

# WINTER 2008

# YUCCA MOUNTAIN NEWS

 Publication of the Churchill County  
Repository Planning and Oversight Program

## Official: Don't write program's obituary

Despite pronouncements that the Yucca Mountain nuclear waste site is as good as dead when Barack Obama becomes president, the outgoing project director cautioned against throwing dirt on the grave just yet.

Ward Sproat, Department of Energy director of the Office of Civilian Radioactive Waste Management, suggested Obama may find it difficult to end the nuclear waste program despite pledges during the presidential campaign that he would bring it to a halt.

"All I will say is there is a difference between political rhetoric and political reality



**SPROAT  
PROMOTES  
VIABILITY  
OF WASTE  
PROJECT**

and this program has both," Sproat said in a presentation to a National Academy of Sciences board.

"Part of the political reality is there are 39 states that have high level nuclear waste and want it out," Sproat said. "I have my own sense of what I think could happen but I am not ready to place bets yet on how it is going to play out."

Speaking to reporters afterwards Sproat declined to give a more detailed prediction, but said it would include the Yucca project remaining alive while the Nuclear Regulatory Commission

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continues to evaluate the science that DOE compiled for a construction license application.

But even if the project remains active, Sproat said it will continue to struggle with obtaining necessary funding from Congress and dealing with political opposition. Nevada

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## Obama's nuclear problem

Earlier this month (Dec.), Senate leader Harry Reid presented Barack Obama with what might just be the first ultimatum of his presidency. Speaking to reporters, the Nevada Democrat lavished praise upon the incoming president - then announced that he'd work to block the appointment of any Energy Secretary who backed the construction of a controversial national nuclear-waste repository at Yucca Mountain, a rocky bluff a few dozen miles from Las Vegas.

On the face of it, that's not such a big deal. As Reid pointed out, on the campaign trail Obama opposed the Yucca Mountain project and told Nevadan voters that he'd prefer to store radioactive waste on-site at power plants until a

long-term solution could be found. Reid is clearly hoping that Obama will be happy to let the issue slide, allowing Yucca Mountain to die quietly rather than risking an ugly internal showdown before he's even taken office.

It may not be easy for Obama to duck the nuclear issue altogether, though. America's domestic nuclear problems are deeply entangled with the equally thorny issue of international nuclear proliferation - an issue made all the more pressing by a new congressional report warning that terrorists will likely launch an attack using WMD by 2013. Preventing proliferation will require the President-Elect to work to secure loose nukes overseas, of course, but it will also require him

to clarify the role of nuclear power in America's own energy revolution.

At present, about 50 countries around the world are interested in acquiring civilian nuclear technology. That's something of a nightmare scenario for the non-proliferation crowd: with dozens of countries processing atomic fuel, it would be all too easy for nuclear materials to fall into the wrong hands.

One possible solution would be some version of the President Bush's Global Nuclear Energy Partnership, a framework that would see the US "lease" uranium to countries that want nuclear energy, and accept the waste from the

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## **Don't write program's obituary (Continued)**

officials and other critics argue the site is unsuitable and that the Department of Energy has mismanaged the effort.

Sen. Harry Reid, D-Nev., its chief critic, has engineered a series of budget cuts in recent years that have caused delays, worker layoffs and several DOE retoolings.

A possible opening date for the site where 70,000 metric tons of commercial spent nuclear fuel would be buried at the site 100 miles northwest of Las Vegas has been pushed back several times to beyond 2020.

Sproat said a firm date cannot be set until the project is financially secure.

Sproat's presentation to the academy's Board of Nuclear and Radiation Studies was possibly his final public appearance as Yucca project director. He was appointed to the post two years ago by President Bush, and is planning to resign in January.

During the presidential campaign, Obama was critical of the nuclear waste project and said he preferred keeping nuclear waste stored at power plants until an alternative to Yucca Mountain could be found.

Reid has said he and Obama have discussed Yucca Mountain several times since the election, and the repository program "is history."

A Reid spokesman said that Sproat was being disingenuous by implying that a Yucca repository will remove all waste from utility sites. Most of them will continue generating nuclear waste even as older fuel is shipped off.

"This is an example of the type of misleading remarks we have seen from dump supporters," spokesman Jon Summers said. "Now we

have a president who is committed to killing the project," Summers said.

Sproat, a former executive with the Exelon power corporation, has been credited by the nuclear industry with revitalizing the Yucca Mountain Project that had been spinning its wheels for close to a decade, culminating in completion over the summer of a repository application.

Still, the future remains cloudy. Marty Malsch, an attorney representing the state of Nevada, told the nuclear studies board that "important parts" of the license application "are of very poor quality," and will be challenged before the NRC.



## **Obama's problem (Continued)**

plants for reprocessing or storage on US soil. In theory, that would help keep enriched uranium and spent nuclear fuel - the building blocks of a potential nuclear device - under American control and out of the hands of terrorists. Of course, such a program would bring a host of new problems - most notably the question of what to do with all that radioactive waste. (Bush's GNEP proposals call for the US to develop reprocessing facilities that could safely recycle the spent fuel, but whether that's practical is still the subject of intense scientific debate.)

Either way, to tackle proliferation will require a full and frank discussion of the waste-management options, from long-term storage to investment in reprocessing technology, if Obama is to sell his vision to the American people or to the international community.

## **Churchill County to file as intervenor in the Yucca Mountain hearings**

After the Nuclear Regulatory Commission (NRC) published a notice of hearing on the DOE license application October 22, 2008, a 60-day period began in which any person or governmental entities who may wish to participate in the licensing proceeding as a full party intervenor may apply.

Churchill County will join with other affected counties to file a petition with the NRC to gain status as a party and to request a hearing prior to the December 22, 2008 deadline for filing.

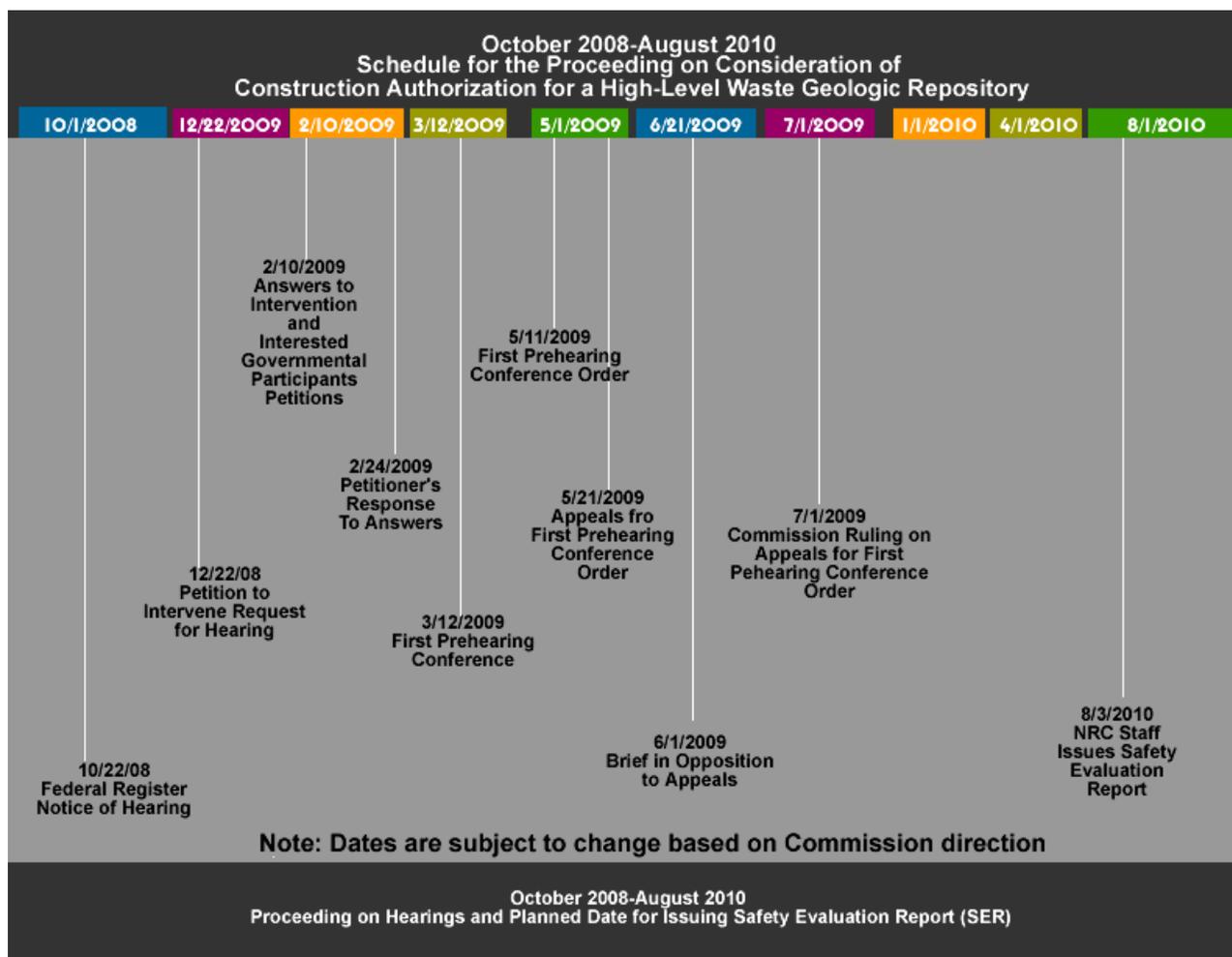
The Nuclear Waste Policy Act (NWPA) provides the Secretary of Energy with discretionary authority to grant affected status to units of local government contiguous to the unit of local government with jurisdiction over the candidate repository site. Nye County, Nevada, is the situs jurisdiction, which is bordered by eight contiguous Nevada counties and Inyo County in California. Nye County is affected by definition pursuant to the NWPA.

Churchill County was given "affected status" in 1991 and subsequently established the Churchill County Yucca Mountain Repository Planning and Oversight Program to actively participated in the monitoring and oversight of the proposed High-Level Radioactive Waste Repository at Yucca Mountain.

Churchill County became a Potential Party to the proceedings by participated in the NRC's pre-hearing process. This required a certification of compliance with the

*(Continued page 3)*

## Churchill County (Continued)



NRC's regulations governing the Licensing Support Network (LSN).

While the number of contention could be the largest ever filed in a government nuclear proceeding (Nevada officials notified the NRC that they might file between 250 and 500 "contentions" to the DOE license application), it is expected that many of them will be pared back or rejected for formal arguments, with the focus limited to a smaller number of key issues.

The NRC has set a preliminary schedule for the license hearings with the issue of the Federal Register Notice. This notice was largely a formality to set up a process for

interested parties to intervene in the case.

The challenges will be heard in courtroom-style sessions that could begin in March, according to a schedule the commission announced. Most of the sessions, which would be run by administrative judges, will be held in Las Vegas.

The NRC effort to dissect the DOE's 8,600-page construction application (License Application (LA)) is scheduled to take three to four years.

If the NRC staff issues a Safety Evaluation Report sometime in

August or September of 2010 the next session of hearings will launch with the Second Case Management hearings with a decision expected by 2013.

More information is available at the following websites:

**Churchill County's Yucca Mountain Oversight**

<http://trackhearings.com>

<http://churchillcountynwop.com>

**Department of Energy**

<http://www.ocrwm.doe.gov>

**Public Internet for NRC**

<http://www.nrc.gov/waste/hlw-disposal/yucca-lic-app.html>

## Crossroad for Yucca Mountain

American officials have recommended that the limit on how much radioactive waste is stored at Yucca Mountain be removed as waste management strategy reaches a crunch point.

The limit of 70,000 tons of heavy metal only stands until the site for a second waste store is one day selected, but long delays in implementing the overall waste management scheme have necessitated scrapping the limit early.

The change would permit all the wastes from current and planned power reactors, as well as from military activities, to be stored at Yucca Mountain and put off any work on selecting a second storage site for many years. However,

any decisions from the advice - and American radioactive waste policies in general - remain to be taken under president-elect Barack Obama's incoming administration.

The process to begin storing used nuclear fuel and high-level radioactive wastes at Yucca Mountain began in 1982 with the Nuclear Waste Policy Act. After the investigation of a number of potential sites across the USA's contiguous states, Congress decided to have Yucca Mountain as the first of two permanent storage sites for used nuclear fuel from nuclear power plants. The Department

of Energy (DOE) would take title to the wastes and manage them forever, using a Nuclear Waste Fund built up by a 0.1 cent fee placed on every kWh of nuclear-generated electricity. In 1985 President Ronald Reagan decided that 10% of Yucca Mountain should be used to hold the high-level wastes from military programs.

Under the NWP, only 70,000 tons of heavy metal are allowed



to be stored at Yucca Mountain before a second repository site is selected. In yesterday's report, the DOE's Sam Bodman writes that the total amount of material destined for Yucca Mountain currently stands at 58,000 tons from the power sector and 12,800 tons from the military - already over the self-imposed limit, and increasing at around 2000 tons per year.

Meanwhile, the DOE's application to build the repository is with the Nuclear Regulatory Commission and it looks unlikely that the store will accept any wastes until after 2018 - some

20 years after originally envisaged by the NWP. By that time, nearly 90,000 tons of material would have built up around the country.

### Limited options

The report issued by the DOE recently was mandated for about this time by the NWP as advice to Congress and the President on the need for a second repository. It identified three options for the USA to manage

this rather difficult situation of a statutory timeline that has been overtaken by events.

With more than 70,000 tons of storage needed, one option is to begin looking for a second site. While many suitable sites certainly exist, it would clearly be a political impossibility to engage positively with potential host communities some

ten years before the first site even operates. This would also require new legislation amounting to a new strategy.

Another option is to defer the decision and continue storing power station used fuel on-site. Doing this would incur financial penalties when power plant operators pursue the DOE for the costs of extra and prolonged storage, having already paid for DOE's costs in preparing Yucca Mountain. This is already occurring due to the ongoing delay of over ten years.

The third option, and the one recommended by Bodman,

**Crossroad (Continued)**

is to simply remove the statutory 70,000 ton limit on storage at Yucca. The DoE notes that the NWPAs does not place any other limits on how much can be stored at Yucca and the physical capacity of the site is far greater.

**In the meantime**

Another report from the DOE recently concerned the proposal that it could take over management of used nuclear fuel stocks from the small number of decommissioned and demolished power reactors. At these sites, the only indication that a nuclear power plant was once there is a row of above-ground dry-storage containers.

The DOE's conclusion was that it did not have the authority to accept the used fuel under present law, and that the action would not reduce costs to the American taxpayer even if it did.

Calculated from a 2020 starting date for Yucca Mountain, the DOE would have to pay up to \$11 billion in compensation to the operators of the country's 104 nuclear power reactors for its failure to open Yucca Mountain in 1998. Furthermore, this money would have to come from taxpayers, after rulings that the DOE cannot dip into the Nuclear Waste Fund earmarked for the development of Yucca Mountain. *Source: World Nuclear News*



**Obama's energy secretary**

Nobel laureate physicist Steve Chu will serve as Secretary of Energy in president-elect Barack Obama's administration. His current position is director of Lawrence Berkeley National Laboratory.

Chu will take over from current energy secretary Sam Bodman, who has served since December 2004, following Obama's inauguration on 20 January next year.

As the head of a national laboratory, Chu would be expected to bring a strong scientific bent to future energy policy. He worked at Stanford University as a professor of physics and went on to share the 1997 Nobel Prize in that subject. Chu has great enthusiasm for non-food biofuels and energy efficiency, and at Lawrence Berkeley was key to the development of advanced climate models.

During his campaign, Obama called for massive investment in alternative energies, and recently said that \$15 billion per year would be used to catalyse clean energy developments. Obama has never offered any detailed policy on nuclear energy, but has regularly included "safe nuclear power" as part of his energy vision.

World Nuclear Association director general John Ritch welcomed Chu's appointment: "The president-elect has wisely chosen a man of science and reason who

understands the urgent necessity of a global clean-energy revolution. As such, Chu will find no realistic alternatives to an energy strategy that places heavy emphasis on advanced nuclear power. In

recognizing the unique environmental virtues of nuclear energy, Chu will be facing a policy imperative that has already been understood by most major governments in Europe and Asia."

The DOE holds responsibility for America's overall energy security and features offices dedicated to nuclear power and radioactive waste

as well as nuclear security, the clean-up of nuclear weapons infrastructure and wide-ranging nuclear research.

The DOE is currently promoting the early deployment of the most modern power reactors by administering loan guarantees for new certain new plant projects, sharing planning costs and reinvigorating advanced reactor programs under various initiatives. It is responsible for the Global Nuclear Energy Partnership under which many nations discuss employing closed nuclear fuel cycles with advanced reactors and recycling.



## Who will replace Loux at nuclear agency

The search for a successor to nuclear waste chief Bob Loux has been narrowed to three Northern Nevadans.

The Nevada Commission on Nuclear Projects has selected former Sparks Mayor Bruce Breslow, former state Consumer Advocate Tim Hay and attorney Keith Tierney as the three names to submit to Gov. Jim Gibbons, who will make the final appointment.

During the 90-minute meeting in Las Vegas, Hay and Tierney received all the votes of the six commissioners present. Breslow, a former TV sports newscaster, got four votes.

Those who did not make the finals were Susan Lynch, who works in the nuclear projects office, and Frederick McElroy, a Realtor.

Loux has resigned the job he has held for 23 years fighting the efforts by the federal government to locate a nuclear dump at Yucca Mountain in Southern Nevada. An audit discovered he gave himself and his staff unauthorized raises from money available from a vacant position.

Loux had an authorized salary of \$110,851 last fiscal year but earned \$145,718.

Gov. Gibbons has asked state Controller Kim Wallin to withhold the money from the paycheck of Loux who agreed to stay until a replacement is named.

The state Ethics Commission has scheduled a hearing Jan. 8 to

determine if Loux violated ethical standards in giving himself and his staff pay raises of more than \$195,000 over a period of a few years.



Judy Sheldew, the attorney for Loux, maintains he acted within his authority and submitted the pay raises through the state Budget Office.

This newsletter is a Publication of the Churchill County Repository Planning and Oversight Program. Churchill County is one of ten affected units of local government involved in the proposed Yucca Mountain Repository. Funding provided to Churchill County is paid by users of electricity generated by nuclear power plants.

Under a general contract with nuclear generating utilities. The federal government collects a fee of one mill (one tenth of a cent) per kilowatt hour from utility companies for nuclear generated electricity. The money goes into the Nuclear Waste fund which is used to fund all program related activities.

Additional information on the repository program can be obtained from the U.S. Department of Energy. Yucca Mountain, Site Characterization Project Office at (702) 794-1444 or see their website at [www.ocrwm.doe.gov](http://www.ocrwm.doe.gov), or the Nevada Agency for Nuclear Project, Nuclear Waste Project Office, Capital Complex, Carson City, Nevada 89570, (775) 687-3744 or see their web site at [www.state.nv.us/nucwaste](http://www.state.nv.us/nucwaste).

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