

EUREKA COUNTY, NEVADA

Nuclear Waste Program

KEY ISSUES FOR COUNTY COMMISSIONERS
REGARDING YUCCA MOUNTAIN REVIEW AND
LICENSING PROCESS

December 2018

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GLOSSARY OF ACRONYMS

AULG	Affected Unit of Local Government
BRC	Blue Ribbon Commission on America's Nuclear Future
DOE	U.S. Department of Energy
EIS	Environmental Impact Statement
GIS	Geographic Information System
HLW	High-level radioactive waste
IGP	Interested Governmental Participant
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act
NRC	Nuclear Regulatory Commission
NWPA	Nuclear Waste Policy Act
NWTRB	Nuclear Waste Technical Review Board
SNF	Spend nuclear reactor fuel
WIEB	Western Interstate Energy Board

NOTE: Blue underlined words in the Report denote links to documents available on the Internet.

INTRODUCTION

The purpose of this Issues Paper is to provide background and perspective in support of a Resolution by the County Commissioners to establish its principles and priorities for future oversight of and participation in the U.S. Nuclear Regulatory Commission's (NRC's) licensing proceeding for a high-level radioactive waste repository at Yucca Mountain. The U.S. Department of Energy (DOE) proposes to build and operate the repository, and to transport large quantities of spent nuclear reactor fuel (SNF) and other high-level radioactive waste (HLW) to the repository through Nevada -- including, potentially, through Eureka County.

Eureka County established its Nuclear Waste Program in 1992 and participated in the NRC licensing proceeding until 2010, when the proceeding was suspended. During the past decade, Eureka County's circumstances have changed in some significant ways. We have become more industrialized, putting more pressure on our transportation systems, including rail lines. And the government's plans for rail transportation of SNF and HLW to Yucca Mountain may change and become focused for the first time on the "Carlin Corridor," which runs through a portion of Eureka County.

Because the licensing proceeding may resume in the relatively near future, it would benefit the County Commissioners to review the history of our participation and consider whether and how to change our status. Issues to consider include whether to continue to participate in the licensing proceeding as an Interested Governmental Participant (IGP) or as a full party, and whether to continue to take a neutral stance or to formally support or oppose the project. The County Commissioners should consider whether and how such changes would affect the likelihood of achieving our overall goal of ensuring that construction and operation of the Yucca Mountain repository do not adversely affect the County. The Commissioners should also consider the financial implications of continuing to participate in the Yucca Mountain proceeding at various levels of intensity.

As we face the likely resumption of the Yucca Mountain licensing process, Eureka County is well-positioned to continue to protect its interests through that process. The decisions about how to participate in licensing, the allocation of resources, and the use of general funds to sustain the existing program will be considered by future County Commissioners, with this Issues Paper and the attached companion Resolution (listed in the Appendix) serving as the framework for decision making. Both the Issues Paper and the Resolution provide a framework for these critical decisions.

BACKGROUND

The Nuclear Waste Policy Act of 1982, as amended in 1987 (NWPA) designated authority to the State of Nevada and certain Nevada counties as well as Inyo County in California to have a role in independent oversight of the DOE's proposal to study and obtain NRC licensing approval for a repository for HLW and SNF at Yucca Mountain (the "Yucca Mountain Project"). The NWPA also provided funding for the state and local governments, known as Affected Units of Local Government (AULGs).

Eureka County began its funded participation in oversight of the Yucca Mountain Project in 1993, with the primary focus of transportation. Because most of the HLW and SNF destined for Yucca Mountain will originate east of the Mississippi River, many shipments will travel through Eureka County on their way to the repository. As the HLW and SNF funnels into the state by rail, it will travel on a "corridor" designated by DOE. One of the six such corridors considered by DOE is the "Carlin Corridor," a north-south rail route that would bisect the County. While the DOE did not choose the Carlin Corridor as its "Preferred Alternative" for rail routes, changed circumstances have, in all likelihood, eliminated DOE's preferred rail route. Thus, the Carlin Corridor still presents a major environmental and health/safety concern for the County. Eureka County also has concerns about the overall safety of the repository, which has significant health/safety and economic implications for the County. These concerns are discussed in more detail below.

From the beginning, it was clear that Eureka County needed to be able to work with all parties, including federal agencies such as the DOE, NRC, and U.S. Department of Transportation; state agencies such as the State of Nevada Nuclear Waste Project Office and Nevada Department of Transportation (NDOT); and a spectrum of AULGs: (Nye County (host of the proposed repository); Churchill, Clark, Esmeralda, Eureka, Lander, Lincoln, Mineral, and White Pine Counties in Nevada; and Inyo County, Cal.)

Over time, it became clear that the most beneficial position for the County to take to protect public health and safety was to neither support nor oppose the repository. Instead the County elected to apply critical thinking to understand the benefits and drawbacks of the Yucca Mountain Project as proposed, and to communicate our concerns to government decision-makers through the NRC licensing process, meetings and correspondence with the DOE and other agencies, and use of our website and other communication tools to provide balanced information to residents of the County. We have been able to use Congressionally-approved AULG funding for these activities (although lobbying and court-based legal actions are not covered). Importantly, Eureka County demonstrated leadership among the AULGs in advocating for open and accessible document availability and public hearings.

NUCLEAR WASTE PROGRAM ELEMENTS

OVERSIGHT FUNDING

As an AULG, Eureka County received oversight funding from 1992 to 2010 to carry out the oversight functions outlined in Section 116 of the NWPA. Funding came from the Nuclear Waste Fund through the DOE as a “direct payment” via the congressional appropriations process. Eureka County applied to DOE for the funding, which was divided among the AULGs according to a formula negotiated among the AULGs.

Eureka County has administered its program in a fiscally conservative manner, which has resulted in the County’s ability to stay engaged even though the last year of oversight funding from DOE was provided in 2010. We not only kept a close eye on our expenditures, but we also shared expenses with other AULGs when possible. For instance, we planned to share resources with Clark County for hiring an expert to evaluate common transportation issues. The County has not used general fund revenues for the program activities, except where they directly benefited the County in addition to the Nuclear Waste Program. For example, the Geographic Information Systems program was begun with oversight funds, but augmented with County funds.

EUREKA COUNTY NUCLEAR WASTE PROGRAM

Eureka County’s oversight functions under Section 116 of the NWPA are: Participation; Public Information; Impact Monitoring; Impact Assistance Request.

Participation, the key feature of the County’s Nuclear Waste Program, has included:

- Attending meetings and hearings (in Nevada and in Washington, D.C.) of federal agencies and organizations, including DOE, NRC, Environmental Protection Agency (EPA), the Nuclear Waste Technical Review Board (NWTRB), the Federal Railroad Administration, the American Association of Railroads and the Surface Transportation Board among others;
- Participation as an Interested Governmental Participant (IGP) in the NRC licensing proceeding for Yucca Mountain (Participation in the NRC licensing process is an allowable use of oversight funds);
- Engaging with state agencies such as the Agency for Nuclear Projects, the Commission on Nuclear Projects and the Legislature’s High-Level Waste Committee.
- Submitting comments to the DOE in the National Environmental Policy Act (NEPA) process, including comments on multiple iterations of the Environmental Impact Statement (EIS) for the Yucca Mountain Project.
- Meetings in Washington, DC with the Nevada Congressional delegation.
- Working cooperatively with other AULGS regarding common issues or interests, including joint projects.

Public Information has also been a priority for Eureka County's Nuclear Waste Program. The County's website, www.yuccamountain.org, is updated regularly with current news and information. It also contains the history of Eureka County's involvement through publications, documents, maps, studies, and a timeline. For many years, the Yucca Mountain Information Office produced the [Nuclear Waste Update](#) a periodic newsletter whose back issues are available on the website. During the NRC licensing hearings, Eureka County championed webstreaming of the proceeding to ensure that the public could view the proceedings. In 2011, Eureka County completed its [Lessons Learned Project](#), a series of video interviews with participants and leaders who had been involved with the Yucca Mountain issue related to Eureka County.

Impact Monitoring was one of the major activities conducted by Eureka County during the early years of the Yucca Mountain Project, when DOE conducted a site characterization of Yucca Mountain and began to develop the EIS. Our activities included using Geographic Information Systems (GIS) to develop local baseline mapping data; and collecting and analyzing socioeconomic data, historical data, and baseline data that could be used to comment on the DOE's draft EIS. When DOE proposed to build the [Carlin Rail Corridor](#) from Beowawe southwest through the Crescent Valley, the County developed reports and baseline information concerning the potential impacts of the nuclear waste rail line, now available on the website.

Impact Assistance Request was prepared in 2001 in response to a request from the Nevada Agency for Nuclear Projects. Eureka and other AULGs each prepared an Impact Assessment Report documenting the potential impacts of the Yucca Mountain Project on their resources and citizens. The Governor submitted these reports to Congress and the President as part of the State's Notice of Disapproval. Eureka County's [Impact Assessment Report](#), Part 5, details mitigation of anticipated impacts.

ACCOMPLISHMENTS

By managing oversight funds in a conservative manner and with minimal staff, Eureka County sustained an active program throughout the eighteen-year period when the Yucca Mountain Project was active. Since 2010, when the Yucca Mountain project was suspended and oversight funding to the AULGs was ended, we have continued to monitor the Yucca Mountain Project and make minimal preparations for the next phase, using the remainder of our previous AULG funding.

Throughout the Yucca Mountain licensing process, the Nuclear Waste Program diligently monitored Yucca Mountain Project developments, attended meetings with decision-makers, produced reports, and provided basic information to the public. We also participated fully in the government's decision-making processes, including commenting on several drafts of the EIS for the repository and related transportation issues; and participating as an IGP in the NRC licensing proceeding. During the process for commenting on the draft EIS, we collected and submitted baseline data regarding Eureka County land use. This information contributed to DOE

selecting a different rail corridor than the Carlin Corridor which runs through a portion of Eureka County.

The County assembled a team of respected consultants and experts to assist with gathering information and producing the key reports listed in the Appendix. With their expertise, the County met NRC criteria (no small feat) to have its document collection certified, thus qualifying to participate in the licensing proceeding. Now, with licensing likely to resume soon, Eureka County is ready with a licensing attorney, experts, and its certified documents. The missing piece is oversight funding to support the County's participation in licensing.

CURRENT STATUS OF YUCCA MOUNTAIN PROJECT

The Yucca Mountain repository program is currently on hold. Beginning in 2010, President Obama's budget did not include funding for DOE or NRC, which effectively shut it down. While a federal court directed NRC to move ahead with licensing to the extent possible, insufficient funds were available to make any significant progress. Now both agencies await funding to restart licensing.

STATUS OF DOE EIS AND NRC LICENSING CASE

One of the key purposes of Eureka County's Nuclear Waste Program has been to prepare for and participate in the two key decision-making processes for the proposed repository: the EIS commenting process conducted by the DOE under the National Environmental Policy Act (NEPA), and the NRC licensing process for the repository. Ultimately, the NRC will set the conditions for safe operation of the repository and minimizing the environmental impacts of transportation of HLW and SNF to the repository.

Eureka County has participated in the NRC's Yucca Mountain repository licensing proceeding since before 2006, when the County began to assemble its collection of documents needed to participate in the case. The County certified its document collection in 2006. Between 2006 and 2009, the County also sponsored several motions to ensure that the Yucca Mountain proceeding would be webcast for the benefit of Eureka County residents and others (in an era when webcasting was still experimental!)

In 2009, the hearing process formally commenced. In *U.S. Dept. of Energy* (High-Level Waste Repository), LBP-09-6, 69 NRC 367 (2009), the NRC admitted for litigation approximately 300 concerns or "contentions" sponsored by the States of Nevada and California, various Nevada counties, and Indian tribes. The subject matter of the contentions covered a wide range of issues, including emergency response planning, transportation impacts and security, and adequacy of the repository design, including seismic risks. Eureka County and others were granted the special non-party status of an IGP, allowing it to conduct discovery, submit evidence, and cross-examine witnesses on any contentions it identified as matters of concern.

In 2009 Eureka County submitted a [Notice](#) to the NRC regarding the contentions on which it intends to participate.

In 2010, during the discovery process and before any evidence had been submitted, the NRC suspended the hearing for lack of funding. Although the NRC was forced to re-open the hearing process by a subsequent court order, as a practical matter, with little money remaining, no significant action could be taken to re-open the case. Recently, in anticipation that Congress may authorize new funding to revive the hearing process, the NRC began to study the difficult question of how to re-assemble its immense and now-outdated document collection for licensing in the event the case goes forward. That question remains unresolved.

Eureka County has also commented on every significant revision of the EIS for Yucca Mountain. We expect that DOE will need to revise the EIS again, in ways that may be relevant to the County's interests and concerns.

FEDERAL LEGISLATION: EXISTING AND PROPOSED

The NWPA of 1982 established a process for siting two repositories for SNF from commercial nuclear power plants and HLW from defense facilities. The original NWPA was a compromise that acknowledged equity while establishing the DOE as the agency in charge. By 1987, after a politicized nationwide search for repository sites and contentious hearings in the midwestern and eastern states, the Act was amended to designate Yucca Mountain in Nye County, Nevada as the only site to be studied for location of a repository.

While the NWPA has been amended multiple times, much of the yearly activity by Congress has centered on the budget. The funding for the repository program is part of the regular budget process. Even though the ratepayer-funded Nuclear Waste Fund is set aside as the pot of money to fund the repository, because it is part of the regular federal budget process, DOE's requests have been subject to the same scrutiny and negotiations as other non-entitlement programs. In short, most years the real fights have been over the DOE budget, and ensuring that the appropriations included sufficient funds for the State of Nevada and AULGs to perform the oversight identified in the NWPA. Beginning in 2010, the Administration's budget did not include funding for the Yucca Mountain Project, which effectively shut it down without changing the NWPA.

In 2010, the Blue Ribbon Commission on America's Nuclear Future (BRC) was established to consider the path forward for nuclear waste disposal. The [Commission's final report](#) identified an eight-pronged strategy including consent-based siting of future nuclear waste management facilities. Pending legislation proposed by Sen. Lisa Murkowski, the Nuclear Waste Administration Act (S. 854), would enact some of the BRC recommendations including independent management of the repository project and the need for consent-based siting. Members of the Nevada Congressional delegation have proposed the Nuclear Waste Informed Consent Act (S. 95) which would include the consent-based requirement for Yucca Mountain, not just for future projects.

For some time, Congressman John Shimkus has promoted H.R. 3053, Nuclear Waste Policy Amendments Act of 2018, which would jumpstart the licensing process and remove some of the institutional obstacles to moving forward with the repository at Yucca Mountain. Its prospects remain uncertain.

EXISTING NEVADA LEGISLATION AND STATE GOVERNMENT INVOLVEMENT

In 1989, the Legislature passed a bill, now [NRS 459.910](#), to make it unlawful to store high-level radioactive waste in Nevada. Most legislative sessions produce a joint resolution in opposition to the repository; the 2017 Nevada Legislature approved AJR 10, affirming the Legislature's long-held opposition to the Yucca Mountain project. The Nevada Legislature's Committee on High-Level Radioactive Waste meets periodically and makes recommendations on legislation.

The State of Nevada has opposed a repository at Yucca Mountain since the Nuclear Waste Policy Act was enacted in 1982. The Commission on Nuclear Projects oversees the Agency for Nuclear Projects and makes recommendations to the Governor and the Legislature. Since 2001, the Legislature has provided significant general funds to help support the Agency for Nuclear Projects and the Attorney General's office in the State's effort to prepare for and fully participate in the licensing process.

Nevada counties, including AULGs, take a variety of positions on the Yucca Mountain repository issues. A number of rural counties passed resolutions in support of the licensing process moving forward. Several of those counties are also on record in support of the project. Nye County, as the host or "situs" location for Yucca Mountain, has been especially active in seeking support for the repository and for the licensing process to proceed. Clark County has been on record for many years in opposition to the Yucca Mountain project, citing public health and safety concerns for residents and visitors. Inyo County, Cal. has raised concerns about contamination of groundwater.

SUMMARY OF IMPACTS TO EUREKA COUNTY: NATURAL RESOURCES • ENVIRONMENT • PUBLIC SAFETY

By choosing Yucca Mountain as the site of a HLW and SNF repository, the U.S. Congress put Eureka County in the path of potential environmental and economic impacts. DOE selected the "mostly-rail scenario" for shipments of SNF and HLW waste to the Yucca Mountain Repository, which will entail shipment of HLW and SNF through the County on major rail lines. Because Yucca Mountain has no direct rail or Interstate Highway access, DOE will also need to build a spur rail line to Yucca Mountain. Shipments of SNF and HLW to Yucca Mountain would take place over a 38-year period. About 80% of SNF and HLW would travel by rail to the repository (450 shipments/year totaling 20,000), while about 20% of shipments would be made by legal-weight truck (110 shipments/year totaling 3,700).

GENERAL TRANSPORTATION-RELATED CONCERNS

The vast majority of spent nuclear fuel currently in storage is located east of the Mississippi river. Therefore, most shipments would arrive in Nevada from the east. This places Eureka County on the main corridor for the shipments, both rail shipments on the Union Pacific mainline and highway shipments on Interstate 80 across northern Nevada.

Shipments of spent nuclear fuel create a unique demand on emergency response services, particularly in very rural areas such as Eureka County. Any transportation incident involving a spent nuclear fuel shipment must be treated as a potential hazardous materials incident until it can be demonstrated that there was no release of radioactive materials. Eureka County's existing emergency response capabilities are extremely limited in the event of a radiological incident.

Eureka County prepared an [Impact Assessment Report](#) on the impacts to the County resulting from the Yucca Mountain repository and its transportation. The County concluded that there are significant public health and safety issues to the County from this project which must be addressed. The County's primary responsibility to its residents is to protect their health, safety, and welfare. The County currently does not have the capability to respond to a transportation accident involving SNF or HLW. If the proposed repository is constructed, the County must have a hazardous materials emergency response program. The County has proposed that a "strike force" be located at Beowawe and operated under the direction of the affected local governments to mitigate the health and safety risk. The County prepared a [report](#) to describe the mission, concept of operations, training, and equipment needed to develop this capability.

Eureka County has determined that they do not want volunteers to respond to a hazardous materials incident involving spent nuclear fuel or high-level radioactive waste. The County's preferred approach is to have DOE fully fund full-time response personnel. Two options are available to the County to meet this objective. The first option is a full-time department. The second option is a full-time team of hazardous materials technicians who would make up the entry team and the emergency medical services personnel operating in the warm zone. Volunteers would be used for the standby team, the decontamination team and other functions on scene.

The Western Interstate Energy Board (WIEB) is a leader in policy and protocol regarding nuclear waste shipments. WIEB has recently adopted a number of [Policies](#) that address the States' needs with respect to transportation of spent nuclear fuel. The WIEB High Level Waste Committee is working on additional policies to propose to the Board. These policies represent the western States' position regarding transportation of spent nuclear fuel. The policy on [Funding](#) clearly states that the cost to state and local governments for preparing for and responding to incidents involving shipments of spent nuclear fuel must be paid for by DOE rather than State and local governments.

CONCERNS REGARDING THE CARLIN CORRIDOR

Eureka County has a special interest in the [Carlin rail corridor](#), one of the possible rail corridors that DOE considered building to Yucca Mountain. In addition to the five rail corridors studied for the EIS, DOE also later examined the [Mina route](#), located in western Nevada. The Carlin corridor would originate from the Union Pacific main rail line near Beowawe in Eureka County, and travel southwest through the Crescent Valley east of the Town of Crescent Valley, and into Grass Valley in Lander County, head south through Big Smoky Valley or Monitor Valley and further south to Yucca Mountain.

Although DOE selected the Caliente Corridor as its preferred alternative for rail access to Yucca Mountain, it now appears that the Carlin Corridor may be reconsidered as an alternative. The Caliente Corridor is now blocked by the new Basin and Range National Monument, and therefore DOE may re-examine other corridors, including Carlin. The Carlin Corridor may be an especially attractive alternative because of its north-south orientation. It is also possible that DOE will evaluate entirely new transportation routes. Not enough information is available at this time to know how seriously the Carlin Corridor may be considered.

If the Carlin Corridor is considered in the future, two of the main obstacles will be the [complex private/public land ownership patterns in Crescent Valley](#) and the expanding [mining exploration and development](#). If DOE initiates a route selection process again, it will be important for Eureka County to insist that the DOE start over completely, considering new routes and transportation options in addition to the Carlin Corridor. We can do this through the NRC licensing process and by commenting on the revised EIS that DOE will need to prepare.

Any issues we raise regarding a resurrected Carlin Corridor option will build on our earlier criticisms of DOE's environmental impact analysis of proposed transportation corridors. In its EIS regarding transportation impacts, DOE did not accurately identify environmental impacts of the proposed routes due to insufficient design information. For example, for the Carlin route, significant fill material would have been required to achieve the necessary grade to climb out of the southern end of Crescent Valley. DOE never identified potential sources of this fill material. In addition, the substantial fill required would have significantly increased the barrier to movement across the rail line. DOE never identified potential road crossings, grade separations, cattle underpasses, etc. due to the inadequate design information. Significant additional facilities would have been required at the connection of the proposed rail line to the main Union Pacific line at Beowawe. DOE never accurately identified these facilities, or assessed the potential impacts that these facilities or addressed mitigation.

KEY ISSUES AND CONCERNS FOR LICENSING

STANDING AS INTERESTED GOVERNMENTAL PARTICIPANT/PARTY IN NRC LICENSING PROCESS

As discussed above, Eureka County initially chose to participate in the Yucca Mountain licensing proceeding as an IGP rather than a full party. The County's principal reason for making that

choice was because the Carlin rail corridor had not been selected by the DOE as a primary transportation corridor to the repository, and therefore the project would not have immediate effects on Eureka County. IGP status allowed the County to forego the significant expense of preparing and submitting contentions of its own, instead allowing the County to choose whether to submit testimony on the wide range of contentions submitted by other parties. The County could also conserve resources by collaborating with other IGPs and parties on preparation of testimony. At the time the hearing was suspended, for instance, Eureka was working with Clark County to prepare testimony on emergency response issues.

If the Yucca Mountain proceeding resumes after its lengthy hiatus, it is likely that we will see changes which would require a new EIS and an update to the license application. For instance, as we discussed in the previous section, in light of potential problems with the Caliente Corridor that have surfaced recently, it is possible that DOE will change the EIS to identify a different transportation corridor as the preferred alternative. In the event that DOE selects the Carlin Corridor, the County should consider seeking party status and submit contentions raising its particular concerns regarding the direct impacts on Eureka County of rail transportation of spent fuel.

It can also be reasonably anticipated that the parties to the Yucca Mountain proceeding will be given an opportunity to submit new contentions or amend their existing contentions. At that point, Eureka County should consider whether to seek party status and submit its own contentions. Eureka County should also re-evaluate the issues on which it has expressed interest in participating as an IGP and make changes as appropriate. Party status and IGP status are not mutually exclusive: with respect to issues on which it does not submit contentions, Eureka County would also retain authority to participate as an IGP. *Project Management Corp., Tennessee Valley Authority, Energy Research and Development Administration (Clinch River Breeder Reactor)*, ALAB-354, 4 NRC 383, 392 (1976).

CAPACITY TO PARTICIPATE IN HEARINGS

Eureka County is able to participate in NRC's Yucca Mountain repository licensing proceeding to the extent that it has funds available to pay for representation and technical support. Participation in licensing has been deemed by DOE to be an eligible oversight activity for AULGs. However, when the licensing proceeding restarts Eureka County as well as other AULGs will need oversight funds in order to participate.

Some proposed legislation could narrow the eligibility for oversight funds and threaten to exclude or limit Eureka County's participation. It remains to be seen whether that effort will succeed, but it is in Eureka County's interest to participate in the licensing process and advantageous to the County as well as to other parties for Eureka County to be able to provide additional support to certain contentions.

From the beginning, the Eureka County Nuclear Waste Program has operated only with direct payment funds from DOE. As licensing moves forward, and especially if attention turns to a north-south rail alignment or to the Mina route which could bring substantial shipments

through Eureka County on existing rail to western Nevada, it may be necessary for the County to budget general funds on an annual basis to sustain the County's nuclear waste program.

Consultants and staff have matured with the program. In order to provide continuity and ensure that the basics of the program are maintained and that the County is prepared to engage when licensing hearings resume, it is recommended that County funds be used to support the program in conjunction with the remaining balance of funds. The program has been managed in a fiscally conservative fashion, minimizing staffing and maximizing involvement within the limitations of the budget. After the unsettling roller coaster of 1996 where DOE ordered AULGs to spend down all funds and then funding was not restored until 1998, the County learned that cash conservation is essential for the survival of the program at the local level.

At a minimum, sustaining the website and basic functions of the program would be important in the event that licensing goes forward. It would be unfortunate to lose the basic program for lack of DOE funding. Funding to sustain the County's Nuclear Waste Program at a basic level should be considered at the next budget cycle.

KEY ISSUES AND RECOMMENDATIONS

There has never been a time in the Yucca Mountain nuclear waste program when outcomes appeared certain, but haltingly over decades the project advanced from a dot on the map to the subject of an NRC licensing hearing. Over the years, the County has managed its program to protect public health and safety, educating and advocating decision makers about the concerns and interests of the county, and preparing for the NRC licensing proceeding. The County's interests have been served and protected by the Nuclear Waste Program. The key issues for the County Commissioners to consider are:

CARLIN RAIL CORRIDOR: DOE's preferred rail route may be stymied by the Basin and Range Monument. While it is difficult to predict what DOE will do, we must be prepared for reconsideration of the Carlin rail corridor, planned to bisect the County from Beowawe southwest through Crescent Valley. Since the Carlin route was initially studied by DOE in the 1990s, mining and related industrial activity has increased, and is predicted to increase for the next century. Private land ownership in Crescent Valley also remains a practical obstacle to the development of the Carlin corridor.

Recommendations:

- Monitor nuclear waste transportation developments closely and to be prepared to fully engage in proactive participation with involved agencies if new rail corridors to Yucca Mountain are being considered.
- If Carlin becomes the preferred rail corridor, Eureka County should seek full party status in the NRC proceeding and file contentions based on its well-documented concerns about the Carlin rail corridor.

EXISTING RAIL AND HIGHWAY TRANSPORTATION: In addition to the Carlin rail corridor, shipments of nuclear waste on existing rail and highway through the county also pose public health and safety challenges.

Recommendation:

- Support continued monitoring of national and regional transportation planning and developments, including impacts of nuclear waste transportation on existing rail and highways in Eureka County and its region.

NRC LICENSING PROCEEDING: Eureka County is currently admitted to the licensing proceeding as an Interested Governmental Participant (IGP). Eureka County is well prepared with a mature oversight program, experienced licensing attorney and experts. Funding is the limiting factor.

Recommendation:

- If the Carlin corridor is reconsidered or chosen for the rail corridor, Eureka County should be ready to file contentions regarding the Carlin rail corridor, including public health and safety concerns, and advocate for sufficient oversight funds to participate.

FUNDING: Eureka County has used its oversight funds in a conservative manner to sustain its program eight years beyond 2010, the last year of oversight funding.

Recommendations:

- When funding is restored to AULGs, Eureka County should actively participate to ensure that it gets oversight funds to participate fully in the licensing proceeding as an IGP.
- Eureka County should continue to maintain its Nuclear Waste Program at a basic level using general funds if needed to sustain the issue monitoring, website and other activities, and to be prepared to participate in licensing again.

Changes are likely in the Yucca Mountain repository program based on federal or Congressional action. As noted, the Caliente rail corridor designation is uncertain because of new conflicts. The proposal to increase the volume of materials slated for Yucca Mountain (currently restricted to 70,000 metric tons) may impact transportation and above-ground storage plans at the site, requiring a revised EIS. Accelerated shutdown and decommissioning of nuclear power plants is providing momentum for interim storage solutions. DOE's initiative to establish private sites for temporary above ground interim storage is underway but still uncertain. Periodic discussion about a separate repository for defense waste has implications for Eureka County's interests, especially for rail and highway transportation through the County.

Now in 2018, on the brink of the resumption of licensing, Eureka County is well-positioned to continue to protect its interests through the licensing process. The decisions about how to participate in licensing, the allocation of resources, and the use of general funds to sustain the existing program will be considered by future County Commissioners with this Issues Paper serving as the framework for decision making.

APPENDIX

KEY PROGRAMMATIC DOCUMENTS

The County's yuccamountain.org website is where the key programmatic documents of the Eureka County Nuclear Waste Program are readily available. Some of the key documents in support of licensing are listed below with links.

- Eureka County's 2002 Impact Assessment Report which was delivered to the State of Nevada Nuclear Waste Project Office, the U.S. Department of Energy, and the President of the United States <https://www.yuccamountain.org/impact01.htm>
- Eureka County's Responses to the DOE's EIS documents (1999, 2006, etc.) https://www.yuccamountain.org/eis_comments.htm
- Eureka County's Responses to the EPA's radiation standard (1999, 2014) <https://www.yuccamountain.org/pub.htm>
- Eureka County's Response to NRC documents (various) <https://www.yuccamountain.org/pub.htm>
- Eureka County key transportation documents http://yuccamountain.org/transport_documents.htm
- Eureka County's Response to the DOE's request for comments on Section 180c of the NWPA (governing transportation and public safety) https://www.yuccamountain.org/pdf/section_180c-coments_011508.pdf
- Eureka County's Lessons Learned report (2010) https://www.yuccamountain.org/pdf/lessons-learned_2011.pdf
- Resolution of the Board of Eureka County Commissioners Adopting the Nuclear Waste Program Issues Report and Stating the Principles and Purposes for the Eureka County Nuclear Waste Program (to be updated and linked after Board action)

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