



# U.S. NRC

United States Nuclear Regulatory Commission

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*Protecting People and the Environment*

**DROP-IN VISIT BY  
NYE COUNTY, NEVADA**

**WITH**

**CHAIRMAN SVINICKI**

**March 5, 2018**

CONTACTS: Tim McCartin, NMSS  
Aida Rivera-Varona, OEDO

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**AGENDA**

March 5, 2018

**ITINERARY**

<b>TIME</b>	<b>PERSON VISITED</b>	<b>CONTACT PERSON</b>	<b>EXTENSION</b>
10:00 a.m. - 10:30 a.m.	Chairman Svinicki	Janet Lepre	301-415-1750

**VISITORS REPRESENTING  
NYE COUNTY, NEVADA**

- Dan Schinhofen, Commissioner, Nye County
- Lorinda Wichman, Commissioner, Nye County
- Tim Sutton, Manager, Nye County
- Rick Spees, Chair, Government Affairs and Public Policy Practice Group, Akerman Law Firm

**TOPICS OF DISCUSSION**

- Discussion of the Yucca Mountain licensing proceeding and the facilities the county will make available to the NRC for those hearings.

## **SIGNIFICANT ISSUES / TALKING POINTS**

### **Status of Yucca Mountain Licensing Proceeding**

#### **Key Messages**

- **The adjudicatory proceeding is currently suspended. If appropriations from the Nuclear Waste Fund were made available to restart the adjudication for the Yucca Mountain construction authorization decision, such resources could be used to re-establish the necessary infrastructure to conduct the hearings, including appropriate space and information technology, and to begin hearing activities.**
- **A decision on whether to authorize construction of the repository can be made only after a hearing has been conducted on the contested issues, and the Commission has completed its review of contested and uncontested issues.**
- **Using the remaining Nuclear Waste Fund appropriations available to the NRC, the Commission has directed agency staff to collect information regarding reconstitution of the Licensing Support Network (LSN) or suitable replacement system and to gather preliminary information regarding potential adjudicatory hearing venues.**

#### **Facts**

- There were 288 contentions pending at the time the proceeding was suspended in 2011, however, there could be new or amended contentions if the licensing proceeding is resumed.
- The NRC's procedural rules require that the Commission review contested and uncontested issues outside of the adjudicatory context before a construction authorization could be issued [10 CFR 2.1023].
- On July 31, 2017, the Commission directed agency staff to hold a virtual meeting of the Licensing Support Network Advisory Review Panel (LSNARP) to provide information to, and gather input from, advisory panel members and the public regarding reconstitution of the LSN or a suitable replacement system. The Commission also approved gathering preliminary information regarding potential adjudicatory hearing venues. Although the Commission initially limited expenditures for these activities to \$110,000 from the Nuclear Waste Fund (NWF), on November 21, 2017, the Commission approved a request for an additional \$25,000 to further support these activities, for a total expenditure of \$135,000.
- NRC's total unobligated NWF funds remaining as of January 31, 2018, are \$491,635.
- The NRC's FY 2019 budget request includes \$47.7M in appropriations for Yucca Mountain.

### Status of NRC facilities in Nevada

#### Key Messages

- The NRC closed the office of its Las Vegas On-Site representatives in 2010, which was in Clark County, Nevada. If the adjudication were restarted, the NRC may re-establish that office.
- Under longstanding agency policy, hearings are held, to the degree practicable, in the general vicinity of the proposed facility. Consistent with that policy, the NRC plans to explore the availability of a Nevada facility, and how a Nevada facility compares to other alternatives, including the agency's capabilities for hosting adjudicatory sessions at or near NRC headquarters.

### Status of NRC's Staff Review of Yucca Mountain License Application

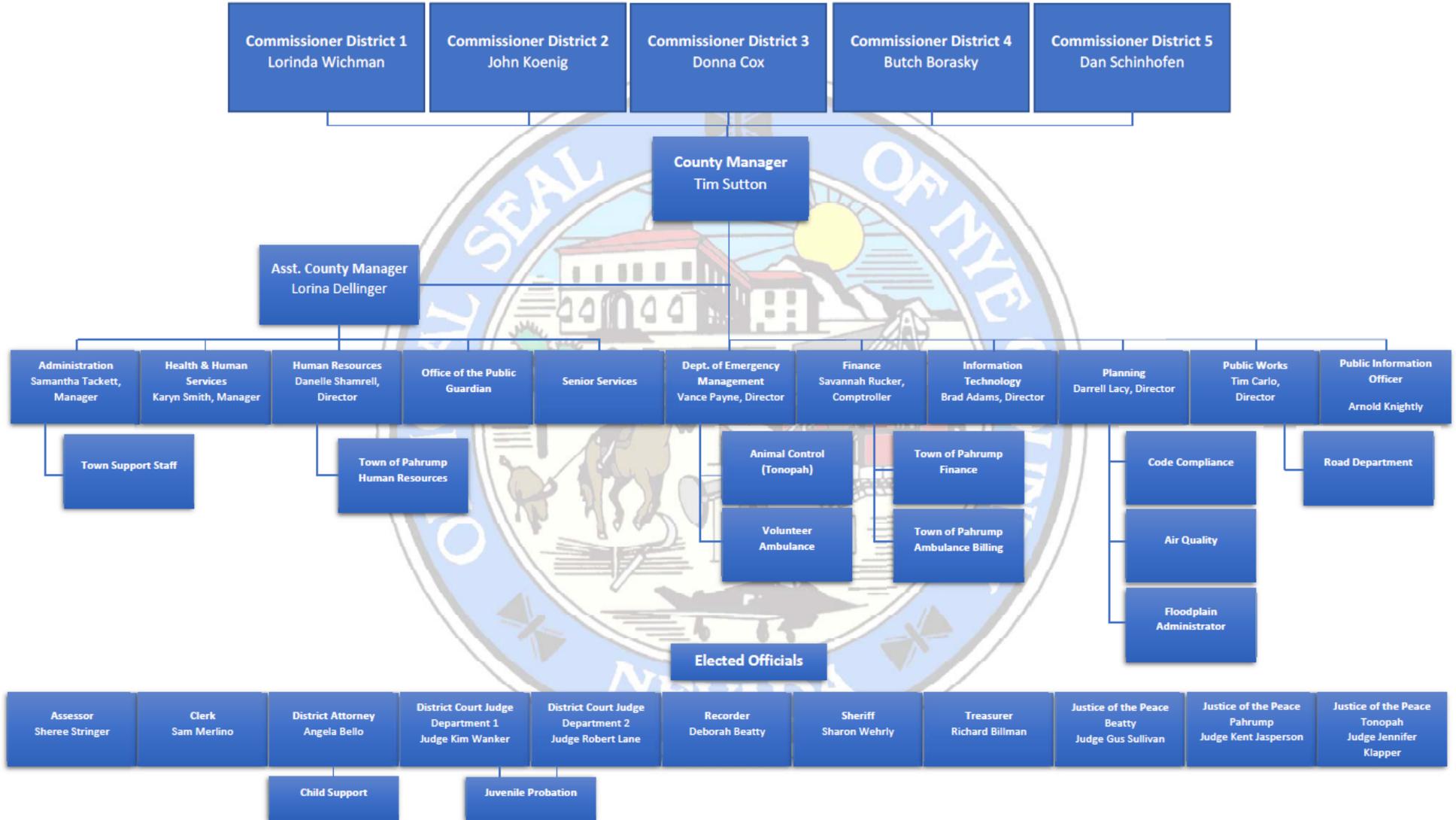
#### Key Messages

- The NRC staff has completed its safety evaluation report (SER) for the proposed repository at Yucca Mountain (January 2015) and published a supplement to DOE's Environmental Impact Statement (EIS) (May 2016).
- Regarding a potential Construction Authorization, the NRC staff concluded that it could not recommend issuance at this time because DOE's application did not meet all of the applicable requirements, specifically those related to land use and water use.

#### Facts

- In its SER, the NRC staff found that DOE did not meet the regulatory requirements of 10 CFR Part 63 in two areas. Specifically, the regulatory requirements at 10 CFR 63.121(a) regarding ownership of the land where the proposed geologic repository operations area (GROA) is located are not satisfied, and the regulatory requirement at 10 CFR 63.121(d)(1) regarding water rights is not satisfied. DOE has not yet secured ownership of the land or of the rights to the water that DOE determined are needed to accomplish the purpose of the GROA. Accordingly, the NRC staff's SER stated that it does not recommend Construction Authorization issuance at this time.
- The NRC staff found, subject to proposed conditions of the construction authorization, DOE's design of the GROA and preclosure safety analysis complies with the preclosure performance objectives and the requirements for preclosure safety analysis of the GROA (SER Volume 2: Repository Safety Before Permanent Closure).
- The NRC staff found that the proposed Yucca Mountain repository design meets the applicable postclosure performance objectives, including the requirement that the repository be composed of multiple barriers; and applicable regulatory requirements for repository performance regarding individual protection, human intrusion, and separate standards for protection of groundwater. (SER Volume 3: Repository Safety After Permanent Closure).

### ORGANIZATIONAL INFORMATION



**Biographical Information**



**Dan Schinhofen**  
*Commissioner*  
*Nye County*



**Lorinda Wichman**  
*Commissioner*  
*Nye County*



**Tim Sutton**  
*Manager*  
*Nye County*



**Richard L. Spees**  
*Chair, Government Affairs and Public Policy Practice Group*  
*Akerman Law Firm*

Rick Spees serves as the chair of Akerman’s Government Affairs & Public Policy Practice Group. Rick leads a bipartisan team of professionals providing strategic counsel on policy and regulatory issues in the United States. With his experience working on Capitol Hill, and decades of advocacy on behalf of clients before federal agencies, Rick represents public and private entities in their interactions with the government, helping them secure funding from executive agencies and address issues raised by complex laws and regulations.

Rick represents a wide range of clients in the education, government, healthcare, and transportation sectors, including cities, counties, transit authorities, educational institutions, science centers, hospital systems, and other corporations. Prior to private practice, Rick served in a number of positions in the U.S. Senate, including three years as the staff director and chief counsel of the Appropriations Subcommittee on the Departments of Commerce, Justice, State, Judiciary, and Related Agencies. He also served on the Senate Judiciary Committee and as a legislative assistant for Senator Paul Laxalt (R-Nevada).

In the community, Rick serves as the lead for Akerman’s DC pro bono team supporting Court Appointed Special Advocates (CASA). He is a member of the board of A Brighter Tomorrow For Africa Foundation, which conducts feeding programs and other charitable work in Sierra Leone. For six years he also served on the board of Reading Partners—Washington DC, a children’s literacy nonprofit organization.