Commissioners in Attendance:
Senator Richard Bryan, Chairman
Joan Lambert, Vice-Chair
Brian Scroggins
Paul Workman
Larry Brown
Aurelia (Lia) Roberts

Commissioners not in Attendance:
Lois Tarkanian, Excused Absence

Senator Bryan called the meeting of the Commission on Nuclear Projects to order. Chairman Bryan confirmed with Director Breslow that the meeting was noticed in compliance with the open meeting law. The minutes from the June 7, 2010 meeting were approved as written.

Report from Executive Director Bruce Breslow:

The Nuclear Regulatory Commission’s Yucca Mountain licensing board – called the Construction Authorization Board (CAB) - has ruled that the U. S. Department of Energy (DOE) does not have the legal right to withdraw the License Application. The CAB ruling has been appealed to the full NRC, but NRC has not yet voted on the appeal. It appears that NRC may not have the votes necessary to overturn the licensing board. If they do not overturn, the CAB ruling would stand, and Yucca Mountain licensing would then legally be bound to continue.

DOE’s Office of Civilian Radioactive Waste Management (OCRWM) was officially disbanded as of September 30, 2010 and employees moved to other areas of DOE. There is no funding for Yucca Mountain in President Obama’s FY 2011 budget. Senator Reid and the Congressional delegation have stripped funding in the FY 2011 Senate Energy and Waste Development Appropriations bill except for shut down expenses. However, the full Senate has yet to act on the measure. Changes in the House of Representatives may result in pressure to fund the project again, requiring the budget decision to be settled in a conference committee. Nevada needs to remain ready to cover all possibilities.

None of the FY 2011 appropriation bills have been approved by Congress. At this time there are no continuing resolution funds available for Yucca Mountain.

DOE and Secretary Chu formed the Blue Ribbon Commission on America’s Nuclear Future to recommend alternative for managing the back end of the fuel cycle, with a draft report due in June 2011. Testimony has been taken, and the Commission has a good sense of the history of federal attempts to solve the waste problem. Based on the meetings so far, they seem to be leaning towards recommending a deep geological repository with a site selected through a fully voluntary process. At this time, with the lack of a business model and extraordinarily high cost, there seems to be no support for reprocessing of high level waste. The next meetings of the Blue Ribbon Commission are scheduled for January, February, March, and May 2011.
Report of Chief Deputy Attorney General Marta Adams:

The State is still awaiting the NRC’s decision as to whether the CAB correctly ruled that DOE cannot withdraw the License Application. Federal funds cannot be used for litigation in court but may be used for licensing activities. All of the court cases are presently being held in abeyance at this time pending NRC’s decision. An impasse at this point is better than a bad decision.

Other key litigation pending now:
- Two water cases in Nevada – attempting to get the U.S. Department of Justice attorneys to voluntarily dismiss
- Challenge against EPA Radiation Standard in the District of Columbia
- NRC licensing ruling in the District of Columbia
- Caliente rail corridor transportation EIS decision in the 9th Circuit Court of Appeals

Nevada Risk Study presented by Consultant Joe Strolin:

The study provides social science research on the views, risks, and economic implications of Yucca Mountain. Data was collected from 500 completed questionnaires based on 1200 random generated phone numbers of registered voters in the state during the time frame June 11-18, 2010, with an error margin of 4.4%. Key findings reflect 63.4% continuing to be opposed to the Yucca Mountain Project and a continued 60% opposition to accepting federal funds or making a deal. All cohorts statistically were opposed; however, younger and older voters had the highest rate of opposition overall.

The draft biennial report and recommendations of the Nevada Commission on Nuclear Projects:

The draft report was discussed by Director Breslow. One of the statutory duties of the Commission and Agency is to report to the Governor and Legislature on the status of nuclear waste activities affecting Nevada. The report contains updates on many issues related to Yucca Mountain as well as recommendations to the legislature. Any changes commissioners may have to the draft should be provided to the Chairman and Joe Strolin. A telephonic vote to approve the final report to be noticed in compliance with the open meeting law will occur the first week of December. This final document will be presented on behalf of the Commission to the Governor and the Legislature.

Director Breslow requested discussion regarding Chapter 4 – Recommendations of the Commission on Nuclear Projects. Chairman Bryan opened conversation on Item 3. “The Legislature should consider modifying the responsibilities of the Agency for Nuclear Projects to include a policy oversight role with respect to the Nevada Test Site (now named the Nevada National Security Site) and other nuclear related activities within Nevada.” was discussed. Concerns were voiced as to the fiscal affects of Item 3. Director Breslow stated that there will be no change as a result of this recommendation in the budget for the Agency. Commissioners Workman, Brown, and Lambert each voiced separate concerns and discussion was held.
regarding the Agency’s current function and interface with other state agencies. It was recommended that that this item be removed from the next draft of the report.

Discussion was held on the possibility of a Natural Resources Damage Claim in light of contamination resulting from past activities at the Nevada Test Site. Except for NTS, all of the major contaminated DOE sites are Superfund sites. A site wide environmental impact study (EIS) for NTS should be released by the end of November 2011. The Agency, together with Deputy Chief Attorney General Marta Adams, is monitoring DOE’s activities with respect to this EIS and will review the final document to determine if further NRD efforts are warranted.

Clark County Emergency Manager Irene Navis provided an update from a Clark County perspective. Clark County will be publishing a document that will attempt to capture all of the lessons learned from the Yucca Mountain program over time. She reiterated there is no new federal oversight funding for affected units of local government, and that there is insufficient guidance reading the future of the Yucca program to make decisions or solid plans at this time.

Comments from the public:

- Dr. Jacob Pauz presented the Commission with a document concerning heavy metals in relation to 10CFR63. He recommended fighting fire with good science. Chairman Bryan requested that the report be made part of the record.

The Commissioners then discussed scheduling the next meeting in Carson City sometime during the Legislative session.

Chairman Bryan then adjourned the meeting.