

What's News at Yucca Mountain

Publication of the Mineral County Nuclear Projects Office

History of Waste Transportation

Since 1964, the U.S. nuclear energy industry has safely transported more than 10,000 used nuclear fuel assemblies over 1.7 million miles. During this period, nine accidents involving used nuclear fuel containers have occurred—four on highways, five during rail transport and none involving barges. Half of these accidents involved empty containers, and none of these accidents resulted in a breach of the container or any release of its radioactive cargo.

In 1971, for example, a tractor-trailer carrying a 25-ton shipping container holding used nuclear fuel swerved on a Tennessee road to avoid a head-on collision and overturned. The trailer, with the container still attached, separated from the tractor and skidded into a rain-filled ditch. The container suffered minor external damage but—as designed—prevented the release of radioactive material. This accident was the most severe of the nine involving used fuel containers.

Additionally, the US Navy has made 738 shipments involving some 1.0 million shipment miles since 1957. France and Britain average 650 shipments annually with no significant accident consequences.



Key Facts

The nuclear energy industry has completed more than 3,000 shipments of used nuclear fuel over the past 40 years with no injuries, fatalities or environmental damage as a result of the radioactive nature of the cargo, according to the Nuclear Regulatory Commission (NRC).

Shippers transport used nuclear fuel as a solid, ceramic material that is unable to leak or explode.

Constructed of many layers of steel and lead, containers used to carry the fuel, are extremely robust. The NRC requires thorough tests and analyses prior to certifying used fuel containers.

Facilities such as the Nuclear Regulatory Commission (NRC) and Sandia National Laboratories have tested containers under extreme circumstances to ensure they would protect the public in the unlikely event of an accident during transport. Tests have proven that containers can withstand high-speed crashes, extremely hot and long-lasting fires, and submersion in water.

Case Testing

The NRC is responsible for licensing nuclear facilities including transportation canisters and requires the following tests:

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Governor Names New Nuclear Projects Chief

Nevada Governor Jim Gibbons appointed Bruce Breslow as Executive Director of the Nevada Agency for Nuclear Projects. The Agency advises The Nevada Commission on Nuclear Projects, which in turn provides advice to Governor Gibbons and the Nevada Legislature. Breslow will fill the position left by the resignation of Bob Loux.

Breslow has a long history of public service, including City of Sparks Planning Commission member (2007-present), Nevada Transportation Services Authority Commissioner (Governor Guinn appointee 1999-2005), Chairman of the Nevada State

Employee-Management Committee (Governor Guinn appointee 2002-2005), Mayor of Sparks, Nevada (1991-1999), and Chairman of the Reno-Sparks Convention and Visitors Authority (1996-1998). Breslow's professional past also includes 11 years as a television sportscaster. He has lived in Nevada for 30 years.



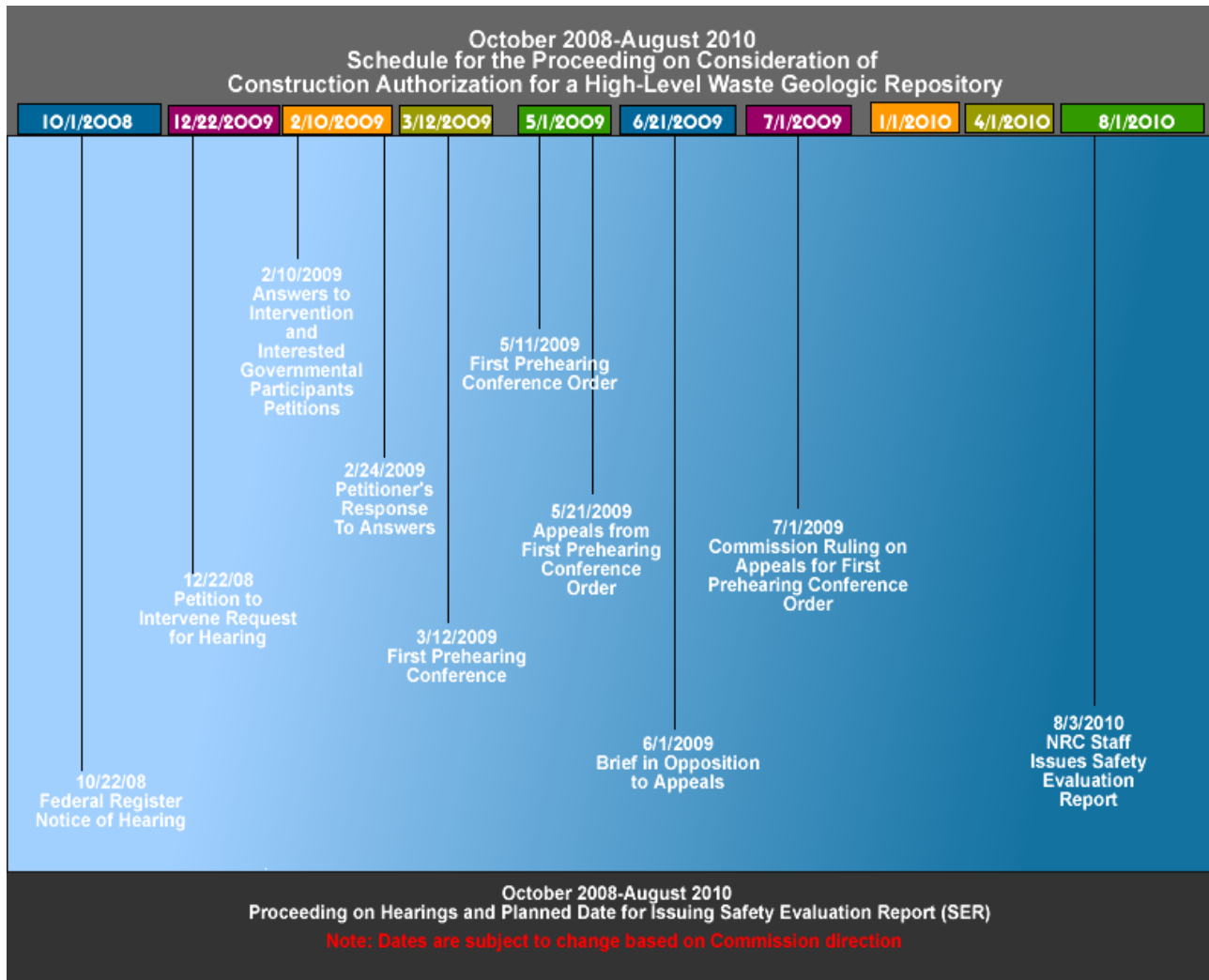
"I know Bruce to be a good and a fair man," Gibbons said, "I trust his leadership of the Nevada Agency for Nuclear Projects will bring new ideas and a renewed level of tenacity to the fight against

locating the nation's nuclear dump in Nevada."

"I am humbled by Governor Gibbons' confidence in me," Breslow said, "I will use all of my experience to serve the Governor and the Commission and continue the fight against Yucca Mountain in order to protect the health, safety, and welfare of the citizens of Nevada.

Breslow will start his new job January 12, 2009. *Source: Review Journal*

Mineral County files as intervener in the Nuclear Waste Hearing



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

Mineral County joined with Churchill, Mineral and Esmeralda to petition the NRC to gain status as a party and to request a hearing prior to the December 22, 2008 deadline for filing. Together they filed several contentions (list of issues) as well as two challenges joining with Nye County.

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.

Mineral County was given "affected status" in 1991 and subsequently established the Mineral County Repository Planning and Oversight Program to actively participated in the monitoring and oversight

of the proposed High-Level Radioactive Waste Repository at Yucca Mountain.

Mineral County became a Potential Party to the proceedings by participating in the NRC's pre-hearing process. This required a certification of compliance with the NRC's regulations governing the Licensing Support Network (LSN) an on-line exchange of documents that may be used as evidence in the NRC licensing proceeding.

While the number of contentions is considered the largest ever filed in a government nuclear proceeding (Nevada officials filed 229 "contentions" to the DOE license applica-

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Mineral County (Continued)

tion), 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 (above graphic). Most of the sessions, which would be run by administrative judges, will be held in Las Vegas.

The NRC's 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:

Mineral County's Yucca Mountain Oversight -

<http://mcnucprojects.com> click trackhearings link on the first page.

Department of Energy

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

Public Internet for NRC

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

GOP says Yucca site a solution

WASHINGTON -- Fresh from their tour of Yucca Mountain in December, Republican Party leaders are turning up the volume on their calls for Nevadans to reconsider the proposed nuclear waste site as a possible salve for the state's budget woes.

At the same time, they are stepping up pressure on Sen. Harry Reid as Yucca's No. 1 foe to show whether he has the muscle to shut down the project once and for all.

Republican state Chairwoman Sue Lowden led 60 members of the party's Central Committee on the Dec. 12 tour of Yucca Mountain, about 100 miles northwest of Las Vegas.

She wrote in her blog on December 22nd that after hearing a presentation from project Director Ward Sproat, she thinks the program will be difficult to kill.

Sproat and other supporters argue that to pull the plug, Congress has to repeal or amend the 1982 Nuclear Waste Policy Act, which authorized a repository and led to the targeting of Yucca Mountain. Judging from test votes taken in recent years, little appetite exists in the House of Representatives to abandon the site.

If Yucca Mountain cannot be killed, Nevada could find itself with nuclear waste and no benefits "we might be able to negotiate for if we would only come to the table," Lowden said.

On the same day, Clark County Republican Party Chairman Bernie Zadrowski said in an e-mail to party members there should be more debate and questions asked about Yucca Mountain and possible benefits "before the gavel is swung."

"Can we even trust that (Reid) has Nevada's best interest at heart by prematurely declaring the project dead?" Zadrowski said. "What if it isn't dead, and we get caught blindsided without these important questions

being answered?"

"Over the years we've heard Sen. Reid talk about killing the Yucca Mountain Project," Lowden wrote. "But what we haven't heard is Sen. Reid's plan to introduce, pass and have President Obama sign a bill to repeal the NWPA. Why not?"

"With that in mind, I urge Sen. Reid to immediately propose repealing the Nuclear Waste Policy Act," Lowden wrote. "As Senate Majority Leader, Sen. Reid clearly has the power to place such a vote at the head of the calendar when Congress reconvenes after President Obama is inaugurated."

"As the second most powerful Democrat in the country -- with a Democrat in the White House, Democrat control of the U.S. Senate and Democrat control of the U.S. House of Representatives -- if such a repeal is unsuccessful, what will that tell us? It will tell us it's time for Gov. Jim Gibbons to appoint a negotiator."

Reid has been credited by supporters and blamed by opponents for stalling the repository for years by routinely cutting millions of dollars from the Energy Department's annual budgets.

Barack Obama and every other Democrat who ran for president pledged to oppose the project in part because Reid arranged for Nevada to become an early stop in the party's caucus schedule.

As a Senate leader, Reid has bottled up bills that would advance the project, and Democrats who lead energy and environment committees routinely defer to him on anything having to do with Yucca Mountain.

As far as ending the project outright, Reid does have a strategy but is not about to share it with Lowden or anyone else, his spokesman Jon Summers said.

"Senator Reid has already started working with Obama and (Energy



Come to the table (Continued)

Secretary-designate Steven Chu) on a plan to kill the dump," Summers said. "However, we're not going to publicize a step-by-step strategy."

Regarding Lowden's call for Nevadans to re-examine Yucca Mountain, "Ms. Lowden would be well-served to do some homework on this issue rather than repeating talking points from the dump's supporters," Summers said.

"If Yucca Mountain was such a good idea and there were actually benefits to negotiate, why aren't other states fighting to take it away from us?"

Political analysts are scratching their heads as to why Republicans appear to be attaching themselves to Yucca Mountain when public opinion polls continue to show majorities of Nevadans do not want it.

Mark Peplowski, who teaches at the College of Southern Nevada, said it appears the GOP is trying out a possible campaign issue for 2010, when Reid is up for re-election and is going to be a major Republican target.

If Reid cannot deliver Yucca's head on a platter, he could be made the fall guy who Republicans will argue deprived the state of millions of dollars in possible benefits, according to that line of thinking.

"It is abundantly clear they are trying to set up some issues to help whoever runs against Harry in 2010," Peplowski said. "They are trying to find some Nevada issues that are going to reinvigorate the red base. I don't know what else they have got right now."

But, Peplowski added, "As strong as public opinion is against Yucca Mountain, I don't know how they can hope to drive public opinion away from Harry on this unless they can somehow prove that Harry has been asleep at the wheel. And that will be difficult to do given that Harry has managed to cut back funding even against a Republican (pro-Yucca) administration."

Source: Las Vegas Review Journal

Reid discloses plans for crippling cuts to Yucca Mountain project

WASHINGTON — The federal budget for Yucca Mountain will be cut "significantly" for the remainder of this year, and the 2010 spending for the controversial nuclear waste project will be "little if anything at all," Sen. Harry Reid said after he discussed the program with President-elect Barack Obama.

At a meeting with Obama to discuss the economic recovery plan being written by Democrats, the Nevadan who leads Democrats in the Senate said he brought up the program that the incoming president campaigned against last year. Obama and Reid reportedly had discussed the project on several earlier occasions.

Reid said Obama reconfirmed his opposition to proposed high-level nuclear waste repository during the latest short exchange. Afterward the Nevadan disclosed plans for what he characterized as a final attack on the repository, 100 miles northwest of Las Vegas.

The budget for Yucca Mountain....." this time we are going to cut it by a significant number," Reid said. "And I think the next year's budget we get from the president will have little if anything at all. I have no doubt this is true."

There has been speculation as to what steps the Obama administration might take to address nuclear waste issues. Industry executives and Energy Department officials have said they read federal law to mean that Congress would have to amend or repeal the 1982 Nuclear Waste Policy Act to change policy on Yucca Mountain.

Reid said he was not certain "of all the things that might happen when we cut the money."

But, he said, if the project "runs out of money, that takes care of itself."

The meeting, which was held in Reid's office, also was attended by Vice President-elect Joseph Biden, incoming White House Chief of Staff Rahm Emanuel and several other Obama and Reid senior aides.

Reid said he had no hesitation to raise Yucca Mountain with Obama at a meeting called to discuss the multibillion-dollar economic stimulus plan.

"To me that is a big issue," Reid said. "If it is a big issue to me, it is a big issue to him." (*source: Review Journal*)

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, is to simply remove the statutory 70,000 ton limit on storage at Yucca. The DoE notes that the NWP 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.

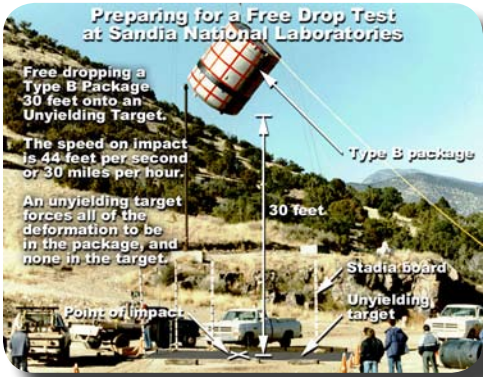
The DOE's conclusion was that it did not have the authority to accept the used fuel under present law, and that the action would not reduce costs to the American taxpayer even if it did.

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*

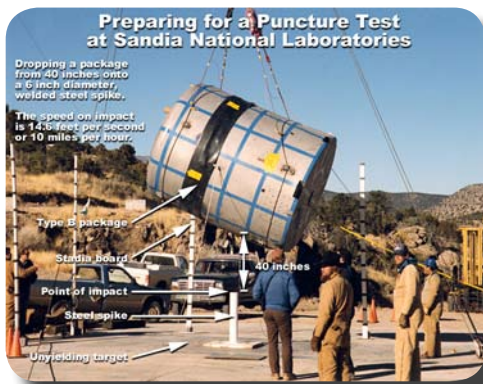
History of waste transportation (continued)

(Cask Testing continued from page 1)

- A 30-foot free fall onto an unyielding surface, which would be equivalent to a head-on crash at 120 mph into a concrete bridge abutment



- A puncture test allowing the container to fall 40 inches onto a steel rod 6 inches in diameter .



- Submerging the same container under 50 feet of water. (Containers also are subject to separate testing beneath 650 feet (200 meters) of water for eight hours.)



A 30-minute exposure to fire at 1,475 degrees Fahrenheit that engulfs the entire container.



Facilities such as Sandia National Laboratories have tested containers under extreme circumstances to ensure they would protect the public in the unlikely event of an accident during transport. Tests have proven that containers can withstand high-speed crashes, extremely hot and long-lasting fires, and submersion in water.

In addition to the tests required for NRC certification, engineers and scientists at Sandia National Laboratories in New Mexico conducted a wide range of tests on used nuclear fuel transportation containers in the 1970s and 1980s. These tests included:

Running a flatbed tractor-trailer carrying a container into a concrete wall at 84 mph

Placing a container on a rail car and driving it into a concrete wall at 81 mph

Placing a container on a tractor-trailer and broad-siding it by a train traveling at 80 mph.

In all cases, post-crash assessments showed that the containers, although slightly dented and charred, would not have released their contents. (For more information please

visit our website at <http://mcnucprojects.com/transportation.htm>.

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.

For more information on Mineral County's program contact Linda Mathias, Director of Nuclear Projects at (775) 945-2484. Additional information on the DOE repository program can be obtained from the DOE, 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 their web site at state.nv.us/nucwaste.

Additional newsletters and other public information related to the Yucca Mountain Project are available at the Mineral County Nuclear Projects Office located in the Mineral County Courthouse or you can obtain copies from the County Library. Copies can also be downloaded from the website at mcnucprojects.com.

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