

NEVADA COMMISSION ON NUCLEAR PROJECTS
WEDNESDAY, NOVEMBER 1, 2017; 1:00PM

LOCATIONS:

GRANT SAWYER OFFICE BUILDING
555 E. WASHINGTON AVENUE, #4412
LAS VEGAS, NEVADA 89101

LEGISLATIVE BUILDING
401 SOUTH CARSON STREET, #2134
CARSON CITY, NEVADA 89701

Commissioners in Attendance:

Senator Richard Bryan, Chairman
Dr. Marie Boutte
Lawrence Brown
Michon Mackedon
Aurelia Roberts
M. Paul Workman

Senator Bryan called the meeting of the Commission on Nuclear Projects to order. Executive Director Halstead specified that the meeting agenda had been posted per the open meeting law.

The minutes from the December 09, 2016, Nevada Commission on Nuclear Projects meeting were approved. Commissioner Brown moved to approve the minutes and it was seconded by Commissioner Roberts. All voted in favor.

The minutes from January 31, 2017, Nevada Commission on Nuclear Projects meeting were approved. Commissioner Roberts moved to approve the minutes and it was seconded by Commissioner Workman.

Senator Bryan tendered the floor to the public to offer comments on the agenda items.

Comments from the public

No comments from the public at this time.

Report from Executive Director Robert Halstead

- In the House of Representatives
 - A strong effort has been made to force the DOE to reactivate their program and to provide new funding.
 - Appropriated the 150 million dollars that the administration had requested
 - 120 million for DOE
 - 30 million for NRC

- The Senate Energy Natural Resources Committee will continue to defer to the recommendations of the Blue Ribbon Commission on America’s nuclear future. BRC found a number of important problems in the waste program.
 - Need for the program to be taken out of the DOE
 - Need for consolidated interim storage and consent-based siting
 - Need to address a whole range of transportation issues
 - Need to address the issue of defense waste, if in a separate facility or combined
- President Trump designated Commissioner Christine Svinicki as Chairman of the NRC and two pending nominees (Andy Caputo and David Wright). The administration also prepared a detailed budget request.
- Nuclear Waste Informed Consent Act
 - S.95 (Heller & Cortez Masto) and H.R. 456 (Titus, Kihuen, & Rosen)
 - Essentially requires a written consent agreement between the DOE and the host State government before Nuclear Waste Fund can be used for repository construction.
- Nuclear Waste Administration (NWA) Act
 - U.S. Senate, Energy and Natural Resources Committee is where a bill similar to S.854 will likely be resubmitted either late 2017 or early 2018.
 - Follows BRC recommendations except NWA would be independent federal agency (not federal corporation)
 - Would continue Yucca Mountain (grandfathers in NWPAA provisions)
- Nuclear Waste Policy Amendments Act of 2017
 - U.S. House of Representatives, Energy and Commerce Committee reported H.R. 3053 (sponsored by Representative Shimkus) which would;
 - Direct DOE, NRC to expedite Yucca Mountain.
 - Direct DOE start interim storage program.
 - Offer benefits to Nevada and storage state(s)
 - Make OCRWM Director a federal nuclear waste czar.
 - Under the bill the director would be appointed up to two 5 year terms by the President and confirmed by the Senate. Once in office they would not be removed for any reason other than illegal actions. The current DOE responsibilities for high level waste, the waste inventories, the defense waste programs, the waste facilities, at all the federal sites would then be transferred to this director.

Report from Deputy Attorney General Belinda Suwe

- Litigation and Legal Issues
 - 5th Circuit Appellate Court
 1. In March, Texas filed a suit against DOE, NRC and other Federal respondents for violations of Nuclear Waste Policy Act which includes DOE’s consent based citing initiatives and NRC’s & DOE’s failure to move forward with the Yucca Mountain licensing proceedings.
 - Texas requested that all necessary Nuclear Waste fund monies be released to DOE & NRC to complete the Yucca Mountain judicatory process.

- Texas also requested that the court establish a deadline within the next 6-12 months to complete the Yucca Mountain judicatory hearings.
- Because of these issues Nevada filed a motion to intervene which was granted by the judge. Nevada then filed a motion to dismiss the case because the court lacks jurisdiction under the Nuclear Waste Policy Act and Texas funding demands are not appropriate or proper for judicial consideration or resolution.
- The case is fully briefed and we are waiting for the judge's ruling.
- DC Circuit of Appeals
 1. Challenge to the EPA Radiation Standard is pending. The EPA radiation standard is the measure by which the public health and safety is to be protected. We believe that the challenge is viable and the EPA standard fails to protect the public health and safety.
 2. Challenge to the NRC License Rule is pending. The NRC licensing rule is based on the EPA radiation standard.
- Water Related Issues
 1. The water case, U.S. vs. Nevada, in which DOE challenges the State Engineer's denial of water to construct the proposed repository is pending in the U.S. District Court in Las Vegas.
 2. U.S. vs. State of Nevada is also pending in the state court of Tonopah.
- 9th Circuit, San Francisco
 1. Challenge to the Caliente Rail Corridor remains pending.

Report from Special Deputy Attorney General Marta Adams

- Expiration of the two administrative land withdrawals
 - Yucca Mountain Site
 - The public land order withdrawing the Yucca Mountain repository site was allowed to expire January 31, 2010.
 - Caliente Rail Corridor
 - The public land area comprising of the Caliente rail corridor expired December 2015.
 - BLM confirmed that these administrative land withdrawals have indeed expired and should a new administration pursue a land withdrawals in the future, new applications would need to be filed and public participation requirements complied with.
- The second topic area considered, but one where authorities are divided, involves the impact the Basin and Range National Monument may have on the Caliente Rail Corridor. In July 2015, the Obama administration designated the Basin and Range National Monument which includes rare natural and historic cultural qualities and City, the massive land sculpture created by renowned sculptor, Michael Heizer. To date, the current Administration has not identified the Basin and Range National Monument for change or reduction.

Affected Units of Local Government and Tribal Representatives

Connie Simkins (Lincoln County Commission, Public Lands, Natural Resources and Energy) –

- NRC is currently conducting a webinar on how to search documents on ADAMS
- In August 2016, the NRC transferred the documents from the LSN to ADAMS. There were 23 documents studied and put forward by the City of Caliente and 6 documents by Lincoln County that were missing. Lincoln County has all documents that have been done since 1984 in electronic form as well as in hard copy form. After additional work they were finally added to the ADAMS collection. All documents need to be available to the public.

Cash Jaszczak (Nye County) –

- Nye County believes that the resumption of the licensing process is important to all Nevadans, hearing both sides of the story is needed. Nye County's position has been and will continue to be; if it could be proven that it can be done safely that they would like to be part of the conversation. If it cannot be done safely that they would like to see it go away as well.

Phil Klevatorick (Program Manager for Clark County Nuclear Waste Division) –

- Mayor Lee of North Las Vegas spoke at the Regional Transportation Commission about the transportation route for high-level waste as well as low-level waste. The RTC was not aware of the Clark County and the Agency for Nuclear Projects has done studies that established DOE-Governor's agreement that restricts low-level shipments through out Las Vegas and it can go through Highway 160. Significant improvements have been made on Highway 160 and there plans to be more improvements over the next few years according to NDOT.
- Quarterly updates are given to the Emergency Manager, including the four entities, counties and the three major cities on what it going on in Washington.
- The County has been asked to be part of the advisory group to reestablish the LSN.
- Attended the National Transportation Stakeholders forum and asked for participation in the ad hoc working groups particularly focused on rail and road, was told at that time that the county could not be a participant because it was only open to state representatives. In a public forum in June, it was agreed to change the charter to permit other entities to be involved other than just State and Federal representatives. Later in the year was advised that they are not going to change the charter.

Judy Treichel (Nevada Nuclear Waste Task Force) –

- The Shimkus bill has raised interest around the country because it gives a jump start to interim storage as well as the resumption of Yucca Mountain.
 - New people are showing interest
 - Grass root lobbying efforts in Washington
 - Organizations are sending out letters and notices to get ahold of their members in Congress
 - Several petitions have gone out in opposition of this bill

Comments from the public

Susan Newton (NevadasCAN) –

- Recycling of nuclear waste fuel
- France has a proactive approach to nuclear power for over 30 years without incident
- Why are we not looking at this?
 - Senator Bryan comments:
 - Processing is 2 to 6 times more expensive than extracting it from the uranium ore.
 - Nuclear utilities are declining in the country.
 - Other countries in the world would not build a nuclear repository above a water table and the geological formation is different than Sweden.

Robert Frank, Colonel, USAF (Ret.) (NevadasCAN) –

- Created a comprehensive plan for this Nuclear Recycling Option.
- The volunteers are a source for significant material and would like to brief the Commission on what they will be advising Congress.

Bill Newton (NevadasCAN) –

- Nevada has the opportunity to be a leader in the 21st century technology

Next Commission meeting

Late March or early April

Chairman Bryan called for the adjournment of the meeting. All were in favor.