

Yucca Mountain News

Winter 2008

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This newsletter is a Publication of the Churchill County Repository Planning and Oversight Program.

Congress cuts 22 percent from Yucca project

Congress is taking another deep bite out of Yucca Mountain spending in a final budget bill raising the possibility of even more delays in the government's bid for a nuclear waste site in Nevada.

Energy Department officials could not immediately detail the possible effects to the planned national repository from a 22 percent cut in the bill.

The project's director, Ward Sproat, said that deep cuts could cause DOE to rethink its once inviolate goal of filing a repository license application by the end of next June, which would be a big step forward for the often troubled effort.

Although President Bush budgeted Yucca for \$494.5 million in fiscal 2008, lawmakers allocated no more than \$386.5 million in a year-end wrap-up bill that would keep the government funded through next September, according to the office of Sen. Harry Reid, D-Nev.

Sproat said that a \$100 million reduction "would be very serious," but he could not detail what the outcome could be.

Lawmakers on the House and Senate appropriations committees who authored the budget bill think the Yucca project likely will be held up.

Along with cutting back the Nevada project, the bill also calls for an \$8.2 million reduction in a waste account at the Nuclear Regulatory Commission, "given the almost certain delay in the Department of Energy filing a license application for the Yucca Mountain repository."

In the meantime, the bill also calls for the Department of Energy to devise plans to take custody of nuclear waste stored at decommissioned reactors, consolidating the material at a federal site, an active reactor or some volunteer interim location.

There are 14 shut-down reactors in nine states, according to the Nuclear Regulatory Commission.

The bill also contains \$5 million in funding for the state of Nevada to monitor the Yucca project, \$1 million for Nye County and \$9 million to be split among Clark County and other local governments affected by the project.

The \$516 billion year-end spending bill marked the 13th consecutive year that Congress has reduced a president's budget for the Yucca project. In that period, repository spending has been reduced a combined \$1.3 billion. DOE officials have blamed underfunding for missed deadlines and near-constant scrambling to reprioritize segments of the complex science and transportation program.

On the other hand Nevada officials charge the planned repository for 77,000 tons of high-level spent nuclear fuel and other forms of highly radioactive waste will pose threats to the health and safety of residents.

DOE officials say a 7,000-page licensing package it plans to submit to the Nuclear Regulatory Commission should show that the repository could be operated safely.

Fights over funding serve only to delay safety reviews of the Yucca project, said Martez Norris, executive director of the Nuclear Waste Strategy Coalition. In the meantime, electricity ratepayers continue to pay \$750 million annually into a special repository construction fund that has not been fully tapped.

"We are disappointed this program is not being protected," said Norris, whose group consists of power company executives and utility officials in states where nuclear waste is now stored. *Source: Las Vegas Review Journal*



"Members of Congress whose ratepayers are paying into the fund are not protecting their states. that waste is going to stay stranded in their states."
Martez Norris, executive director of the Nuclear Waste Strategy Coalition

NRC chief says timing could push back Yucca Mountain hearings

The nation's top nuclear regulator said he could not say whether planned hearings on federal plans for a national nuclear waste dump in Nevada could be thrown off schedule by congressional funding cuts.

Nuclear Regulatory Commission Chairman Dale Klein said his agency will be ready to begin reviewing plans for the Yucca Mountain project before or after June 30, the Energy Department's target date for submitting an application to build and operate the repository.

"With this latest breaking news of the budgets we will have to look at how we prioritize our activities," Klein said.

Congress allocated just under \$386.5 million this week for the Yucca Mountain project in fiscal 2008, \$108 million less than President Bush sought.

The Nuclear Regulatory Commission is funded separately from the Energy Department, which is developing the Yucca project.

Klein met recently with county, state and federal officials in Nevada, and declared a \$4

million courtroom-style facility ready to accommodate what officials say could be up to four years of technical hearings once the Energy Department submits an application.

He said the NRC budget of about \$350 million contains funds for Yucca Mountain hearings through 2008, and said timing and the technical quality of an application will drive the evaluation of the application.

He said he could not predict when an application might arrive.

Energy Department spokeswoman Angela Hill in Washington, D.C., issued a statement declaring the department "moving forward to submit a credible and defensible license application ... by June 30."

The statement calls Yucca Mountain "critical to the nation's current and future energy and national security needs," and calls full funding of President Bush's \$494.5 million request "critical to advancing the opening of the nation's first geologic repository for spent nuclear fuel."

The department missed a similar self-imposed license deadline in December 2004, after Congress in 2002 picked the site, 90 miles northwest of Las Vegas.

Plans have been slowed since then by budget cuts, quality assurance questions, opposition from Nevada lawmakers including Senate Majority Leader Harry Reid, court fights and a

judicial order for the federal Environmental Protection Agency to revise project radiation safety standards.

Edward F. "Ward" Sproat, the Energy Department official in charge of the Yucca project, has projected 2017 as the earliest the dump could open, with a price tag now topping \$77 billion.

The repository has been designed to entomb at least 77,000 tons of the nation's most radioactive waste in tunnels 1,000 feet below ground. However the Energy Department



recently proposed doubling the size to almost 150,000 tons, citing ongoing production of waste at nuclear power plants around the country.

Opponents have raised concerns about the safety of transporting radioactive waste to Nevada from commercial power plants and military and research sites in 39 states.

Source: Associated Press



Nye backs rail route in Pahrump

Nye County officials will recommend in their comments on an environmental impact statement that the U.S. Department of Energy extend a rail route through Pahrump to Jean.

The county also advocated further study of other rail lines.

Nye County consultant Cash Jaszczak told an assemblage of officials from the county, town and school district that funding for the Yucca Mountain rail route won't be authorized until the U.S. Department of Energy has the authority to construct Yucca Mountain.

Darrell Lacy, Nye County Nuclear Waste Project Office director, said the word is there's no funding for the rail route in the 2009 Yucca Mountain budget.

"The rail will not start for some period of time. We think as long as they do not have funding to start construction that all of these other routes should be open for us to discuss, to show the benefits of them," Lacy said.

The county's draft response to the EIS, which will be up for approval at a Jan. 2, 2008, Nye County Commission meeting, states a rail system from Caliente or Mina to Yucca Mountain and continuing on to Jean would optimize national transportation options.

The county's response to the EIS states even if the rail line were only a dead-end line, consultants estimated the economic development value of the Mina corridor would be \$401 million, as opposed to only \$21 million for the Caliente corridor. The Carlin and Jean routes could also be considered, county officials said.

"The EIS appears to have avoided and continues to avoid consideration of transportation options that are politically difficult," the county's response states.

Dave Swanson, deputy director of the Nye County Nuclear Waste Repository

Project Office, said the DOE should dust off a report in 1990 that outlined an alternative Mina route around the Walker River Paiute Reservation. The tribe has decided not to allow the transportation of nuclear waste through the reservation by extending the rail line south from Hawthorne.

Representatives at the recent meeting also talked about improving road access to Jean, which would also allow access to the proposed Ivanpah Airport, expected to be finished in 2017. A 12-mile, rough dirt road leads from Highway 160 to Sandy Valley, where there is a paved road to Interstate 15 near Jean.

Jaszczak told officials at the meeting, "All we're doing is challenging the



system to see if there's going to be any look see taken in that direction."

The EIS mentions about 10 percent of the nuclear waste casks would be shipped by truck, since some of the shipments would arrive from nuclear reactors not accessible by rail. Lacy said Nye County suggests a Highway 160 bypass around the west end of Pahrump for those heavy trucks, possibly through Stewart and Amargosa valleys.

While a representative from Inyo County, Calif., attending the latest Yucca Mountain EIS hearing in Amargosa Valley was skeptical a

rail route would ever be built due to budget considerations, Jaszczak said the transportation aging and disposal (TAD) canisters, are too big for trucks and would require rail. Nuclear waste would be packaged in the TADs at the reactor site and unloaded at Yucca Mountain for disposal without having to be repackaged.

Nye County has been granted co-operating agency status for the actual repository in 2006, much to the county's surprise, said Bob Gamble, Nye County Nuclear Waste Repository Office DOE on-site representative. The county, however, doesn't have that status for the rail route, since there were already several co-operating agencies and "we did not have a unique position as we do with the repository as the site county."

Swanson said the county has more issues relating to the rail line environmental impact statement than the repository EIS.

Lacy said the DOE doesn't plan to issue a record of decision on the repository, but one will be issued on the rail line, probably when the final EIS is released next June, about the same time the DOE is expected to apply for a license to operate Yucca Mountain.

"Basically what this means is when a record of decision is issued, it gives people an opportunity to sue if they don't like what it says," Lacy said.

Gamble said Nye County persuaded the DOE to consider the socio-economic impacts of having 80 percent of the work force live in Nye County, instead of in Clark County, like the historical precedent set at the Nevada Test Site. The EIS estimates if 80 percent of the work force lives in Nye County, there will be an additional 1,400 to 1,800 county workers at the repository from 2017 to 2035.

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Nye backs rail route in Pahrump (continued)

Nye County can't require Yucca Mountain workers to live in the county, but Swanson said the county can at least ask DOE not to subsidize workers who commute from Las Vegas.

The county, in its draft comments, states, "Estimates should be made of the additional revenue from and cost for each new resident (direct, indirect, or induced worker for example), living in Nye County as a result of the Yucca Mountain project."

The county cites the cost of constructing future housing developments, public education including a new school in Amargosa Valley, sheriff's and fire protection, health care and infrastructure.

Nye County also attacks the conservative methodology used to calculate the danger of radiation. It states the scenario of an accident or terrorist attack fails to account for the fact workers or residents would be quickly evacuated.

"This gives the naysayers ammunition because they can say, 'Look, DOE, you said in your own publication, you said 28 people are going to die.' That's unacceptable. It's kind of hard to say, 'Well we didn't really mean 28 people were going to die,'" Swanson said.

Lacy said the exposure of 200 millirems per year quoted in the EIS to any individual is half the normal radiation dosage of 400 millirems in Nye County. Most of that would come from radon, which is generated by any mining operation in the state, he said. A normal X-ray gives off 15 millirems.

Nye County wants the DOE to use a baseline of impacts from Yucca Mountain beginning with the days before

Nellis Air Force Base and the Nevada Test Site, not from the present. Lacy said 98 percent of the county is under federal management, which blocks access to minerals and water.

The county wasn't consulted on the location of construction camps for the rail line, the water wells or quarries, Swanson said.

"The documents we have now show locations for these. They've already decided preliminarily where they want these facilities located," he said.

A cask maintenance facility and automotive light repair facility is planned. Swanson said Nye County wants the facilities on Crater Flat, which would be an ideal place for an industrial park.

"One of the concerns that we need to address is how are they going to handle the wastewater here, because some of the decontamination activities that will take place here are going to result in radioactive wastewater. We need to be assured that's going to be dealt with properly," Swanson said.

Jaszczak summed up the county's philosophy: "We need to stay engaged, keep reminding our friends in DOE that we are the site county. It is our goal to have the people that work here, live here and have business and industry located here. If we're going to take the insult, we want the benefit."

Source: Pahrump Valley Times



PRE-LICENSING BOARD REJECTS NEVADA'S BID TO STRIKE DOE DOCUMENT LIBRARY IN YUCCA MOUNTAIN PROCEEDING

The Nuclear Regulatory Commission's Pre-License Application Presiding Officer (PAPO) Board rejected the state of Nevada's petition to strike the Department of Energy's certification of its document collection on the Licensing Support Network for the Yucca Mountain proceeding.

The two-page ruling was issued one week after oral arguments were heard in Las Vegas. The PAPO board explained that it was issuing its order quickly to give other parties advance notice, because NRC regulations require them to certify their own document collections by Jan. 18. The PAPO Board will issue a full decision on Nevada's motion at a later date.

The Licensing Support Network is an extensive online library of documents relating to DOE's potential license application for a proposed high-level nuclear waste repository at Yucca Mountain, Nev. It is intended to assist potential parties in preparing and arguing contentions challenging the application in hearings before the NRC's Atomic Safety and Licensing Board. DOE is expected to submit its application by the end of June 2008.

Nevada had argued that DOE's document collection, which the department certified Oct. 19, was incomplete because it did not include key documents that are currently in development or not yet prepared. (Continued on page 6)

PG&E CEO Says U.S. Future is Nuclear

Peter Darbee, chief executive officer of Pacific Gas and Electric Co., which owns and operates Diablo Canyon nuclear power plant, has been a frequent witness on Capitol Hill recently, supporting legislation to cut pollution linked to global warming.

A week after the Senate Environment and Public Works Committee approved legislation that would slash emissions from burning fossil fuels in the United States by 70 percent by 2050, Darbee said in an interview that more nuclear plants will be needed to reach that ambitious goal.

That includes Diablo Canyon, where the operating license of the first of the two reactors there expires in 2021. Darbee said it would be hard to meet the 2050 goal without Diablo Canyon—and a lot more nuclear plants across the country.

California law prohibits construction of new nuclear facilities until the debate over how to store used fuel is resolved. Current plans call for spent fuel to be shipped to a proposed repository in Nevada, but there is strong congressional opposition to that plan.

Darbee talked about spent-fuel storage and related issues in a recent phone interview:

Q: You have been a leading corporate voice for legislation targeting global warming. What will it mean for PG&E and its customers?

A: California has been on the leading edge of climate change in the United States. Many of the things we see in development in Washington are consistent with the

approach California has taken.

What that means is a big focus on energy efficiency, a substantial focus on renewable energy development and production, and probably a cap-and-trade program with respect to carbon dioxide.

It won't make a significant difference for Californians in terms of an impact on their lives per se. The positive impact is that global warming is a global problem.

By bringing other states into this, we will be making a mea-

and we unleash the power of the U.S. economy, both technologically and from an innovative standpoint, we'll be able to make these goals.

Q: Can they be reached nationally without an expansion of nuclear power?

A: I believe that nuclear power will have to be among the solutions that we will need to pursue to meet these targets.

We will need lots of energy efficiency, lots of renewable power, a substantial amount of natural gas-fired generation, clean-coal technology and nuclear. We need very substantial amounts of power from each of those categories.

Q: How many nuclear plants are we talking about?

A: I don't have an estimate. It is a very substantial number of new plants by 2050.

Q: How does nuclear power fit into PG&E's future?

A: We currently have a very significant nuclear power plant in Diablo Canyon — about

2,200 megawatts of power (enough to serve about 2 million homes). We think that's a great asset for the state, and we will do all we can to continue to run it safely and reliably at a high level of efficiency.

Q: Do you think PG&E might conceivably build another

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Diablo Canyon Nuclear Power Plant - California

asurable and significant contribution toward solving this problem.

Q: Are the goals realistic — 70 percent to 80 percent reduction in emissions by 2050?

A: Yes, I do think they are realistic. We likely will find, similar to what we found with acid rain legislation, that once people start taking action

Reduction of fossil fuels (continued)

plant in, say, Nevada or Arizona, and import that power into California?

A: We don't have any current plans to do that. It's not immediately apparent to me that either of those states is enthusiastic about that.

Q: A state legislative committee recently held hearings on whether California should look at building new nuclear plants. Do you think California should re-evaluate its position on new plants?

A: The California Energy Commission has been given that task. I believe we should let them do it. I don't think it's appropriate for our company to step in front of that.

Q: Do you see any scenario where PG&E would not seek to renew its operating license for Diablo Canyon?

A: I don't want to prejudge a decision when our team has not provided me with the facts and data on that.

What I will acknowledge is that is a very substantial amount of clean, reliable base-load power. It would be very difficult to replace that without significantly increasing our dependence on natural gas generation.

I think the concern that many people have in the United States today is that there may be a tremendous rush to gas-fired generation, and will there be adequate

supplies and at what cost. Those are very important questions.

Given those questions, America needs all the nuclear power it has now — and it probably needs more.

Q: Is the uncertainty over nuclear waste and the opening of a repository in Nevada an impediment?

A: I think America should pursue all opportunities with respect to spent-fuel reprocessing. The French have done that.

I believe in the world we live in today there is the ability to provide substantial safeguards around the reprocessing of nuclear fuel. When one considers the risk of fuel getting in the wrong hands from reprocessing in the United States, I think its relatively small when compared to the chance of nuclear products getting in the hands of inappropriate people from other sources.

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 contact them at www.ymp.gov, or the Nevada Agency for Nuclear Project, Nuclear Waste Project Office, Capital Complex, Carson City, Nevada 89570, (775) 687-3744 or visit them at their web site at www.state.nv.us/nucwaste.

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PRE-LICENSING BOARD REJECTS NEVADA'S BID TO STRIKE DOE DOCUMENT LIBRARY IN YUCCA MOUNTAIN PROCEEDING
- (continued from page 4)

NRC "regulations recognize that parties and potential parties, such as DOE, will continue to develop, prepare, and finalize additional documentary material, and to supplement their document production, after the date of initial certification," the PAPO Board wrote in its ruling. "The regulations do not specify that DOE, or any other potential party, must finalize all documentary material before it can certify."

