

OVERVIEW OF THE COMMISSION ON NUCLEAR PROJECTS

Legal Basis for the Commission

In 1985, during the 63rd Session of the Nevada Legislature, the Commission on Nuclear Projects was formally established with the adoption of Nevada Revised Statutes (NRS) 459.0091, which explains the creation; membership; terms and salary of Commission members and NRS 459.0092, which explains the duties of the commission (Attachment A). This briefing paper is intended to 1) review the organization and makeup of the Commission and 2) assist Joint City/County Impact alleviation Committee members to understand whether the Commission member appointment process (as set up by NRS 459.0091), especially as it relates to the Nevada Association of Counties (NACO) and the Nevada League of Cities, has functioned as it was designed.

As per NRS 459.0091, the Commission make-up is to consist of seven members:

- 1) Three who are of the governor's own choosing;
- 2) Two members chosen by the governor from a list of three names submitted to him by the legislative commission; and
- 3) Two members chosen by the governor, one of whom is chosen from a list of three names submitted to him by a statewide organization of county governments and one of whom is chosen from a list of three names submitted to him by a statewide organization of city governments.

After the initial terms, members are to serve terms of two years (NRS 459.0091(3)).

According to NRS 459.0092, the duties of the Commission on Nuclear Projects are to:

- 1) Be informed on issues and developments relating to the disposal of radioactive waste.
- 2) Report to the governor and the legislature on any matter relating to the disposal of radioactive waste which it deems appropriate and on any such matter requested by the governor.
- 3) Advise and make recommendations to the governor and the legislature on the policy of this state concerning all projects involving the disposal of radioactive waste.
- 4) Formulate the administrative policies of the agency and its divisions.
- 5) Advise the state and local governments on litigation relating to radioactive waste.
- 6) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

During testimony presented on Senate Bill 56, which created the Commission, Senator Gibson noted he was interested in making "the proposed commission as objective as possible." Governor Richard Bryan further noted in a letter to an interested Commission participant in 1985, that because participants "were predominantly from Southern Nevada" he "determined that to achieve geographical balance" he needed to "include representation

from other areas of Nevada." He thus was unable to consider the applicant who was from the Las Vegas area (Attachment B).

Historic and Current Makeup of the Commission

On October 21, 1985, Governor Richard Bryan announced the first appointments to the Commission, which consisted of:

Mr. Grant Sawyer, Las Vegas;
Ms. Michon Mackedon, Fallon;
Mr. Frank Caine, Las Vegas;
Mr. James Cashman III, North Las Vegas;
Ms. Thalia Dondero, Las Vegas (NACO representative);
Mr. Ron Lurie, Las Vegas (League of Cities representative); and
Ms. Anne Peirce, Reno.

According to the 1987, 1989 and 1991 State of Nevada Legislative Manuals, the make-up of the Commission remained the same as when it was first established in 1985. The Commission changed between the 66th Session of the Nevada Legislature (1991) and the 67th session (1993) with Mr. James Cashman, Ms. Thalia Dondero and Mr. Ron Lurie vacating their seats and being replaced by Ms. Jan Laverty Jones of Las Vegas (League of Cities representative), Mr. Don Schlesinger of Las Vegas (NACO representative) and Mr. Peter M. Thomas, all of Las Vegas. According to the Legislative Manual, the Commission remained unchanged during the 68th Session of the Nevada Legislature (1995) and again changed by the 69th (1997) with Mr. Grant Sawyer, Mr. Don Schlesinger and Mr. Peter M. Thomas being replaced by Mr. Brian McKay of Reno and Mr. Steven Molasky and Ms. Myrna Williams of Las Vegas (NACO representative).

Currently, the Commission make-up is as follows:

Mr. Larry Brown, Las Vegas (League of Cities representative)
Mr. Frank Caine, Las Vegas,
Ms. Michon Mackedon, Fallon
Ms. Ann Peirce, Reno
Mr. Brian McKay, Reno
Ms. Myrna Williams, Las Vegas (NACO representative)
Mr. Steven Molasky, Las Vegas

Table 1 provides a summary of NACO and League of Cities members to the Commission since the Commission's inception.

NACO and League of Cities Commission Appointment Process

At the August 9, 1985, NACO Board of Directors meeting, Ms. Thalia Dondero of Las Vegas, Mr. Gail Armstrong of Pioche and Mr. Robert N. Revert of Beatty were nominated to serve on the Commission on Nuclear Projects (Attachment C). A letter, dated August 12, 1985, was submitted to Governor Richard Bryan with the list of the nominees. In a subsequent letter dated September 25, 1985, NACO amended their list of nominees to the Commission to include Ms. Patricia Mankins of Pahrump and remove Mr. Armstrong

(Attachment D). As shown in Table 1, Ms. Dondero was appointed by the Governor and served four two year terms. Upon the end of her term on the Clark County Commission, and upon the election of Mr. Don Schlesinger to the Clark County Commission, Mr. Schlesinger was appointed to the Commission on Nuclear Projects. It may be possible that Mr. Schlesinger was appointed to fill the unexpired term of Ms. Dondero. Whether NACO nominated Mr. Schlesinger is not known.

Table 1
NACO and League of Cities Members of the
Commission On Nuclear Projects
Selected Years, 1985-1998

Year	NACO Member	League of Cities Member
1985	Thalia Dondero, Clark Co.	Ron Lurie, Las Vegas
1987	Thalia Dondero, Clark Co.	Ron Lurie, Las Vegas
1989	Thalia Dondero, Clark Co.	Ron Lurie, Las Vegas
1991	Thalia Dondero, Clark Co.	Ron Lurie, Las Vegas
1993	Don Schlesinger, Clark Co.	Jan Laverty Jones, Las Vegas
1995	Don Schlesinger, Clark Co.	Jan Laverty Jones, Las Vegas
1997	Myrna Williams, Clark Co.	Jan Laverty Jones, Las Vegas

At a September 1997, NACO Board meeting, Ms. Myrna Williams of Las Vegas was nominated for consideration by the Governor for reappointment to the Commission on Nuclear Projects (Attachment E), and was subsequently reappointed by Governor Bob Miller.

According to Thomas J. Grady, Executive Director of The Nevada League of Cities, Mr. Mike Montandon of North Las Vegas, Ms. Amanda Cyphers of Henderson and Ms. Alice Fessenden of Mesquite were nominated to the Commission by the League during the past year. A fourth name, Mr. Larry Brown of Las Vegas, was subsequently added to the list of nominees pursuant to a request by the City of Las Vegas. Mr. Brown was then appointed to the Commission by Governor Miller.

Mr. Grady was not familiar with the process used by the League in nominating Commission members prior to 1997.

Conclusions and Recommendations

Clearly, the Nevada Legislature and then Governor Richard Bryan intended for the Commission On Nuclear Projects Commission to be comprised of representatives of various geographic regions of Nevada. Nevada includes 17 counties and 18 cities. The Secretary of Energy has designated nine Nevada counties as "affected units of local government" pursuant to the Nuclear Waste Policy Act. Yet, in the fifteen years that the Commission On Nuclear Projects has been in existence, Commission members appointed from among nominees of the Nevada Association of Counties and the Nevada League of Cities have been from just two units of local government: Clark County and the City of Las Vegas. The only two non-Clark County/Las Vegas members of the Commission are from the Reno and Fallon areas and have been on the Commission since its inception in 1985. Failure by the governors of Nevada to appoint members over the years providing geographical diversity is evident.

It is also apparent that past board members of NACO and the League of Cities have not availed themselves of the opportunity to promote geographic diversity among Commission members. In possible cases where NACO and the League did not provide the Governor's office with nominees, the Governor may have been free to appoint or re-appoint whom he pleased. In a case where the League directors submitted nomination to the Governor, only to be altered by the addition of a fourth nominee, it appears the League board members were reluctant to cross either the desires of the City of Las Vegas and/or the Governor.

If geographic diversity is to be achieved through future appointments to the Commission On Nuclear Projects, the NACO and League directors must be more aggressive in both consistently nominating new members and in insisting that the Governor choose from among the names submitted by the entities (as is required by Nevada Revised Statute). In principal all appointments to the Nevada Commission On Nuclear Projects expire October 20 of each odd-numbered year, given the initial appointment of members on October 21, 1985. The next round of appointments to the Commission should occur in October of 1999. NACO and League nominations to the two-year Commission terms beginning October 21, 1999 should be submitted to the Governor no later than September 30, 1999.

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