

**REPORT AND RECOMMENDATIONS  
OF THE  
NEVADA COMMISSION ON  
NUCLEAR PROJECTS**



**Presented to  
*The* Governor and Legislature  
of the State of Nevada**

**December 2006**

arena and adequately protect Nevada's Interests is likely to be the most complex and costly activity in which the Agency has engaged to date.

To carry out its responsibilities in this regard, the Agency has assembled a first-rate team of legal and technical experts with experience and expertise in the highly specialized NRC legal, regulatory and adjudicatory arenas and in critical scientific and technical disciplines directly related to key areas of site waste isolation system performance and overall Yucca Mountain licensability.

During the past two years, the State's legal team has been heavily engaged with the NRC's Pre-Licensing Application Presiding Officer (PAPO) Board in defining the policies and procedures that would govern any actual licensing proceeding. In addition, Agency staff, assisted and guided by the legal team, has been incrementally assembling documents and materials for loading on the NRC's licensing support network information database, a task that is both costly and extremely labor intensive."

One of the most important - and frustrating - areas of the State's pre-licensing activities has been gaining access to current information and technical materials on the Yucca Mountain repository facility and system design being proposed for licensing and on DOE's key performance models and related information essential for licensing. DOE has, to date, refused to provide information on the current repository design and models used to assess repository system performance (i.e., waste isolation capabilities) and has rebuffed State efforts to obtain a copy of the draft license application, even though that document has been shared with others.

The Agency has also been engaged in a sustained and concerted research effort to address key technical and scientific issues that are expected to be important to the State's licensing intervention. To that end, the Agency has engaged nationally and internationally recognized scientists and experts in fields of hydrology, geochemistry, volcanism/seismicity, and health physics. These scientists are working closely with the State licensing team, compiling data from over two decades of Agency-sponsored research on the Yucca Mountain site, carrying out new research and preparing scientific reports and papers to be published in peer-reviewed journals - work that will support the State's contentions in any licensing proceeding. They will also be available as expert witnesses during any future licensing proceeding.

---

<sup>12</sup> The State of Nevada, as a participant in the licensing process, is also required to have all of the documents and materials it will rely on in licensing loaded into the NRC web-base information system. In addition, NRC also requires the State and other participants to include in the database Agency materials that DOE or other licensing parties might be reasonably expected to need to respond to contentions made by the State. This places an extraordinary burden on the State in that it means that thousands of documents must be converted to electronic files and loaded onto the web-based system, at considerable cost and effort.