

NEVADA COMMISSION ON NUCLEAR PROJECTS
WEDNESDAY, JUNE 29, 2011; 1:00PM
CLARK COUNTY GOVERNMENT CENTER
COUNTY COMMISSION CHAMBERS, 1ST FLOOR
LAS VEGAS, NV 89155

Commissioners in Attendance:

Senator Richard Bryan, Chairman
Joan Lambert, Vice-Chair
Aurelia “Lia” Roberts
Brian Scroggins
Paul Workman
Lois Tarkanian – via teleconference

Larry Brown was absent

Senator Bryan called the meeting of the Commission on Nuclear Projects to order. Chairman Bryan confirmed with Acting Director Strolin that the meeting was noticed in compliance with the open meeting law.

The minutes from the March 30, 2011 Nevada Commission on Nuclear Projects Meeting were approved as written.

Report from Acting Executive Director Joe Strolin:

The agency came through the 2011 Legislature with no changes to the staffing and fiscal year budgets for the next biennium.

Last year the NRC’s Construction Authorization Board (CAB) denied DOE’s motion to withdraw the Licensing Application, and DOE’s appeal to the full NRC is still pending, leaving the licensing proceeding in limbo. In an effort to preserve Nevada’s discovery rights in light of warnings from the CAB that failure to pursue discovery could result in forfeiture of those rights, the decision was made to issue deposition notices to key DOE witnesses. DOE immediately filed a motion with the CAB to quash those notices. On May 20, 2011, the CAB issued an order granting DOE’s motion and backtracked on the threat of forfeiture of discovery rights. For all intents and purposes, the licensing proceeding remains suspended pending NRC action.

Congressional developments include House committees pressuring the administration and the NRC to keep the Yucca project alive. Majority staff of the House Committee on Science, Space and Technology issued a report in early June critical of DOE’s handling of the Yucca Mountain termination. The House Energy and Commerce Committee’s Subcommittee on Environment and Economy (chaired by Rep. John Shimkus) held a hearing on DOE’s decision to terminate Yucca, using a GAO report on DOE’s activities aimed at terminating the project. Nevada was invited to testify (with testimony prepared by the Agency and delivered by Special Deputy Attorney General Marty Malsch) after minority committee staff complained about the biased

nature of the witnesses. Additional hearings are likely to be held. The House Appropriations Subcommittee passed a FY 2012 Energy and Water Development appropriations measure that would provide \$25 million for DOE and \$10 million for NRC to continue Yucca Mountain licensing activities during FY 2012. However, the Senate is unlikely to go along, and the matter will likely have to be settled in conference.

The Blue Ribbon Commission on America's Nuclear Future (BRC) issued its draft subcommittee recommendations in June. The full draft BRC report is due July 29th with a final report slated for January 2012. Subcommittee reports recommended that waste be kept at the reactor sites in dry storage for the foreseeable future, with one or more central interim storage sites for waste from shut down reactors or from power plants that are not able to implement sufficient dry storage.

Report of Chief Deputy Attorney General Marta Adams:

Ms. Adams reported that in *Aiken County et al. v. US Nuclear Regulatory Commission*, the U.S. Court of Appeals for the District of Columbia Circuit, based on the tenor of the Court's questions, seems to be leaning toward a procedural approach which would be consistent with existing jurisprudence since there is not a final decision from the NRC. There has been no activity in the other cases discussed previously as they are all being held in abeyance.

The federal funds available for licensing are sufficient at this point; however, should licensing proceedings ramp up, the money will dissipate very quickly. The Attorney General's budget for funds to support Yucca Mountain related litigation has been limited to \$100,000 since federal funds dedicated to licensing cannot be used for litigation, salaries, or lobbying.

Interviews of Candidates for the Executive Director Position:

Individual interviews were held for Robert Halstead, Maurice Morgenstein, Thomas Wilczek, Phillip Klevatorick, and Sherry McDonald. Candidates were given five (5) minutes to tell the Commission why they were the best choice for the position and what they hoped to bring to the Agency. Individuals were then asked questions by the Commissioners specific to their personal experience and areas of concern. After all interviews were complete, votes were cast for the top three choices, ranking the candidates first, second, and third. As prescribed by statute, the Commission voted unanimously to forward a list containing the names of Robert Halstead, Thomas Wilczek, and Phillip Klevatorick to Governor Sandoval from which the Governor will make the final appointment of a permanent Executive Director for the Agency.

Comments from Affected Units of Local Government and Tribal Representatives

- Irene Navis, representing Clark County Nuclear Waste Division and Emergency Management shared survey information regarding public concerns. Public opposition to Yucca Mountain ranks 70% in Clark County with Public Safety concerns increasing from 60% to 80% over a year ago. Yucca Mountain remains in the top 10 concerns for residents of Clark County ranking above the economy and water for the region.

Clark County has completed a DVD on lessons learned during the Yucca Mountain process and will release a companion book including information on Test Site impacts. She thanked the many individuals and companies that have made this process possible.

Comments from the public:

- Judy Treichel commented on attending the meetings held by the Blue Ribbon Commission and the consistent message that all future repository locations must be made on a consensual basis.
- Dennis Bechtel – Thank you to Joe Strolin for his hard work and dedication.

The Commissioners discussed scheduling the next meeting in Las Vegas during October or November of 2011 when the new Director of the Agency has had a chance to get established.

Commissioner Workman moved that the meeting be adjourned. A second was made by Commissioner Roberts. Chairman Bryan adjourned the meeting.