Legislative Committee on High-Level Radioactive Waste

Legislative Counsel Bureau

Bulletin No. 99-15

January 1999

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

BULLETIN NO. 99-15

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REPORT TO THE 70TH SESSION OF THE NEVADA LEGISLATURE BY THE LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee, which is authorized by *Nevada Revised Statutes* 459.0085 (see Appendix A). Created in 1985, the Committee is responsible for performing legislative oversight responsibilities to study and evaluate:

- Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;
- Any potential adverse effects from the construction and operation of a facility and the ways of mitigating those effects;
- Any other policies relating to the disposal of high-level radioactive waste; and
- Recommendations concerning appropriate legislation to be presented to the Legislature and the Legislative Commission.

The following eight legislators served on the Committee during the 1997-1998 interim period:

Assemblyman Robert (Bob) E. Price, Chairman
Senator Mike McGinness, Vice Chairman
Senator Lawrence E. Jacobsen
Senator Bill R. O'Donnell
Senator Raymond C. Shaffer
Assemblyman Patrick (Pat) T. Hickey
Assemblyman John J. Lee
Assemblyman Harry Mortenson

The Committee held three meetings in the 1997-1998 interim period. Committee members have also participated on the High-Level Radioactive Waste Working Group of the National Conference of State Legislatures (NCSL). In addition, the members have monitored meetings of the United States Nuclear Waste Technical Review Board, the Advisory Committee on Nuclear Waste of the U.S. Nuclear Regulatory Commission, and technical exchange meetings between the U.S. Department of Energy (DOE), the U.S. Nuclear Regulatory Commission (NRC), and Nevada's Commission on Nuclear Projects (NCNP).

In addition to performing its mandated oversight functions, the Committee has closely followed the progress of the proposed amendments to the Nuclear Waste Policy Act (NWPA) of 1982 (42 *United States Code* 10101 *et seq.*), as amended in the 105th Session of the United States Congress.

No recommended action is being proposed at this time. However, the Committee will be closely monitoring: (1) the U.S. Department of Energy's Viability Assessment and the Environmental Impact Statement (EIS) for the proposed high-level radioactive waste repository at Yucca Mountain; (2) amendments to the NWPA of 1982, as amended, which are expected to be proposed during the 106th Congress; (3) proposed rule amendments by the NRC for licensing a repository at Yucca Mountain; and (4) other actions concerning high-level nuclear waste which may impact the State of Nevada. If, necessary, the Committee will recommend appropriate action to the Legislature or Legislative Commission.

I. BACKGROUND INFORMATION

How best to dispose of high-level nuclear waste has been a scientific and public concern since the beginning of the nuclear age. The first nuclear power plant in the United States began operation in 1957. Since that time, more than 100 nuclear power plants have been constructed, and in 1996 they produced almost 20 percent of the nation's electricity. (See Appendix B, which includes a pie chart of energy generation sources.) However, the benefits of nuclear power come harnessed with the enormous challenge to safely manage the temporary storage and permanent disposal of the radioactive waste.

In 1982, Congress passed the NWPA, which was designed to provide for the safe and permanent disposal of spent nuclear fuel from the nation's civilian power plants and defense high-level radioactive waste, in a deep geological repository. This policy was based primarily on recommendations from the scientific community, including a 1957 report by the National Academy of Sciences, which recommended the burial of high-level and transuranic radioactive waste in geologic formations. (See Appendix C, page 42 from "The Nuclear Waste Primer.")

Following passage of the NWPA, nine potential repository sites were studied in six states. Based on the studies, the President of the United States approved three sites for intensive scientific study called site characterization. The three sites were Yucca Mountain, Nevada; Deaf Smith County, Texas; and Hanford, Washington. In 1987, Congress amended the NWPA and directed the DOE to study only Yucca Mountain to determine if it is suitable to be the nation's first deep geologic nuclear waste repository. Site characterization scientific studies and research activities are presently underway.

To provide State oversight of the Yucca Mountain Site Characterization program, the Nevada Legislature created the Committee on High-Level Radioactive Waste (HLRW), NCNP, and Nevada's Agency for Nuclear Projects (NANP).

The purpose of this report is to provide: (1) general information on the Federal Nuclear Waste Program, (2) the State and local government oversight organizations; as well as, (3) the activities and goals of the HLRW Committee.

II. PROGRAM OVERVIEW

A. Federal Historical Perspective

The site characterization of Yucca Mountain began in 1977 when the DOE initiated an investigation to determine the possibility of disposing of high-level radioactive waste in a geologic repository at the Nevada Test Site (NTS). Over the next two years, the DOE investigated a number of locations at the NTS and ultimately selected Yucca Mountain as a potentially acceptable repository site.

The enactment of the Nuclear Waste Policy Act (42 *United States Code* 10101, and following 96 Stat. 2201) in 1982 established the national policy for the disposal of high-level radioactive waste materials. These materials consist primarily of spent nuclear fuel from commercial power reactors and defense high-level radioactive waste. With the NWPA, the Federal Government accepted responsibility for the timely development of a national capability to accept, transport, store, and permanently dispose of high-level radioactive waste in a manner that will assure public and worker health, protect the environment, merit public confidence, and is economically viable.

The NWPA created the Office of Civilian Radioactive Waste Management (OCRWM) within the DOE and assigned it the responsibility for developing a waste management system. The NWPA also:

- Established a Nuclear Waste Fund to finance the system through a surcharge on electricity produced by nuclear power;
- Specified the process for siting repositories for the permanent deep geologic disposal of spent nuclear fuel and high-level radioactive waste;
- Required the DOE to submit a proposal to construct a facility for monitored retrievable (interim) storage of spent nuclear fuel;
- Required the President of the United States to evaluate the use of the repositories to be developed under the NWPA for the disposal of high-level waste for defense activities; and
- Included specific provisions for the participation of states and Indian Tribes in the waste management program.

The DOE developed guidelines for evaluating the suitability of sites for repositories, obtained concurrence on the guidelines from the NRC, and started the site screening process. The NRC is the federal agency responsible for licensing a repository or interim storage facility. Nine possible repository sites, located throughout the nation, were initially evaluated. Three of those sites (Yucca Mountain, Nevada; Deaf Smith, Texas; and Hanford, Washington)

were ranked as being the most suitable for a detailed study and analysis (site characterization) as possible repository sites.

Amendments to the NWPA, in 1987, specified Yucca Mountain as the only site to be characterized to determine its suitability as a geologic repository. In accordance with the NWPA, the DOE developed a Site Characterization Plan in 1988. The OCRWM, through its Yucca Mountain Project Office is conducting the scientific investigations as described in the plan to determine if Yucca Mountain is suitable for a permanent repository.

If the DOE finds Yucca Mountain suitable, it must develop and submit a Site Recommendation Report to the President. If approved by the President and Congress, the DOE will submit an application to the NRC for a license to construct a repository. An Environmental Impact Statement for a repository must accompany the Site Characterization Report.

According to the NWPA, if the DOE finds Yucca Mountain unsuitable, the agency must mitigate all site characterization activities and any significant adverse environmental impacts, and provide recommendations to Congress for further action to assure safe, permanent disposal of spent fuel and high-level radioactive waste.

1. Revised Program Approach

In 1993, the High-Level Nuclear Waste Program was analyzed at the direction of Dr. Daniel Dreyfus, Director of the OCRWM. The resulting *1994 Civilian Radioactive Waste Management Program Plan* (Program Plan) provided for a new focused program management system designed to address the identified deficiencies and get the program back on schedule. In 1998, a second revision of the Program Plan was issued by DOE. According to DOE, the updated plan is based on 1996 plan revisions, which were designed to reflect sharply reduced funding, congressional redirection, and the Government Performance and Results Act of 1997.

The revised Program Plan provides the program participants and stakeholders with an updated description of the activities and milestones for Federal Fiscal Years 1998-2003. The Program Plan:

- Set forth a multiyear plan;
- Defines concrete measures of success; and
- Provides for contingency planning that will enable accommodations of change to a repository program.

The DOE feels the ultimate challenge of the program is to provide adequate assurance to society that an operating geologic repository at a specific site meets the required safety standards.

2. Site Characterization

The 1997 Energy and Water Development Appropriations Act directed the DOE to submit a Viability Assessment (VA) to the President and Congress in 1998. The VA of the sight characterization project shall include:

- The preliminary design concept for the critical elements for the repository and waste package;
- A total system performance assessment, based upon the design concept and the scientific data and analysis available as of September 3, 1998, describing the probable behavior of the repository in the Yucca Mountain geological setting relative to the overall system performance standards;
- A plan and cost estimate for the remaining work required to complete a license application; and
- An estimate of the costs to construct and operate the repository in accordance with the design concept.

At the time this bulletin is being prepared, the VA report has been completed by OCRWM and is being reviewed by the U.S. Secretary of Energy. It is expected to be submitted to Congress by the end of 1998. **It is important to remember that the VA is a progress statement of the Sight Characterization Program and not a preliminary finding of suitability.** Prerelease of information indicates that additional scientific data is necessary before a suitability finding can be made. However, the VA does not indicate there are any issues that have been identified that would disqualify Yucca Mountain as a suitable site for a repository.

3. Office of Civilian Radioactive Waste Management Program Strategy

The current program strategy for the Yucca Mountain Project as established by the OCRWM is as follows:

- Complete the VA on the Yucca Mountain repository site in 1998.
- Publish the Draft Environmental Impact Statement on Yucca Mountain in 1999.
- Publish the Final Environmental Impact Statement in the year 2000.
- Recommend the repository site to the President in the year 2001, **if the site is found suitable.**
- Submit a license application to the NRC in the year 2002.

- Shift to a market-driven approach for waste acceptance, storage, and transportation functions while conducting nonsite-specific interim storage activities; and

- Provide for waste emplacement in the year 2010.

Details on the Yucca Mountain Site Characterization Program can be obtained by contacting Max Powell at 702/794-1368 or the DOE Website at http://www.ymp.gov. See Appendix D which is "Program Plan - Revision 2," program mission and objectives, and program approach (selected pages from "Program Plan - Revision 2").

B. State Historical Perspective

The NWPA, as amended, authorizes the State of Nevada (Legislature and Governor) to carry out oversight on all aspects of the High-Level Radioactive Waste Program. State legislative oversight began in 1983 with the adoption of Senate Concurrent Resolution No. 52 (File No. 135, *Statutes of Nevada 1983*), which directed the Legislative Commission to appoint an interim committee to observe and participate in the federal study. The committee's major objectives were:

- Becoming familiar with the federal program for study of potential locations of a repository; and

- Establishing a structure within the State of Nevada to analyze and address the issues associated with the possibility of locating a repository in the state.

The subcommittee recommended to the 1985 Legislature that:

- The Legislature should continue to be actively involved in the State's program by creating a permanent legislative committee to perform oversight functions and formulate recommendations concerning the high-level radioactive waste repository issue.

- An executive branch advisory commission and agency should be legally created by statute.

1. Creation of Permanent Legislative Oversight Committee

In 1985, the Legislature's Committee on High-Level Radioactive Waste, codified as *Nevada Revised Statutes* 459.0085, was created by Senate Bill 55 (Chapter 211, *Statutes of Nevada*). This permanent committee was charged with legislative oversight responsibilities as outlined on page 1 of this report.

The Committee was not authorized to undertake technical studies or duplicate efforts of the State's Agency for Nuclear Projects.

2. Creation of Commission and State Agency

Pursuant to the Federal NWPA, Nevada's Agency for Nuclear Projects was established in early 1983 by Executive Order and placed within the Department of Minerals. In December 1983, it was transferred to the Governor's Office. In 1985, Senate Bill 56 (Chapter 680, *Statutes of Nevada 1985*) created the Commission on Nuclear Projects and statutorily provided for the NANP. Grants from the DOE have provided funds for the operation of the office.

Major functions of NANP have included:

- Identifying health, safety, and environmental issues which are of concern to Nevada;
- Reviewing and evaluating DOE's environmental, socioeconomic, and technical studies; and
- Performing selective independent studies of critical issues in order to confirm or negate the DOE's analysis.

The NANP has aggressively performed its monitoring and oversight responsibilities. Emphasis has been placed on reviewing and commenting on technical studies in the areas of hydrology, groundwater travel time, pneumatic pathways, volcanism, seismology, transportation routes and modes, waste packaging, and socioeconomic impacts, as well as providing information to the public about the Yucca Mountain Site Characterization Program.

Details of NANP's oversight activities can be obtained by contacting their office at 1802 North Carson Street, Suite 252, Carson City, Nevada 89701, or telephone 775/687-3744 or Website http://www.state.nv.us/nucwaste/yucca/agency. Copies of NANP reports and studies are available at most public libraries throughout the state. See Appendix E, "Nevada Agency for Nuclear Projects Summary of Mission and Functions."

3. Affected Units of Local Governments

The NWPA provides that units of local governments which might be affected by a repository may conduct certain types of independent oversight of the High-Level Radioactive Waste Program.

The Affected Units of Local Governments (AULG) have been identified as the county in which the proposed repository site is being studied and the counties which surround it. The AULG for the Yucca Mountain Site Characterization Project are Churchill, Clark, Esmeralda, Eureka, Lander, Lincoln, Mineral, Nye, and White Pine Counties in Nevada, and Inyo County in California.

The oversight activities of the AULG may include the following:

- Review studies and materials for the purpose of determining any potential economic, social, public health and safety, and environmental impacts of a repository.

- Develop a request for impact assistance.

- Engage in monitoring, testing, or evaluating activities with respect to site characterization programs.

- Provide information to residents regarding activities of the DOE, NRC, or State with respect to the site.

- Request information from, and make comments and recommendations to DOE regarding activities undertaken with respect to the site.

Details of the activities and the status of each AULG's oversight program may be obtained by contacting a specific AULG directly. Appendix F contains a list of each AULG with a contact person and telephone number.

III. LEGISLATIVE OVERSIGHT - 1997 THROUGH 1998

In performing its oversight responsibilities in 1997 and 1998, the HLRW Committee held three hearings and participated in four meetings of the High-Level Radioactive Waste Working Group of the NCSL. Committee members also monitored meetings of the Nuclear Waste Technical Review Board, the NRC's Advisory Committee on Nuclear Waste, Nevada's Commission on Nuclear Projects, and various technical exchange and management meetings between DOE and NRC.

Committee Oversight

Listed below are the dates, locations, and a brief description of each meeting held by the HLRW Committee during 1997 and 1998.

- The Committee traveled to Washington, D.C. on November 3 and 4, 1997, to meet with key members of the United States Congress and Administration Officials. The highlights of the fact-finding mission were meetings with the U.S. Secretary of Energy, Federico Peña, and the Chair of the U.S. Nuclear Regulatory Commission, Dr. Shirley Jackson. In addition, meetings were held with officials from the U.S. Environmental Protection Agency, the U.S. Nuclear Waste Technical Review Board, the Nuclear Energy Institute, and the National Association of Regulatory Commissioners. The Committee also met with Nevada Senators Harry Reid and

Richard H. Bryan, Representative Jim Gibbons, as well as, the Committee Counsel of the U.S. Senate Committee on Energy and Natural Resources.

- The March 11 and 12, 1998, meeting was held in Las Vegas, and included an oversight tour to Yucca Mountain. The tour included a trip into the Exploratory Studies Facility (tunnel) beginning at the South Portal and traveling three miles on the Man-Train to the thermal testing site at alcove 5. Here the members were able to observe the Drift-Scale Thermal Facility Test. The DOE technical staff also described other underground and surface scientific studies being undertaken to determine if Yucca Mountain is a suitable sight for a permanent high-level radioactive waste repository.

  At the business meeting, presentations were made by DOE, NANP, NRC, and representatives from Clark and Lincoln Counties on the status of their respective scientific and oversight activities. The meeting provided the Committee members with an update on DOE site characterization activities, status of the VA to Congress, and the progress on the Yucca Mountain Environmental Impact Statement. The status of the pending legislation in Congress to establish an interim storage facility in Nevada and the DOE proposal to implement a plan for the private high-level radioactive waste transportation program, were also discussed.

- The November 19, 1998, meeting was held in Carson City. A technical presentation on the findings and recommendations of the Viability Assessment Report, status of scientific studies at Yucca Mountain, and progress of the Yucca Mountain EIS were provided by DOE staff. In addition, presentations were made by: (1) representatives from the Washington, D.C., office of the NRC on the proposed rule changes to 10 *Code of Federal Regulations* (C.F.R.) 63 "Disposal of High-Level Radioactive Waste in a Proposed Geologic Repository at Yucca Mountain, Nevada"; (2) NCSL Staff on Radioactive Materials Transportation legislation and regulations which have been enacted or considered by various states; (3) NANP staff on the status of the State's oversight efforts; (4) Marlene Lockard, Executive Director, Nevada's Department of Information Technology, on the State's emergency communication network.

See Appendix G for copies of agendas of the meetings held in 1997 and 1998.

A. Legislative High-Level Radioactive Waste Interim Storage and Transportation Working Group

The members of Nevada's HLRW Committee also serve on the Legislative High-Level Radioactive Waste Working Group of the NCSL. The NCSL Working Group has held four meetings during 1997 and 1998.

Listed below are the dates, locations, and a brief description of each meeting held by the Working Group.

- The June 16 through 18 1997, Working Group meeting was held in Las Vegas, Nevada. The group heard presentations from: (1) DOE; (2) NRC; (3) the National Dialogue Planning Committee; (4) the Nuclear Energy Institute; (5) the Tri-State Motor Transport Company; (6) the Northern State Power Company; (7) the New Corporation's project on developing a Private Spent Fuel Storage Facility; and (8) officials from the state of Minnesota, who explained the Minnesota Nuclear Waste Escrow Account Legislation.

  The Working Group also conducted an on-site inspection of the Yucca Mountain Site Characterization project. The tour included a trip into the ESF, and the experiments being conducted in the tunnel. Of particular interest was the single heater thermal test in alcove 5.

- The August 24 through 28, 1997, Working Group meeting was held in Norfolk, Virginia. Presentations to the group were made by: (1) DOE; (2) NRC; (3) the Southern States Energy Board; (4) the National Association of Regulatory Utility Commissioners; and (5) the Nuclear Energy Institute.

  A high point of the meeting was a tour the United States Nuclear Aircraft Carrier "George Washington." While onboard the members had the opportunity to tour the aircraft carrier, visit with crew members, and observe the air operations.

- The May 20 through 21, 1998, meeting of the working group was held in Idaho Falls, Idaho. Presentations were made by: (1) DOE; (2) the Federal Emergency Management Agency; and (3) the Nuclear Energy Institute. Information was also provided concerning the Owl Creek Energy Project and the status of GPU Nuclear's Skull Valley Private Fuel Storage Project.

  The group toured the Idaho National Engineering and Environmental National Laboratory, where the members visited: (1) the Naval Reactor Facility; (2) Advanced Test Reactor facility; (3) the Idaho Nuclear Technologies and Engineering Center; and (4) the Argonne National Laboratory West complex.

- The September 28 and 29, 1998, meeting of the working group was held in Hartford, Connecticut. Presentations were made by: (1) DOE; (2) NRC; (3) the Nuclear Energy Institute; (4) Northeast Utilities; and (5) the Connecticut Yankee Nuclear Power Plant.

  The group toured the decommissioning activities at the Connecticut Yankee Nuclear Reactor site, the decommissioning of Reactor Unit 3, and refurbishing of Reactor Unit 2 of the Millstone Nuclear Power Plant complex.

B. Meetings Monitored

In addition to participating in the meetings listed above, the members of the Committee have also monitored meetings of other oversight organizations which are listed below:

1. The Nuclear Waste Technical Review Board: This board was created to advise both Congress and the Secretary of Energy on the technical and scientific validity of the DOE's Civilian Radioactive Waste Program. The members are appointed by the President from a list of nationally recognized scientists who are recommended by the National Academy of Sciences.

2. The Advisory Committee on Nuclear Waste to the Nuclear Regulatory Commission: This committee conducts independent oversight of the nation's high-level radioactive waste program and reports its findings and recommendations to the NRC. The committee also consists of nationally recognized scientists who are appointed by the NRC.

3. Nevada's Commission on Nuclear Projects: This Commission was created by the Nevada Legislature to review, report, and make recommendations to the Governor and Legislature on matters relating to the disposal of radioactive waste. The Commission is composed of seven members appointed by the Governor (three members of the Governor's own choosing, two members who are recommended by the Legislative Commission, and two members who are recommended by the Nevada Association of Counties and the Nevada League of Cities).

4. Technical Exchange Meetings between DOE and the NRC staff, which are conducted regularly to share information on specific aspects of the Yucca Mountain Site Characterization Project.

5. Miscellaneous Meetings included meetings with stakeholders, affected units of local government, and other interested groups and organizations.

IV. FUTURE OVERSIGHT ACTIVITIES OF THE LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

The efforts of the Federal Government to implement a program to accept, store, and dispose of the nation's spent nuclear fuel from commercial nuclear power plants and military high-level radioactive waste continues to be a perplexing problem and emotionally charged issue, especially for Nevadans. To keep informed on this important project, the ongoing oversight and monitoring efforts of the Nevada Legislature's Committee on High-Level Radioactive Waste will focus on the following areas:

A. Utility Contract Litigation

In response to a petition from 33 electric utility companies and 46 states, the U.S. Court of Appeals for Washington, D.C., ruled that the NWPA obligated the DOE to begin accepting spent nuclear fuel (SNF) from commercial nuclear power plants by January 1998. But, the court did not require DOE to begin taking the SNF on that date, or award monitory penalties for not complying with the law. It believed that there were provisions in the *Standard Contract* between DOE and the nuclear utilities to provide for adequate remedies. However, several power utilities do not agree with the court ruling and have filed petitions asking for monetary awards to cover the extra expenses incurred to keep the SNF onsite. If the courts agree that the nuclear power utilities are entitled to monetary awards from the Federal Government additional pressure may be placed on Congress to establish an interim storage site in Nevada as has been attempted by the last two sessions of Congress.

B. Yucca Mountain Site Characterization Program

The Viability Assessment Report will set the guidelines for the site characterization program at Yucca Mountain. Most of the work, to determine the suitability of the site, will concentrate on analyzing the previously collected scientific data. In addition, important surface and underground studies will be required at Yucca Mountain to verify the previously obtained scientific data and reduce uncertainties in key technical areas, such as, groundwater travel time in the unsaturated zone. A site suitability recommendation is scheduled to be submitted to the Secretary of Energy and the President in the year 2001, unless the site is determined to be unsuitable earlier.

C. Yucca Mountain Environmental Impact Statement

The DOE is required to evaluate the impacts of constructing, operating, and closing a geological repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain. Also to be evaluated in the EIS are impacts of transportation activities for moving wastes from current storage locations to the Proposed Yucca Mountain repository site. The preparation of the EIS is underway. The Draft EIS is scheduled to be published in 1999, with the Final EIS published in the year 2000.

D. Possible Amendments to the Nuclear Waste Policy Act

Legislation, which would have made significant changes to the Nuclear Waste Policy Act, including the creation of an interim high-level nuclear waste storage facility at the Nevada Test Site, failed to be passed by either the 104th or 105th Sessions of Congress. Although versions of the bills were passed in each session by both houses of Congress, no final action was taken due to the threat by the President to veto legislation, which provided for the development of an interim storage facility at the Nevada Test Site. Early indications are that similar legislation will again be introduced in the 106th Congress. So, even though the legislation

failed to pass two sessions of Congress, the issue is still very much alive and continues to be of concern to the State of Nevada.

E. Waste Acceptance, Transportation, and Integration

The DOE continues to: (1) focus on the development of processes for the legal and physical transfer of commercial SNF to a federal facility; (2) engage in prelicensing discussions with the NRC for a nonsite-specific interim storage facility, (3) work institutional issues with Program stakeholders; and (4) consider a national transportation capability for waste acceptance and transportation. There are no immediate plans to move large quantities of SNF from commercial nuclear power sites. However, if Congress takes action to construct an interim storage facility or a court awards monetary judgments to commercial nuclear power utilities, the SNF transportation program could be considerably accelerated.

F. Additional Oversight Issues

- Development of a policy by DOE for emergency training, technical assistance, and funding for state and local government "first responders" under the provisions of Section 180(c) of the Nuclear Waste Policy Act.

- Development by the U.S. Environmental Protection Agency of new radiation safety standards for a nuclear waste repository.

- Federal oversight funding for the State of Nevada and the Affected Units of Local Government.

- Liaison with state and local government monitoring agencies.

V. CONCLUSION

Over the last two years, Congress, the nuclear energy industry, governmental agencies, and special interest groups have debated the issue of high-level radioactive waste, site characterization and suitability, interim storage, transportation modes and routes, and health safety standards for a repository. The 104th and 105th Sessions of Congress have considered legislation to make major changes to the NWPA and establish an interim storage facility at the NTS. Similar legislation is expected to be introduced early in the 106th Congress. So the debate on how the nation should manage and permanently dispose of spent nuclear fuel and high-level radioactive waste will continue, and the need for legislative oversight remains.

VI. APPENDICES

APPENDIX A

Nevada Revised Statutes 459.0085, "Creation; membership; duties; salary and expenses of members"

NEVADA REVISED STATUTES

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

NRS 459.0085 Creation; membership; duties; compensation and expenses of members.

1. There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:

   (a) Four members of the senate, appointed by the majority leader of the senate.

   (b) Four members of the assembly, appointed by the speaker.

2. The legislative commission shall select a chairman and a vice chairman from the members of the committee.

3. The committee shall meet at the call of the chairman to study and evaluate:

   (a) Information and policies regarding the location in this state of a facility for the disposal of high-level radioactive waste;

   (b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

   (c) Any other policies relating to the disposal of high-level radioactive waste.

4. The committee shall report the results of its studies and evaluations to the legislative commission and the interim finance committee at such times as the legislative commission or the interim finance committee may require.

5. The committee may recommend any appropriate legislation to the legislature and the legislative commission.

6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.

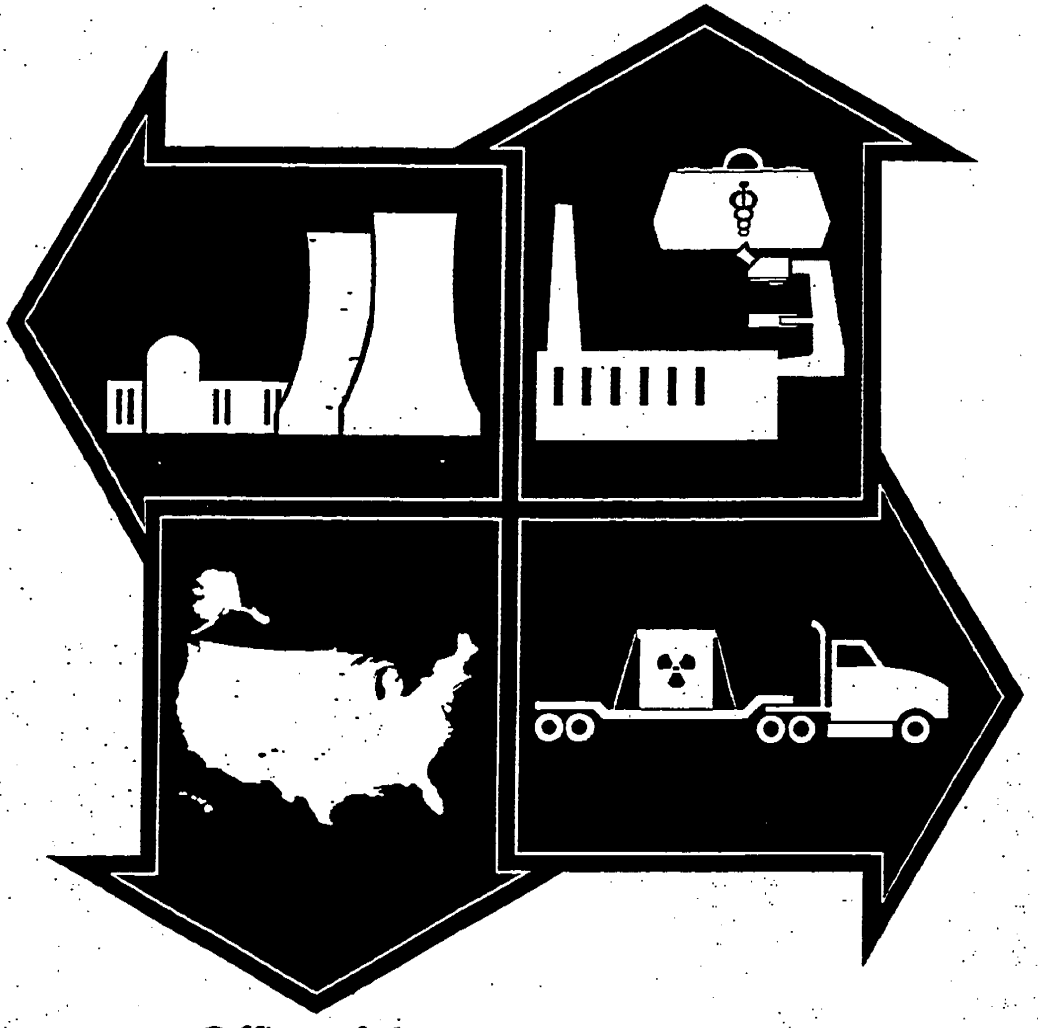
(Added to NRS by 1985, 685; A 1987, 399; 1989, 1221; 1995, 1454)

APPENDIX B

Information from the 1997 Edition of the
United States Nuclear Regulatory Commission's
Information Digest

UNITED STATES NUCLEAR REGULATORY COMMISSION

INFORMATION DIGEST



Office of the
Chief Financial Officer

1997 Edition

NUREG-1350, Volume 9

U.S. Electricity

Capability and Net Generation:

U.S. electric generating capability totaled approximately 706 gigawatts in 1995. Nuclear energy accounted for approximately 14 percent of this capability (see Figure 7).

U.S. net electric generation totaled approximately 2,994 thousand gigawatthours in 1995. Nuclear energy accounted for approximately 22 percent of this generation (see Figure 7).

In 1995, 109 operating nuclear reactors in 32 States generated approximately one-fifth of the Nation's electricity (see Table 3 and Figure 8).

- 6 States relied on nuclear power for more than 50 percent of their electricity.
- 13 additional States relied on nuclear power for 25 to 50 percent of their electricity.

Since 1975, nuclear electric generation has more than tripled and coal-fired generation has almost doubled, while electricity generated by all other sources has decreased by 26 percent (see Table 4 and Figure 9).

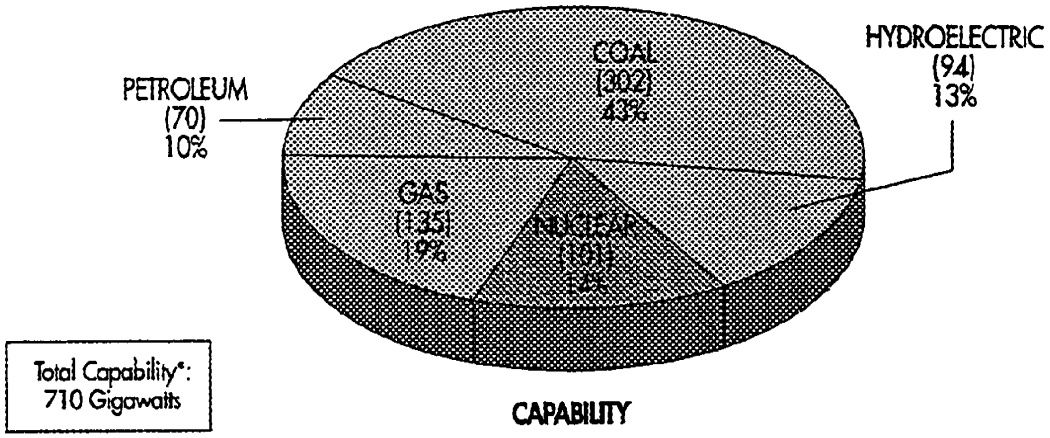
Electricity from coal and nuclear sources, which accounted for 57 percent of the U.S. generating capability, produced 77 percent of the net electricity generated in 1995 (see Table 5 and Figure 10).

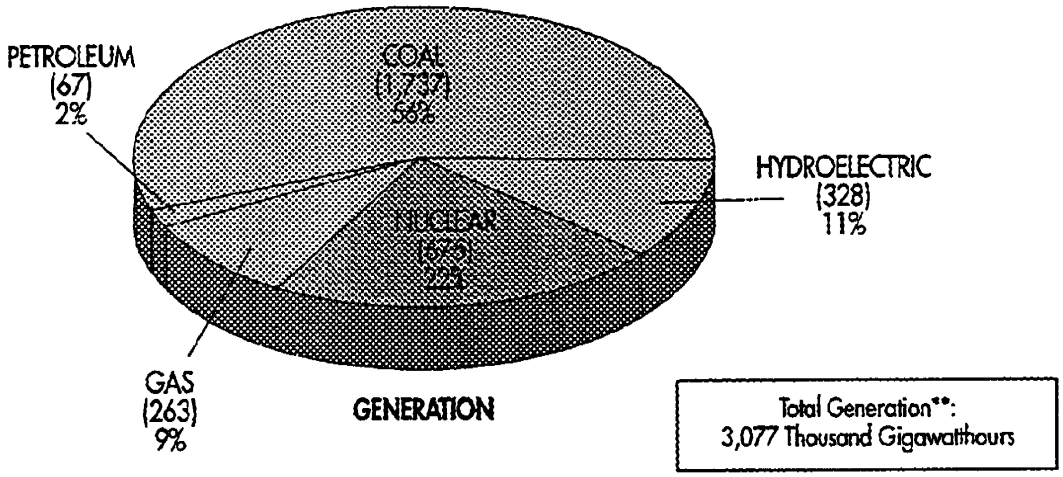
Average Production Expenses:

The production expense data presented here include all nuclear and coal-fired utility-owned steam electric plants (see Table 6 and Figure 11).

- In 1995, production expenses averaged $19.23 per megawatthour for nuclear reactors and $18.75 per megawatthour for coal-fired plants.

U.S. Electric Capability and Net Generation by Energy Source, 1996





* Total value includes approximately 8 gigawatts of other generating capability (geothermal, refuse, solar, wind, and wood), which represents 1 percent of total capability.

** Total value includes approximately 7 thousand gigawatthours of generation by other energy sources (geothermal, wood, waste, wind, photovoltaic, and solar), which represents less than 1 percent of total generation.

Note: Net summer capability. Percentages are rounded to the nearest whole number.

Source: DOE/EIA Inventory of Power Plants in the United States as of January 1, 1997 (DOE/EIA-0095 (97)),Table 1 page 19) and DOE/EIA Monthly Energy Review (DOE/EIA-0035 (97/11)), Table 7.1 (page 95)

Electric Generating Capability and Electricity Generated in Each State by Nuclear Power, 1996

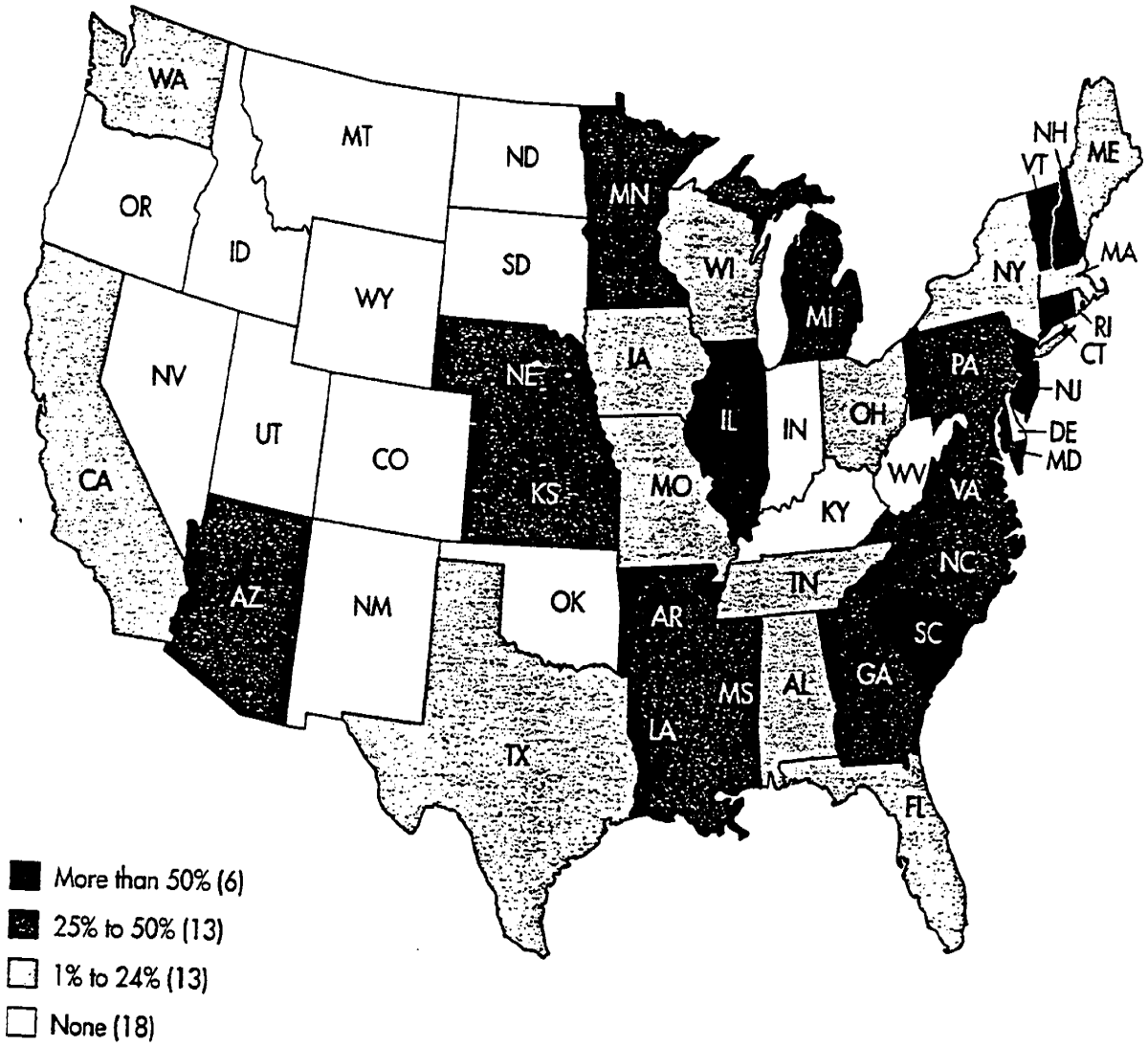
State	Percent Net Nuclear Capability	Percent Net Nuclear Generation
Alabama	23	26
Arizona	25	41
Arkansas	18	33
California	11	29
Connecticut	42	52
Florida	11	17
Georgia	17	29
Illinois	38	51
Iowa	6	13
Kansas	12	18
Louisiana	12	25
Maine	36	63
Maryland	15	24
Massachusetts	7	21
Michigan	18	30
Minnesota	17	28
Mississippi	16	35
Missouri	7	15
Nebraska	22	36
New Hampshire	46	61
New Jersey	28	53
New York	16	34
North Carolina	22	33
Ohio	7	9
Pennsylvania	27	40
South Carolina	37	59
Tennessee	19	24
Texas	8	12
Vermont	45	78
Virginia	23	47
Washington	5	3
Wisconsin	12	23
Others*	0	0

*There are 18 States and the District of Columbia with no nuclear generating capability.

Note: Net summer capability. Capability is the percent of electricity the State is capable of producing with nuclear energy. Generation is the percent of all sources of electricity actually produced with nuclear energy. Percentages are rounded to the nearest whole number.

Source: DOE/EIA Inventory of Power Plants in the United States as of January 1, 1997 (DOE/EIA-0095 (97)), Table 17 (page 36) and DOE/EIA Electric Power Monthly (DOE/EIA-0226 (97/11)), Table 12 (page 22)

Figure 8. **1995 Net Electricity Generated in Each State by Nuclear Power**



Note: There are no commercial reactors in Alaska or Hawaii. Percentages are rounded to the nearest whole number.

Source: DOE/EIA Electric Power Monthly (DOE/EIA-0226 (96/11)), Table 12 (page 24)

APPENDIX C

Page 42 from *The Nuclear Waste Primer* — The League of Woman Voters Education Fund

THE *NUCLEAR WASTE* PRIMER

THE LEAGUE OF WOMAN VOTERS
EDUCATION FUND

high-level waste permanently. As the following section on policies and programs explains in more detail, Congress in 1987 directed DOE to confine its siting investigations for this facility to Yucca Mountain, Nevada. If constructed, the repository would isolate nuclear waste in a stable geologic (rock) formation at least one thousand feet below ground. A combination of natural geologic features and engineered components is expected to provide a series of barriers to prevent the uncontrolled release of radionuclides into the environment. The barriers will include the chemical and physical form of the waste; the covering (cladding) on the fuel rods; the canister that will hold the waste; any packing material around the canister; and the natural characteristics of the rock formation itself.

The concept of geologic disposal of high-level waste and spent fuel has widespread international acceptance in much of the scientific community. A 1992 report from the National Academy of Sciences notes that most countries have concluded that "the best means of long-term disposal of high-level radioactive waste is deep geological emplacement, always including some form of engineered containment or encapsulation and generally with some limited retrieval capability, at least initially."

Geologic disposal has been the focus of federal research for more than 30 years. As early as 1957, a National Academy of Sciences report to the Atomic Energy Commission recommended the burial of high-level and transuranic waste in geologic formations. The Academy urged the investigation of a large number of potential sites and specifically recommended further research on salt beds and salt domes.

In addition to investigating salt extensively (see Chapter 6), DOE has conducted research on geologic formations of basalt, tuff, and crystalline rock (granite) as potential nuclear waste disposal sites. The department conducted experiments in basalt at the Hanford Reservation in Washington and in granite and other kinds of rock formations at the Nevada Test Site, in addition to participating in international research projects.

APPENDIX D

Civilian Radioactive Waste Management Program Plan - Revision 2, Office of Civilian Radioactive Waste Management, United States Department of Energy, July 1998

DOE/RW-0504

U.S. DEPARTMENT OF ENERGY
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
WASHINGTON, DC 20585

CIVILIAN RADIOACTIVE WASTE MANAGEMENT PROGRAM PLAN

Revision 2

July 1998

Introduction

Purpose of the *Civilian Radioactive Waste Management Program Plan, Revision 2*

This revision of the *Civilian Radioactive Waste Management Program Plan* ("the Plan") describes the objectives of the Civilian Radioactive Waste Management Program ("the Program") as prescribed by legislative mandate, and the technical achievements, schedule, and costs planned to complete these objectives.

The Plan provides Program participants and stakeholders with an updated description of Program activities and milestones for fiscal years (FY) 1998 to 2003.[1] It describes the steps the Program will undertake to provide a viability assessment of the Yucca Mountain site in 1998; prepare the Secretary of Energy's ("the Secretary") site recommendation to the President in 2001, if the site is found to be suitable for development as a repository; and submit a license application to the Nuclear Regulatory Commission ("the Commission") in 2002 for authorization to construct a repository. The Program's ultimate challenge is to provide adequate assurance to society that an operating geologic repository at a specific site meets the required standards of safety.

The Plan is linked to the Department's 1997 Strategic Plan and sets forth strategic objectives and success measures, as required by the Government Performance and Results Act of 1993. The relationship between the Plan and the Department's Strategic Plan is illustrated in *Figure 1*.

Legislative Mandate

The Nuclear Waste Policy Act of 1982 ("the Act") establishes the Federal Government's responsibility to provide for the permanent disposal of the Nation's civilian spent nuclear fuel and high-level radioactive waste resulting from atomic energy defense activities. It also assigned to the generators and owners of these wastes the responsibility for bearing the cost of their management and disposal. The Act created the Office of Civilian Radioactive Waste Management ("OCRWM") within the Department of Energy ("the Department") to develop a Federal system for the safe management and permanent disposal of the spent nuclear fuel from civilian nuclear power reactors. The Act also provided the President with the option of disposing of defense high-level radioactive waste in a civilian repository, and in 1985, President Reagan made the decision to do so. In 1986, at the end of a multi-year screening process, the Secretary recommended three sites for repository site characterization.

[1]The Program issued its first five-year *Program Plan* in December 1994. In response to guidance from the President and Congress, the Program revised its work scope and issued the *Civilian Radioactive Waste Management Program Plan, Revision 1*, in May 1996.

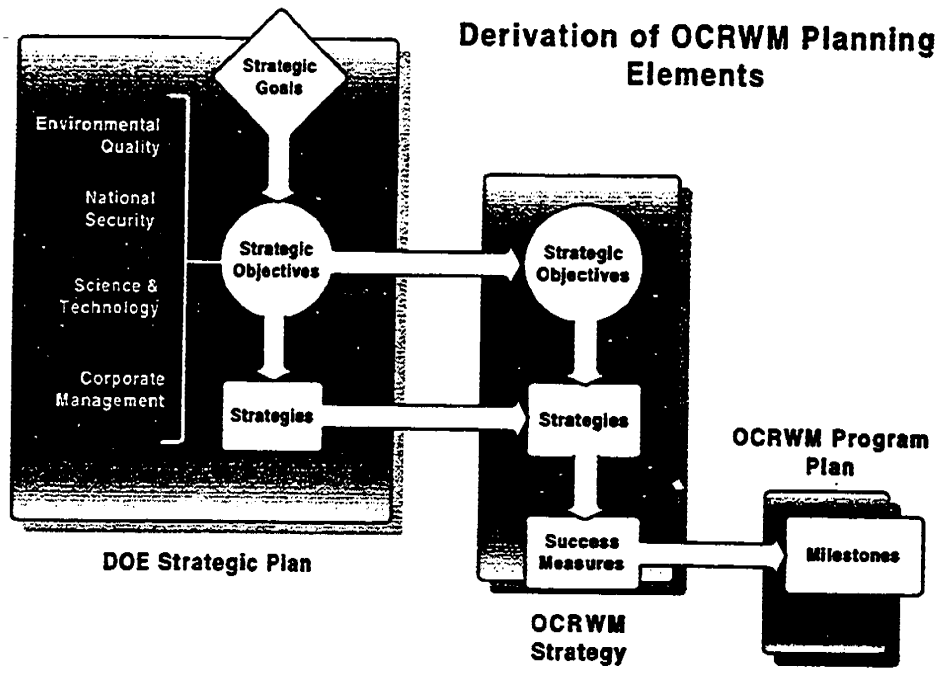


Figure 1

The Nuclear Waste Policy Amendments Act of 1987 ("Amendments Act") redirected the Department to focus its site characterization activities at Yucca Mountain, Nevada, to determine its suitability as a candidate repository site. The Amendments Act also nullified the Department's proposal to locate a monitored retrievable storage facility at a site at Clinch River in Oak Ridge, Tennessee, with two alternative sites in Tennessee. The Amendments Act established the Office of the Nuclear Waste Negotiator to seek a State or Native American Tribe willing to host a repository or monitored retrievable storage facility at a technically qualified site. The Negotiator was unable to secure a volunteer host for a repository or storage facility before the Office's authority expired in January 1995. A more detailed chronology is provided as *Appendix B*.

Program Organization

The Program is comprised of two major projects or "business centers" – the Yucca Mountain Site Characterization Project, located in Las Vegas, Nevada; and the Waste Acceptance, Storage and Transportation Project in Washington, D.C. A third component, the Program Management Center, is also located in Washington, D.C., and it conducts vital functions that intersect both projects. The Program Management Center is comprised of the Office of Quality Assurance and the Office of Program Management and Administration. The Office of Quality Assurance ensures the adequate and appropriate implementation of federally-mandated nuclear quality assurance requirements for Program activities related to radiological health and safety and waste isolation.

Contents of the Program Plan

Chapter 1 describes the Program's mission and vision, and summarizes the Program's broad strategic objectives. *Chapter 2* describes the Program's approach to transform strategic objectives, strategies, and success measures to specific Program activities and milestones. *Chapter 3* describes the activities and milestones currently projected by the Program for the next five years for the Yucca Mountain Site Characterization Project; the Waste Acceptance, Storage and Transportation Project; and the Program Management Center. The appendices present information on the Nuclear Waste Policy Act of 1982, as amended, and the Energy Policy Act of 1992; the history of the Program; the Program's organization chart; the Commission's regulations, "Disposal of High-Level Radioactive Wastes in Geologic Repositories"; and a glossary of terms.

Chapter One
Program Mission and Strategic Objectives

Program Mission

The Program's mission, as set out in the Nuclear Waste Policy Act of 1982, as amended, is to implement the Federal policy for permanent disposal of high-level radioactive waste and spent nuclear fuel, in order to protect the public health and the environment. The Program provides leadership in developing and implementing strategies to accomplish this mission that assure public and worker health and safety, protect the environment, merit public confidence, and are economically viable.

Program Vision

The Program's vision is to lead the Nation to environmentally-sound disposal of high-level radioactive waste and spent nuclear fuel, thereby serving this and future generations. We will conduct the Program in a collaborative manner with integrity, openness, technical excellence, and responsiveness to social considerations.

Strategic Objectives

The following objectives, strategies, and success measures are derived from the Program's mission and the Department's Strategic Plan. These objectives, supporting strategies, and success measures, though broad in scope, have been translated into the functions, milestones, and activities of the Program. The Program's four strategic objectives directing its activities are:

Strategic Objective 1: *Dispose of high-level radioactive waste and spent nuclear fuel in accordance with the Nuclear Waste Policy Act of 1982, as amended.*

Strategic Objective 2: *Ensure the safety and health of the OCRWM workforce and members of the public, and the protection of the environment in all OCRWM activities.*

Strategic Objective 3: *As a good neighbor and public partner, continually work with customers and stakeholders in an open, frank, and constructive manner.*

Strategic Objective 4: *Use efficient and effective corporate management systems and approaches to guide decision-making, streamline and improve operations, align resources and reduce costs, improve the delivery of products and services, and evaluate performance.*

Strategic Objective 1: Dispose of high-level radioactive waste and spent nuclear fuel in accordance with the Nuclear Waste Policy Act of 1982, as amended.

Strategy 1: Complete the scientific and technical analyses of the Yucca Mountain site and, if it is determined to be suitable for a geologic repository, obtain a license from the Nuclear Regulatory Commission.

Success Measures:

- Complete, in 1998, the viability assessment analyses for licensing and constructing a geologic repository at the Yucca Mountain site.
- Complete a draft environmental impact statement in FY 1999.
- Complete a final environmental impact statement in FY 2000.
- If the site is found suitable, recommend the repository site to the President in FY 2001.
- If the Yucca Mountain site is designated as a repository site, submit a license application to the Nuclear Regulatory Commission in FY 2002.
- Provide responses to Nuclear Regulatory Commission queries within 60 days of receipt to support review of the license application in FY 2003.

Strategy 2: Maintain the capability to accelerate transportation of high-level radioactive waste and spent nuclear fuel to a receiving facility.

Success Measures:

- Develop, in FY 1998, a competitive, private sector approach that uses private sector management and operational capabilities to provide waste acceptance and transportation services; issue a revised draft request for proposals.
- Complete, in FY 1998, a Revised Proposed Policy and Procedures for Implementation of Section 180(c) of the Nuclear Waste Policy Act of 1982, as amended.
- Complete, in FY 1998, responses to the Nuclear Regulatory Commission's request for additional information on the non-site-specific Topical Safety Analysis Report for a centralized interim storage facility; and address long lead-time issues related to the storage of spent nuclear fuel, including design, engineering, and safety analyses.

Strategy 3: Fully integrate plans for disposal of the Department's high-level radioactive waste and spent nuclear fuel generated by nuclear weapons, Naval nuclear propulsion, and civilian nuclear research and development programs into the OCRWM Program baseline and planning process.

Success Measures:

- Issue and begin implementation of a memorandum of agreement (MOA) for acceptance of Department-owned high-level radioactive waste and spent nuclear fuel between the Office of Environmental Management and OCRWM and an MOA for acceptance of Naval spent nuclear fuel between the Naval Nuclear Propulsion Program and OCRWM during FY 1998.
- Complete integration of Department-owned and Naval spent nuclear fuels in the formal Yucca Mountain system viability assessment documents by the end of FY 1998.
- Develop detailed acceptance criteria for Department-owned and Naval spent nuclear fuel to support Departmental activities at Office of Environmental Management and Department of the Navy facilities that are presently managing spent nuclear fuel in FY 1998.
- Complete development of specific requirements for Department-owned and Naval spent nuclear fuel and high-level radioactive waste in facility and waste package designs for the repository license application by the end of FY 1999.
- Conduct environmental impact analyses for Department-owned and Naval spent nuclear fuel and high-level radioactive waste to support the draft repository environmental impact statement in FY 1999.
- Complete safety analyses for Department-owned and Naval spent nuclear fuel and high-level radioactive waste to support the repository license application in FY 2002.

Strategy 4: Fully integrate plans for disposal of weapons-usable fissile materials into the OCRWM Program Plan and baseline. Actively support the ultimate disposition of radioactive materials generated as part of the Nation's "Cold War legacy" and the Administration's nuclear nonproliferation objectives by providing disposal of radioactive materials in a deep geologic repository.

Success Measures:

- Complete a baseline change proposal for incorporation of plutonium waste forms into the civilian radioactive waste management system (CRWMS) baseline in FY 1998.
- Complete incorporation of plutonium waste form planning assumptions and Program requirements into the CRWMS baseline in FY 1998.
- Address plutonium waste forms in Yucca Mountain viability assessment documents by the end of FY 1998.
- Address specific requirements for plutonium waste forms in facility and waste package designs for the repository license application by the end of FY 1999.

- Conduct environmental impact analyses for plutonium waste forms to support the draft repository environmental impact statement in FY 1999.
- Complete safety analyses for plutonium waste forms to support the repository license application in FY 2002.

Strategy 5: Improve the integrity and range of potential interpretation of scientific data and numerical model abstraction used in site characterization by increasing the use of peer and Program review processes.

Success Measures:

- Complete peer review of the total system performance assessment in FY 1999.
- Use expert groups and external oversight groups to review selected key Program scientific reports and technical analyses.

Strategic Objective 2: Ensure the safety and health of the OCRWM workforce and members of the public, and the protection of the environment in all OCRWM activities.

Strategy 1: Integrate and embed sound environment, safety, and health (ES&H) management practices in the performance of OCRWM's day-to-day work.

Success Measures:

- Modify the management and operating (M&O) contract to require implementation of an integrated safety management system in FY 1998.
- Receive M&O contractor integrated safety management system description in FY 1998.
- Complete Program Level-2 Functions, Responsibilities, and Authorities Manual for integrated safety management in FY 1998.
- Implement formal OCRWM self-assessment programs to identify and correct ES&H deficiencies and vulnerabilities in FY 1998.

Strategy 2: Ensure that OCRWM employees are appropriately trained and technically competent commensurate with their ES&H responsibilities.

Success Measure:

- Train all construction personnel in accordance with requirements established in 29 CFR part 1926.21, Safety Training and Education.

Strategy 3: Ensure that OCRWM employees performing activities important to nuclear safety or the repository safety strategy implement quality assurance (QA) requirements commensurate with 10 CFR 60, Subpart G; 10 CFR 71, Subpart H; and 10 CFR 72, Subpart G.

Success Measures:

- Complete annual quality assurance audits of all OCRWM participant organizations.
- Ensure timely corrective action on all audit findings and implement actions to preclude recurrence.

Strategic Objective 3: As a good neighbor and public partner, continually work with customers and stakeholders in an open, frank, and constructive manner.

Strategy 1: Foster stronger relationships with customers and other stakeholders in the collaborative development and implementation of national policy for the disposal of high-level radioactive waste.

Success Measures:

- Conduct at least four stakeholder meetings per year on a subject of programmatic interest.
- Keep key stakeholders informed of Program policy and implementation.

Strategy 2: Increase customer and public awareness of OCRWM's waste management mission by improving the quality, timeliness, frequency, and sufficiency of information disseminated about the Program.

Success Measures:

- Redesign OCRWM's Home Page in FY 1998 to make it more user-friendly and to elicit user feedback.
- Post key Program information on the OCRWM Home Page on a timely basis.
- Support the Department's commitment to advance the Nation's science education and literacy by making OCRWM's secondary school curriculum, "Science, Society and America's Nuclear Waste," available on the Internet in FY 1998.
- Develop and implement a plan for clear communication of results of the Yucca Mountain system viability assessment analyses to customers, stakeholders, and the public in 1998.
- Annually consult stakeholders on Program responsiveness.

Strategic Objective 4: Use efficient and effective corporate management systems and approaches to guide decision-making, streamline and improve operations, align resources and reduce costs, improve the delivery of products and services, and evaluate performance.

Strategy 1: Use prudent contracting and business management approaches that emphasize results, accountability, and competition; improve timeliness; minimize costs; and ensure customer satisfaction.

Success Measures:

- In FY 1998, issue a Program management policy document that implements a performance-based approach.
- Annually recover available funds from contracts in closeout.
- Award a fixed-price or performance-based audit services contract in FY 1999.
- Conduct performance-based evaluations of the OCRWM M&O contractor in FY 1998 and beyond.

Strategy 2: Strengthen fiscal and Program management practices to ensure cost-effective operations and achieve intended results.

Success Measures:

- Achieve at least 95 percent conformance with annual Program schedule and cost baseline targets.
- Conduct Program performance reviews by senior management (Director's Program Review) at least quarterly, using OCRWM-wide Program and fiscal management tracking systems.
- Perform at least one project/office-level management system performance assessment each fiscal year to improve management system effectiveness and efficiency.

Strategy 3: Enhance the productivity of human resources, support business process improvements, and reduce Program costs by managing information as a corporate asset.

Success Measures:

- Implement and maintain a Program-wide information technology baseline by the end of FY 1998.
- Implement a corporate information systems integration strategy in FY 1998.
- Maintain a local- and wide-area network prime time availability rate of at least 98 percent.

Strategy 4: Implement quality management principles, value diversity, and continue to improve human resources systems and practices, both Federal and contractor.

Success Measures:

- Nominate qualified individuals for participation in Departmental and inter-agency career development programs, and select at least one individual each year to participate in one of the career development programs.
- To the extent feasible, increase the number of minority promotions and awards by 2 percent through FY 2000.

Chapter Two
Program Approach

Introduction

The Program's approach to accomplishing its mission, as outlined in the Nuclear Waste Policy Act of 1982, as amended, has evolved since the Program's inception. When the Nuclear Waste Policy Act was enacted, it was envisioned that the Department would have a facility available in 1998 to accept waste for disposal, and the Department entered into contracts with utilities on that basis.

The repository site characterization effort, however, has proven to be far more complicated and time-consuming than was envisioned in the Program's early years. The Program has had to respond to diverse technical, oversight, operational, regulatory, and political challenges as they have evolved over time. To meet the 1998 acceptance date, the Department proposed a monitored retrievable storage facility as part of the waste management system. In 1987, the Department announced a five-year delay in the opening date for a repository, from 1998 to 2003. In 1989, the Department announced a further delay to 2010 in the expected date of repository operations.

Realizing that the complexity of the Program had grown, the Program's senior management and technical staff conducted a series of strategic planning sessions and revised the Program's approach to meeting its objectives. Program management recognized that the social and policy environment in which the Program must achieve its mission has changed and will likely continue to change. In interactions with stakeholders, a consistent theme emerged that the Program must remain responsive to evolving needs and circumstances while continuing to work toward achieving its long-term mission.

The general Program approach for the Yucca Mountain Site Characterization Project; Waste Acceptance, Storage and Transportation Project; and Program Management Center are briefly discussed below and described in detail in *Chapter 3*. Program-level milestones are summarized in *Figure 2*. Funding requirements are provided in *Table 1*.

Yucca Mountain Site Characterization Project

Prior to 1994, the Program approach to the characterization of Yucca Mountain was based on extensive testing to obtain a comprehensive understanding of Yucca Mountain for simultaneous decisions on site suitability, repository design, and licensing. The current approach distinguishes between tests required to evaluate site suitability, to support licensing, and to confirm the safety of the repository before closure. This distinction permits phasing of tests to achieve an earlier evaluation of whether Yucca Mountain appears to be suitable.

In 1996, after additional analyses, the Program decided to propose a new, more concentrated approach to regain a target for a license application within a reasonable time, and which required only moderately increased funding in future years. This revised Program approach was described in the May 1996 Revised Program Plan. The convergence of more than a decade of scientific and engineering work at the Yucca Mountain site made this revised approach feasible.

A cornerstone of the Yucca Mountain Site Characterization Project's activities is the viability assessment. The 1997 Energy and Water Development Appropriations Act directed the Department to submit a viability assessment to the President and Congress in 1998. The viability assessment will describe the Yucca Mountain site, the repository and waste package design and costs, and will detail the results of a quantitative performance assessment of how the site's engineered and natural barriers work together as a system. This analysis is referred to as total system performance assessment. Total system performance assessment evaluates future repository behavior by using mathematical models to analyze the effectiveness of the repository in isolating radioactive waste. The outputs of these models are integrated in order to develop an analysis of the overall performance of the repository.

Yucca Mountain Site Characterization Project activities for FY 1999 and beyond will be described in the license application plan of the viability assessment. This work includes further development of the repository and waste package designs, continued evaluations of future repository performance through total system performance assessment, refinement of the conceptual and numerical models used in evaluating repository performance, and continued scientific investigations to reduce the key uncertainties about the Yucca Mountain site.

These activities will support completion of the remaining milestones to: (1) complete an environmental impact statement in FY 2000; and if the site is suitable, (2) recommend the site to the President in FY 2001, and (3) submit an application to the Nuclear Regulatory Commission in FY 2002 for authorization to construct a repository at the Yucca Mountain site.

Waste Acceptance, Storage and Transportation Project

The primary challenge facing the Waste Acceptance, Storage and Transportation Project is the uncertainty surrounding the timing and availability of a Federal facility to accept spent nuclear fuel and high-level radioactive waste. Since the 1996 Revised Program Plan was issued, bills were passed in the Senate and the House of Representatives that would authorize the siting and construction of an interim storage facility to receive waste prior to 2010. The Administration opposed such legislation..

Waste Acceptance: In 1995, the Department took the position that it had no legal obligation under either the Nuclear Waste Policy Act of 1982, as amended, or under the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste to begin disposal of spent nuclear fuel by January 31, 1998, in the absence of a repository

or interim storage facility constructed under the Act. A group of utilities and State agencies filed suit challenging that position. The U.S. Court of Appeals for the District of Columbia Circuit rejected the Department's position and subsequently ruled that, although the schedule adjustments provided for by the Standard Contract did not provide an adequate remedy, other provisions of the Standard Contract provide a potentially adequate remedy. The Department will comply with the Court's ruling and process claims received from utilities and other contract holders in accordance with the terms of the Standard Contract. Discussions are underway with a number of utilities concerning potential settlement of their delay claims.

Under the Department's current planning assumptions, certain nuclear materials managed by the Government will be emplaced in the civilian repository along with the commercial spent nuclear fuel. These materials largely result from atomic energy defense activities ("defense waste") and include materials owned by the Department and the Navy.[2] The Department also owns spent nuclear fuel of commercial origin which is now under Departmental management. Located at multiple sites, these materials take forms that vary widely. Many have not yet been converted to the final waste forms that would be emplaced in the repository. The Program works with the Departmental offices currently responsible for these nuclear materials to integrate their near-term storage plans with plans for disposal in a repository. Unlike commercial spent nuclear fuel which has uniform characteristics, there are many different types of defense nuclear materials, all of which need to be analyzed.

Storage: Congress, during debate on the 1997 Energy and Water Development Appropriations Act, provided for the Program to continue with non-site-specific design and engineering safety analyses for an interim storage facility to allow flexibility for possible accommodation of commercial spent nuclear fuel storage prior to its emplacement in a permanent repository.[3] Non-site-specific interim storage work requires the Program to balance possible future Congressional direction on interim storage with the need to maintain its focus on geologic disposal.

Transportation: The uncertainty surrounding the timing and availability of a Federal facility for waste acceptance complicates planning for transportation. Currently, the Program's plans are based on transportation of waste to a repository, when one becomes operational. If interim storage legislation is enacted, the Program is prepared to accelerate this schedule and is maintaining flexibility to enable it to respond appropriately to external developments. The Program is developing a competitive, private sector waste acceptance and transportation capability that relies on the private sector for implementation. The Program will use a competitive procurement process to obtain needed services and equipment. The Program is also continuing the long-lead time activities required by the

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[2]Naval spent nuclear fuel is currently stored at the Idaho National Environmental and Engineering Laboratory in Idaho. The Department has entered into a judicially enforceable Consent Order with the State of Idaho to remove all spent nuclear fuel from the State by 2035.

[3]Energy and Water Development Appropriations Act for Fiscal Year 1997, Conference Report 104-782, September 12, 1996, p. 82

Nuclear Waste Policy Act of 1982, as amended, for the provision of assistance to States and Native American Tribes along possible transportation corridors.

Program Management Center

The Program Management Center consists of two components: Program management and administration, and quality assurance. The Center ensures effective Program integration and supports the Yucca Mountain Site Characterization Project; the Waste Acceptance, Storage and Transportation Project; and the Program Director.

The Program management and administration component is concentrating efforts on improving and updating management systems to ensure the efficient application of funding levels to Program priorities. Special attention is being paid to ensuring incorporation of Department-owned nuclear materials into the Program's plans to support the Department's national security objectives.

The quality assurance component assures that activities important to nuclear safety and waste isolation are performed in accordance with the Commission's quality assurance regulations. An independent Office of Quality Assurance, that reports directly to the Program Director, provides quality assurance advice to the two Projects and performs overview activities to assure compliance with established requirements.

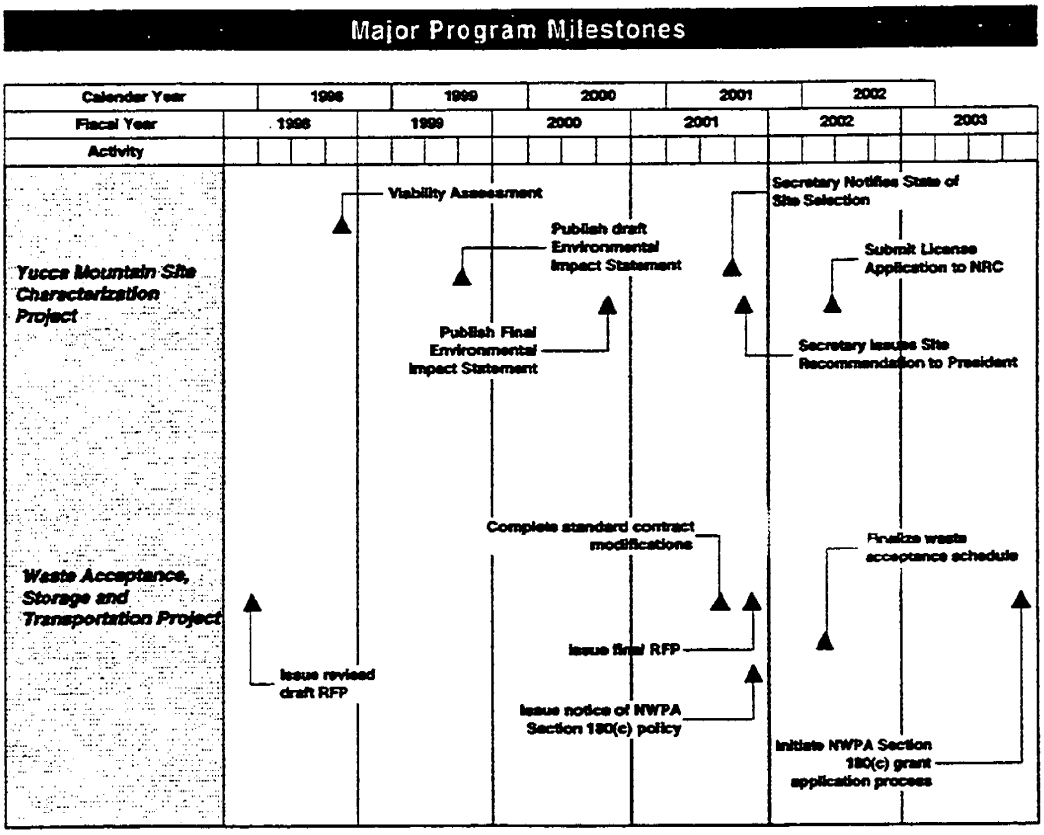

Figure 2

Civilian Radioactive Waste Management Program Funding Requirements

Dollars in Thousands

	FY 1998 enacted	FY 1999 requested	FY 2000 projected	FY 2001 projected	FY 2002 projected	FY 2003 projected
Yucca Mountain Site Characterization Project	267,710	297,823	287,328	270,186	257,911	277,911
Waste Acceptance, Storage and Transportation Project	5,947	10,505	9,130	21,855	34,130	44,355
Program Management Center	72,343	71,672	73,542	67,959	67,959	67,734
TOTAL PROGRAM	346,000	380,000	370,000	360,000	360,000	390,000

Table 1

An organization chart is available at *Appendix C.*

APPENDIX E

"Nevada Agency For Nuclear Projects Summary of Mission and Functions"

NEVADA AGENCY FOR NUCLEAR PROJECTS SUMMARY OF MISSION AND FUNCTIONS

AGENCY MISSION STATEMENT

The mission of the Nevada Agency for Nuclear Projects is to assure that the health, safety, and welfare of Nevada's citizens and the State's unique environment and economy are adequately protected with regard to any federal high-level nuclear waste disposal activities in the State.

• • •

ORGANIZATIONAL STRUCTURE AND FUNCTIONS

The Agency for Nuclear Projects operates as part of the Nevada Governor's Office and consists of a Division of Technical Programs and a Division of Planning. The Executive Director is appointed by the governor and serves at the pleasure of the Commission on Nuclear Projects. The seven member Commission advises the governor and legislature on nuclear wastes issues and oversees Agency activities. The Agency oversees the federal high-level radioactive waste disposal program; carries out independent technical, socioeconomic and other studies; works closely with state agencies and local governments on matters relating to radioactive waste; and provides information to the governor, legislature, and any interested parties. The Agency uses a small, central staff supplemented by contractual services for needed technical and specialized expertise in order to provide high quality oversight and monitoring of federal activities, to conduct necessary independent studies, and to avoid unnecessary duplication of efforts and resources.

The work of the Agency specifically includes:

- monitoring all DOE activities relative to the federal high-level nuclear waste repository proposed for Nevada;
- coordinating State and local responses and reviews of DOE technical and planning documents and proposals, and assuring that all affected State and local governmental agencies are appropriately involved in all phases of federal repository activities;
- conducting independent reviews of hydrological, geological, engineering and other technical aspects of the proposed federal repository project; conducting independent studies in areas of socioeconomic, transportation, and others as needed;
- consulting and coordinating with other appropriate State agencies for input and guidance regarding the design of the State program, for review and comment relative to federal documents, and for identifying potential impacts of the federal program and formulating mitigation strategies;
- coordinating and facilitating the involvement of affected local governments in planning for impacts associated with a potential repository in the State;
- identifying health, safety and environmental issues which are of concern to the State and developing State responses and strategies for addressing these issues;
- providing timely and accurate information to the Governor, the Legislature, local governments, and the public on all aspects of the federal program;
- identifying major legal issues arising out of the proposed repository project and developing strategies for effectively addressing such issues to the benefit of the State and affected local communities;
- representing Nevada's interests at the national level, including participation in Nuclear Regulatory

Commission deliberations and rulemaking activities concerning licensing of a waste repository; sharing information on Nevada's activities with other affected states; and working with organizations such as the Western Governors' Association, the National Governors' Association, the Western Interstate Energy Board, various DOE working groups and other entities to identify, evaluate, and plan for impacts and associated consequences of repository activities and related nuclear materials transportation.

...

STATUTORY AUTHORITY

The Agency functions under the authority specified in the Nevada Revised Statutes (NRS 459.009 - 459.0098).

Nuclear Waste Project Home Page

State of Nevada
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710
(702) 687-3744

*

APPENDIX F

"Affected Units of Local Governments and Contact Persons"

AFFECTED UNITS OF LOCAL GOVERNMENTS AND CONTACT PERSONS

CHURCHILL COUNTY

Mr. Alan Kalt
Churchill County Comptroller
155 North Taylor Street, Suite 182
Fallon, Nevada 89406-2748

Telephone: (775) 428-0212

CLARK COUNTY

Mr. Dennis A. Bechtel, Planning Manager
Clark County Nuclear Waste Division
500 South Grand Central Parkway, Suite 3012
P.O. Box 551751
Las Vegas, Nevada 89155-1751

Telephone: (702) 455-5175

ESMERALDA COUNTY

Mr. Tony Cain
Program Director
Esmeralda County Nuclear Waste Repository
Oversight Program
P.O. Box 490
Goldfield, Nevada 89013

Telephone: (775) 485-3419

EUREKA COUNTY

Mr. Leonard Fiorenzi
Public Works Director
Eureka County
P.O. Box 257
Eureka, Nevada 89316

Telephone: (775) 237-5372

INYO COUNTY

Mr. Bradley R. Mettam
Project Coordinator
Inyo County Yucca Mountain Repository
Assessment Office
P.O. Drawer L
Independence, California 93526

Telephone: (760) 878-0447

LANDER COUNTY

Mrs. Tammy Manzini
Program Coordinator
P.O. Box 10
Austin, Nevada 89310

Telephone: (775) 964-2447

LINCOLN COUNTY

Ms. Eve Culverwell
Administrative Coordinator
P.O. Box 1068
Caliente, Nevada 89008

Telephone: (702) 726-3511

MINERAL COUNTY

The Honorable Jackie Wallis
Chair, County Board of Commissioners
Mineral County
Box 1600
Hawthorne, Nevada 89415

Telephone: (775) 945-2484

NYE COUNTY

Mr. Les W. Bradshaw
Manager
Nye County Department of Natural Resources
and Federal Facilities
1210 East Basin Road, Suite 6
Pahrump, Nevada 89048

Telephone: (702) 727-7727

WHITE PINE COUNTY

Debra Kolkman
Office Manager, White Pine County
Nuclear Waste Project Office
959 Compton Street
Ely, Nevada 89301

Telephone: (775) 289-2188

APPENDIX G

Meeting Agendas of the Nevada Legislature's Committee on
High-Level Radioactive Waste for the
1997-1998 Interim Period

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (702) 687-5962

LORNE J. MALKIEWICH, *Director*
(702) 687-6800

LEGISLATIVE COMMISSION (702) 687-6800
RICHARD D. PERKINS, *Assemblyman, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 687-6821
WILLIAM J. RAGGIO, *Senator, Chairman*
Daniel G. Miles, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

Wm. GARY CREWS, *Legislative Auditor* (702) 687-6815
ROBERT E. ERICKSON, *Research Director* (702) 687-6825
BRENDA J. ERDOES, *Legislative Counsel* (702) 687-6830

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on High-Level Radioactive Waste (*Nevada Revised Statutes* 459.0085)

Date and Time of Meeting: November 3 and 4, 1997 (See below for specific times)

Place of Meeting: Washington, D.C. (See below for specific locations)

AGENDA

Following is the anticipated schedule for the committee to exchange information with various federal officials. Because these discussions are at the pleasure of those officials, the schedule is subject to amendment in Washington, D.C. Interested persons may wish to confirm times and locations with Nevada's Washington, D.C., Office (telephone: 202/624-5404).

Monday, November 3, 1997

9 a.m. - 10 a.m. Topic: Management of High-level Radioactive Waste Program
Department of Energy
Ron Milner, Director, Program Management & Integration, Civilian Radioactive Waste
Gary Falle, Acting Assistant Secretary, Congressional and Intergovernmental Affairs
Charles Pray, Special Assistant to Gary Falle
Forrestal Building
1000 Independence Avenue, S.W.

11 a.m. - 12 p.m. Topic: Repository Radiation Release Standards
Environmental Protection Agency
Larry Weinstock, Acting Director, Office of Radiation and Indoor Air
Al Colli, Director, Center for Waste Management
Frank Marcinowski, Director, Radioactive Division
501 Third Street, S.W., Sixth Floor Conference Room

(O)-1578E

1:30 p.m. - 2 p.m. Topic: Findings and Recommendations on Nuclear Waste Program
Nuclear Waste Technical Review Board
William Barnard, Executive Director
444 North Capitol Hill, Room 231

2 p.m. - 2:30 p.m. Topic: The Nuclear Industries Perspective on the Nuclear Waste Program
Julie Jordan, Nuclear Energy Institute
444 North Capitol Hill, Room 231

2:30 p.m. - 3 p.m. Topic: State Regulatory Agencies Perspective on the Nuclear Waste Program
National Association of Regulatory Utility Commissioners
Janice Owens, Director, Nuclear Waste Program
444 North Capitol Hill, Room 231

3 p.m. - 3:30 p.m. Public Comment
444 North Capitol Hill, Room 231

4 p.m. - 5 p.m. Topic: Licensing Role of the Nuclear Regulatory Commission
Nuclear Regulatory Commission
Dr. Shirley Ann Jackson, Chairman
Margaret Federline, Deputy Director, Waste Management Division
1155 Rockville Pike

Tuesday, November 4, 1997

10 a.m. - 11 a.m. Topic: High-Level Radioactive Waste Issues in Nevada
Senator Harry Reid (D-Nevada)
Senator Richard H. Bryan (D-Nevada)
269 Russell Senate Office Building

1:15 p.m. - 1:45 p.m. Topic: High-Level Radioactive Waste Issues in Nevada
Congressman Edward J. Markey (D-Massachusetts)
Jeff Duncan, Legislative Director
Michael Freedhoff, Legislative Assistant
2133 Rayburn House Office Building

2 p.m. - 2:30 p.m. Topic: High-Level Radioactive Waste Issues in Nevada
Senator Frank H. Murkowski (R-Alaska)
Karen Hunsick, Committee Counsel
370 Dirksen Senate Office Building

3 p.m. - 4 p.m. Topic: High-Level Radioactive Waste Issues in Nevada
Congressman John Ensign (R-Nevada)
Congressman Jim Gibbons (R-Nevada)
414 Cannon House Office Building

To be announced Topic: High-Level Radioactive Waste Issues in Nevada
Congressman Dan L. Schaefer (R-Colorado)
2160 Rayburn House Office Building

The committee will not take action on any of these items at this meeting.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, Capitol Complex, Carson City, Nevada 89701-4747, or call Nenita Wasserman, at 687-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; Carson City Courthouse, 198 North Carson Street; Legislative Building, Room 1214, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Grant Sawyer State Office Building, 555 East Washington Avenue; Clark County Office, 500 South Grand Central Parkway. Notice of this meeting was faxed for posting at the following Washington, D.C. location: Division of Economic Development, Washington D.C. Office, 444 North Capitol Street, Suite 209, N.W.

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MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on High-Level Radioactive Waste (*Nevada Revised Statutes* 459.0085)

Dates and Times of Tour and Meetings:

Tuesday, March 10, 1998
6:30 a.m.
Yucca Mountain Science Center
4101B Meadows Lane
Las Vegas, Nevada

and

Wednesday, March 11, 1998
9:30 a.m.
Grant Sawyer Office Building, Room 4412
555 East Washington Avenue
Las Vegas, Nevada

Note: On March 11, 1998, some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous video conference conducted at the following location:

Legislative Building
Room 4100
401 South Carson Street
Carson City, Nevada

AGENDA

March 10, 1998 - Tour of Yucca Mountain Project by United States Department of Energy Staff

Note: Any person wishing to accompany the tour must obtain a badge from the United States Department of Energy's (DOE) Yucca Mountain Project Office (YMPO) to enter the Nevada Test Site. Please contact Charlie Germack of the YMPO at 702/794-1339 by March 1, 1998. Be prepared to provide the following information: full name, date and place of birth, Social Security number, and the date and name of the tour.

March 11, 1998

I. Opening Remarks and Introductions by the Chairman.
Assemblyman Bob Price

*II. Approval of Meeting Minutes of December 4 - 5, 1996, and November 3 - 4, 1997, meetings.

III. Reports to Committee.

(O)-1578E

A. Update on Status of the Radioactive Waste Program by the United States Department of Energy. Topics to Include:

1. The underground and surface scientific studies relating to the Yucca Mountain Site Characterization project.

2. The elements, progress, and schedule of the Viability Assessment Report.

3. The Yucca Mountain Environmental Impact Statement.

4. The proposal to implement the Notice of Waste Acceptance, Storage, and Transportation Services. (Market Driven Approach)

B. Update on the Nevada Agency for Nuclear Projects'(NANP) Activities by Agency Staff. Topics to Include:

1. Overview of State's scientific studies and other oversight efforts.

2. Status of legal actions involving the state or being monitored by the NANP.

3. Other nuclear waste programs.

a. Shipments of foreign reactor nuclear waste.

b. Low-level radioactive waste shipments to the Nevada Test Site.

C. Update on the U.S. Nuclear Regulatory Commission relating to the Yucca Mountain Project.

D. Update on Oversight Activities of the Affected Units of Local Governments.

E. Update on National Conference of State Legislatures - High-Level Radioactive Waste Interim Storage and Transportation Working Group.

IV. Public Testimony.

V. Comments and Discussion by Committee Members.

VI. Adjournment.

*Denotes items on which the committee may take action.

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MEETING NOTICE AND AGENDA

Name of Organization: Nevada Legislature's Committee on High-Level Radioactive Waste (*Nevada Revised Statutes* 459.0085)

Date and Time of Meeting: Wednesday, December 16, 1998
9:30 a.m.
Legislative Building
401 South Carson Street, Room 4100
Carson City, Nevada

Note: Some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous video conference conducted at the following location:

Grant Sawyer State Office Building
Room 4412
555 East Washington Avenue
Las Vegas, Nevada

AGENDA

I. Opening Remarks and Introductions by the Chairman.
Assemblyman Bob Price

*II. Approval of Meeting Minutes of March 10 and 11, 1998, Meeting.

III. Reports to Committee.

A. Update on Status of the Radioactive Waste Program by the United States Department of Energy. Topics to Include:

1. The underground and surface scientific studies relating to the Yucca Mountain Site Characterization project.

2. The Viability Assessment Report.

3. The Yucca Mountain Environmental Impact Statement.

(O)-1578E

B. Update on the Nevada Agency for Nuclear Projects'(NANP) Activities by Agency Staff. Topics to Include:

1. Overview of State's scientific studies and other oversight efforts.

2. Status of legal actions involving the state or being monitored by the NANP.

C. Overview of Nuclear Regulatory Commission (NRC) Proposed Rule 10 CFR 63 — Disposal of High-Level Radioactive Waste in a Proposed Geologic Repository at Yucca Mountain Nevada.

D. Overview of State Radioactive Materials Transportation Legislation and Regulations by National Conference of State Legislatures (NCSL).
Jim Reed, Program Director, Transportation, NCSL

E. Status of Statewide Emergency Communication System.
Marlene Lockard, Director of Nevada's Department of Information Technology

F. Update on Oversight Activities of the Affected Units of Local Governments.

IV. Public Testimony.

V. Comments and Discussion by Committee Members.

VI. Adjournment.

*Denotes items on which the committee may take action.

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