

What's News at Yucca Mountain

Publication of Mineral County's Yucca Mountain Repository Planning and Oversight Program

Spring 2005

Inside This Issue

Bodman refuses to halt Yucca	2
Official warns Nevadans against lowering Yucca guard	3
Mineral High School Students Complete Survey	4
Yucca radiation standards ready by September	6

Special points of interest:

- *Energy Secretary Samuel Bodman said he will not halt the Yucca Mountain project and has not seen any evidence of compromised science, despite Nevada lawmakers who say project worker e-mails suggest Yucca data is flawed. (Page 2)*
- *Mineral County students survey residence regarding their thoughts on Yucca Mountain. (page 4-5)*

Visit Mineral County Yucca Website:
www.mcnuccprojects.com
.....where you'll find more information about the proposed Yucca Mountain Nuclear Waste Storage Facility

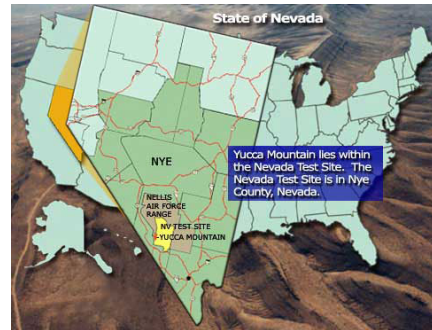
State Lawmakers Cut Funding for Yucca Mountain Fight

Members of two legislative committees have agreed to cut in half funding for the state's fight against Yucca Mountain, saying the federal plan to bring a nuclear waste dump to Nevada appears on the verge of collapse.

The head of the state agency directing the fight against Yucca Mountain says the reduced funding will not harm their efforts.

The funds should be enough to help the state prepare a response if the Energy Department moves forward with a license application to the Nuclear Regulatory Commission regarding Yucca Mountain.

But that can't happen until the Environmental Protection Agency establishes a new radiation standard for the site.



A federal court in July tossed out the previous standard. Governor Kenny Guinn had recommended two million dollars for the state's Yucca effort in his budget. But the Senate Finance Committee voted to reduce that amount to one million.

In a recent meeting to resolve budget differences, the Assembly Ways and Means Committee agreed with the Senate panel to lower the funding. *Source: The Associated Press*

Energy Department Hopes to Meet Deadline for Yucca Application

WASHINGTON -- The Energy Department is clinging to hope that by early next year it could submit an application for a license for Yucca Mountain, a key step in the department's goal of opening the proposed high-level nuclear waste repository by 2012.

That's according to the first monthly Yucca status report the department filed early June with the Nuclear Regulatory Commission, which is responsible for licensing and regulating the waste dump.

Last month the agency ordered the department to file reports at the first of every month outlining a "best good faith estimate" of when it would finalize its Yucca document collection and when it expects to file a license application.

In the two-page status report filed with the NRC, the Energy Department as-

serts that it still aims to file completed Yucca documents "during August 2005." It intends to file the actual license application "some six months" later, according to the report, which was signed by Donald Irwin, a lawyer with the Richmond, Va., law firm Hunton & Williams hired by the Energy Department.

Budget, legal and regulatory delays have long plagued the repository project. Amid other setbacks, the Energy Department a year ago said that it had completed assembling and organizing Yucca Mountain documents, after years of scientific research.

But Nevada objected on the grounds that key documents were missing, and the NRC's three-member Atomic Safety and Licensing Board agreed.

(Continued on page 2)

Energy Dept. hope to meet deadline (continued)

(Continued from page 1)

Filing the documents with the NRC is an important step. Commission rules require that the documents are completed and in order six months prior to the department submitting the Yucca license application. The documents will be put into a Yucca document database known as the License Support Network.

Acting Yucca Mountain project chief Theodore Garrish, who retired May 13, said several times earlier this year that the department aimed to have the documents in order as soon as possible, and the application completed by the end of 2005. He made a distinction that this does not mean the department would necessarily file the application by the end of the year.

Once the Energy Department files its license application, the NRC could spend up to four years reviewing it, considering Nevada objections, and hosting public hearings. If the license is granted, repository construction could take two to three years, or more. Department officials have said they still aim to open the repository by 2012, although Yucca critics say it would be much later. *Source: Las Vegas Sun*

Bodman refuses to halt Yucca

Energy Secretary Samuel Bodman said he will not halt the Yucca Mountain project and has not seen any evidence of compromised science, despite Nevada lawmakers who say project worker e-mails suggest Yucca data is flawed.

Nevada lawmakers have said the recently surfaced e-mails may be enough evidence to kill the proposed nuclear waste repository program. But Bodman brushed that notion aside after a tense meeting with the lawmakers.

Bodman seems to have already decided that the e-mails are not ultimately damaging to the project, four of the lawmakers said. Bodman also refused to hand over some Yucca documents that have not been made public that Rep. Jon Porter, R-Nev., has requested, they said.

Porter, chairman of a House subcommittee that is investigating the Yucca e-mails, said he is mulling the option of using a congressional subpoena to obtain the documents as part of the investigation.

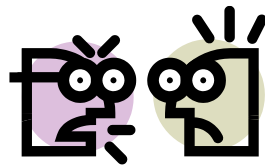
"Up until this moment with the secretary, I was under the assumption that when we ask for documents and they asked for additional time, that it was in good faith," Porter

said after the meeting. "It is obvious to me that he does not have the intention of releasing documents to the committee."

Porter's panel is a subcommittee of the House Government Reform Committee. That panel's chairman, Rep. Tom Davis, R-Va., has the power to subpoena without the vote of his whole committee. Porter's chief of staff Windsor Freemyer said Davis and Porter have discussed the option several times and Davis would agree to subpoena, but only as a last resort.

Using a subpoena to obtain documents likely would have a chilling effect on the relationship between Porter's panel and the Energy Department. Porter wants to make sure he knows exactly what documents he wants before taking that step, he said.

Rep. Jim Gibbons, R-Nev., said Nevada's lawmakers were "dismayed" by the meeting with Bodman, which was held in the office of Senate Minority Leader Harry Reid, D-Nev.



"They have already decided upon the end result and they are going to structure whatever they say, whatever they do or whatever documents may say or show to that end result," Gibbons said. "It gets down to playing hardball. We control their funding, they have to be willing to work with Congress."

Reid said Bodman was "not apologetic at all to us" and the implications for the project's budget or status "was of no interest to him."

Sen. John Ensign, R-Nev., scoffed at the Energy Department's explanation that the reason it had not shared public documents with Porter's committee was they did not know which ones to send.

The atmosphere of the meeting quickly turned chilly, Nevada participants said. The lawmakers said they were surprised Bodman did not show more interest in their concerns.

"I don't know if he just needs better skills on Capitol Hill or what," Ensign said. "He just brushed it off like it was really no big deal. He looked very biased in this investigation."

The delegation had asked the department to stop work on the project until Energy and Interior Department inspector general investigations had ended, but Bodman refused. The Energy Department is in the midst of its own investigation into the e-mails, which Bodman said were primarily written by two U.S. Geological Survey scientists working on the project.

(Continued on page 3)

Bodman refuses to halt Yucca *(continued)*

(Continued from page 2)

The e-mails, written between 1998 and 2000, suggest quality assurance documents were falsified. But Bodman said he had not seen any evidence of compromised scientific data. The department announced in March that it had discovered the e-mails.

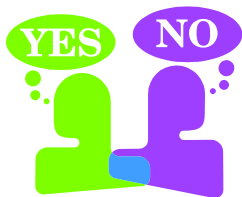
"Until the work is completed, I have not yet formed a judgment on the validity or lack of validity of the science that underlies the application, the potential application for a license," Bodman said. "Everybody is working hard in an effort to make that determination. I simply don't have information one way or another."

Bodman said his department's internal investigation is aimed at determining the impact that the e-mails have had on the science that supports a Yucca license application. The Energy Department aims to submit its application to the Nuclear Regulatory Commission by year's end. The application proves Yucca is a safe place to construct a national nuclear waste burial ground, department officials say.

"I do not consider Yucca Mountain to be dead," Bodman said. "Until I see something that indicates to me that the science of this project has been compromised, we are going to continue to go forward as planned."

The Nevada lawmakers said the meeting left them with the conclusion that the department's position is already set despite the investigations.

"I think he (Bodman) is under the assumption that they are OK," Porter said. "I think he has already made up his mind. Not unlike the science to date, I think they have already come to a conclusion and now they are building a case to get to that conclusion." *Source: Las Vegas Sun*



POLITICAL NOTEBOOK: Official Warns Nevadans Against Lowering Yucca Guard

Bob Loux has had his battles with the Department of Energy over the proposed Yucca Mountain nuclear waste repository.

Now the director of the state's Agency for Nuclear Projects is battling a different kind of opponent: the state's own residents.

Energy Secretary Samuel Bodman said he will not halt the Yucca Mountain project and has not seen any evidence of compromised science, despite Nevada lawmakers who say project worker e-mails suggest Yucca data is flawed.

Those numbers are down considerably from the number of Nevadans, 70 percent, who oppose the project.

"We may be a victim, partially, of our own success or (the Department of Energy's) failures," Loux said. "We've been making a lot of noise about the project being dead."



Nevada's congressional delegation has been on a rampage since the release of e-mail messages from Yucca scientists suggesting there were attempts to falsify data.

Several Nevada officials have declared the project dead, even though Energy Secretary Samuel Bodman has refused to halt the project.

State lawmakers have also cut \$1 million from a \$2 million budget request Gov. Kenny Guinn proposed to fund the state's legal challenges to the repository.

Loux said he thinks the project is dead, but that Nevadans won't be able to officially celebrate for about one or two more years.

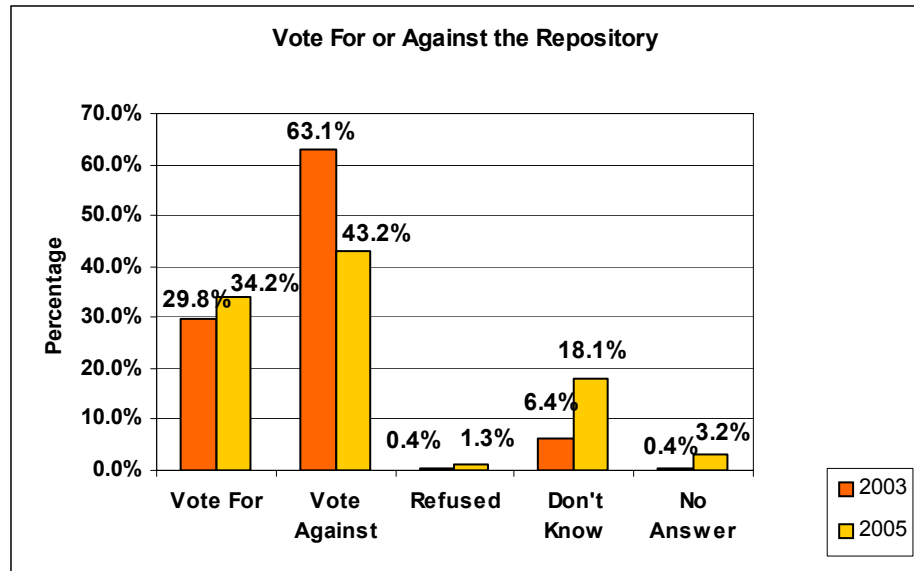
"You are going to see the end of Yucca Mountain when the nuclear energy leaders come to Congress and pressure them for an alternative to Yucca," Loux said. "I think we are going to start to see that and to see Congress change within the next few years."



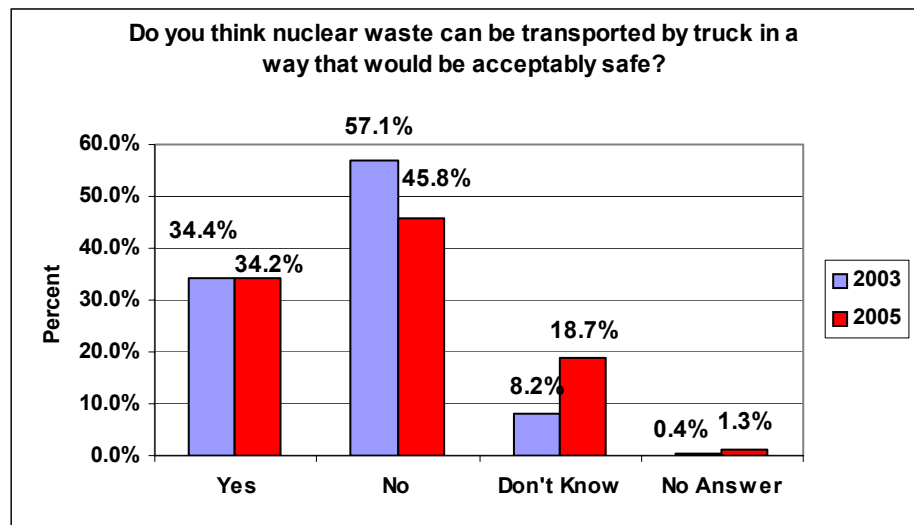
Majority of residence in Mineral County oppose the Yucca Mountain repository.

Mineral County High School Students Complete Survey

Mineral County High School students recently completed a survey of local residents. The results from several survey questions are shown in the following figures. When asked whether Mineral County survey respondents would vote for or against a repository at Yucca Mountain, the majority, 43.2 percent said they would oppose the repository. A large number of respondents (18.1%) indicated that they did not know whether they would vote for or against the repository. Considering only those respondents who directly answered the question with a vote "for" or "against" the repository, approximately 55.8 percent indicated they would vote against the repository, which is lower than the percentage (63.1%) who indicated that they would vote against the repository in 2003.



Mineral County residents were also asked to provide their views about the safety of waste shipments by rail or truck. Overall, most respondents believe that rail shipments would be safer than truck.



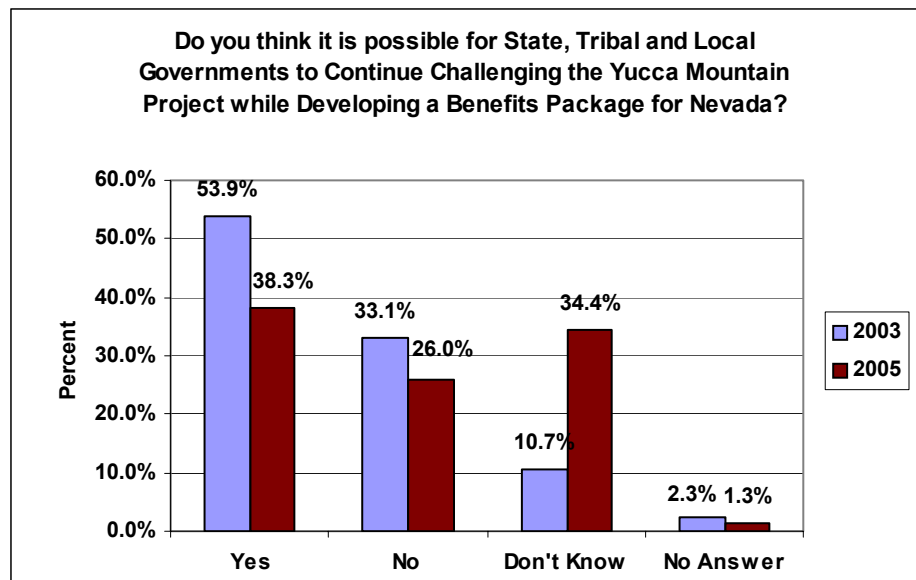
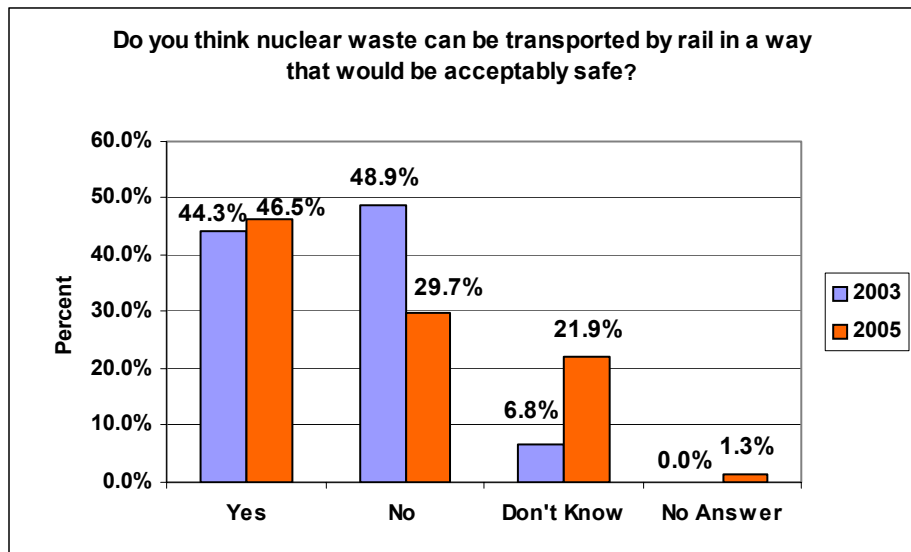
Sample of questions from survey.

- ◆ Would you vote for or against the Yucca Mountain Repository?
- ◆ Do you think that nuclear waste can be transported by truck in a way that would be acceptably safe?
- ◆ Do you think nuclear waste can be transported by rail in a way that would be acceptably safe?
- ◆ Do you think it is possible for State, Tribal and Local Governments to continue challenging the Yucca Mountain Project while developing a benefits package for Nevada?

Mineral County High School Students Complete Survey (continued)

Mineral County survey respondents were also asked the views on transportation after reading a brief history of waste shipment performance. Just over 65 percent of respondents indicated that they were very confident or somewhat confident that waste could be transported from reactor sites to a repository.

Finally, a majority of Mineral County survey respondents felt that the State could negotiate for benefits while it challenged the repository. Eliminating the number of "don't know" responses, shows that 76.6 percent of respondents thought it was possible for the State to continue challenging the repository while developing a benefits package for Nevada. This finding is consistent with early survey efforts.



Mineral County residence overall believe rail shipments would be safer than truck.



Yucca Radiation Standards Ready by September

The USA Environmental Protection Agency (EPA) expects to complete its radiation standards for nuclear waste storage at the Yucca Mountain waste repository by September.

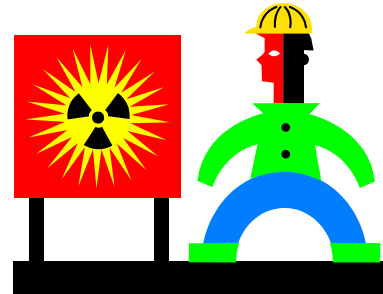


dards and their objectives; continuation of the 10,000 year standard; and development of a more qualitative standard for the post-10,000 year timeframe. *Source: Nuclear Energy International*

The move, which is a few months later than expected, follows a federal appellate court rejection of the EPA's radiation standards for up to 10,000 years for the Yucca Mountain site.

The standards, established in 2001, were deemed to be inconsistent with National Academy of Sciences recommendations on setting standards related to the peak dose.

Since last December the EPA has been working to revise the standards and is focusing on three alternatives. These include: a clear restatement of the radiation stan-



This newsletter is a publication of the Mineral County Repository Planning and Oversight Program. Mineral County is one of ten affected units of local government involved in the proposed Yucca Mountain Repository. Funding provided to Mineral 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. These articles may not necessarily reflect the positions or opinions of the Mineral County Board of Commissioners.

For more information on Mineral County's program contact Linda Mathias, Director of Nuclear Projects at (775) 945-2484. 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.

**Mineral County Nuclear Projects
Office Contact**
Linda Mathias, Director
P.O. Box 1600
Hawthorne, NV 89415
Phone: 775-945-2484
Fax: 775-945-0702
Email: mineral@oem.hawthorne.nv.us

**Additional copies of this newsletter are
available at the Mineral County Nuclear
Projects Office**
located in the Mineral County Courthouse or
the Mineral County Library. Copies can also be
downloaded from the website.
<http://www.mcncuprojects.com>.
Questions and/or comments are welcome.