerned, as applicable, shall manage the land covered by the Withdrawal in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law.

(2) MANAGEMENT PLAN-

(A) DEVELOPMENT- Not later than 3 years after the date of enactment of this Act, the Secretary, after consultation with the Secretary concerned, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land covered by the Withdrawal.

(B) PRIORITY OF YUCCA MOUNTAIN PROJECT-RELATED ISSUES-

Subject to subparagraphs (C), (D), and (E), any use of the land covered by the Withdrawal for activities not associated with the Project is subject to such conditions and restrictions as the Secretary considers to be necessary or desirable to permit the conduct of Project-related activities.

(C) DEPARTMENT OF THE AIR FORCE USES- The management plan may provide for the continued use by the Department of the Air Force of the portion of the land covered by the Withdrawal within the Nellis Air Force Base Test and Training Range under terms and conditions on which the Secretary and the Secretary of the Air Force agree with respect to Air Force activities.

(D) NEVADA TEST SITE USES- The Secretary may--

(i) permit the National Nuclear Security Administration to continue to use the portion of the land covered by the Withdrawal on the Nevada Test Site; and

(ii) impose any conditions on that use that the Secretary considers to be necessary to minimize any effect on Project or Administration activities.

(E) OTHER NON-YUCCA MOUNTAIN PROJECT USES-

(i) IN GENERAL- The management plan shall provide for the maintenance of wildlife habitat and the permitting by the Secretary of non-Project-related uses that the Secretary considers to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with clauses (ii) and (iii).

(ii) GRAZING- Subject to regulations, policies, and practices that the Secretary, after consultation with the Secretary of the Interior, determines to be necessary or appropriate, the Secretary may permit grazing on land covered by the Withdrawal to continue on areas on which grazing was established before the date of enactment of this Act, in accordance with applicable grazing laws and policies, including--

(I) the Act of June 28, 1934 (commonly known as the `Taylor Grazing Act') (43 U.S.C. 315 et seq.);

(II) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(III) the Public Rangelands Improvement Act of 1978 (43

U.S.C. 1901 et seq.).

(iii) HUNTING AND TRAPPING- The Secretary may permit hunting and trapping on land covered by the Withdrawal on areas in which hunting and trapping were permitted on the day before the date of enactment of this Act, except that the Secretary, after consultation with the Secretary of the Interior and the State of Nevada, may designate zones in which, and establish periods during which, no hunting or trapping is permitted for reasons of public safety, national security, administration, or public use and enjoyment.

(F) MINING-

(i) IN GENERAL- Except as provided in subparagraph (B), surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the land covered by the Withdrawal, is not permitted at any time on or under the land covered by the Withdrawal.

(ii) VALIDITY OF CLAIMS- The Secretary of the Interior shall evaluate and adjudicate the validity of all mining claims on the portion of land covered by the Withdrawal that, on the date of enactment of this Act, was under the control of the Bureau of Land Management.

(iii) COMPENSATION- The Secretary shall provide just compensation for the acquisition of any valid property right.

(iv) CIND-R-LITE MINE-

(I) IN GENERAL- Patented Mining Claim No. 27-83-0002, covering the Cind-R-Lite mine, shall not be affected by establishment of the Withdrawal, unless the Secretary, after consultation with the Secretary of the Interior, determines that the acquisition of the mine is required in furtherance of the reserved use of the land covered by the Withdrawal described in subsection (a)(3).

(II) COMPENSATION- If the Secretary determines that the acquisition of the mine described in subclause (I) is required, the Secretary shall provide just compensation for acquisition of the mine.

(G) LIMITED PUBLIC ACCESS- The management plan may provide for limited public access to and use of the portion of the land covered by the Withdrawal that is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

including for--

(i) continuation of the Nye County Early Warning Drilling Program;

(ii) utility corridors; and

(iii) such other uses as the Secretary, after consultation with the Secretary of the Interior, considers to be consistent with the purposes of the Withdrawal.

(H) CLOSURE- If the Secretary, after consultation with the Secretary concerned, determines that the health or safety of the public or the common defense or security requires the closure of a road, trail, or other portion of land covered by the Withdrawal, or the airspace above land covered by the Withdrawal, the Secretary--

(i) may close the portion of land or the airspace; and

(ii) shall provide public notice of the closure.

(3) IMPLEMENTATION- The Secretary and the Secretary concerned shall implement the management plan developed under paragraph (2) in accordance with terms and conditions on which the Secretary and the Secretary concerned jointly agree.

(f) Immunity- The United States (including each department and agency of the Federal Government) shall be held harmless, and shall not be liable, for damages to a person or property suffered in the course of any mining, mineral leasing, or geothermal leasing activity conducted on the land covered by the Withdrawal.

(g) Land Acquisition-

(1) IN GENERAL- The Secretary may acquire land, and interests in land within the land, covered by the Withdrawal.

(2) METHOD OF ACQUISITION- Land and interests in land described in paragraph (1) may be acquired by donation, purchase, lease, exchange, easement, right-of-way, or other appropriate methods using donated or appropriated funds.

(3) EXCHANGE OF LAND- The Secretary of the Interior shall conduct any exchange of land covered by the Withdrawal for Federal land not covered by the Withdrawal.

SEC. 4. APPLICATION PROCEDURES AND INFRASTRUCTURE ACTIVITIES.

(a) Application- Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended--

(1) by striking `If the President' and inserting the following:

`(1) IN GENERAL- If the President'; and

(2) by adding at the end the following

`(2) REQUIRED INFORMATION- An application for construction authorization shall not be required to contain information regarding any surface facility other than surface facilities necessary for initial operation of the repository.'.

(b) Application Procedures and Infrastructure Activities- Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended--

(1) in the first sentence, by striking `The Commission shall consider' and inserting the following:

`(1) IN GENERAL- The Commission shall consider';

(2) by striking the last 2 sentences; and

(3) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

`(2) AMENDMENTS TO APPLICATION FOR CONSTRUCTION AUTHORIZATION-

`(A) IN GENERAL- If the Commission approves an application for construction authorization and the Secretary submits an application to amend the authorization to obtain permission to receive and possess spent nuclear fuel and high-level radioactive waste, or to undertake any other action concerning the repository, the Commission shall consider the application using expedited, informal procedures, including discovery procedures that minimize the burden on the parties to produce documents that the Commission does not need to render a decision on an action under this section.

`(B) FINAL DECISION- The Commission shall issue a final decision on whether to grant permission to receive and possess spent nuclear fuel and high-level radioactive waste, or on any other application, by the date that is 1 year after the date of submission of the application, except that the Commission may extend that deadline by not more than 180 days if, not less than 30 days before the deadline, the Commission complies with the reporting requirements under subsection (e)(2).

`(3) INFRASTRUCTURE ACTIVITIES-

`(A) IN GENERAL- At any time before or after the Commission issues a final decision on an application from the Secretary for construction authorization under this subsection, the Secretary may undertake infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high level radioactive waste, including infrastructure activities such as--

`(i) safety upgrades;

`(ii) site preparation;

`(iii) the construction of a rail line to connect the Yucca Mountain site with the national rail network, including any facilities to facilitate rail operations; and

`(iv) construction, upgrade, acquisition, or operation of electrical grids or facilities, other utilities, communication facilities, access roads, rail lines, and non-nuclear support facilities.

`(B) COMPLIANCE-

`(i) IN GENERAL- The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an infrastructure activity undertaken under this paragraph.

`(ii) EIS- If the Secretary determines that an environmental impact statement or similar analysis under the National Environmental Policy Act of 1969 is required in connection with an infrastructure activity undertaken under this paragraph, the Secretary shall not be required to consider the need for the action, alternative actions, or a no-action alternative.

`(iii) OTHER AGENCIES-

`(I) IN GENERAL- To the extent that a Federal agency is required to consider the potential environmental impact of an infrastructure activity undertaken under this paragraph, the Federal agency shall adopt, to the maximum extent practicable, an environmental impact statement or similar analysis prepared under this paragraph without further action.

`(II) EFFECT OF ADOPTION OF STATEMENT- Adoption of an environmental impact statement or similar analysis described in subclause (I) shall be considered to satisfy the responsibilities of the adopting agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further action for the activity covered by the statement or analysis shall be required by the agency.

`(C) DENIALS OF AUTHORIZATION- The Commission may not deny construction authorization, permission to receive and possess spent nuclear fuel or high-level radioactive waste, or any other action concerning the repository on the ground that the Secretary undertook an infrastructure activity under this paragraph.'.

(c) Connected Actions- Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended--

(1) by striking `or'; and

(2) by inserting before the period at the end the following: `, or an action connected or otherwise relating to the repository, to the extent the action is undertaken outside the geologic repository operations area and does not require a license from the Commission'.

(d) Expedited Authorizations- Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended--

(1) in subsection (a)(1)--

(A) in the first sentence, by inserting `, or the conduct of an infrastructure activity,' after `repository';

(B) by inserting `, State, local, or tribal' after `Federal' each place it appears; and

(C) in the second sentence, by striking `repositories' and inserting `a repository or infrastructure activity';

(2) in subsection (b), by striking `, and may include terms and conditions permitted by law'; and

(3) by adding at the end the following:

`(c) Failure to Grant Authorization- An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretary subject to subsection (a) shall submit to Congress a written report that explains the reason for not meeting

that deadline or rejecting the application or request.

`(d) Treatment of Actions- For the purpose of applying any Federal, State, local, or tribal law or requirement, the taking of an action relating to a repository or an infrastructure activity shall be considered to be--

`(1) beneficial, and not detrimental, to the public interest and interstate commerce; and

`(2) consistent with the public convenience and necessity.'.

SEC. 5. NUCLEAR WASTE FUND.

(a) Crediting Fees- Beginning on October 1, 2007, and continuing through the end of the fiscal year during which construction is completed for the Nevada rail line and surface facilities for the fully operational repository described in the license application, fees collected by the Secretary and deposited in the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) shall be credited to the Nuclear Waste Fund as discretionary offsetting collections each year in amounts not to exceed the amounts appropriated from the Nuclear Waste Fund for that year.

(b) Fund Uses- Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by inserting after `with' the following: `infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, and'.

SEC. 6. REGULATORY REQUIREMENTS.

(a) Material Requirements- Notwithstanding any other provision of law, no Federal, State, interstate, or local requirement, either substantive or procedural, that is referred to in section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)), applies to--

(1) any material owned by the Secretary, if the material is transported or stored in a package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

(2) any material located at the Yucca Mountain site for disposal, if the management and disposal of the material is subject to a license issued by the Commission.

(b) Permits-

(1) IN GENERAL- The Environmental Protection Agency shall be the permitting agency for purposes of issuing, administering, or enforcing

any new or existing air quality permit or requirement applicable to a Federal facility or activity relating to the Withdrawal that is subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(2) STATE AND LOCAL ACTIVITY- A State or unit of local government shall not issue, administer, or enforce a new or existing air quality permit or requirement affecting a Federal facility or activity that is--

(A) located on the land covered by the Withdrawal; and

(B) subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

SEC. 7. TRANSPORTATION.

The Nuclear Waste Policy Act of 1982 is amended by inserting after section 180 (42 U.S.C. 10175) the following:

`SEC. 181. TRANSPORTATION.

`(a) In General- The Secretary may determine the extent to which any transportation required to carry out the duties of the Secretary under this Act that is regulated under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103-311; 108 Stat. 1673) and amendments made by that Act shall instead be regulated exclusively under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

`(b) Determination of Preemption- On request by the Secretary, the Secretary of Transportation may determine, pursuant to section 5125 of title 49, United States Code, that any requirement of a State, political subdivision of a State, or Indian tribe regarding transportation carried out by or on behalf of the Secretary in carrying out this Act is preempted, regardless of whether the transportation otherwise is or would be subject to regulation under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103-311; 108 Stat. 1673).'.

SEC. 8. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

Section 124 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10144) is amended--

(1) by striking the section heading and all that follows through `The Secretary' and inserting the following:

`SEC. 124. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

`(a) Water Rights Acquisition Effect- The Secretary'; and

(2) by adding at the end the following:

`(b) Beneficial Use of Water-

`(1) IN GENERAL- Notwithstanding any other Federal, State, or local law, the use of water from any source in quantities sufficient to accomplish the purposes of this Act and to carry out functions of the Department under this Act shall be considered to be a use that--

`(A) is beneficial to interstate commerce; and

`(B) does not threaten to prove detrimental to the public interest.

`(2) CONFLICTING STATE LAWS- A State shall not enact or apply a law that discriminates against a use described in paragraph (1).

`(3) ACQUISITION OF WATER RIGHTS- The Secretary, through purchase or other means, may obtain water rights necessary to carry out functions of the Department under this Act.'.

SEC. 9. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.

Notwithstanding any other provision of law, in deciding whether to permit the construction or operation of a nuclear reactor or any related facilities, the Commission shall deem, without further consideration, that sufficient capacity will be available in a timely manner to dispose of the spent nuclear fuel and high-level radioactive waste resulting from the operation of the reactor and related facilities.

END

APPENDIX G

Press Release by Congressman Jon C. Porter Concerning Questionable U.S. Geological Services Email Investigation

PORTER RELEASES UPDATED YUCCA MOUNTAIN REPORT - Study cites persistent problems, stresses need for increased management attention

Thursday March 23, 2006

LAS VEGAS, NV - Today, at a press conference in front of the Yucca Mountain Information Center in Las Vegas, Third District Congressman Jon Porter released an updated Government Accountability Office (GAO) report on quality assurance concerns surrounding the Yucca Mountain Project. The report, entitled "Quality Assurance at DOE's (Department of Energy) Planned Nuclear Waste Repository Needs Increased Management Attention," was requested by Porter in April of 2005 to find out what DOE is doing to address their quality assurance problems.

"This report confirms what we've been saying all along—DOE does not have the appropriate mechanisms in place to repair a broken quality assurance program," said Porter. "While I was encouraged to see that DOE has agreed with GAO's findings, I won't be convinced of their 'commitment' to safety until their quality assurance program is foolproof."

The report states that "DOE cannot be certain that its efforts to improve the implementation of its quality assurance requirements have been effective because it adopted management tools that did not target existing management concerns and did not track progress with significant and recurring problems. Although DOE announced, in 2004, that it was making a commitment to continuous quality assurance improvement...its adopted management tools have not been effective for this purpose." The report concludes that "Before DOE submits a license application, its aggressive 'new path forward' effort faces substantial quality assurance and other challenges."

The release of the report comes on the heels of Energy Secretary Samuel Bodman's concession that the Yucca Mountain Project has been poorly managed and is "broken." At a March 8th budget hearing, Bodman said, "We really had a process that was broken, and we are trying to fix it." Bodman said blame could be shared by the contractor, the United States Geological Survey "for compromising quality assurance," and DOE itself, "who did not manage it very well." He plead for patience, stating "We are attempting to manage it better...my hope is by demonstrating a thoughtful process, we will be able to reclaim your support and that of the nuclear industry."

Porter also provided an update on his investigation of the Yucca Mountain Project as Chairman of the Federal Workforce and Agency Organization Subcommittee. Since the investigation began in March of 2005, Subcommittee staff have uncovered evidence indicative of quality assurance failures and Project mismanagement following a review of over 20,000 pages of documents, and extensive interviews with former and current Project employees.

The full GAO report is available at www.gao.gov.

###

APPENDIX H

Letter to Legislative Commission from the
Committee on High-Level Radioactive Waste and
a Copy of Senate Joint Resolution No. 6

Senate Joint Resolution No. 6–Senators Titus, Wiener, Schneider, Mathews, Carlton, Amodei, Care, Coffin, Jacobsen, James, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Shaffer, Townsend and Washington

Joint Sponsors: Assemblymen Perkins, Buckley, Gibbons, Parks, Bache, Koivisto, Leslie, Anderson, Angle, Arberry, Beers, Berman, Brower, Brown, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Lee, Manendo, McClain, Mortenson, Neighbors, Nolan, Oceguera, Ohrenschall, Parnell, Price, Smith, Von Tobel and Williams

FILE NUMBER.....

SENATE JOINT RESOLUTION—Providing notice of disapproval to Congress and the President of the United States if Yucca Mountain is recommended as the site for a repository for spent nuclear fuel and high-level radioactive waste.

WHEREAS, Pursuant to the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§ 10101 et seq., as amended, the United States Department of Energy has been studying Yucca Mountain in southern Nevada as a possible site for a repository for spent nuclear fuel and high-level radioactive waste; and

WHEREAS, The Department of Energy continues to make unfounded and biased assumptions about the suitability of Yucca Mountain as a repository for spent nuclear fuel and high-level radioactive waste, despite mounting scientific evidence that there are serious flaws at the site and that Yucca Mountain cannot meet required health and safety standards; and

WHEREAS, A recently released memorandum from the Department of Energy openly admits that the Department's site evaluation reports are not aimed at determining whether Yucca Mountain can safely isolate deadly radioactive waste from people and the environment, but rather are designed to "sell" the project to members of Congress; and

WHEREAS, The Yucca Mountain Project is currently being investigated by the Department of Energy's own Office of Inspector General because of mounting evidence of possible bias in the Department's approach to site characterization; and

WHEREAS, Certain members of Congress and supporters of the for-profit, commercial nuclear power industry continue to press for legislation that would allow spent nuclear fuel to be shipped to Nevada for "temporary" storage even though Yucca Mountain has not been found to be suitable as a repository; and

WHEREAS, Congress and the commercial nuclear power industry continue to ignore the reality that neither Yucca Mountain nor the Nevada Test Site are suitable locations for storing spent nuclear fuel and high-level radioactive waste; and

WHEREAS, The promotion of new nuclear power plants under the guise of responding to the electricity crisis facing California, as proposed in energy legislation being considered in Congress, is irresponsible given that the issue of safe disposal of the waste has not been resolved; and

WHEREAS, New and innovative approaches to the management of spent nuclear fuel and high-level radioactive waste are needed before any actions are taken that would result in the creation of new facilities that would add to the waste problem; and

WHEREAS, The Department of Energy has announced that it plans to make a recommendation regarding the suitability of Yucca Mountain as a repository for spent nuclear fuel and high-level radioactive waste to the President in 2001; and

WHEREAS, The Department of Energy has the opportunity to put the nation back on course toward a credible, effective and fair approach to dealing with the problem of spent nuclear fuel and high-level radioactive waste by acknowledging that Yucca Mountain is not a suitable or safe location for a repository, and recommending to the President that the site be disqualified; and

WHEREAS, The Nuclear Waste Policy Act of 1982, as amended, provides for the submission of a notice of disapproval by the Legislature or Governor of the State of Nevada in the event the President recommends Yucca Mountain for development as a repository for spent nuclear fuel and high-level radioactive waste; and

WHEREAS, The Nuclear Waste Policy Act of 1982, as amended, also provides that such a notice of disapproval shall cause Yucca Mountain to be withdrawn from further consideration unless overridden by a majority in both houses of Congress; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature protests, in the strongest possible terms, the biased and blatantly political manner in which the Department of Energy has conducted its evaluation of the suitability of Yucca Mountain as the location of a repository for spent nuclear fuel and high-level radioactive waste and the unconscionable use of so-called "scientific" reports to openly promote the project with members of Congress and others; and be it further

RESOLVED, That the Nevada Legislature calls on President George W. Bush to veto any legislation that would attempt to locate a temporary or interim storage facility for spent nuclear fuel in Nevada; and be it further

RESOLVED, That the Nevada Legislature calls on Spencer Abraham, the Secretary of Energy, to abandon consideration of Yucca Mountain as a repository site, initiate a process whereby the nation can again engage in innovative and ultimately successful strategies for dealing with the problems of spent nuclear fuel and high-level radioactive waste, and oppose any effort to promote new nuclear power facilities until these new solutions have been implemented; and be it further

RESOLVED, That the Nevada Legislature formally restates its strong and unyielding opposition to the development of Yucca Mountain as a repository for spent nuclear fuel and high-level radioactive waste and to the storage or disposal of spent nuclear fuel and high-level radioactive waste in the State of Nevada; and be it further

RESOLVED, That the Federal Government, its agencies and instrumentalities is prohibited from establishing a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain without the prior expressed consent of the Nevada Legislature or a cession of

jurisdiction pursuant to chapter 328 of the Nevada Revised Statutes, and that such consent and cession are hereby withheld; and be it further

RESOLVED, That this resolution hereby constitutes notice of disapproval from the Nevada Legislature pursuant to the Nuclear Waste Policy Act of 1982, 42 U.S.C. § 10136, as amended, should the President recommend to Congress that Yucca Mountain be developed as a repository for spent nuclear fuel and high-level radioactive waste; and be it further

RESOLVED, That this resolution becomes effective upon passage and constitutes the official position of the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of Energy and each member of the Nevada Congressional Delegation.

20 ——— 01

APPENDIX I

Letter to the Honorable Spencer Abraham, House Joint Resolution No. 87,
United States Secretary of Energy,
U.S. Department of Energy

February 8, 2002

The Honorable Spencer Abraham
United States Secretary of Energy
Department of Energy
Forrestal Building 1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Abraham:

The Nevada Legislature's Committee on High-Level Radioactive Waste has requested; that I write to you to ask that in the event you recommend the Yucca Mountain site to the President, that such recommendation be made concurrent with the release of the Final Environmental Impact Statement for the Yucca Mountain site. Further, the Committee requests that you issue a Record of Decision relative to the Final Environmental Impact Statement for the Yucca Mountain site, consistent with the DOE regulations implementing said Act (10 CFR 1021.315).

Sincerely,

Harry Mortenson
Nevada State Assemblyman, Chairman
Nevada's Committee on High-Level
Radioactive Waste

HM/nw:L15

APPENDIX J

Meeting Notices and Agendas of the Nevada State Legislature's
Committee on High-Level Radioactive Waste

MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Thursday, October 27, 2005
9 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 videoconference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature Web site is http://www.leg.state.nv.us. Click on the link "Live Meetings – Listen or View."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

A G E N D A

I. Opening Remarks
Assemblyman Harry Mortenson, Chairman

*II. Reports to the Committee

A. Staff Overview of Committee
Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau

B. United States Department of Energy - Overview of Yucca Mountain Project
Russ Dyer, Assistant Deputy Director, Technical and Regulatory Programs, United States Department of Energy, Office of Civilian Radioactive Waste Management, Office of Repository Development

C. Agency for Nuclear Projects Overview
Robert R. Loux, Executive Director, Agency for Nuclear Projects

D. Overview of Legal Issues Regarding Yucca Mountain Project
Marta A. Adams, Senior Deputy Attorney General, Nevada's Office of the Attorney General

E. National Conference of State Legislatures Overview of Activities Related to High-Level Nuclear Waste
Andrea Wilkins, Program Principal, National Conference of State Legislatures

III. Public Comment

*IV. Adjournment

*Denotes items on which the Committee may 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, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Nenita Wasserman at (775) 684-6825 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; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at www.leg.state.nv.us.

MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Monday, April 17, 2006
10 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 videoconference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature Web site is http://www.leg.state.nv.us. Click on the link "Live Meetings – Listen or View."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

A G E N D A

I. Opening Remarks

Assemblyman Harry Mortenson, Chairman

*II. Approval of the Minutes of the October 27, 2005, Meeting Held in Las Vegas

*III. Reports to the Committee

A. United States Environmental Protection Agency
Presentation on Proposed Public Health and Environmental Radiation Protection Standards for Yucca Mountain

Elizabeth Cotsworth, Director, Office of Radiation and Indoor Air, United States Environmental Protection Agency

B. Nevada Agency for Nuclear Projects
Overview of Nevada's Position on Proposed Public Health and Environmental Radiation Protection Standards for Yucca Mountain

Robert R. Loux, Executive Director, Nevada Agency for Nuclear Projects

C. United States Department of Energy
Update on Reorganization of Office of Civilian Radioactive Waste Management (OCRWM)

Representative, Technical and Regulatory Programs, United States Department of Energy, OCRWM, Office of Repository Development

D. National Conference of State Legislatures (NCSL)
Overview of Recent Developments Related to High-Level Nuclear Waste

Linda Sikkema, Program Director, Environment, Energy and Transportation Program, NCSL

IV. Public Comment

V. Adjournment

*Denotes items on which the Committee may 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, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Nenita Wasserman at (775) 684-6825 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; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at www.leg.state.nv.us.

MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Monday, August 21, 2006
10 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 videoconference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature Web site is http://www.leg.state.nv.us. Click on the link "Live Meetings – Listen or View."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

A G E N D A

I. Opening Remarks

Assemblyman Harry Mortenson, Chairman

*II. Approval of the Minutes of the April 17, 2006, Meeting Held in Las Vegas

*III. Reports to the Committee

A. United States Department of Energy

Overview of Current Planning and Progress on the Yucca Mountain Project, to Include a Discussion of Proposed Federal Legislation Intended to Expedite Project Completion

Edward F. Sproat III, Director, Office of Civilian Radioactive Waste Management, United States Department of Energy

B. Nevada Agency for Nuclear Projects

Overview of Nevada's Current Progress and Planning With Regard to the Yucca Mountain Project

Robert R. Loux, Executive Director, Nevada Agency for Nuclear Projects

IV. Public Comment

V. Adjournment

*Denotes items on which the Committee may take action.

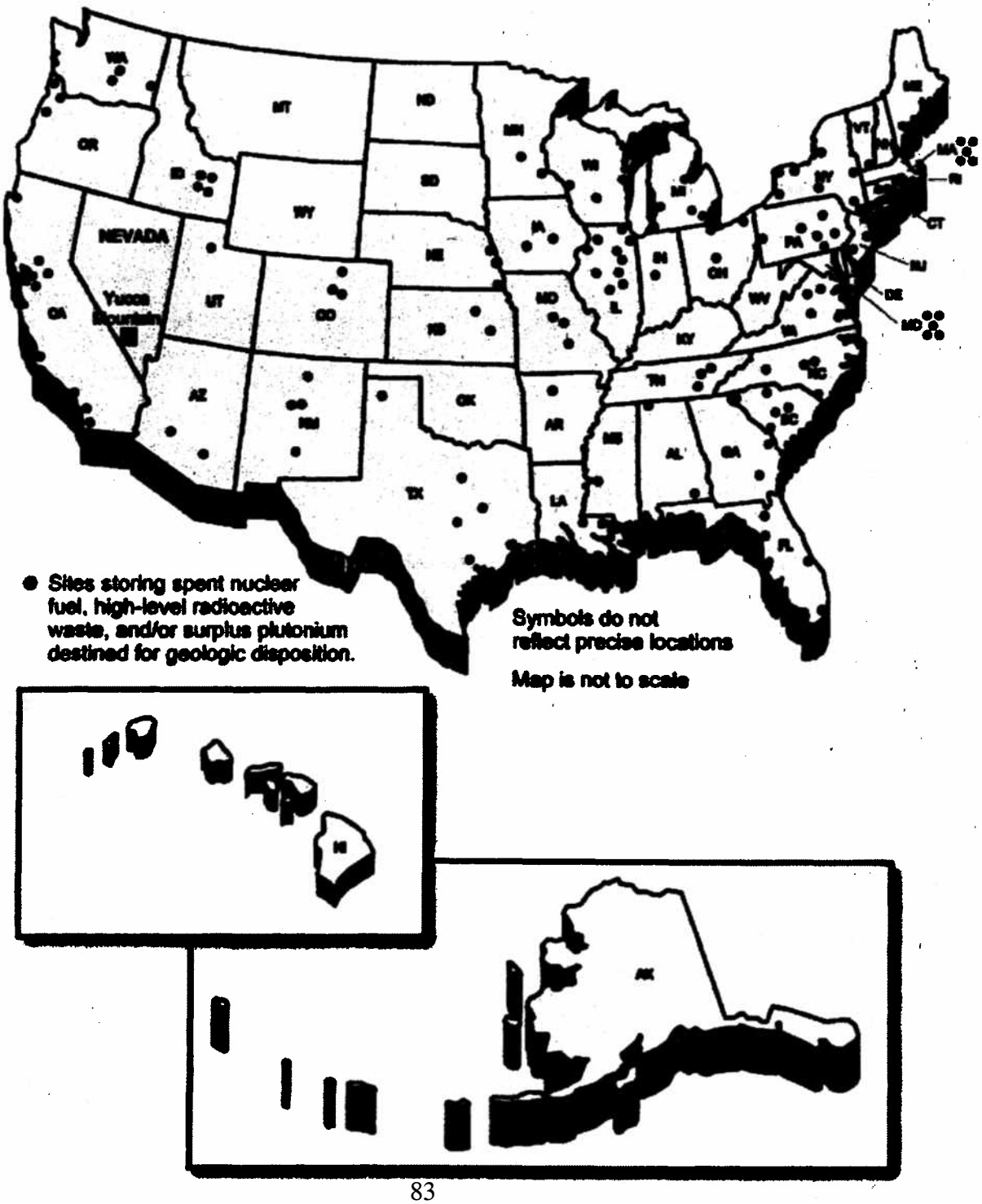
Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Nenita Wasserman at (775) 684-6825 as soon as possible.

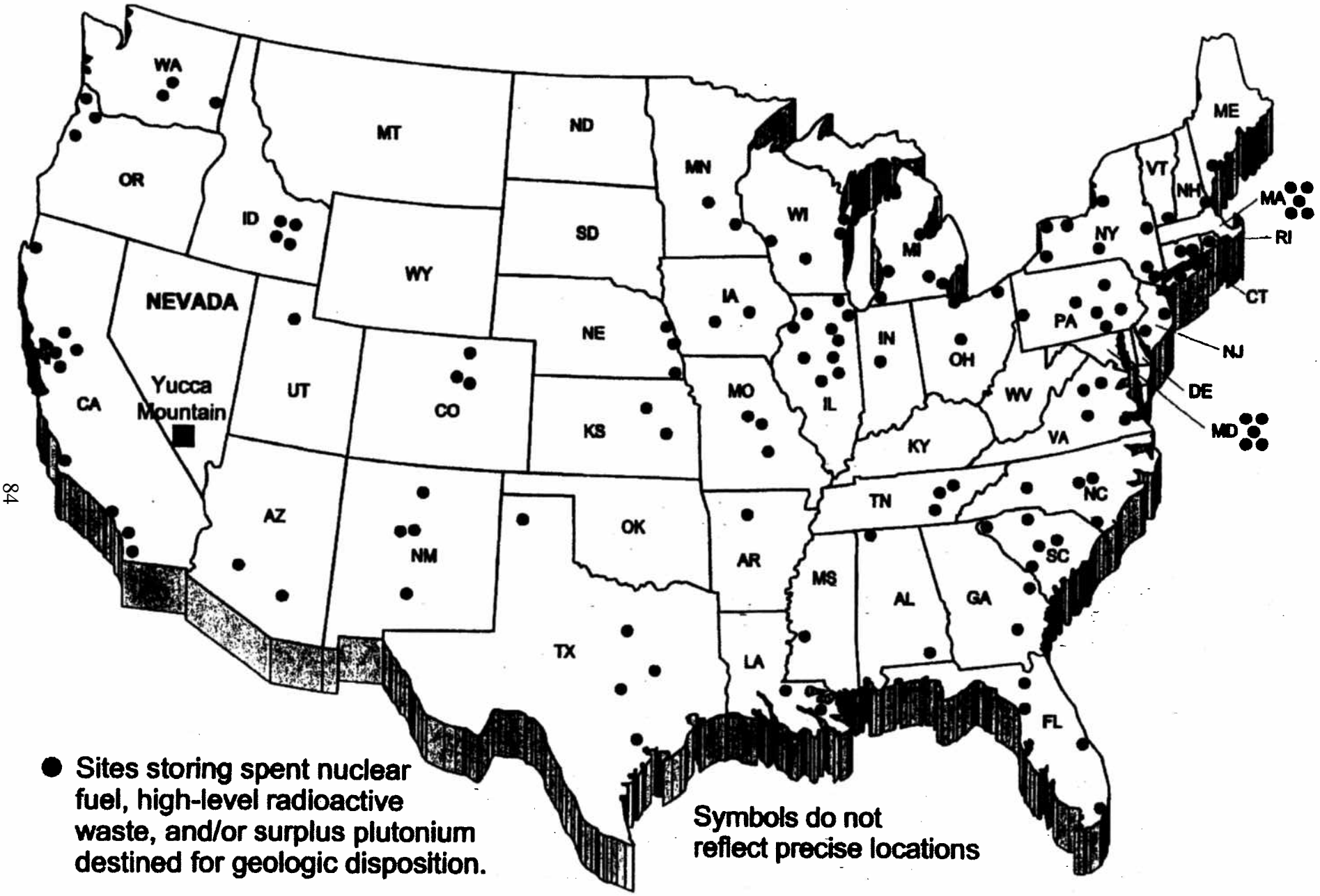
Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at www.leg.state.nv.us.

APPENDIX K

Maps of the United States' Current Storage Locations for
High-Level Radioactive Waste

At present, spent nuclear fuel and high-level radioactive waste are temporarily stored at 131 locations in 39 states.



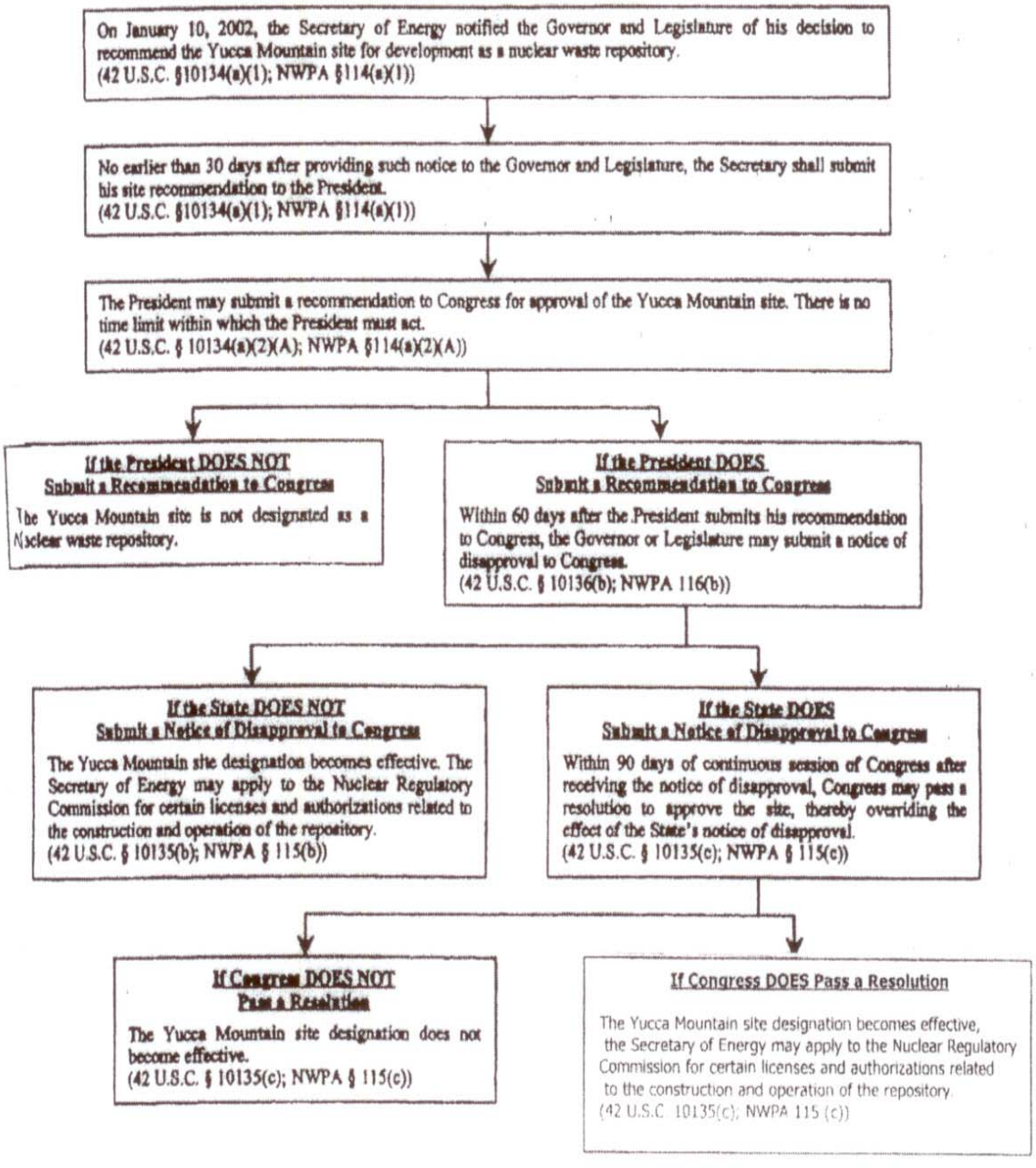

WA
OR
CA
ID
NEVADA
Yucca Mountain
MT
WY
UT
AZ
CO
NM
ND
SD
NE
KS
OK
TX
MN
IA
MO
AR
LA
WI
IL
MS
MI
IN
KY
TN
AL
OH
WV
GA
FL
SC
NC
VA
PA
NY
ME
VT
NH
MA
RI
CT
NJ
DE
MD
● Sites storing spent nuclear fuel, high-level radioactive waste, and/or surplus plutonium destined for geologic disposition.
Symbols do not reflect precise locations

APPENDIX L

Federal Statutory Process Concerning the Designation of the Yucca Mountain Site as a Nuclear Waste Repository

Federal Statutory Process Concerning the Designation of the Yucca Mountain Site as a Nuclear Waste Repository

U.S. Secretary of Energy, Spencer Abraham, has decided to recommend to President Bush the approval of the Yucca Mountain site for the development of a nuclear waste repository. On January 10, 2002, Secretary Abraham notified Governor Guinn and the Nevada Legislature of his decision. The following is a brief depiction of the statutory process set forth in the *Nuclear Waste Policy Act* ("the NWPA") concerning the designation of the Yucca Mountain site as a nuclear waste repository.



APPENDIX M

Recommendation to the Nevada State Legislature: Secretary of Energy

The Secretary of Energy
Washington, DC 20585
January 10, 2002

The Honorable Richard Perkins
Speaker, Nevada State Assembly and
Chair, Nevada Legislative Commission

The Honorable Dean A. Rhoads
Vice Chair, Nevada Legislative Commission
401 S. Carson Street
Carson City, Nevada 89701-4747

Dear Messrs. Perkins and Rhoads:

This letter is to notify you, in accordance with section 114(a)(1) of the Nuclear Waste Policy Act, of my intention to recommend to the President approval of the Yucca Mountain site for the development of a nuclear waste repository. In accordance with the requirements of the Act, I will be submitting my recommendation to the President no sooner than 30 days from this date. At that time, as the Act also requires, I will be submitting to the President a comprehensive statement of the basis for that recommendation.

First, and most important, that recommendation will include the basis for and documentation supporting my belief that the science behind this project is sound and that the site is technically suitable for this purpose.

Second, there are compelling national interests that require us to complete the siting process and move forward with the development of a repository, as Congress mandated almost 20 years ago. In brief, the reasons are these.

- A repository is important to our national security. We must advance our non-proliferation goals by providing a secure place to dispose of any spent fuel and other waste products that result from decommissioning unneeded nuclear weapons, and ensure the effective operations of our nuclear navy by providing a secure place to dispose of its spent nuclear fuel.

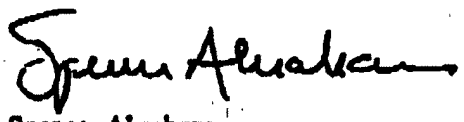
- A repository is important to the secure disposal of nuclear waste. Spent nuclear fuel, high level radioactive waste, and excess plutonium for which there is no complete disposal pathway without a repository are currently stored at over 131 sites in 39 States. We should consolidate the nuclear wastes to enhance protection against terrorists attacks by moving them to one underground location that is far from population centers.

- A repository is important to our energy security. We must ensure that nuclear power, which provides 20% of the nation's electric power, remains an important part of our domestic energy production.

- And a repository is important to our efforts to protect the environment. We must clean up our defense waste sites permanently and safely dispose of other high level nuclear waste.

As I indicated earlier, pursuant to section 114(a) of the NWPA, I will be submitting my recommendation to the President no earlier than 30 days from today, together with the other documentation the statute requires. I will provide you with a copy of those materials at that time.

Sincerely,



Spencer Abraham

APPENDIX N

Recommendation to President George W. Bush: Secretary of Energy

The Secretary of Energy
Washington, DC 20585

February 14, 2002

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I am transmitting herewith, in accordance with section 114(a)(1) of the Nuclear Waste Policy Act of 1982 (the "Act"), 42 U.S.C. 10134, my recommendation for your approval of the Yucca Mountain site for the development of a nuclear waste repository, along with a comprehensive statement of the basis of my recommendation. In making this recommendation, I have examined three considerations.

First, and most important, I have considered whether sound science supports the determination that the Yucca Mountain site is scientifically and technically suitable for the development of a repository. I am convinced that it does. This suitability determination provides the indispensable foundation for my recommendation. Irrespective of any other considerations, I could not and would not recommend the Yucca Mountain site without having first determined that a repository at Yucca Mountain will bring together the location, natural barriers, and design elements necessary to protect the health and safety of the public, including those Americans living in the immediate vicinity, now and long into the future.

The Department has engaged in over 20 years of scientific and technical investigation of the suitability of the Yucca Mountain site. As part of this investigation, some of the world's best scientists have been examining every aspect of the natural processes – past, present and future – that could affect the ability of a repository beneath Yucca Mountain to isolate radionuclides emitted from any spent fuel and radioactive waste disposed there. They have been conducting equally searching investigations into the processes that could affect the behavior of the engineered barriers that are expected to contribute to successful isolation of radionuclides. These investigations have run the gamut, from mapping the geologic features of the site, to studying the repository rock, to investigating whether and how water moves through the Yucca Mountain site.

To give just a few examples, Yucca Mountain scientists have: mapped geologic structures, including rock units, faults, fractures, and volcanic features; excavated more than 200 pits and trenches to remove rocks and other material for direct observation; drilled more than 450 boreholes; collected over 75,000 feet of core, and some 18,000 geologic and water samples; constructed six and one-half miles of tunnels to provide access to the rocks that would be used for the repository; mapped the geologic features exposed by the underground openings in the tunnels; conducted the largest known test in history to simulate heat effects of a repository, heating some seven million cubic feet of rock over its ambient temperature; tested mechanical,

chemical, and hydrologic properties of rock samples; and examined over 13,000 engineered material samples to determine their corrosion resistance in a variety of environments.

The findings from these and numerous other studies have been used to expand our knowledge of the rocks beneath Yucca Mountain and the flow of water through these rocks, including amounts, pathways, and rates. Yucca Mountain scientists have used this vast reservoir of information to develop computer simulations that describe the natural features, events and processes that exist at Yucca Mountain and, in turn, have used these descriptions to develop the models to forecast how a repository will perform far into the future. Yucca Mountain scientists have followed a deliberately cautious approach to enhance confidence in any prediction of future performance.

The results of this investigation have been openly and thoroughly reviewed by the Department and oversight entities such as the Nuclear Regulatory Commission (NRC), the Nuclear Waste Technical Review Board, and the U.S. Geological Survey, as well as having been subjected to scientific peer reviews, including a review undertaken by the International Atomic Energy Agency. The Department also has made available the scientific materials and analyses used to prepare the technical evaluations of site suitability for public review by all interested parties. The results of this extensive investigation and the external technical reviews of this body of scientific work give me confidence for the conclusion, based on sound scientific principles, that a repository at Yucca Mountain will be able to protect the health and safety of the public when evaluated against the radiological protection standards adopted by the Environmental Protection Agency and implemented by the NRC in accordance with Congressional direction in the Energy Policy Act of 1992.

Second, having found the site technically suitable, I am also convinced that there are compelling national interests that require development of a repository. In brief, the reasons are these:

- A repository is important to our national security. About 40% of our fleet's principal combat vessels, including submarines and aircraft carriers, are nuclear-powered. They must periodically be refueled and the spent fuel removed. This spent fuel is currently stored at surface facilities under temporary arrangements. A repository is necessary to assure a permanent disposition pathway for this material and thereby enhance the certainty of future naval operational capability.

- A repository is important to promote our non-proliferation objectives. The end of the Cold War has brought with it the welcome challenge of disposing of surplus weapons-grade plutonium as part of the process of decommissioning weapons we no longer need. A geological repository is an integral part of our disposition plans. Without it, our ability to meet our pledge to decommission our weapons could be placed in jeopardy, thereby jeopardizing the commitment of other nations, such as Russia, to decommission its own.

- A repository is important to our energy security. We must ensure that nuclear power, which provides 20% of the nation's electric power, remains

an important part of our domestic energy production. Without the stabilizing effects of nuclear power, energy markets will become increasingly more exposed to price spikes and supply uncertainties, as we are forced to replace it with other energy sources to substitute for the almost five hours of electricity that nuclear power currently provides each day, on average, to each home, farm, factory and business in America. Nuclear power is also important to sustainable growth because it produces no controlled air pollutants, such as sulfur and particulates, or greenhouse gases. A repository at Yucca Mountain is indispensable to the maintenance and potential growth of this environmentally efficient source of energy.

- A repository is important to our homeland security. Spent nuclear fuel, high-level radioactive waste, and excess plutonium for which there is no complete disposal pathway without a repository are currently stored at over 131 sites in 39 States. More than 161 million Americans live within 75 miles of one or more of these sites. The facilities housing these materials were intended to do so on a temporary basis. They should be able to withstand current terrorist threats, but that may not remain the case in the future. These materials would be far better secured in a deep underground repository at Yucca Mountain, on federal land, far from population centers, that can withstand an attack well beyond any that is reasonably conceivable.

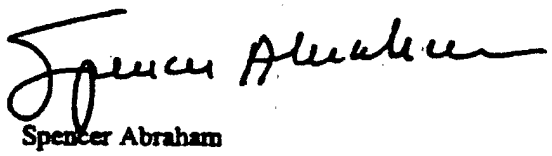
- And a repository is important to our efforts to protect the environment. It is past time for the federal government to implement an environmentally sound disposition plan for our defense wastes, which are located in Tennessee, Colorado, South Carolina, New Mexico, New York, Washington and Idaho. Among the wastes currently at these sites, approximately 100,000,000 gallons of high-level liquid waste are stored in, and in some instances have leaked from, temporary holding tanks. About 2,500 metric tons of solid un-reprocessed fuel from production and other reactors also are stored at these sites. It is also past time for the federal government to begin disposition of commercial spent fuel, a program that was to have begun in 1998. A repository is necessary for accomplishment of either of these objectives.

Third, I have considered carefully the primary arguments against locating a repository at Yucca Mountain. None of these arguments rises to a level that would outweigh the case for going forward. This is not to say that there have not been important concerns identified. I am confident, however, these concerns have been and will continue to be addressed in an appropriate manner.

In short, after months of study based on scientific and technical research unique in its scope and depth, and after reviewing the results of a public review process that went well beyond the requirements of the Act, I reached the conclusions described in the preceding paragraphs – namely, that technically and scientifically the Yucca Mountain site is fully suitable; that development of a repository at the Yucca Mountain site serves the national interest in numerous important ways; and that the arguments against its designation do not rise to a level that would outweigh the case for going forward. Not completing the site designation process and moving forward to licensing the development of a repository, as Congress mandated almost 20 years ago, would be an irresponsible dereliction of duty.

Accordingly, I recommend the Yucca Mountain site for the development of a nuclear waste repository.

Respectfully,



Spencer Abraham

APPENDIX O

Letter to Congress: President George W. Bush

The White House
President George W. Bush

For Immediate Release
Office of the Press Secretary
February 15, 2002

Presidential Letter to Congress
Text of a Letter from the President to the Speaker of the House of Representatives and the President of the Senate
February 15, 2002

Dear Mr. Speaker: (Dear Mr. President:)

In accordance with section 114 of the Nuclear Waste Policy Act of 1982, 42 U.S.C. 10134 (the "Act"), the Secretary of Energy has recommended approval of the Yucca Mountain site for the development at that site of a repository for the geologic disposal of spent nuclear fuel and high level nuclear waste from the Nation's defense activities. As is required by the Act, the Secretary has also submitted to me a comprehensive statement of the basis of his recommendation.

Having received the Secretary's recommendation and the comprehensive statement of the basis of it, I consider the Yucca Mountain site qualified for application for a construc-tion authorization for a repository. Therefore, I now recommend the Yucca Mountain site for this purpose. In accordance with section 114 of the Act, I am transmitting with this recommenda-tion to the Congress a copy of the comprehensive statement of the basis of the Secretary's recommendation prepared pursuant to the Act. The transmission of this document triggers an expedited process described in the Act. I urge the Congress to undertake any necessary legislative action on this recommendation in an expedited and bipartisan fashion.

Proceeding with the repository program is necessary to protect public safety, health, and the Nation's security because successful completion of this project would isolate in a geologic repository at a remote location highly radioactive materials now scattered throughout the Nation. In addition, the geologic repository would support our national security through disposal of nuclear waste from our defense facilities.

A deep geologic repository, such as Yucca Mountain, is important for our national security and our energy future. Nuclear energy is the second largest source of U.S. electricity generation and must remain a major component of our national energy policy in the years to come. The cost of nuclear power compares favorably with the costs of electricity generation by other sources, and nuclear power has none of the emissions associated with coal and gas power plants.

This recommendation, if it becomes effective, will permit commencement of the next rigorous stage of scientific and technical review of the repository program through formal licensing proceedings before the Nuclear Regulatory Commission. Successful completion of this program also will redeem the clear Federal legal obligation safely to dispose of commercial spent nuclear fuel that the Congress passed in 1982.

more

(OVER)

This recommendation is the culmination of two decades of intense scientific scrutiny involving application of an array of scientific and technical disciplines necessary and appropriate for this challenging undertaking. It is an undertaking that was mandated twice by the Congress when it legislated the obligations that would be redeemed by successful pursuit of the repository program. Allowing this recommendation to come into effect will enable the beginning of the next phase of intense scrutiny of the project necessary to assure the public health, safety, and security in the area of Yucca Mountain, and also to enhance the safety and security of the Nation as a whole.

Sincerely,

GEORGE W. BUSH

# # #

APPENDIX P

Statements of Reasons Supporting the
Governor of Nevada's Notice of Disapproval of the
Proposed Yucca Mountain Project
April 8, 2002

Statement of Reasons Supporting the Governor of Nevada's Notice of Disapproval of the Proposed Yucca Mountain Project

Kenny C. Guinn
Governor of Nevada

April 8, 2002

Statement of Reasons Supporting the Governor of Nevada's Notice of Disapproval of the Proposed Yucca Mountain Project

Kenny C. Guinn

April 8, 2002

Honorable members of Congress, it is my privilege and duty, under Section 116(b)(2) of the Nuclear Waste Policy Act, to articulate my reasons for issuing a Notice of Disapproval of the designation of Yucca Mountain in Nevada as the site for the nation's high-level nuclear waste repository. I trust you will carefully consider Nevada's views. As a matter of science and the law, and in the interests of state comity and sound national policy, Yucca Mountain should not be developed as a high-level nuclear waste repository.

Introduction

Nevada strongly opposes the designation of Yucca Mountain for nuclear waste disposal because the project is scientifically flawed, fails to conform to numerous laws, and the policy behind it is ever changing and nonsensical. The Department of Energy has so compromised this project through years of mismanagement that Congress should have no confidence in any representation made by DOE about either its purpose or its safety. Nevada is not anti-nuclear and does not oppose nuclear power. Our state is pro-science and pro-common sense.

Because of the state's longstanding opposition to the Yucca Mountain project, some have accused Nevada of being a not-in-my-backyard, or NIMBY, state. Nothing could be further from the truth. Nevada has already borne more than its fair share of this nation's radioactive waste burdens.

During the Cold War, Nevada served as host to hundreds of nuclear weapons tests, most with bombs several times more powerful than the Hiroshima blast. The government misrepresented the risks and impacts of those tests to our citizenry, and many Nevadans were injured as a result. Nearly 300 million curies of toxic radioactive contaminants remain in the ground in our state to this day. We have not forgotten this legacy.

Nevada is also being forced by the Energy Department to play host to the world's largest low-level and mixed radioactive waste disposal facility, at the Nevada Test Site. DOE plans to use this site for the disposal of hundreds of millions of cubic feet of radioactive and hazardous garbage and contaminated soil from the nation's nuclear weapons complex. Tens of thousands of shipments of this waste through our state are anticipated.

Once upon a time not long ago, the concept of "environmental equity" would have made it unthinkable, given the sacrifices already imposed on Nevada, that the state would be forced to play host to yet an additional nuclear waste dump – indeed, the dump to end all dumps. DOE plans to use Yucca Mountain for the disposal of 77,000 tons of high-level radioactive waste and spent fuel from throughout the United States and 42 other countries. And we know if we permit it to happen, it won't end there.

But Nevada will not permit it to happen. Not simply because it is the wrong thing to do, at the wrong time, from the standpoint of environmental equity. Even when carrying the load of others, Nevadans will never tire of serving their country for a worthy cause.

We will not permit Yucca Mountain to happen – and it will not happen – because the project is manifestly *not* a worthy cause. Yucca Mountain is but the latest in a long series of DOE boondoggles – one based on bad science, bad law, and bad public policy. In addition, better, cheaper, and safer alternatives exist. Finally, national security will not be helped, but hindered, by this ill-advised project.

Some say Nevada should acquiesce to the project because the Yucca Mountain repository is now inevitable. Obviously, they fail to understand Nevadans, or the power of the American legal system. I assure you, the only thing inevitable about Yucca Mountain is that it will plot the course of so many other doomed DOE mega-projects.

The Science

Although DOE bureaucrats claim the Yucca Mountain site is suitable for nuclear waste disposal based on "sound science," it is hard to find a *scientist* who agrees. Even the project's apologists know that hundreds of technical issues remain unresolved. Initially, the scientific community was optimistic about the prospects of Yucca Mountain. When Congress selected the site in 1987 for intensive study, preliminary data showed it would likely have good geology. In the past four years, however, DOE's own studies proved the mountain was in fact so porous to water, and otherwise so geologically unfit, that the very concept of geologic isolation of the waste had to be abandoned. But geologic isolation was the very purpose of the federal repository program.

DOE no longer refers to the Yucca Mountain project as a deep "geologic" repository. Rejecting the global scientific consensus that nuclear waste should be disposed of by means of geologic isolation, DOE now calls Yucca Mountain merely a deep "underground" repository. This is no surprise. There is nothing "geologic" about it. As the former director of the Yucca Mountain project, Dr. John Bartlett, recently testified, the project has become nothing more than a series of fancy engineered waste packages that just happens to be located 1000 feet underground. The Nuclear Energy Institute recently bragged that the repository can be licensed "without the mountain."

Which begs several questions: If the mountain itself is irrelevant, and waste packages can now be made to last for 10,000 years, why make tens of thousands of

shipments of lethal radioactive waste through the nation's cities to the seismically adverse, volcanic zone of Yucca Mountain? It can go practically anywhere else – or stay where it is. If the only reason the waste must be buried is to protect it from terrorists, why spend $60 billion putting it 1000 feet underground, when a mere 20 feet would do the job? And this could surely be done at the reactor sites. NRC has recently re-affirmed the safety of on-site storage.

In the absence of geologic isolation, we don't believe for a minute that DOE can demonstrate the long-term safety of the Yucca Mountain repository. We don't believe an agency that, as the General Accounting Office has noted, has rarely succeeded at building anything can now build a first-of-a-kind waste package that will soak in Yucca Mountain groundwater for 10,000 years without a leak.

DOE's computer models of Yucca Mountain repository performance and radiation emissions currently have an uncertainty factor of up to 10,000. This incredible number bears some pondering. Imagine if a salesman with nothing but fancy computer models told you the brakes on his new model car would be safe for 10,000 miles, plus or minus an uncertainty factor of 10,000. Think about it. What this means is, your brakes could be safe for as many as 100 million miles, or as few as *one* mile. We simply can't know.

Maybe we Nevadans are a people of uncommon sense. Because that's a car we simply wouldn't buy. That's a car we wouldn't let on our roads.

DOE has yet to finish the very design of the Yucca Mountain repository. We don't even know whether it will be a high temperature repository (above the boiling point of water) or a low temperature repository (below the boiling point of water), a feature that could change the amount of real estate required for the project by up to a factor of 10. Imagine if you submitted a plan for your new house to local authorities for a building permit. You tell them: It may be a 4,000 square-foot gas-heated house, or a 40,000 square-foot all-electric house; the design is still unfinished. I don't have to tell you what our local authorities would do with that plan.

The scientific uncertainties of the Yucca Mountain project are so numerous as to defy enumeration. Attempting to count them all, the Nuclear Regulatory Commission recently identified 293 unresolved technical issues in 9 critical areas. Though DOE dismisses these as trivial, perfunctory, or problems that will be solved "as we go" over the next 300 years, their mere specification belies this claim.

The unresolved issues include critical matters such as volcanism: DOE's gamblers say the odds of a volcano at Yucca Mountain are only 1 in 70 million per year. Yet, there have actually been three active volcanic eruptions within 50 kilometers of the Yucca Mountain site in the past 80,000 years. Indeed, Nevada's geologic studies indicate Yucca Mountain appears to be at the center of one of the most potentially active volcanic areas in the west.

Unresolved are issues such as the seismic integrity of the site: Yucca Mountain sits dead-center in one of the largest earthquake fault zones east of California. In 1992, a magnitude 5.6 earthquake caused tens of thousands of dollars of damage to DOE's own facilities right at Yucca Mountain. More than 600 earthquakes greater than magnitude 2.5 have been recorded at Yucca Mountain just in the past two decades.

Among other things, there remains a real question whether the above-ground storage facility required to facilitate storage and burial of spent fuel at the site can ever meet Nuclear Regulatory Commission temporary storage standards, given the site's adverse seismicity. In other words, it may not be possible to license an above-ground concrete storage pad at this earthquake-prone location. What does this say about the safety of the complex underground facility? And why is it not necessary for DOE to complete seismic studies before plunging ahead with a site determination?

The plethora of unresolved issues includes critical problems such as rapid groundwater flow through the repository: Flows measured by DOE have been more than 100 times greater than was expected when Congress designated Yucca Mountain in 1987 as the only site to be characterized. Surface water that was supposed to have taken thousands of years to pass through the planned repository area to the underlying water table was found to have actually done so in less than 50 years. One former NRC Commissioner visiting the underground test area at Yucca Mountain described its humid environment as a "tropical rain forest."

Secretary Abraham recently wrote, in a *Washington Post* Op-Ed piece March 26, that "Yucca Mountain has an average precipitation of under 8 inches a year, less than half an inch of which actually makes it below the surface." If that is true, Mr. Secretary, why has DOE posted a sign deep within the mountain informing visitors not to worry about liquid dripping from the ceiling of underground caverns, that this liquid is only water, and that it is normal for the subterranean environment of Yucca Mountain? Why is DOE proposing to build a $5 billion titanium "drip shield" around buried spent fuel to channel away effusive dripping water?

The tangled web of man-made contrivances necessary to compensate for the stunning geological surprises at Yucca Mountain has turned the repository system into a kind of Rube Goldberg contraption. To prevent the unexpected water from corroding spent fuel containers, a titanium drip shield is required for each package to channel water away from the containers. But channeled water is apparently subject to boiling from the decay heat of buried spent fuel. Therefore, say independent experts, the repository must be redesigned to space the fuel packages further apart, vastly increasing the real estate, and of course the amount of titanium, required. But there may not be enough real estate within the Yucca Mountain site boundary to do that. And the titanium itself is subject to corrosion. Therefore, all waste packages must be fabricated from a "miracle metal," Alloy-22, to prevent them from corroding if the drip shield fails.

And what about Alloy 22? You guessed it. As recently as last month, the Chairman of the Nuclear Waste Technical Review Board wrote DOE that so little is

known "it is not currently possible" to assess the likelihood of corrosion of Alloy 22 for the thousands of years that will be required to assure the safety of the facility. Indeed, Nevada's independent laboratory tests of Alloy 22 showed corrosion in less than half a year. And the titanium apparently fares no better. Just two weeks ago, DOE's own Waste Package Materials Performance Peer Review Panel issued its report with the astonishing revelation that, unless the proposed titanium drip shields somehow perform better in the ground than they have in laboratory tests, they *cannot be used* at Yucca Mountain. What's next? Maybe the drip shield will need a drip shield.

Secretary Abraham calls this "sound science." We beg to differ.

The Law

Nevada currently has four legal actions pending against the Yucca Mountain project. These include a challenge to the siting guidelines re-released at the eleventh hour by DOE, and a challenge to the Environmental Protection Agency's gerrymandered health and safety standards for Yucca Mountain licensing. They include a challenge to DOE's misuse of Nevada's precious water resources, and a challenge to the legal soundness of both the Secretary's and the President's Yucca Mountain site recommendations.

At least two additional actions, one challenging DOE's Environmental Impact Statement, and one challenging NRC's Yucca Mountain licensing rule, will be filed imminently by Nevada.

These are each serious lawsuits, raising fundamental, dispositive legal issues – issues that ought to concern every member of Congress. Issues such as whether DOE cavalierly ignored the dictates of your institution and blatantly violated the Nuclear Waste Policy Act or the National Environmental Policy Act. Issues such as whether the repository is fundamentally unsafe even if it is theoretically "licensable." Issues such as whether radioactive emissions from the site can be declared safe by EPA merely by first diluting them in Nevada's drinking water.

We are not suing simply for the sake of suing. We are suing to enforce the law, because, unfortunately, government bureaucrats pushing Yucca Mountain have chosen to ignore it. It is not necessary for us to win them all, though we believe all are legally sound. One and only one will suffice.

It is astounding to Nevada that DOE refused to postpone its site recommendation pending the outcome of any of these lawsuits. After all, DOE itself says it will not be ready to submit a license application to NRC until at least December 2004. What, then, is the rush? It is likely that all of Nevada's cases will have been decided long before that time.

Let me describe to you just one of our lawsuits – the one against DOE. It's really quite remarkable: After 17 *years* of using one set of site suitability rules, DOE made the

surprising determination that Yucca Mountain, unlike the WIPP nuclear waste repository in New Mexico, couldn't pass the "good geology" test. Instead of reporting this bad news to Congress, as the law requires, DOE changed the rules late last fall. A mere 17 *days* or so later, DOE proclaimed the site "suitable" using these new rules, ignoring the bedrock geologic isolation requirements of Congress. "Good geology" – the cornerstone of every high-level nuclear waste repository program in the world – was simply ignored by DOE.

To Nevadans, we are like passengers sitting on the runway in a brand new experimental aircraft for 17 hours while mechanics crawl all over the plane inspecting it. After this enormously long wait, the mechanics finally determine the plane is unfit to fly. At the same time, bureaucrats come on the loudspeakers: "Not to worry, folks. We've just changed the flight fitness rules, and the plane will be taking off in 17 seconds." Needless to say, that's a plane none of us would dare dream of flying. But that is exactly what DOE has done with Yucca Mountain.

The *New York Times* recently published an editorial suggesting Congress should simply approve the Yucca Mountain site recommendation and refer all remaining issues of site suitability to the NRC, which was purported to have the expertise to make appropriate decisions in this regard. Remarkably, notwithstanding his own agency's clear statutory duties, Secretary Abraham likewise adopted this view in his recent editorial.

This approach, however, poses both a scientific and a legal paradox. DOE and NRC have each taken the position, in their respective Yucca Mountain rules, that site suitability is a matter to be assessed by *DOE* and its geologists, not by NRC and its nuclear engineers. Under NRC's current licensing rule for Yucca Mountain (which Nevada will soon fight in court), site suitability is presumed determined the moment the Yucca Mountain application comes in the door. NRC merely determines repository licensability, not Yucca Mountain site suitability. NRC will not evaluate the suitability of Yucca Mountain's geology. That was supposed to have been DOE's job.

Adopting the approach suggested by the *New York Times* would mean DOE's bogus site suitability determination could never be reviewed on the technical merits. On an issue of this magnitude, Nevada and the country as a whole deserve their day in court. And we think Congress should wait until that day has come and gone.

National Security and Public Policy

In the wake of the terrorist attacks of 9/11, DOE has tried to paint the Yucca Mountain project as a badly needed national security measure. A well-financed promotional campaign by the nuclear industry appears to have helped shape the public policy debate in this regard. The Secretary himself, in his *Washington Post* piece last month, strongly urged that "*one safe site*" for the nation's nuclear waste is best for national security, rather than having the waste scattered at numerous reactor sites across

America. This national security myth is one that can and must be debunked. The Yucca Mountain site will contribute nothing to national security.

Even if you believe DOE's optimistic schedule, Yucca Mountain will not be ready even to begin receiving spent fuel from reactor sites for a decade. DOE plans to ship 77,000 tons of high-level waste and spent fuel – the project's design capacity – in up to 98,000 shipments extending through 2046. Once there, the spent fuel will remain stored above ground at Yucca Mountain for up to 100 years while it cools. In the meantime, reactors (many operating on renewed licenses) will continue to generate at least 2000 additional tons of waste each year.

By 2046, even if (in the unlikely event) Yucca Mountain proceeds on schedule, there will be *at least* 77,000 tons of additional waste still stored at reactor sites, awaiting shipment to a supposed second repository. As the waste is removed, it will merely make room for an equivalent amount of newly generated waste that will take its place at the various sites. I'm no nuclear engineer, but this sounds like the status quo to me. I fail to understand how this aids national security.

DOE's Acting Director of the Yucca Mountain project affirmed last month before a House appropriations committee that as long as there are nuclear reactors operating, there will continue to be spent fuel stored above ground at sites all across America. In fact, he confirmed, given the slow pace at which spent fuel will be transported to Yucca Mountain, together with the fact that newly generated waste will continue to pile up almost as fast as the old waste is removed, the current backlog of 46,000 tons at plant sites now *will never be less than 42,000 tons* by the time Yucca Mountain is filled to its design capacity. In short, Yucca Mountain will change nothing.

And that may not be the end, but apparently only the beginning. In its annual strategic plan, "Vision 2020," the Nuclear Energy Institute claims utilities will build as many as 50 new nuclear plants by 2020 if their growing nuclear waste stockpiles are bounded by the availability of Yucca Mountain. More waste is coming to your jurisdictions, not less.

The bottom line is this: Even if Yucca Mountain proceeds, spent fuel will continue to be stored above ground at reactor sites across America for many decades, perhaps centuries, to come. Secretary Abraham's "one safe site" is a figment of DOE's imagination. The Yucca Mountain site is neither "safe" nor will it ever be "one."

The solution to the security issue is to shore up existing storage facilities and increase security at the reactor sites – not to magnify the existing storage facility targets with shipments of tens of thousands of mobile, new targets traversing the country on their way to a geologically flawed Yucca Mountain repository. Not to expose tens of millions of additional citizens to the risks posed by spent fuel packages.

Utilities across the nation are now building interim dry storage facilities, where spent fuel will be stored in casks capable of safely containing the fuel for up to hundreds

of years. Several such interim storage facilities are already operating at various utility sites. Since, in any event, these casks will be stored on site for many decades, some experts say they should be covered in a concrete containment to shield them from terrorist attack. NRC is studying the use of anti-aircraft guns at nuclear sites. Reactor sites already have armed guards and comprehensive security plans. Given these measures, the casks will continue to be far more secure at reactor sites than they will ever be on the streets of St. Louis, Chicago, or Peoria – or on barges cruising the Hudson River.

What really *does* implicate national security is the widespread shipment of spent fuel in casks that, we now know, are not impervious to ubiquitous armor-piercing weapons. It was surprising for us to learn recently from NRC that, since 9/11, the only analysis done by industry or the government of the impacts of terrorism on spent fuel shipments involved merely a computer simulation of a Boeing 767 engine (unaccompanied by aircraft and fuel) striking a railcar shipping cask at 350 miles per hour. Not to worry, said the modelers: the virtual train car moved only a virtual tenth of an inch from the virtual impact, and the virtual lethal waste was contained.

To anyone who watched in horror as the twin towers of the World Trade Center collapsed, this timid virtual test result seems more than a bit incredible. On the other hand, the possibility of a terrorist shooting at a cask from the back of a pickup truck with a small optically-guided armor-piercing missile has been considered by NRC and the industry as "too remote." We once heard the same about suicide bombers.

Thanks to a secret videotape of an industry-sponsored test done by the Army at the Aberdeen Proving Grounds in 1998, obtained last month by Nevada representatives, we now know such a weapon can blow a hole through even the heartiest of spent fuel casks. According to credible sources, there are over 500,000 TOW missiles alone in circulation in at least 36 countries, including over 1700 in Iran. These missiles can penetrate up to 30 inches of armor. Smaller, hand-held weapons in widespread use, like the Stinger, can pierce up to 15 inches of steel.

If Yucca Mountain proceeds, just one of these could potentially give a terrorist access to tens of thousands of radioactive "dirty bombs," with free delivery to hundreds of U.S. targets. Clearly, this is an issue warranting careful investigation by Congress, not a cover-up of the facts by DOE. Many in Congress already share my view; hearings on the security of waste transport to Yucca Mountain are scheduled for later this spring.

In responding to our legitimate concerns, some have accused Nevada of fear-mongering, claiming the Aberdeen test was flawed, that a small missile would "only" blow a six-inch hole in some casks, that few if any people would die in such an event, and that further tests are unnecessary. Since no one has studied the issue in light of current events, however, we don't really know. If DOE will not undertake these studies, surely Congress must. If Nevada's mere mention of the potential event is causing fear, imagine the panic if, God forbid, it actually happens.

The "PECO Alternative"

Though the nuclear industry seems to prefer you didn't know it, there *is* a viable alternative to Yucca Mountain – one that has already been quietly embraced by DOE and at least one utility, PECO Energy, a division of the nation's largest nuclear utility, Exelon Corporation.

In June 2000, PECO signed a deal with DOE that would ultimately have DOE take title to PECO's spent fuel on-site at the Peach Bottom nuclear plant in Pennsylvania. PECO will construct a dry storage facility, ownership of which will also eventually be assumed by DOE. At a date certain, DOE will own, operate, and manage the facility, with the waste stored there in robust, dry casks for the indefinite future. Funds for the deal are provided from the $8 billion Nuclear Waste Fund.

At the time, DOE touted the deal as an arrangement all nuclear utilities should follow. And for good reason. If adopted by the industry, the PECO alternative would solve a host of pressing problems.

First, it would end all utility spent fuel lawsuits against DOE – now estimated to pose up to a $58 billion contingent liability. Second, it would allow utilities to remove spent fuel liabilities from their books and decommission their retired nuclear plants on schedule. Third, it would remove the fuel from utility rate bases and the jurisdiction of state utility commissions, ending their numerous lawsuits against DOE as well. Fourth, it would buy the government time to find a viable new repository or develop new technologies to vastly reduce the dangers of nuclear waste. (Many of these technologies, under development at our national laboratories, already look promising.) Fifth, as Senator Domenici has long indicated, it would preserve the substantial energy content of spent fuel for later use if necessary to supplement the nation's energy needs. Finally, implementing the PECO alternative would cost ratepayers and taxpayers merely pennies on the dollar to the estimated $60 billion (and growing) price tag of Yucca Mountain.

Far from embracing the deal, however, a group of competing utilities sued last year to block it, claiming, ironically, that it gives PECO an unfair economic *advantage* over utilities who choose to sue the government and place their bets on Yucca Mountain. A ruling is expected from the Eleventh Circuit Court of Appeals soon. Rather than await this key decision, DOE pressed forward with its Yucca Mountain site recommendation as if its own PECO deal were nonexistent. The PECO alternative is not even mentioned in the 67 pounds of Yucca Mountain documents DOE recently sent to the President. It is not even mentioned in the so-called "no action" alternative to Yucca Mountain in DOE's voluminous Final Environmental Impact Statement. Yet, when the deal was signed less than two years ago, DOE endorsed it as "a precedent for additional settlement negotiations with other utilities."

I urge Congress to explore DOE's arrangement with PECO in detail. I applaud the deal made by the nation's leading nuclear utility in the state of our new Homeland Security Director, Tom Ridge, while he was a fellow Governor in Pennsylvania. The

PECO arrangement is a convincing and practical alternative to a diseased and utopian Yucca Mountain project. It is a *real* contributor to national security, not a mythical one.

Conclusion

The State of Nevada will redouble its efforts to bring science and the law back to the nation's high-level waste program, and to restore sanity to America's nuclear energy security policy. But we are not alone.

A growing chorus of scientists and independent technical reviewers has voiced grave reservations about the project. These include the NRC's Advisory Committee on Nuclear Waste, the General Accounting Office, the Congressionally-created Nuclear Waste Technical Review Board, the National Academy of Sciences, *Physics Today*, the International Atomic Energy Agency, and the OECD's Nuclear Energy Agency, among others. A recent national poll concludes that those Americans opposed to Yucca Mountain now equal in number those in favor.

I urge each and every one of you to look carefully at the facts. Yes, Yucca Mountain is the most studied piece of real estate in the world. What the studies starkly *concluded*, however, has been overshadowed by the mere fact they occurred. A hundred more years of study will not change the fatally poor geology of Yucca Mountain, or remove the site from an earthquake fault zone. Nor will decades of moving waste across the countryside to Yucca Mountain even dent the amount of spent nuclear fuel stored above ground at nuclear sites throughout America.

We are well beyond the days when Yucca Mountain was simply Nevada's problem. If the project proceeds, high-level nuclear waste shipments will impact as many as 44 states, 703 counties, and 109 cities with populations of 100,000 or greater, including several major metropolitan areas. Nearly 50 million American citizens reside within three miles of a proposed shipping route. There will be more spent fuel shipments in the first year of Yucca Mountain operations than occurred in the entire history of such shipments in this country. We are in this together.

In short order, Congress will have the prerogative to consider my Notice of Disapproval and, under procedures in the Nuclear Waste Policy Act, override it by simple majority vote in both houses, with a signature by the President. I respectfully urge Congress not to take such action. With the proliferation of safe, economical dry storage facilities at reactor sites, we face no spent fuel emergency. Nuclear power plants face no risk of shutdown. We have the time to do this right. And Yucca Mountain is not right.

Nevada deserves better, and so does this nation.

* * * *

For additional information, see Nevada's Yucca Mountain website at *www.state.nv.us/nucwaste*. This Statement of Reasons has been posted there.

APPENDIX Q

House Joint Resolution No. 87, Public Law 105-525

H. J. Res. 87

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Wednesday, the twenty-third day of January, two thousand and two

Joint Resolution

Approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there hereby is approved the site at Yucca Mountain, Nevada, for a repository, with respect to which a notice of disapproval was submitted by the Governor of the State of Nevada on April 8, 2002.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

APPENDIX R

Contact List for Affected Units of Local Government

CONTACT LIST FOR
AFFECTED UNITS OF LOCAL GOVERNMENT

July 24, 2006

- ***CHURCHILL COUNTY***
  www.churchillnwop.com

Mr. Lynn Pearce
Commissioner
Churchill County
155 N. Taylor, Suite 110
Fallon, NV 89406

Phone: (775) 423-7737
Fax: (775) 423-7069
lpfam@phonewave.net

Wilma Mansfield
Executive Secretary
Churchill County Manager's Office
155 N. Taylor, Suite 153
Fallon, NV 89406

Phone: (775) 423-5136
Fax: (775) 423-0717
manager-wjm@churchillcounty.org

Alan Kalt, Comptroller
Churchill County
155 N. Taylor, Suite 182
Fallon, NV 89406

Phone: (775) 428-1414
Fax: (775) 428-0270
comptroller@churchillcounty.org

Rex Massey
Research and Consulting Services, Inc.
P.O. Box 19549
Reno, NV 89511

Phone: (775) 849-9701
Fax: (775) 849-9701
Rexmassey@aol.com

Loreen Pitchford
1705 Wildcat Lane
Ogden, Utah 84403

Phone: (801) 393-0808
Cell: (775) 771-2252
lpitchford@comcast.net

- ***CLARK COUNTY***
  www.co.clark.nv.us/comprehensive_planning/nuclearwaste.htm

Irene Navis, Manager
Clark County Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 89155

Phone: (702) 455-5129
Main number (720) 455-4181
Fax: (702) 385-8940
iln@co.clark.nv.us

Engelbrecht von Tiesenhausen
Clark County Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 89155
Phone: (702) 455-5184
Fax (702) 385-8940
evt@co.clark.nv.us

Harry Kelman
Clark County Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, Nv 89155
Phone: (702) 455-2329
Fax: (702) 455-5963
hik@co.clark.nv.us

Scott Kahler (LSN)
Clark County
500 S. Grand Central Parkway
Las Vegas, NV 89155
Phone: (702) 455-4181
Fax: (702) 385-8940
smk@co.clark.nv.us

- ***ESMERALDA COUNTY***

Commissioner Bill Kirby
PO Box 517
Goldfield, NV 89013
Phone: (775) 485-3406
Fax: (775) 485-6351
sjesco@citlink.net

Ed Mueller
The Robert List Company
Program Director
Esmeralda County
P.O. Box 490
Goldfield, NV 89013
Phone: (775)485-3419
Fax: (775) 485-3429
Cell # (702) 810-8988
emueller@rlistco.com

Robert List, Consultant
The Robert List Company
1975 Village Circle, Suite 140
Las Vegas, NV 89134-6237
Phone: (702) 733-6700
Fax: (702) 733-9664
rlist@rlistco.com

- ***EUREKA COUNTY***

www.yuccamountain.org

Ron Damele
Public Works Director
Eureka County
P.O. Box 714
Eureka, NV 89316
Phone: (775) 237-5372
Fax: (775) 237-5708
rdamele@eurekanv.org

Abigail Johnson
Abigail C. Johnson Consulting
612 West Telegraph Street
Carson City, NV 89703
Phone: (775) 885-0612
Fax: (775) 885-0618
abbyj@gbis.com

- ***INYO COUNTY***

www.inyoyucca.org

Rennie A. Holland
Project Analyst
163 May Street
Bishop, CA 93514

Phone: (760) 873-7356 -voice
Fax: (760) 873-7437
rholland@qnet.com

Matt Gaffney
Project Assistant
163 May St
Bishop, CA 93514

Phone: (760) 937-5255 – Cell
(760) 873-7423- Voice
mgaffney@gnet.com

Richard Cervantes
Inyo County Board of Supervisors
1044 Hunter Road
Lone Pine, CA 93545

Phone: (760) 876-4719
info@lonepinechamber.org

Susan Cash, Chairperson:
Inyo County Board of Supervisor
P.O. Box Drawer N
Independence, CA 93526

cash93514@msn.com

- ***LANDER COUNTY***

www.landercountynwop.com

Joy Brandt
Lander County Commissioners
Austin Office 122 Main St.
P. O. Box 10
Austin, NV 89310

Phone: (775) 964-2447
Fax: (775) 964-2455
landerdoe@sbcglobal.net
landerdoe@yahoo.com

Deborah Teske
Community Development
315 S. Humboldt
Battle Mountain, Nevada 89820

Phone: (775) 635-2860
Fax: (775) 635-1120
dteske@landercounty.org

Mickey Yarbo
Lander County Board of County Commissioners
315 S. Humboldt St.
Battle Mountain, NV 89820

Phone: (775) 635-2885
Fax: (775) 635-5332
srobinson@landercounty.com

Rex Massey
Research and Consulting Services, Inc.
P.O. Box 19549
Reno, NV 89511

Phone: (775) 849-9701
Fax: (775) 849-9701
Rexmassey@aol.com

- ***LINCOLN COUNTY***

www.lcnop.com

Lea Rasura
Program Coordinator
Lincoln County Nuclear Waste Program
P.O. Box 1068
Caliente, NV 89008

Phone: (775) 726-3511
Fax: (775) 726-3456
jcciac@co.lincoln.nv.us

George T. Rowe, Chairman
Board of Lincoln County Commissioners
P.O. Box 90
Pioche, NV 89043-0090

Phone: (775) 962-5390
Fax: (775)962-5180
brahamabull717@lcturbonet.com

Ronda Hornbeck, Vice-Chairperson
Board of Lincoln County Commissioners
P.O. Box 90
Pioche, NV 89043-0090

Phone: (775) 962-5390
Fax: (775) 962-5180
ronda@lcturbonet.com

Mike Baughman
Intertech Services Corp.
P.O. Box 2008
Carson City, NV 89702

Phone: (775) 883-2051
Fax: (775) 883-2638
bigboff@aol.com

Ace Robison
Robison/Seidler
4045 Spencer St
Suite A 45
Las Vegas, NV 89119

Phone: (702) 870-4043
Fax: (702) 870-8284
robisonseidler@gmail.com

- ***MINERAL COUNTY***

www.mcnucprojects.com

Linda Mathias
Director/AULG Representative
Office of Nuclear Projects
P. O. Box 1600
Hawthorne, NV 89415

Phone: (775) 945-2484/2485
Fax: (775) 945-0702
yuccainfo@mineralcountynv.org

Nancy Black, Mineral County Commissioner
Office of Nuclear Projects
P.O. Box 1600
Hawthorne, NV 89415

Phone: (775) 945-2484/2485
Fax: (775) 945-0702
yuccainfo@mineralcountynv.org

- ***NYE COUNTY***

www.nyecounty.com

Gary Hollis-Chairman
Nye County Commission
1441 Lannette Circle
Pahrump, NV 89060

Phone : (775) 751-7076 Work
(775) 727-3169 Cell
ghollis@pahrump.com

David Swanson
Interim Dept. Mngr-NWRPO
1210 E. Basin , Suite 6
Pahrump, Nevada 89060

(775) 727-7727 Ext 26
(702) 525-5260 Cell
(775) 727-7919 Fax
dswanson@nyecounty.net

- ***WHITE PINE COUNTY***

www.wpnwpo.com

Mike Simon, Director
White Pine County Nuclear Waste Project Office
959 Campton St.
Ely, NV 89301

Phone: (775) 289-2033
Fax: (775) 289-2066
wpnucwst1@mwpower.net

David Pound
White Pine County Commissioner
801 Clark St Suite 4
Ely, NV 89301

Phone: (775) 289-2033
davidpound2004@yahoo.com

- ***BOULDER CITY***

Mr. Brok Armantrout
Director, Community Development Department
City of Boulder City
P.O. Box 61350
Boulder City, NV 89006-1350

Phone: 702-293-9261
barmantrout@bcnv.org

- ***CALIENTE***

Kevin Phillips
City of Caliente
P.O. Box 1006
Caliente, NV 89008-1006

Phone: 775-726-3132
Fax: 775-726-3360
cityclerk@lcturbonet.com

- ***HENDERSON***

Mike Cyphers
Henderson Fire Department
240 Water Street
Henderson, NV 89015

Phone: 702-267-2212
michael.cyphers@cityofhenderson.com

- ***LAS VEGAS***

Maggie Plaster, Management Analyst
City of Las Vegas
Office of Administrative Services
400 Stewart Ave, 8th Floor
Las Vegas, NV 89101

Phone: (702)-229-5918
mplaster@lasvegasnevada.gov.

- ***NORTH LAS VEGAS***

Conni Hansen
City of North Las Vegas
Department of Public Works
2266 Civic Center Dr.
North Las Vegas, NV 89030

Phone: (702) 633-1240
Fax: (702) 649-4696
connio@ci.north-las-vegas.nv.us

Clete Kus, Transportation Planner
City of North Las Vegas
Department of Public Works
2266 Civic Center Drive
North Las Vegas, Nevada 89303

Phone: (702) 633-1235
Fax: (702) 649-4696
kusc@ci.north-las-vegas.nv.us

- ***LAS VEGAS PAIUTE TRIBE***

The Honorable Gloria Hernandez
Tribal Chairwoman
Las Vegas Paiute Tribe
#1 Paiute Drive
Las Vegas, NV 89106

Phone: (702) 386-3926
(702)383-4019
no email

Kenny Anderson
Las Vegas Band of Paiutes
#1 Pauite Dr.
Las Vegas, NV 89106

Phone: 702-645-4826
no e-mail

- ***MOAPA PAIUTE TRIBE***

Calvin Meyers
Tribal Representative
Moapa Paiute Indian Tribe
P.O. Box 340
Moapa, NV 89025

Phone: (702)-371-4435
moapapaiute@hotmail.com

Dalton Tom, Chair
Moapa Band of Paiutes
PO Box 340
Moapa, NV 89025

Phone (702)-865-2787
no email

- ***TIMBISHA SHOSHONE TRIBE***

www.timbisha.org

Joe Kennedy
Tribal Chairman
785 N. Main St., Ste Q
Bishop California 93514

Phone: (760) 873-9003
Fax: (760) 873-9004
chairperson@timbisha.org

- ***WALKER RIVER PAIUTE TRIBE***

Walker River Paiute Tribe
The Honorable Genia Williams, Chair
P.O. Box 220
Schurz, NV 89427

Phone: (775) 773-2306
Fax: (775) 773-2585

- ***NEVADA AGENCY FOR NUCLEAR PROJECTS***

Robert Loux, Executive Director
Office of the Governor
Nevada Agency for Nuclear Projects
1761 E. College Parkway Suite 118
Carson City, NV 89706

Phone: (775) 687-3744
Fax: (775) 687-5277
bloux@nuc.state.nv.us

Joe Strolin
Office of the Governor
Nevada Agency for Nuclear Projects
1761 E. College Parkway. Suite 118
Carson City, NV 89706

Phone: (775) 687-3744
Fax: (775) 687-5277
jstrolin@nuc.state.nv.us

Michon Mackedon
Nevada Commission on Nuclear Projects
1900 Manchester Circle
Fallon, NV 89406

Phone: (775) 423-7565
Fax: (775) 423-8029
mackedon@wncc.edu
mackedon@scs.unr.edu

- ***NEVADA LEGISLATIVE COUNSEL BUREAU***

Patrick Guinan
Senior Research Analyst
Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV 89710-4747

Phone: (775) 684-6825
Fax: (775) 684-6400
pguinan@lcb.state.nv.us

Nenita Wasserman
Senior Research Secretary
Legislative Counsel Bureau
401 S Carson Street
Carson City, NV 89710-4747

Phone: (775) 684-6825
Fax: (775) 684-6400
nwasserman@lcb.state.nv.us

- ***NEVADA NUCLEAR WASTE TASK FORCE***

Judy Treichel
4550 W. Oakey Blvd., #111
Las Vegas, NV 89102

Phone: (702) 248-1127
Fax: (702) 248-1128
judynwtf@aol.com

- ***LATIR***

John Gervers
6 Cayuse Place
Santa Fe, NM 87508-2121

Phone: (505) 466-2662
Fax: (505) 466-2663
Cell : (202) 236-3940
latir@aol.com

- ***UNITED STATES DEPARTMENT OF ENERGY***

Bob Lupton
Intergovernmental Relations Specialist
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Office of Repository Development
1551 Hillshire Drive
Las Vegas, NV 89134-6321

Phone: (702) 794-1368
Fax: (702) 794-5431
Cell (702) 630-0855
robert_lupton@ymp.gov

- ***NUCLEAR REGULATORY COMMISSION***

C. William (Bill) Reamer, Director Phone: 301-415-6537
Division of High-Level Waste Repository Safety (DHLWRS) CBR@nrc.gov
U.S. Nuclear Regulatory Commission
ATTEN: C.William Reamer, Director, DHLWRS
TWFN - M/S: T-7F3
11545 Rockville Pike
Rockville, MD 20852-2738 Division Secretary: Annette Stang
-- Phone:301-415-5870

LAS VEGAS OFFICE:
Robert Latta, Senior Site Representative Phone:702-794-5048
Fuel Cycle & Decommissioning Branch RML1@nrc.gov
Division of Nuclear Material Safety, Region IV

Jack Parrott, Senior On-Site Licensing Rep. Phone: 702-794-5047
Project Management Section A JDP1@nrc.gov
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety and Safeguards

Mailing address for both Reps is:
U.S. Nuclear Regulatory Commission
Atten: (J.Parrott or R.Latta), On Site Representatives
P.O. Box 371048
Las Vegas, NV 89137-1048

Vivian L. Mehrhoff Office: 702-794-5053
OR Secretary, Region IV Fax: 702-794-5051
P.O. Box 371048 vlm@nrc.gov
Las Vegas, Nevada 89137
OVERNIGHT EXPRESS
1551 Hillshire Drive, Suite A
Las Vegas, NV 89134