NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE
(*Nevada Revised Statutes* 459.0085)

SUMMARY MINUTES AND ACTION REPORT

The second meeting and work session of the Nevada Legislature's Legislative Committee on High-Level Radioactive Waste (*Nevada Revised Statutes* 459.0085) was held on Tuesday, August 17, 2010, at 10 a.m. in the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and Room 137 of the Great Basin College, High Tech Center, 1500 College Parkway, Elko, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature's website at http://www.leg.state.nv.us/interim/75th2009/committee/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Harry Mortenson, Chair
Senator David R. Parks, Vice Chair
Assemblyman Jerry D. Claborn
Assemblyman Joseph M. Hogan

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Mike McGinness
Assemblyman Don Gustavson

COMMITTEE MEMBER PRESENT IN ELKO:

Senator Dean A. Rhoads

COMMITTEE MEMBER ABSENT:

Senator John J. Lee (excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Senior Research Analyst, Research Division
Matthew S. Nichols, Principal Deputy Legislative Counsel, Legal Division
Lucinda Benjamin, Senior Research Secretary, Research Division

APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON MAY 11, 2010, IN LAS VEGAS, NEVADA

(As directed by Chair Mortenson, this agenda item was taken out of order.)

- The Committee **APPROVED THE FOLLOWING ACTION**:

  ASSEMBLYMAN CLABORN MOVED TO APPROVE THE MINUTES OF THE MAY 11, 2010, MEETING IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR PARKS, WHICH PASSED UNANIMOUSLY.

OPENING REMARKS

- Assemblyman Harry Mortenson, Chair, welcomed members, presenters, and staff to the meeting of the Legislative Committee on High-Level Radioactive Waste, and provided historical information about the Committee. Chair Mortenson informed the members that the future of the Yucca Mountain Project is not finalized and the Committee could investigate the handling of different levels of radioactive material in Nevada.

  Chair Mortenson stated that the Committee could pursue the following issues: (1) changing the law that created the Agency for Nuclear Projects, Office of the Governor, to give the Agency additional responsibility and to allow the Agency to pursue available federal government funding that could compensate the State for contamination and pollution at the Nevada Test Site (NTS); and (2) change the name of the Committee to remove the words "High-Level." Chair Mortenson commented that although a high-level radioactive waste (HLRW) repository apparently will not be developed at Yucca Mountain, there is contamination at the NTS. Also, since low-level radioactive waste (LLRW) is accepted at the NTS, the Committee should have oversight of those activities.

UPDATE ON THE STATUS OF THE YUCCA MOUNTAIN PROJECT AND PRESENTATION ON "THE QUESTION OF REPROCESSING"

- Bruce H. Breslow, Executive Director, Agency for Nuclear Projects, Office of the Governor, provided a status report on the Yucca Mountain project and stated that a decision from the U.S. Nuclear Regulatory Commission's (NRC) Construction Authorization Board (Board) is pending on whether to continue with the Yucca Mountain project because the NRC Atomic Safety and Licensing Board recently ruled that the U.S. Department of Energy (DOE) did not have the legal right to withdraw its license application. He explained that the licensing hearing takes three to four years. Currently, Nevada has 225 contentions and other parties have over 300 contentions regarding the license.

Mr. Breslow noted that the decision on the withdrawal of the DOE license application has been appealed to the full NRC by the State of Nevada and the DOE, which may overturn the decision of the Safety and Licensing Board. He stated that if the appeal is not upheld the Yucca Mountain project could go forward; however, there is a question about available funding for the project. If the Board's decision is overturned by the NRC on appeal, there will still be a parallel federal court case in the Fourth U.S. Circuit Court of Appeals brought forward as a combined case regarding the legal issue of whether the DOE had the legal right to stop the Yucca Mountain Project and withdraw its license application. Mr. Breslow explained that a NRC decision could end the administrative process but the federal court case could continue with oral arguments scheduled for September 22, 2010. The federal case is on hold pending the decision of the NRC. Concluding, Mr. Breslow discussed the issue of reprocessing spent nuclear fuel (SNF) and HLRW and opined that extensive work is still needed. (Please see Exhibit B.)

In response to questions from the Committee, Mr. Breslow discussed the funding for storing nuclear waste at Yucca Mountain or an alternative site and stated the total estimated cost for building the repository site was $96 billion, which was provided two years ago. Mr. Breslow explained that $13 billion has been spent so far, and since the license for Yucca Mountain has not been completed, the repository area has not been built. In addition, he explained the license application includes a requirement for 11,500 titanium drip shields, each weighing several tons, to be installed approximately 100 years after the waste is placed in the mountain and would be installed by robots due to the high temperature and radiation levels that would be present inside the mountain.

OVERVIEW OF MISSION, HISTORY, AND FUTURE ACTIVITIES OF THE UNITED STATES NUCLEAR WASTE TECHNICAL REVIEW BOARD (NWTRB)

- Nigel Mote, Executive Director, United States Nuclear Waste Technical Review Board, presented information on the Board's mission and provided a Microsoft PowerPoint presentation (Exhibit C) on the following:

  A. The NWTRB's role, mission, and member terms;

  B. The U.S. Yucca Mountain Program in transition;

  C. Creation of the Blue Ribbon Commission creation and policies;

  D. The NWTRB priorities, tasks, and the Office of Legacy Management;

  E. Nuclear Waste Assessment System for Technical Evaluation (NUWASTE);

  F. NUWASTE evaluations and reports to date; and

  G. Proposed activities of the Technical Review Board.

Mr. Mote provided additional information on dry storage at nuclear plants, studies of that issue, and the licensing required for dry storage. He stated that the NWTRB has completed a report titled *Survey of National Programs for Managing High-Level Radioactive Waste and Spent Nuclear Fuel*, which is currently being updated for release in 2011.

Continuing, Mr. Mote explained that the Board is preparing a report on activities in other countries for the development of SNF and HLRW management programs. He stated that based on information on other countries' underground repositories, the Board is analyzing technical information and preparing a report that could be used for future development of a repository in the United States. Mr. Mote explained the Board would continue to monitor the activities of the DOE's Office of Nuclear Energy and identify the technical issues that need to be addressed for alternative waste management options. He noted that the Board may review activities related to the preservation of the Yucca Mountain project technical data by the Office of Legacy Management.

Further, Mr. Mote included detailed information on the computer systems analysis program that uses the NUWASTE computer model to support the evaluation of the DOE's SNF and HLRW management activities. He explained that the NUWASTE system enables the Board to understand the impact of the generation and management of SNF and HLRW, including the whole United States program for all waste streams and fuel cycle facilities.

In response to a question from Assemblyman Hogan regarding dry surface storage, Mr. Mote provided information on long-term storage at nuclear plant locations and dry storage locations. He stated the Board has collected information on the industry's regulatory system and has identified areas that require additional research. He explained the current regulatory system allows SNF storage in dry casks for up to 60 years, and the NRC is investigating storage for 120 years.

· Continuing, Mr. Mote discussed the current LLRW program in Nevada, which includes options for: (1) long-term dry surface storage; (2) reprocessing and recycling of mixed-oxide fuel; (3) recycled uranium fuel; and (4) direct disposal at a long-term storage facility. He explained that the NUWASTE projection model includes current nuclear power plants, planned nuclear power plants, and new nuclear power plants, which are needed to maintain present generating capacity. Mr. Mote stated that to meet a nonproliferation objective, the plan would be to minimize the quantity of separated plutonium in storage at any one time, but if the objective was volume reduction, then maximizing reprocessing would be required and the two objectives could not be met simultaneously. Mr. Mote indicated the Board would continue using NUWASTE to identify additional scenarios that are credible for the United States and to map out areas which are not reasonable for SNF and HLRW management. He stated the Board will continue to:

A. Identify and analyze additional scenarios;

B. Prepare reports for the Blue Ribbon Commission; U.S. Secretary of Energy, DOE; and Congress;

C. Pursue SNF management options; and

D. Expand NUWASTE capacities to include small modular reactors, advanced reactors, processing of all wastes, transportation equipment and logistics, and "away from reactor" central storage facilities.

In response to questions from Assemblyman Hogan regarding the deactivation program and the status of any reductions in expenditures, Mr. Mote stated a cost analysis has not been completed but stated that removing waste from the production sites would be a cost savings because maintaining a site license costs approximately $10 million per year.

In response to a question from Chair Mortenson, Mr. Mote stated the Board has not taken a position on fusion reactors, so the reactors would not be included in the NWTRB evaluation plan. He opined that fusion reactors could possibly be a part of future developments but were not a realistic option at this time.

DISCUSSION OF HISTORICAL AND CURRENT NUCLEAR ACTIVITIES AT THE NEVADA TEST SITE INCLUDING NUCLEAR WASTE DISPOSAL

· Leo Drozdoff, Acting Director, State Department of Conservation and Natural Resources (SDCNR), presented information on the Department's oversight responsibilities, programs at the NTS, and the historic testing that has occurred at the NTS. He introduced Tim Murphy, Chief, Bureau of Federal Facilities (BFF); Christine Andres, Supervisor, Under Ground Testing Area (UGTA), Off Sites, Water Pollution Control, BFF, SDCNR; and Jeff MacDougall, Office Manager, BFF, within the Division of Environmental Protection (DEP), SDCNR. The BFF is responsible for supervising the day-to-day oversight activities at the NTS. Mr. Drozdoff stated that 928 atmospheric and underground nuclear weapons tests were conducted at the NTS from 1951 to 1992, after which a moratorium was placed on nuclear weapons testing. He added the tests resulted in significant contamination of soils and groundwater. In 1992 the Federal Facility Compliance Act of 1992, Public Law 102-386, was enacted, which determined that federal facilities do not have sovereign immunity from state enforcement of federal and state environmental laws and regulations.

Mr. Drozdoff stated that the BFF was established within the DEP to meet regulatory responsibilities and an office was located in Las Vegas in 1991. The BFF is responsible for ensuring compliance with all environmental regulatory requirements including characterization, oversight of investigations, and remediation of environmental issues at the NTS and other locations under jurisdiction of the DOE. Continuing, Mr. Drozdoff stated the BFF also has the authority to implement State and regulatory programs including: (1) mixed nuclear and hazardous waste; (2) safe

drinking water; (3) surface and groundwater pollution control; and (4) solid and hazardous waste management. The Bureau of Air Pollution Control, DEP, SDCNR, ensures compliance with State and federal air quality requirements. He provided information about the DOE's Environmental Management "Agreement-in-Principle (AIP)," a voluntary cooperative agreement between DOE and the State of Nevada, which formalizes the DOE's commitment to fund independent environmental safety and health oversight associated with ongoing activities at the NTS. Concluding, Mr. Drozdoff explained that enforcement is not funded under the AIP, so if warranted, it is conducted by DEP enforcement staff. In 1997 the AIP was revised to allow the DEP to review and evaluate LLRW disposal at the NTS.

· Colleen Cripps, Ph.D., Acting Administrator, DEP, SDCNR, provided background information about the disposal of LLRW which is allowed in Area 5 on the NTS. She explained that originally the LLRW was generated by the weapons testing program; however, later the LLRW was generated by the DOE cleanup activities. Since 1997, the activities at the NTS have expanded to include the LLRW generated from other DOE and Department of Defense (DOD) approved facilities throughout the United States. Currently, the LLRW and mixed-level wastes are only allowed to be disposed of in a 732-acre site at the NTS, known as Area 5. Ms. Cripps explained that Nevada's regulatory oversight is limited but does include mixed low-level waste. However, for waste that is classified solely as LLRW, the DOE self-regulates; therefore the DEP has no delegated regulatory authority over the management and disposition of that type of waste.

Further, Ms. Cripps explained that the DOE provides funding to the DEP to provide nonregulatory oversight of the DOE's LLRW acceptance process. Summarizing, she stated that for any LLRW that is to be disposed of at the NTS, the BFF staff thoroughly reviews the waste profile to determine if the waste meets the definition of low-level and to confirm the origin of the waste. Commercial waste is not allowed to be disposed of at the NTS, so an evaluation is done to be sure that the DOE or DOD waste is from one of the approved facilities. Ms. Cripps explained that an evaluation of the packaging and preparatory methods used by the DOE to characterize the waste is performed including the quantity and composition of the waste to determine if it meets the waste acceptance criteria for disposal at the NTS. If issues arise and no resolution is reached prior to shipment to the NTS, the waste is not accepted into Nevada.

Continuing, Ms. Cripps explained that in Fiscal Year 2011, $705,000 will be received by the DEP to regulate the NTS under current air, water, and waste authorities and the nonregulatory LLRW oversight responsibilities. The AIP Agreement for the activities at the NTS is negotiated every five years. The Agreement expires in June 2011 and is currently being negotiated. She clarified that in 1996 the DEP, DOE, and DOD entered into the "Federal Facilities Agreement and Consent Order (FFACO)," which addresses the investigation, characterization, and cleanup of soils, groundwater, and industrial sites on and off the NTS that were contaminated as a result of historic weapons testing. (Please see Exhibit D.)

In response to a question from Chair Mortenson, Ms. Cripps provided information on contamination related to nuclear testing on and off the NTS and agreed to provide additional information to the Committee regarding this issue.

· Continuing, Ms. Cripps stated that the purpose of the FFACO is to:

1. Determine the potential or actual migration of pollutants, and if appropriate, the extent of the migration;

2. Establish stipulated penalties for failure to meet established deadlines;

3. Establish priorities, schedules, and reporting requirements;

4. Establish sampling and monitoring requirements to determine constituents of concern and their concentration;

5. Identify sites of potential historic contamination from all pollutants;

6. Implement appropriate corrective action to ensure that the impact or potential impact is thoroughly investigated;

7. Require that any releases are subject to corrective action and closure under DEP authority and oversight;

8. Require public involvement throughout the entire process; and

9. Specifically exclude any activities related to Yucca Mountain;

Further, Ms. Cripps noted that there are three primary cleanup activities funded under the FFACO, which are: (1) groundwater contamination and cleanup of industrial sites as a result of historic underground nuclear testing at the NTS, referred to as the Underground Testing Areas (UGTA) Project; (2) soils contamination; and (3) the cleanup of industrial sites related to historic underground nuclear testing. She explained that the FFACO requires specific procedures be followed to characterize, remediate, and/or close a corrective action unit (CAU). All procedures and activities must be documented and reviewed by the DEP.

Ms. Cripps presented additional information about the UGTA Project, which includes 879 individual corrective action sites, and she explained that one or more nuclear detonations occurred at each of the corrective action sites. The sites are grouped into five CAUs based on geographically distinct areas of underground testing such as basins, tunnels, or mesas.

Continuing, Ms. Cripps stated that the contaminate migration of each of the CAUs must be extensively characterized, using groundwater monitoring and modeling data.

She said that currently there is no known technology available to allow for the cleanup of deep radionuclide contaminated groundwater; therefore, the information from the characterization of each of the CAUs is used to develop computer models designed to forecast the transport of potentially contaminated groundwater under each of the CAUs. Further, Ms. Cripps explained that the perimeter boundaries which enclose the areas where the groundwater may exceed radiological standards established under the federal Safe Drinking Water Act of 1974 will be defined for the next 1,000 years using computer models.

Ms. Cripps explained that the BFF staff is intimately involved in all the aspects of the characterization of the CAUs. Staff assesses the environmental risks and also approves the groundwater monitoring, modeling, data quality, site prioritization schedules, and timelines. She referred to five CAUs that are currently being characterized, which have been prioritized based on the greatest potential for offsite migration:

1. Frenchman Flat is approximately one-half complete;

2. Pahute Mesa is one-third complete;

3. Yucca Flat is one-quarter complete; and

4. Rainier Mesa and Shone Mountain have recently begun.

The entire UGTA Project is scheduled to be completed by 2027, when the Project will transition from the DOE's environmental management group to its Office of Legacy Management, a long-term stewardship group.

Continuing, Ms. Cripps discussed the second major piece of the FFACO, which is oversight of remediation and cleanup of industrial sites on the NTS. She provided information about oversight of the cleanup of approximately 1,900 contaminated industrial sites. The sites were used in direct support of nuclear testing, which resulted in environmental contamination and hazardous and radioactive waste generation. Ms. Cripps presented information on cleanup activities and corrective actions and noted that the cleanup procedures mirror those for the UGTA Project. She stated that 1,800 of those sites have been formally closed, while the remaining sites are in various stages of completion, and she explained that the closure of sites can be accomplished through excavation, removal, demolition, dismantlement, entombment, administrative controls, or a combination of all of these. Ms. Cripps explained that cleanup activities and the schedule of closure are determined by: (1) the potential risk that the site poses to human health and the environment; (2) depth of groundwater; (3) distance to potential receptors; and (4) future land use. She indicated that the Community Advisory Board name was changed to the Nevada Site Specific Advisory Board (NSSAB), which oversees the activities at the NTS, with the understanding that there will be continued institutional control by the DOE and the contaminated areas will be withdrawn from public access in perpetuity.

In response to questions from Assemblyman Hogan, Ms. Cripps explained that the FFACO requires the DOE to prepare a "Public Involvement Plan" for public awareness and participation. She provided additional information about membership of the NSSAB and its involvement in the location of monitoring wells, examining peer reviews and DOE documents, and providing feedback and recommendations on the NTS environmental management budget.

In response to a question from Senator McGinness, Ms. Cripps provided information regarding funding received by her office from the FFACO and the AIP, and she did not perceive any conflict with future funding.

- Concluding, Ms. Cripps discussed the removal of land from public access and that an additional evaluation and characterization process would occur before a closure was removed or changed. She provided information on the "soil subproject," which is part of a restoration effort launched in 1989 to characterize, manage, and cleanup surface and shallow subsurface soils that may have been contaminated by historic nuclear weapons activities. She added that the BFF staff oversees DOE activities to establish the nature and extent of the contamination to determine the potential risk to the public and the environment and the appropriate corrective action strategy that would be in compliance with the FFACO. Ms. Cripps added there are 107 soil subproject corrective action sites, and of those 10 have been closed or are in the process of being closed and many of the sites involve complex issues that pose severe technological challenges for a remediation solution.

- Mr. Drozdoff provided information about additional funding in the form of a "tipping fee" from the DOE for Pit 3, an unlined landfill used since 1985. A tipping fee is a price charged to deliver municipal solid waste to a landfill, waste-to-energy facility, or recycling facility. He stated that the current license for Pit 3 terminates on December 1, 2010, and a new permit was issued in July 2010, which becomes effective after that date for a fully-lined landfill at the NTS. He noted that the SDCNR has agreed to allow offsite low-level and mixed waste to be disposed of at the NTS. There are additional cleanup activities on the complex, so a fee structure was discussed approximately three years ago for disposal of the waste based on a per cubic yard of disposed waste, or a tipping fee. Mr. Drozdoff opined that the availability of ARRA funding to support the acceleration of more cleanup activities make the discussions pertinent.

  Continuing, Mr. Drozdoff stated negotiations were recently completed for a Memorandum of Understanding with the DOE, and the SDCNR has submitted a grant application for waste disposal for approximately $2 million per year. He explained that the DOE will pay $1 million for waste disposed of at the NTS for volumes under one million cubic feet and $2 million for volumes between one and two million cubic feet. If the annual waste volume exceeds two million cubic feet an additional $150,000 per 100,000 cubic feet will be paid to the DEP. He explained that the fees will be used by

the DEP, the Bureaus of Safe Drinking Water, Water Quality Planning, and Water Pollution Control, and for administrative services, with the balance going to the Divisions of Water Resources and State Lands, the Nevada Natural Heritage Program, and the Office of the Director of the SDCNR. He opined that the grant funding is critical and will allow the SDCNR to offset State General Fund appropriations.

Mr. Drozdoff expressed support for Recommendation Nos. 1 and 4 in the "Work Session Document" and offered to provide updates to the Committee on the SDCNR activities; he declined support for Recommendation Nos. 2 and 3 because the DEP has managed low-level and mixed waste at the NTS for decades with a fully-trained staff. He stated that creating an additional level of bureaucracy is not recommended and may be burdensome. Regarding Recommendation No. 4, he explained that the SDCNR has and will continue to work with the Agency for Nuclear Projects to evaluate the potential for receiving compensation from the federal government for natural resource damage related to nuclear weapons testing activities at the NTS.

In response to a question from Chair Mortenson, Mr. Drozdoff provided additional information about BFF responsibilities and contamination at the Project Shoal site.

· Senator McGinness explained that Project Shoal was the site of an underground test performed in 1963 approximately 26 miles southeast of Fallon, Nevada.

PRESENTATION ON SCOPE OF PENDING ENVIRONMENTAL IMPACT STATEMENT FOR THE NEVADA TEST SITE

· Marta Adams, Chief Deputy Attorney General, Office of the Attorney General (OAG), reported on the scope and the status of the site-wide Environmental Impact Statement (EIS) for the NTS. She explained that the OAG has expressed concern that the DOE's original stated purpose for the NTS has not been consistent with the uses at the site. Ms. Adams stated that: (1) the land size of the NTS is approximately 1,350 square miles; and (2) there are four separate federal government land use orders that withdrew land from the public domain for nuclear weapons testing. She added that in 1994, the OAG filed a lawsuit seeking to compel the DOE to update its environmental review. Incidental to a settlement of the lawsuit, in 1997 the OAG entered into a stipulated settlement wherein the DOE committed to prepare a new site-wide EIS and to initiate a consultation process with the U.S. Department of Interior to keep the OAG informed. She explained that in December 2008, the DOE provided concrete proposals for addressing the Attorney General's concerns.

Continuing, Ms. Adams explained that in December 2008, the OAG was informed by the DOE that the consultation period with the DOI was going to close. One of the subjects identified for consideration was a proposal by theDOE to seek a relinquishment of 700 acres of land that includes the Pit 3 waste disposal facility following the closure of the unlined landfill site for the disposal of LLRW. Under the relinquishment, the

700-acre area and the area for the proposed DOE complex waste disposal facility, to be developed after closure of the unlined disposal facility in December 2010, would be conveyed in perpetuity to the DOE for management. Also, in December 2008, the DOE committed to completing a site-wide EIS with a draft study targeted for completion by October 2010. The EIS will address a programmatic impact statement to examine the various alternative uses for the NTS and will include waste disposal activities and information regarding historic contamination of groundwater and soils.

· Joe Strolin, Planning Advisor, Agency for Nuclear Projects, Office of the Governor, provided information on: (1) groundwater contamination, which overlaps the mission of HLRW storage; (2) planned uses for the Yucca Mountain site; (3) the national transportation campaign for HLRW and spent fuel along with the DOE LLRW shipments; and (4) the current issues regarding LLRW and mixed-waste storage. Mr. Strolin stressed the importance of establishing current baselines and new proposed activities and impacts, which are included in the intent of the site-wide EIS, and he stated support of the OAG requirement for the study.

In response to a question from Assemblyman Hogan, Ms. Adams stated concerns that contaminated groundwater could move off the NTS, which is an issue to be included in the EIS.

· Christine Andres, Supervisor, UGTA/Off Sites/Water Pollution Control, BFF, DEP, SDCNR, provided current information about the Frenchman Flat CAU location regarding movement of contamination, and stated that the CAU shows no offsite contamination or migration past its boundary. By definition, a CAU includes one or more corrective action sites grouped geographically, by technical similarity, agency responsibility, or other appropriate reasons, for purposes of determining corrective actions. However, she added that the characterization of the Pahute Mesa CAU is approximately one-third complete. The Mesa is the location of a phase-two well drilling project, which has off-site contamination of federally withdrawn land used by the U.S. Air Force. Ms. Andres explained that the contamination is slow moving, and she explained that prior computer models predicted that in 50 years from the occurrence of nuclear testing the contamination would move off the NTS, which has proven to be true at the Pahute Mesa CAU.

· At the request of Chair Mortenson for further information, Ms. Andres agreed to provide predicted timeframes of the movement of offsite contamination at the NTS.

PUBLIC COMMENT

· There was no public comment.

WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

The following "Work Session Document" was prepared by the staff of the Legislative Committee on High-Level Radioactive Waste and is designed as an outline to assist the Committee members in making decisions concerning recommendations to be forwarded to the Legislative Commission and ultimately to the 2011 Session of the Nevada Legislature. The recommendations contained herein were either submitted in writing to the Committee and/or staff, or presented during one of the Committee's meetings.

The possible actions identified in this document are in no particular order and should not be construed as having the support of the Committee or its individual members. Rather, they are compiled so the members may review and discuss them during the work session to decide if they should be adopted, changed, rejected, or further considered.

To be adopted, recommendations from the Committee must be approved by a majority of the Senate members and a majority of the Assembly members.

In accordance with *Nevada Revised Statutes* 218D.160, the Committee may recommend no more than ten bill draft requests (BDRs), submitted no later than September 1, 2010. Other items not requiring legislation, such as requests for letters, may be sent by the Chair of the Committee.

· Chair Mortenson explained the recommendations and discussed the purpose for the change in the Committee's name. He suggested that the new name not be determined at this time except for the removal of the words "high-level," and he commented on the oversight of contamination and compensation. (Please see Exhibit E.)

In response to a question from Assemblyman Hogan, Chair Mortenson stated the Committee's purview would include issues that involve the impacts of testing on downwind populations.

· Bruce Breslow, previously identified, stated that the Agency for Nuclear Projects would not assume the authority and responsibilities of the DEP, SDCNR. He questioned why Nevada has not appeared on the federal priority list for mitigation of contamination and suggested it should be investigated.

· Chair Mortenson commented on the Nevada Commission for Nuclear Projects and opined that the Commission's jurisdiction should be expanded. He explained the bill draft request (BDR) process including introduction of the BDRs and the vetting process conducted during the 2011 Legislative Session.

Continuing, Chair Mortenson explained the following Recommendations:

RECOMMENDATION NO. 1:

Submit a BDR to remove "High-Level" from the Committee's name and amend the jurisdiction so the Committee can address other forms of radioactive waste and contamination in Nevada.

RECOMMENDATION NO. 2:

Submit a BDR to broaden the jurisdiction of Nevada's Agency for Nuclear Projects to address various forms of radioactive waste and contamination in Nevada.

RECOMMENDATION NO. 3:

Submit a BDR to broaden the jurisdiction of Nevada's Commission on Nuclear Projects to cover various forms of radioactive waste and contamination in Nevada.

RECOMMENDATION NO. 4:

Submit a BDR for a resolution directing Nevada's Agency for Nuclear Projects, the Attorney General, and the State Department of Conservation and Natural Resources to jointly investigate the potential for Nevada to receive compensation from the federal government for environmental damage resulting from nuclear activities in the State. The resolution will stipulate that the investigation is to be revenue neutral and that the involved entities will report the findings to the 77th Session of the Legislature in 2013.

- The Committee **APPROVED THE FOLLOWING ACTION**:

  ASSEMBLYMAN CLABORN MOVED TO APPROVE RECOMMENDATION NOS. 1 THROUGH 4. THE MOTION WAS SECONDED BY SENATOR PARKS, WHICH PASSED UNANIMOUSLY.

PUBLIC COMMENT

- There was no public comment.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:41 p.m.

Respectfully submitted,

Lucinda Benjamin
Senior Research Secretary

Patrick Guinan
Senior Research Analyst

APPROVED BY:

Assemblyman Harry Mortenson, Chair

Date: _____

LIST OF EXHIBITS

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

Exhibit B is a document titled "The Question of Reprocessing Nuclear Waste at Yucca Mountain" presented by Bruce H. Breslow, Executive Director, Agency for Nuclear Projects, Office of the Governor.

Exhibit C is a Microsoft PowerPoint presentation titled "U.S. Nuclear Waste Technical Review Board: Mission and Focus," dated August 17, 2010, submitted by Nigel Mote, Executive Director, U.S. Nuclear Waste Technical Review Board.

Exhibit D are maps of the Nevada Test Site and a Gantt chart titled "Current UGTA Baseline," dated October 2009, provided by Colleen Cripps, Ph.D., Acting Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources.

Exhibit E is the revised "Work Session Document" for the Committee on High-Level Radioactive Waste (NRS 459.0085) dated August 17, 2010, provided by Patrick Guinan, Senior Research Analyst, Research Division, LCB.