

CLARK COUNTY
YUCCA MOUNTAIN NUCLEAR WASTE ADVISORY COMMITTEE MEETING MINUTES
February 22, 2010

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

1. Welcome and introductions: Irene Navis welcomed the attendees.

Members present: Brok Armantrout, Sharon Beesley, Kirk Bogan for Clete Kus, Deanna Domingo, Michael Johnson for Ned Thomas, Liane Lee, Catherine Lorbeer for Councilman Withelder, Melvin McCallum, Irene Navis, Maria Rodriguez, and Holly Woodward. **Members excused:** Curtis Brown, Clete Kus, Caren Levenson, Daryl Thomé, and Councilman Withelder. **Members absent:** Peggy Maze Johnson (**Exhibit A**).

2. Consideration of the January 25, 2010 minutes. Unanimously approved.

3. DOE license process update:

- The President's 2011 budget, announced February 1, 2010, did not provide complete funds. Funds were allocated for environmental remediation activity, which is part of the close out of YM. Some funds were given to the National Nuclear Security Administration (NNSA) for YM security. No funds were appropriated for the Department of Energy's, Office of Civilian Radioactive Waste Management, licensing activity.
- The budget designated \$10M for the Nuclear Regulatory Commission (NRC) for close out.
- The Nuclear Waste Technical Review Board was funded \$2.8M.
- Budget direction indicated that funds for YM would be eliminated in FY2011. Activities to shutdown the program would begin in FY2010.
- The NRC, Atomic Safety Licensing Board, granted DOE's motion to suspend the discovery proceedings based on resource and time savings, and to stop the clock from running on the discovery segment.
- The motion that DOE filed to suspend discovery indicated that they would seek to withdraw the license application (LA) within 30 days.
- The State of Nevada requested NRC to grant DOE a temporary suspension so discovery will begin again if DOE doesn't actually file or if something happens to encourage them to stay in the proceedings.
- The DOE indicated they will withdraw the LA *with prejudice*. This means that the same LA cannot be brought back in the future. However, they can submit a different LA.
- Although DOE plans to submit a motion to withdraw the LA *with prejudice*, that decision will be made by the Construction Application Board (CAB). The CAB is the board that will consider the DOE's motion, as well as any responses from other parties. A decision by the CAB can be appealed by the NRC. By precedent, the NRC generally avoids taking action *with prejudice*.
- The NRC indicated they were going to suspend review of the license application within a couple of weeks.
- Aiken County, South Carolina, filed suit against the federal government's proposed action in the District of Columbia Circuit Court of Appeals on February 19, 2010.
- The utility companies have filed about 60 lawsuits (\$7-\$8B) for the liability they are incurring, since DOE has not complied with the Nuclear Waste Policy Act to open a nuclear waste repository by 1998.
- Washington State indicated that they may also sue.

- A tri-party agreement with three different states in the Pacific Northwest near the Hanford Washington site may be in breach of contract if YM is no longer viable.
- Three individuals who live in or around the Hanford site are retaining counsel in Washington, D.C., to sue the federal government and the President of the United States for suspending the licensing proceeding on YM.
- The Nuclear Waste Division (NWD) will have a discussion with their Washington, D.C. attorney's to see what the next steps are.
- NWD's advice to the County Commissioners is to hang in there, since NWD may be needed back again. If YM is really in shutdown mode, there will still be a lot of work to do. In addition to explanations to the public, there is a need to memorialize all the things that were done over the past 20 years.
- For FY2010, ten Nevada counties are working together to come up with some bill language appropriators can use to justify additional funding.
- The Blue Ribbon Commission was formed on January 29, 2010. The fifteen members of the Commission will look for alternatives to YM.
- All 116 water permits filed by DOE for the rail corridor construction were withdrawn.
- The DOE's application to the BLM for land withdrawal for the repository was allowed to expire.
- The Surface Transportation Board (STB) has not indicated if they made a decision or if the DOE has withdrawn their application. The STB is responsible for approving the rail line construction.

4. Member updates:

- Nye County, like Clark County and the other counties, is observing DOE's actions.
- The situation in the DOE's YM office in Summerlin is bleak. DOE's employees are looking for jobs since there is action to terminate the program.
- A public outreach event was held at the Galleria Mall Saturday. The first question was, "Is the project really dead?" At the Chinese New Year Sunday, more of the same questions were asked. People are confused, since the project looks like it is over. It was explained that it is not quite over, since there are law suits to be heard, funds that need to be appropriated, and the license application that needs to be withdrawn.
- A pod cast that addresses NWD challenges of informing the public on the constantly evolving status of YM was provided and is available on the Clark County Web page: <http://accessclarkcounty.com>.
- Clark County received two awards from the International Association of Business Communicators (IABC) Bronze Quill Awards for the Clark County Yucca Mountain pod cast, and the children's Web page.
- NDOT is planning a transportation workshop for Nye County on March 12, 2010, and Lincoln County on March 9, 2010.
- The Regional Transportation Commission of Southern Nevada (RTC) Transit is launching two new ACE Rapid Transit routes on March 28: 1) The ACE Gold Line: a new Bus Rapid Transit (BRT) route that provides convenient, limited stop and frequent service on Las Vegas Boulevard in the Resort Corridor between the South Strip Transfer Terminal (SSTT) to the South and the Clark County Government Center/Las Vegas Premium Outlets/Symphony Park area to the North; and, 2) The ACEExpress C-Line: a new express route that provides service from the Centennial Hills Transit Center and Park and Ride (located in the Northwest part of the valley--Durango Drive and Elkhorn Road) to downtown Las Vegas, the Strip, and the University of Nevada, Las Vegas.
- The RTC requested \$40 million in TIGER Discretionary Grant funding for the Sahara Rapid Transit corridor project. It was awarded \$34,400,000, from the American

Recovery and Reinvestment Act (ARRA), and adds to the transit system improvements in the Las Vegas Valley. RTC is proposing to construct the Sahara Avenue BRT project, which would consist of a 12-mile corridor that extends from Hualapai Way to Boulder Highway. Sahara Avenue is a radial corridor located near the center of the developed metropolitan area and serves the heaviest employment centers in the Las Vegas Valley. It serves extensive areas of existing and planned commercial and residential developments. This project would bolster the RTC's efforts to implement a comprehensive BRT network by connecting directly to two other BRT routes; the Las Vegas Monorail and the Deuce premium double-deck bus service on the Las Vegas Strip. The RTC has a capital improvements program for \$200 million that includes the Sunset Maintenance Facility, Bonneville Transit Center, and the new ACE Rapid Transit routes. The Sahara Avenue BRT Project will build synergy with these on-going investments.

- Mesquite Days will be held the end of April. There will be a booth with Yucca Mountain information.
- Henderson plans to refresh the Mayor and City Council members about Yucca Mountain programs; .i.e., the Monitoring Program and Public Outreach activities.
- The City of Las Vegas, Administrative Services Department which supports the City's Manager Office, has a new Deputy Director, Tom Perrigo. There are three events that the city is working on for Earth Day in April: 1) Mandalay Bay Party for the Planet; 2) the UNLV Earth Day; and, 3) the Earth Day Fair. Yucca Mountain information will be distributed at these events.
- Nye County is waiting to see what happens with Yucca Mountain. The DOE plans to close its Summerlin office the end of the fiscal year, September 30th.
- The issue of the LA withdrawal is a decision for the Licensing Board, and then the Commission on appeal. The DOE can only make a motion and ask permission to withdraw. The Atomic Safety Licensing Board can either grant or deny it.
- The Moapa Band of Paiutes distributed information on Yucca Mountain at their Tribal Pow Wow. Preparations are under way for the Mint 400.
- Public concerns are if Yucca Mountain goes away, so will employment opportunities. The public needs to be educated to the fact that Yucca Mountain employment opportunities are very limited. If there were any jobs associated with Yucca Mountain, they wouldn't be available for another 10 years or so.
- The Hoover Dam Bypass Bridge will be open this fall. No one knows if the trucks will be using this road, and it is anticipated that automobile traffic will not increase. Accurate traffic counts will be needed. No one knows if hazardous restrictions will be applicable to this route.
- Senator Reid's Web site has information regarding potential alternative uses for YM.

5. Ongoing role for Advisory Committee (FY2011)

- The advisory committee has been in place since the inception of the nuclear waste program. What is an appropriate on-going role?
- The Board of County Commissioners is reviewing all of the County committees; looking at the purpose of the committees; looking at attendance; and ensuring that staff and citizens are involved in the committees. Should we continue to meet? Should we continue to be active, and/or more active? Should we have more interaction with the Board?
- The Board of County Commissioners created the Yucca Mountain Nuclear Waste Advisory Committee (YMAC) through a resolution. All Clark County (CC) commissions are regulated through CC Code.
- The YMAC will now hold bi-monthly meetings.

- It would help elected officials if they were able to see more of a product. Not all of the activities are reported back to the elected officials, and most of the activities are not physical or tangible. The language used should be in laymans' terms to ensure better understanding.
- Will the YMAC be involved in the Blue Ribbon Commission (BRC)? The involvement of the YMAC depends largely on how the commission is formed, what their charge is, and what they are directed to do. The AULG, a group of ten counties, sent a letter forward saying they would like to be involved in the BRC. When the response letter is received, it will be presented to the YMAC, who will decide at that time on the amount of their participation.
- It would be helpful to have a newsletter addressing where we are at and what is foreseen in the future for the program. We may have less involvement with this type of information; but, we can still continue to share budgetary information.
- Although there is no requirement for interlocal agreements, the Nuclear Waste Division has interlocal agreements with the cities and Moapa Band of Paiutes. The Scope of Work section of the interlocal agreements cites attendance at the steering committee [YMAC] meetings. The purpose of the interlocal agreements is to distribute funds to the cities and Moapa Band of Paiutes.
- The committee still has a purpose.

6. Ongoing role for County Nuclear Waste Program (FY2011)

- The ten counties have been discussing the ongoing role for their respective Nuclear Waste Programs. They are working on a letter and potential bill language for FY2011. When the letter is completed, it will be shared with the committee. There is a potential for participation in the Blue Ribbon Committee, for being a resource to anyone for the local oversight program.
There is a citizens' advisory group in North Carolina who wrote a white paper that declared if North Carolina is going to be the defector site for nuclear waste disposal since the waste is not leaving their state, the state should be designated as an affected unit of government (AUG). Also, the county should be designated as an affected unit of local government (AULG) under the Nuclear Waste Policy Act. North Carolina should be receiving the oversight money instead of Nevada.
- A guide book/lessons learned book should be compiled on how to successfully be an AULG. This should be done for each major component of the program; safety, impacts, economic impacts, impact assessment, and other associated impacts. This would encapsulate the 23 years or so work done by the Nuclear Waste Division (NWD), and may include companion outreach pieces, videos, and handouts that would be helpful to the commission and members of congress, and states who have concerns. The lessons learned book would be a nice wrap up of the NWD program.

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- 7. Next meeting date; Select agenda items:** April 19, 2010, is the next tentatively scheduled meeting date.