

**CLARK COUNTY YUCCA MOUNTAIN NUCLEAR WASTE ADVISORY COMMITTEE  
MEETING MINUTES  
May 18, 2009**

**Chairperson Irene Navis called the meeting to order at 10:07 a.m.**

- 1. Welcome and introductions:** Irene Navis welcomed the attendees.  
**Members present:** Brok Armantrout, Sharon Beesley, Deanna Domingo, Councilman Gustaveson, Michael Johnson, Peggy Maze Johnson, Clete Kus, Caren Levenson, Catherine Lorbeer, Melvin McCallum, Irene Navis, Maria Rodriguez, Penney Towers, and Holly Woodward. **Members excused:** Curtis Brown, Liane Lee, Jan Schweitzer, Ned Thomas, and Daryl Thomé. **Members absent:** None. (See **Exhibit A.**)
- 2. Consideration of the April 20, 2009, minutes:** The minutes were unanimously approved.
- 3. Teleconference with Bruce Breslow:**
  - Bruce toured Yucca Mountain last week.
  - The State of Nevada filed two new contentions about 1-1/2 weeks ago, based on technical issues. The state also filed a petition with the Ninth U.S. Circuit Court of Appeals challenging the Department of Energy's (DOE) Record of Decision (ROD) on selecting the Caliente rail line; especially the decision that the route was qualified to be a shared use rail line.
  - The State of California also filed an appeal of the ROD. California feels that DOE did not adequately assess impacts from the rail line on the State of California.
  - This month, the State of Nevada filed over 100 protests against DOE's application for water rights for the potential Caliente rail line.
  - An environmental group filed protests against the Caliente rail plan, since it affects the Amargosa toad, an endangered species.
  - The State of Nevada filed a motion with the Surface Transportation Board (STB), citing that the STB decision on the Caliente rail line is premature, and fails to address issues contained in Nevada's filing.
  - Bruce attended the Western Interstate Energy Board and the Western Governors' Association (WGA) meeting in Denver, Colorado, last month.
  - The funding for the Waste Isolation Pilot Plant (WIPP) program (test site waste) may be cut back; and it also affects the cooperative funding the State of New Mexico receives.
  - The State of Nevada's lawsuit regarding the Environmental Protection Agency's (EPA) radiation health protection standards continues.
  - It is important that Secretary Chu have a versatile Blue Ribbon Panel that includes experts with a socioeconomic background.
  - Nevada is still considering whether or not to appeal the seven contentions that were denied.
- 4. DOE license process update:**
  - Three judge panels for the Nuclear Regulatory Commission (NRC) ASLB Licensing Board, now know as the Construction Authorization Boards, rendered their decisions on the petitions to intervene, and on contentions. Most of the contentions submitted were admitted to the process. Six of the 7 contentions submitted by Nye County were admitted. Clark County had 13 of 15 admitted. All counties who wanted to be admitted as parties, were admitted. All counties who wanted to be admitted as interested governmental participants were admitted. The Nuclear Energy Institute (NEI) was

admitted as a party. Only 7 of the 229 contentions submitted by the State of Nevada were not admitted. In all, 299 of 318 proposed contentions were admitted.

- The only applicants not admitted as parties, at this time, are the Native American parties: Native American Action Council, and the two Timbisha groups that are working together. They will be admitted as parties when their license support network application is approved. However, their contentions were admitted.
- The Caliente Hot Springs bid as a participant was rejected, since it was deemed they did not have standing as a party.
- Clark County is appealing the rejection of contentions regarding the Total System Performance (TSP) challenge and the DOE's ability/capability/capacity as a licensee.
- Clark County still has the opportunity to join those who have similar contentions.
- The Nuclear Regulatory Commission (NRC) will review the appeals and render their decision.
- NRC changes: Gregory B. Jaczko, who was the science advisor for Senator Reid, was appointed as NRC chairman. Dale Klein (past chairman) was invited to remain on the commission as a commissioner until 2011 when his term expires.
- Hearings on the merits from the discovery process, where witnesses may be deposed and evidence gathered, will start in the spring of 2010 if the Yucca Mountain application is not withdrawn.
- The result of the Waste Confidence Rule review will be put on hold until the Blue Ribbon Panel makes a recommendation.
- There are 15 new reactors planned to come on board (southeast US). (See NRC Dale Klein **Exhibit B**.)
- A Platts News Service article reported that DOE designated \$44 million to fund 71 nuclear energy research and development projects. The money will go to 31 universities and funds projects for the Advanced Fuel Cycle Initiative, the Next Generation Nuclear Plant, Light Water Reactor sustainability, and other programs. Money that would have gone to the canceled Global Nuclear Energy Partnership (GNEP) is likely funding these programs.
- For the FY2010 budget, the Administration has placed Yucca Mountain on the list of terminated projects. However, the present budget is \$196 million for the continuance of licensing proceedings.
- Funding for the state and the counties has been cut, 40% – 45%. That means the amount allocated under the President's 2010 budget so far, is \$5.7 million to share among ten counties. This amount is down from \$9 million. The State of Nevada's funding was cut from \$5 million to \$3.1 million.
- Budget cuts will impact Clark County's ability to respond to contentions.
- The NRC has published a new proposed rule in the Federal Register today: 10CFR Parts 50 and 52, advancements to emergency preparedness regulations. They are looking for comments by August 3, 2009. (Reference Vol. 74, No. 94, pages 23253-23286, FR Doc E910947.)
- Irene thanked everyone for inputs and comments on the National Transportation Plan. Almost all of the comments from the counties were closely aligned with Clark County's. Their comments and those from this committee and Clark County staff were also included in the letter responding to the DOE's request for comments. DOE, due to the 2010 budget, will not be able to work on a new version of the national transportation plan next year. Section 180 (c) relating to the public safety policy has also been put on hold due to lack of funding.
- *The New York Times* published an article May 11, 2009, regarding the "screw Nevada bill." It is interesting since it gives a history on Yucca Mountain, and reports about other countries' programs. (See **Exhibit C**.)

- The Nuclear Waste Technical Review Board sent letters expressing an interest in having a key role, if possible, in the Blue Ribbon Panel.

**5. Member updates:**

- Nuclear Waste Division staff members, Harry Kelman and Babs McGehee, are retiring the end of May.
- The Regional Transportation Commission is looking at two high-speed train proposals.
- As in previous years, the Nevada Department of Transportation (NDOT) will visit each county and meet with the tribes. Some of these meetings are scheduled from June through August, 2009.
- The Moapa Band of Paiutes Tribe held a Community Day May 16, 2009, where Yucca Mountain information was available.
- The City of North Vegas (NLV) has Yucca Mountain information available at their community events. NLV has a buy out in progress to encourage employees to voluntarily retire.
- The Boulder City “Annual Best Dam Barbeque” event will be held May 23, 2009.
- The City of Mesquite is celebrating its 25<sup>th</sup> anniversary this year. Events are occurring daily, and Yucca Mountain information is available to the attendees.
- The City of Henderson has conducted public outreach activities at the schools, wherein subcontractor Aztec Communications presented information on radiation facts.
- The City of Las Vegas will invite Irene Navis to make a presentation to the City Council.

- 6. Next Meeting Date; Select Agenda Items:** July 22, 2009, is the next tentatively scheduled meeting date.