NEVADA COMMISSION ON NUCLEAR PROJECTS
THURSDAY, MAY 31, 2011; 1:00PM
CLARK COUNTY GOVERNMENT CENTER
COUNTY COMMISSION CHAMBERS, 1ST FLOOR
LAS VEGAS, NV  89155

Commissioners in Attendance:
Senator Richard Bryan, Chairman
Larry Brown
Michon Mackedon
Aurelia Roberts
Lois Tarkanian
Paul Workman

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

Chairman Bryan welcomed Michon Mackedon back to the commission and thanked the Governor for her appointment.

The minutes from the October 26, 2011 Nevada Commission on Nuclear Projects Meeting were approved as amended. Motioned by Commissioner Roberts. Second Commissioner Workman. All in favor.

Public Comments – Dr. Jacob Paz addressed the commission regarding his letter to the Department of Energy covering the incomplete nature of the Environmental Impact Statement and communication with the Center for Disease Control (CDC) regarding the carcinogenic affects of eirontite dust found at the site.

Report from Executive Director Robert Halstead

- Executive Director Halstead welcomed Commissioner Mackedon and thanked Commissioners Lambert and Scroggins for their service in the past.

- The Department of Energy (DOE) has terminated the Yucca Mountain project and has made no fiscal year 2013 appropriations requests for the project. DOE moved to withdrawal the license application from the Nuclear Regulatory Commission (NRC). For the first time, the DOE and the State of Nevada are on the same side of trying to terminate the Yucca Mountain project.

- The NRC suspended the licensing proceeding for budgetary reasons; however, the proceeding has not been terminated for legal reasons. The law of the case is carried forward in the litigation with the Construction Authorization Board (CAB) vote which
the NRC could not overturn. Everything at the site has been shut down and the licensing application remains in suspended animation at this time.

- Congress made a zero appropriation for activities at Yucca Mountain for fiscal year 2012. It is unlikely there will be any appropriation for 2013; although, proponents are attempting to put $25 million forward that could be used for licensing. NRC has approximately $10M and DOE has approximately $18M in carry over funds available should licensing resume. At this point there is no funding for the Yucca Mountain project in the proposed continuing resolution.

- The Blue Ribbon Commission on America’s Nuclear Future (BRC) report represents a broad consensus view that: 1) the nation’s high-level nuclear waste disposal system is broken; 2) the site should have state consent; 3) the oversight by the DOE should be replaced by a federally chartered corporation; 4) the transportation and security recommendations made by the National Academy of Sciences, which adopted about 90% of the recommendations made by the State of Nevada, should be adopted; 4) the NRC should be required to regulate transportation; and 5) the approach that DOE used with WIPP should be followed in the future. The report leaves open the question of whether volcanic tuff is a safe medium for nuclear high-level waste disposal and leaves open the question of whether Yucca Mountain should be considered as a location. DOE has created a task force to implement the BRC recommendations.

- The March 12th letter from Governor Sandoval to Energy Secretary Chu unequivocally states that Nevada will not consent to or volunteer for any high-level nuclear waste storage, reprocessing, and/or disposal facility at Yucca Mountain or anywhere in Nevada.

- The Agency for Nuclear Projects currently is preparing for a restart of the licensing proceeding focusing on counter arguments regarding safety, site plan, transportation, and fiscal issues.

- The Agency continues to work with the DOE, NRC, and several Nevada agencies relative to DOE’s activities at the Nevada National Security Site (formerly the Test Site) as well as continued work with the NRC on counter-terrorism and implementation of higher levels of security for the transportation of nuclear waste.

Chairman Bryan asked Director Halstead to comment on the current status of the NRC with the resignation of Chairman Jaczko. Director Halstead shared information regarding President Obama’s appointment of Allison Macfarlane and the reappointment of Commissioner Svinicki.

Commissioner Mackedon asked Director Halstead about the Blue Ribbon Commission report and the article by Dr. Thorne, specifically whether the BRC touched on the titanium shields and saturated versus unsaturated zones, which would make the Yucca Mountain site singularly inappropriate as compared to other sites. Director Halstead made the correlation between Dr. Thorne’s concerns and the acknowledged safety issues of the BRC report; however, the BRC did not address these concerns that would eliminate Yucca Mountain as an option specifically.
Yucca Mountain is not like any other site being considered in the world, which raises a particular issue in the scientific community because of the limited transferability of the now robust findings coming in from the Swedish, French, and Belgian programs. The BRC decided not to weigh in on those particular issues.

**Report of Chief Deputy Attorney General Marta Adams**

- The Attorney General’s office has several pieces of litigation pending. There are challenges to the EPA radiation standard, challenges to the NRC’s licensing rule, NEPA challenges to DOE’s proposed transportation decision regarding the Caliente rail corridor, and two water cases, all of which are essentially stayed.

- The only case with any activity at this time is the Washington, South Carolina, Aiken County, and Nye County case pending before the DC circuit against the NRC. Petitioners have moved for a writ of mandamus and seek a remand to the NRC to recommence licensing that would require the NRC to use any funding still available. The end date for briefing has been set for July 7, 2012. The worst case scenario will be an order of remand to the NRC to restart licensing.

The commission members held a discussion on the forthcoming article by Dr. M.C. Thorne in the *Journal of Radiological Protection* for June 2012 titled “Is Yucca Mountain a long-term solution for disposing of US spent nuclear fuel and high-level radioactive waste?” as well as the letter sent by Senator Bryan to the members of the Nevada Legislature. Both Commissioners Roberts and Mackedon expressed interest in where the funding is obtained for the organization Citizens for Carbon Free Energy and the need to promote education of the general public as to the truths of Yucca Mountain. Chairman Bryan and Commissioner Mackedon stressed that no other country is proposing a repository above the water table.

The Commission requested that the Agency for Nuclear Projects generate the biannual Report and Recommendations of the Nevada Commission on Nuclear Projects, which will be presented to the Governor and Legislature. The rough draft of this report will be presented to the commission at the next meeting. Moved by Commissioner Workman. Second by Commissioners Roberts and Tarkanian.

**Comments from Affected Units of Local Government and Tribal Representatives**

Irene Navis – Planning Manager Clark County’s Oversight Program and Clark County Emergency Manager discussed the public opinion of Yucca Mountain and the county-generated white paper that compares the situation in Nevada to Alaska. Ms. Navis will insure that the Nuclear Projects office receives a copy of the paper. All legal contracts for the program will wrap up June 30th. The program will leave behind an operations manual for future staff if licensing should restart.

Senator Bryan acknowledged Ms. Navis and the county’s staff for their work and the institutional memory they provide on the issue.
Additional comments: None

Comments from the public:

Peggy Maze Johnson, Former Executive Director of Citizen Alert, expressed her pleasure that Bob Halstead is the current Executive Director and that the commissioners are working so hard to insure the safety of the citizens of the state.

Irene Navis thanked Peggy for her great service.

Dr. Paz added to his previous comments information regarding 10CFR? Section A & B that if they find any deficiencies they must notify the NRC.

Other issues: Commission members recommended the next meeting occur in late November or early December 2012.

Senator Bryan thanked former Commissioners Vice-Chair Joan Lambert and Brian Scroggins for their service.

Chairman Bryan entertained a motion to adjourn. So motioned, seconded, meeting adjourned.