

EUREKA COUNTY BOARD OF COMMISSIONERS
Special Meeting – Yucca Mountain Updates
April 3, 2009

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on April 3, 2009, for a special meeting with Diane Curran, Esq., Licensing Attorney and Advisor for Yucca Mountain. Present were Chairman Jim Ithurrealde, Vice Chair Leonard Fiorenzi, Member Mike Page, District Attorney Theodore Beutel, Clerk & Treasurer Jackie Berg, and Abby Johnson, Nuclear Waste Advisor. The meeting was called to order at 1:06 p.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Fiorenzi moved to approve the agenda as posted. Commissioner Page seconded the motion. Motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurrealde called for public comments. There were none.

YUCCA MOUNTAIN UPDATE

Yucca Mountain Nuclear Repository: Diane Curran, Licensing Attorney and Advisor, and Abby Johnson, Nuclear Waste Advisor, updated the Board on issues pertaining to the Department of Energy's (DOE) license application to the Nuclear Regulatory Commission (NRC) for the Yucca Mountain Nuclear Repository. Ms. Curran reviewed for the Board that she is an attorney from Washington, D.C., specializing in nuclear licensing cases. The majority of Ms. Curran's clients are public interest groups, citizen groups, and occasionally state and local governments located near nuclear facilities. Eureka County has contracted with Ms. Curran for professional services for approximately three years.

Ms. Curran reported that many county governments, the State of Nevada, and State of California have submitted contentions raising concerns about the Yucca Mountain Repository. Three panels of three judges have been appointed by the NRC Commissioners to decide which contentions will be admitted to the licensing case. The nine judges are administrative law judges and career employees of the NRC and are part of the Atomic Safety and Licensing Board under the NRC Commissioners. The scope of the hearing, especially safety and environmental impacts of Yucca Mountain, is determined by what contentions are being made. The public will only have an opportunity to comment on the contentions being admitted. The technical staff of the NRC will decide on the contentions not admissible to the case. Over 300 contentions have been submitted by interested parties. Ms. Johnson and Ms. Curran attended deliberations in Las Vegas regarding which contentions will be admitted. The deliberations were webcast for public interest. Issues being raised include: the geology of the repository, adequate container storage, and transportation. Transportation issues may not be allowed in the contentions because these issues were addressed in the environmental impact statement (EIS). Ms. Curran reported that the State of Nevada and many counties had strong arguments for admitting the transportation contentions.

Eureka County, as an interested governmental participant, was not allowed to submit contentions or argue for or against the Yucca Mountain contentions. The County is examining the contentions to see which issues are admitted and may decide to co-sponsor issues. Co-sponsoring a contention would allow the County to provide testimony or cross examine witnesses during the hearing. The decision on which contentions will be admitted for the hearing will be made May 11th. After May 11th, the NRC Commissioners are allowing 45 days for interested parties to submit a notice declaring participation in specified contentions. Ms. Curran and Ms. Johnson will make recommendations to the Board on which contentions the County may want to join, why the County should join, what should be done to support the contentions, and the cost of being involved to that extent. The information will be brought to the Commissioners the end of May. If the County decides to participate, the DOE and NRC will ask the County for discovery, or evidence, items. Ms. Curran reported that summary judgment proceedings are expected in 2010 and the Yucca Mountain hearing should take place in 2011.

Ms. Johnson reported that the Yucca Mountain deliberations were very technical and the contentions are very detailed. The long term effects of the repository and the methodology for determining those effects were debated. The State of Nevada was well prepared to defend the State's contentions to the NRC. Ms. Curran clarified that the NRC Commissioners are not appointed by the President, but are approved by Congress; however, the DOE is a federal agency controlled and appointed by the President. The Board thanked Ms. Curran and Ms. Johnson for the update report on the Yucca Mountain Project.

Ron Damele, Public Works Director, reported that a tour of the Yucca Mountain site has been scheduled for April 22nd, and a test site tour on April 23rd. Ms. Johnson explained that Bruce Breslow, Director of the Nevada Agency for Nuclear Projects, will be attending the tour on that date which will likely garner a more thorough tour of the site. Only four people will be allowed to attend from Eureka County. The Board agreed to have Commissioner Page, Mr. Damele, and Ms. Johnson attend the Yucca Mountain tour. Ted Beutel, District Attorney, may join the tour if his schedule allows, but if Mr. Beutel cannot attend, Jake Tibbitts, Natural Resources Manager, will attend in his place.

PUBLIC COMMENT

Chairman Ithurralde opened the floor to public comments. There were none.

ADJOURNMENT

At 1:33 p.m., Commissioner Fiorenzi motioned to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Pursuant to NRS 241.015(2)(b)(2), immediately upon adjournment of the above meeting, the Board of Eureka County Commissioners conferred with Diane Curran, Esq., Abby Johnson, and involved County staff for the purpose of having an attorney-client discussion of potential and/or existing litigation "to receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction, or advisory power and to deliberate toward a decision on the matter, or both." Pursuant to NRS 241.015(2)(b)(2), this conference was not open to the public and was not recorded.

Approved this 20th day of April, 2009.

/s/ J.P. Ithurralde
J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk