

NEVADA COMMISSION ON NUCLEAR PROJECTS
WEDNESDAY, JUNE 7, 2018; 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
Michon Mackedon
Aurelia Roberts
Dr. Lois Tarkanian
M. Paul Workman

Call to Order

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.

Senator Bryan read the microphone etiquette requested by the Audio Visual department at the Grant Sawyer Building.

Senator Bryan tendered the floor comments from the public.

Comments from the public

Dave Hudson (Representative for Jacky Rosen) – Mr. Hudson thanked the Commission and read a letter from Congresswoman Jacky Rosen regarding her recent actions with relating to the Yucca Mountain project. The letter has been attached for additional information.

Ian Zabarte (Western Band Shoshone Nation) – Mr. Zabarte spoke about impacts from the military expansion, gold mining expansion, and fracking; all of which release radiation, and the past exposure to radiation and fallout from weapon testing. Mr. Zabarte stated that the Shoshone Nation cannot endure any increased burden and risk from transportation accidents or high level nuclear waste at a proposed repository. Mr. Zabarte also stated that these concerns are part of pending contentions in the Atomic Safety licensing part of NRC docket 63-001, evaluating the proposed repository at Yucca Mountain.

Jacob Paz – Dr. Paz spoke about the outstanding scientific obstacles which have not been addressed by the State of Nevada and could have an impact on the Yucca Mountain license

application. The issues Dr. Paz has asked the commission to address and are outlined in the attached document. Dr. Paz also addressed the need for funding to study synergism.

Approval of minutes

The minutes from the November 1, 2017 Nevada Commission on Nuclear Projects meeting were approved. Commissioner Tarkanian moved to approve the minutes and it was seconded by Commissioner Workman. All voted in favor.

Report from Executive Director Robert Halstead

- In the Congressional appropriations process
 - The House of Representatives passed an Energy and Water Development (EWD) appropriation bill that included:
 - \$220 million to the Department of Energy for Yucca Mountain licensing (\$100 million more than the Administration requested)
 - \$47.7 million for Nuclear Regulatory Commission (NRC)
 - Totaling \$267.7 million for restarting the licensing proceedings
 - The Senate approved an EWD appropriations bill totaling \$43.8 billion that provided no new funding for Yucca Mountain.
 - At the beginning of the last fiscal year, NRC had about \$700 thousand and DOE had \$20-\$25 million, in carry forward funds. NRC is currently down to about \$400 thousand and DOE still has the \$20-\$25 million.
- May 24, 2018 the Senate confirmed the nomination of the two new members to the NRC
 - Annie Caputo
 - David Wright
 - Commissioner Jeff Baran was reappointed and reconfirmed
- H.R. 3053, Nuclear Policy Amendments Act of 2018, passed the House and was sent to the Senate and referred to the Environment and Public Works Committee
- S.854, the Nuclear Waste Administration (NWA) Act from the 114th Congress, is expected to be reintroduced at some time in the Senate and referred to the Energy and Natural Resources Committee.
 - Follows BRC recommendations except NWA would create an independent federal agency (not a federal corporation) to oversee repository program and create a new interim storage component.
 - Would continue Yucca Mountain (grandfathers in NWPAA provisions)
- S.95 (Heller & Cortez Masto) and H.R. 456 (Titus, Kihuen, & Rosen)
 - Requires written consent agreement between the DOE and the host State and county government, affected Indian tribes and counties affected by transportation, before any funding could be expended for repository construction.

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 the Nuclear Waste Policy Act and challenged DOE's consent based citing initiative and NRC's & DOE's failure to move forward with the Yucca Mountain licensing proceeding.
 - Texas also requested that the court establish a deadline within the next 6-12 months to complete the Yucca Mountain judicatory hearings. Nevada filed a motion to intervene, which was granted by the judge. Nevada then filed a motion to dismiss. On June 1, 2018, the U.S. Court of Appeals for the Fourth District granted Nevada's motion to dismiss the case in its entirety. The court determined, based on Nevada's motion, that the court lacked the jurisdiction under the Nuclear Waste Policy Act.
- DC Circuit of Appeals
 1. Challenge to the EPA Radiation Standard for Yucca Mountain 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 and is incorporated into the licensing proceeding.
- 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 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 has been placed in administrative closure at the request of the court. We have been assured that moving the case from abeyance to administrative closure will not prejudice Nevada on its existing claims but removes the case from the court's active docket and status reports are due to the administrator every 120 days rather than the previous 90 day requirement.

Report from Special Deputy Attorney General Marta Adams

- June 7, 2018 the State of Nevada filed a motion to recuse the recently confirmed NRC Commissioner David Wright.
 - Mr. Wright has been active in Nuclear Waste Policies:
 - In 2005, he announced the formation of the Yucca Mountain task force, a committee to promote Yucca Mountain;

- Mr. Wright was a government advisor to the National Association of Regulatory and Utilities Commission (NARUC), which is an adversarial party in the NRC licensing process.
- Expiration of the two Bureau of Land Management (BLM) administrative land withdrawals, no changes
 - Yucca Mountain Site
 - The public land order withdrawing the Yucca Mountain repository site was allowed to expire on January 31, 2010.

Affected Units of Local Government and Tribal Representatives

Abby Johnson (Nuclear Waste Advisor for Eureka County, Nevada) – Ms. Johnson spoke about the need for updated, current and new information to use on social media platforms. Also, the affected units of local government are running out of oversight funding.

Next Commission meeting

November or the 1st week in December

Chairman Bryan called for the adjournment of the meeting. Commissioner Workman moved to adjourn and it was seconded by Commissioner Tarkanian. All were in favor.