

What's News at Yucca Mountain

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

Winter 2005

Inside This Issue	Page
Yucca emails forwarded to congressional panel	2
State says feds' nuke rail plan broke laws	2
Indian Casino or Nuclear Waste	3
Derailment renews concern over Yucca	4
DOE unveils details of above-ground storage plan	5

Head of DOE Yucca nuclear waste program resigns

The official in charge of building the proposed Yucca Mountain nuclear waste dump in Nevada has resigned.

Margaret Chu director of the DOE's Office of Civilian Radioactive Waste Management's departure comes at a time when the Yucca Mountain program has been delayed because of budget cuts and problems developing acceptable radiation safety standards.

The department said in a statement that Chu was leaving "due to personal circumstances" and that she plans to return to New Mexico. Her resignation was effective Feb. 25, 2005.



Margaret Chu, Director of Office of Civilian Radioactive Waste Management

Special points of interest:

Nevada lawmakers have battled back proposals in Congress to construct a "temporary," or interim, waste site at the Nevada Test Site until Yucca is complete. (page 4)

- The Atomic Safety Licensing Board gave its blessing to the Private Fuel Storage consortium's plan to build an outdoor storage facility for high-level nuclear waste on the Goshutes' reservation, 52 miles west of Lehi, Utah. (page 3)

In Nevada, Bob Loux, head of the Nevada state office that has been fighting the proposed waste dump, said Chu's departure is not expected to change the Bush administration's determination to pursue the Yucca waste repository 90 miles northwest of Las Vegas. *Source: Associated Press*

Bush picks Bodman for Energy Secretary



Samuel Bodman—Bush's pick for energy secretary

President Bush has named Treasury deputy secretary Samuel Bodman as energy secretary, filling one of the last openings in his second-term Cabinet.

Confirmed by the Senate, Bodman's major challenge will be to get Congress to enact energy legislation, including one of the president's longtime goals of opening an Arctic wildlife refuge in Alaska to oil drilling.

Bodman also will have to find a way to untangle both legal and budget problems that have threatened progress on getting a nuclear waste dump built in Nevada. Congress this year refused to provide enough money to keep the Yucca Mountain waste project on schedule and a federal court earlier this year ordered a review of proposed radiation standards for the site.

Bodman said his new job would "combine all aspects of my life's work." He has taught chemical engineering at the Massachusetts Institute of Technology, served as president of Fidelity Investments, and ran a chemical company. He graduated from Cornell University with a degree in chemical engineering in 1961 and has a doctorate in science from MIT. *Source: Associated Press*

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

Yucca e-mails forwarded to congressional panel



Two federal agencies have provided internal e-mail messages to a congressional panel that is preparing to hear testimony on suggestions that Yucca Mountain workers might have falsified documents.

The e-mails were turned over at the request of Rep. Jon Porter, R-Nev., chairman of the House subcommittee on the federal work force and agency organization. The panel has scheduled a Yucca Mountain hearing for April 5.

Chad Bungard, the subcommittee's chief counsel, said the Energy and Interior departments released the requested e-mails jointly, and that redacted versions would be made public.

Federal officials disclosed on March 16 that a scientist working at Yucca Mountain for the U.S. Geological Survey authored e-mails between 1998 and 2000 suggesting that he may have fabricated documentation about his work.

Inspectors for the Energy Department and the Interior Department, which oversees the geological agency, have begun investigating, while DOE is conducting a separate scientific review.

Bungard, who was in Las Vegas, said the subcommittee was told the agencies were providing documents in addition to the e-mails, and that more documents might be forthcoming.

U.S. Geological Survey scientists were studying how water moves through Yucca Mountain, 100 miles northwest of Las Vegas, that is being considered for a high-level nuclear waste repository.

Scientists have debated the rate at which water might seep to the repository 1,000 feet below the Yucca Mountain surface. *Source Las Vegas Review Journal—Washington Bureau*

State says feds' nuke rail plan broke laws

The Energy Department violated several federal laws when it decided to build a rail line in Nevada to move waste to the potential Yucca Mountain nuclear waste repository, Nevada's lawyers allege in court documents filed March 25, 2005.

In a 74-page legal brief filed in Washington, the state lays out its arguments against the Energy Department's transportation plans to ship waste across the country to Nevada.



The department announced last April that it would build a 319-mile rail line in the "Caliente Corridor" to move waste to Yucca Mountain, and would use "mostly rail" to ship waste across the country. If the rail line is not ready by the time the high-level radioactive waste needs to be moved, the department will ship the waste via truck. It is currently working on a environmental analysis of the Caliente route, which the department anticipates will be done this summer.

Nevada claims this violated the National Environmental Policy Act, a federal law that requires environmental studies of federal projects. The state's lawyers argue the department did not do the required analyses prior to selecting the route and preferred method of transportation.

"Lots of shortcuts were made that we think were inappropriate," said Deputy Attorney General Marta Adams.

Nevada argues that the department violated the act by selecting the Caliente route without individually analyzing each transportation option. A final environmental impact statement released in February 2002 contained descriptions of the different options but the department selected the Caliente train route without even notifying citizens, ranchers or local governments about its intention to withdraw 308,600 acres of public land.

Adams also said that while the department had public hearings on the project's general environmental study outside Nevada, it was unlikely residents in those areas knew the meetings were also about potentially moving waste through their states too.

The state also argues that the department further violated the act by failing to conduct a study on interim truck shipments and that the department moved ahead with the largest railroad construction project in 80 years without consulting the Surface Transportation Board, the federal agency that oversees rail projects. *Source: Las Vegas Sun*

The state also argues that the department further violated the act by failing to conduct a study on interim truck shipments and that the department moved ahead with the largest railroad construction project in 80 years without consulting the Surface Transportation Board, the federal agency that oversees rail projects. *Source: Las Vegas Sun*

Indian casino or nuclear waste?

The odds of keeping nuclear waste out of Skull Valley are tipping against Utah.

The Atomic Safety Licensing Board gave its blessing to the Private Fuel Storage consortium's plan to build an outdoor storage facility for high-level nuclear waste on the Goshutes' reservation, 52 miles west of Lehi.

The board found the odds of an F-16 on a training run from Hill Air Force Base crashing into the depot and releasing radiation is less than one in a million -- a safe bet by federal standards, but not comforting. The odds of being struck by lightning are 6.5 million to one, of course, yet lightning kills 30-40 people a year.

Now it is up to the Nuclear Regulatory Commission to decide whether Minnesota-based PFS is granted a license.

Utahans are doing their best to fight back, from appealing court decisions that undermine Utah's authority to regulate waste to Gov. Huntsman's trip to Washington to lobby the NRC to deny the plan.

But stopping PFS is only half the equation. The Indians in Skull Valley are looking for a way to make money for the impoverished tribe. The tribe expects the nuclear waste facility to create 60 local jobs and provide a continuous revenue stream that will allow it to purchase more land and attract wayward Goshutes back to the reservation to keep their culture going.

If Utah doesn't offer the Goshutes a better way to make money on their reservation, the Indians are going to continue to fight the state's efforts to block nuclear waste. In those circumstances, they would be justified. Nobody should be forced to accept poverty.

The problem is that there aren't too many other lucrative business plans that can work in remote, arid Skull Valley. Cattle ranching has been tried there, but it won't give the Indians the quick profits that PFS offers. Information-based business elimi-

nates the geographic hurdle but also lacks a major payoff.

Perhaps Utah and the Goshutes should consider another kind of business plan: Permit casino gambling on the reservation.

Indian casinos are not new. They've been around for more than 20 years. As of 2004, there were 411 casinos operated by 223 tribes in 28 states. The casinos generated \$18.5 billion, almost double the amount that Nevada's gaming industry raked in from gamblers. Indian casinos paid \$5.5 billion in federal taxes that year, according to a National Indian Gaming Association report.

A study by the University of California at Berkeley found that casinos improved the overall quality of life on reservations. Between 1990 and 1992, the number of Indian families on Aid to Families with Dependent Children dropped 3.2 percent, while the welfare rolls among those living in non-casino areas increased 14.2 percent. Likewise, the study found that unemployment was almost wiped out on reservations that operated casinos.

A casino has an economic multiplier effect. Indian casino employees spend their money with local merchants, and some of it spills outside the reservation. Tribes have used casino revenues for improvement projects, such as creating colleges and improving utility services.

There would be benefits for Utah as well. For one thing, more money would stay in the state by diverting many Utahans away from Wendover, Mesquite or Las Vegas. (Do you think all those Utahans at Nevada casinos are there just for the all-you-can-eat buffets?)

A casino also would create a draw for tourists. Care to estimate how many people would come to Utah to view nuclear fuel casks?

Allowing Indian gaming would require some reworking of Utah law, but the state could easily confine casinos to Skull Valley in the same way New Jersey confined casinos to Atlantic City.



(Continued on page 6)

Derailment renews concerns over Yucca

Floodwaters damaged railroad tracks in Lincoln County, and Nevada officials promptly renewed their objections to the Energy Department's plan to ship nuclear waste by rail through the county to Yucca Mountain.

Union Pacific found "numerous" areas of damaged tracks between Moapa in Clark County and Caliente in Lincoln County, spokesman John Bromley said. The approach embankments to a rail bridge roughly 30 miles south of Caliente had been scoured away, Bromley said. Near Moapa, a train derailed.

"These are record storms," Bromley said. "But flash floods in the West are famous for catching us by surprise."

Nevada officials said bad weather could one day threaten thousands of highly radioactive nuclear waste shipments if the planned national repository at Yucca Mountain is constructed.

The Energy Department last year announced it planned to use a "mostly rail" option to ship waste from sites nationwide to Yucca Mountain. In Nevada, the department aims to construct a new 319-mile rail line on mostly federal land through Lincoln and Nye counties.

The new rail line could ultimately carry 3,300 shipments of waste to Yucca in a 24-year period.

Under the right circumstances, washed out tracks could cause derailments of waste shipments and, potentially, releases of radioactive material, said Bob Loux, director of the Nevada Nuclear Waste Projects Office.

Rail ties were dislodged from the track in several places in Lincoln County, said Bryan Elkins, director of community development for Caliente. At least a 15-mile section of track needs to be "seriously inspected," Elkins said.

Floodwaters from snowmelt and three weeks of rain gushed into the Clover Creek Wash, which runs along -- and in some places under -- the Union Pacific tracks, Elkins said. Two trains were directed to Caliente to avoid damaged tracks and were held until it was safe to send them on.

Significant track damage from weather happens only every 30 years or so around Caliente, Elkins said. But it is always a danger when fast-moving water flows from surrounding canyons into the wash, he said. "This wash-out phenomena has been part of the rail's history since the 1890s," Elkins said.

The Meadow Valley Wash where the derailment occurred was considered a "worst case scenario" by the state

when it objected to DOE's planned use of Caliente as a switching station for spent-fuel shipments, chief state transportation consultant Bob Halstead said.

That rail route could bear from 6 percent of nuclear waste shipments by Union Pacific up to 85 percent of loads traveling from California, Arizona, Texas and Louisiana if Burlington Northern gets the contract, Halstead said.

Flooding in the Meadow Valley Wash occurs "with distressing frequency," Halstead said. "Railroads in the West are dangerous," Halstead said and the area where the accident occurred is difficult to reach. It contains fern grottos and endangered or threatened species such as the chubb fish.

"It's a place where things aren't supposed to happen," Halstead said.

State officials and consultants have been frustrated by a lack of data about the area where the flooding occurred, said Fred Dilger, a transportation consultant to the state.

But department officials said it was highly unlikely that a nuclear shipment would come across washed out tracks. Waste shipments would be more closely monitored than typical freight trains, department spokesman Allen Benson said. The tracks would be subject to much closer inspection, and trains would be in constant communication with an operations center, Benson said. "I don't think we're going

to be too surprised by anything," he said.

Also, nuclear industry officials have long said that high-tech metal shipping containers used to haul waste on trains could easily survive a derailment, even in a subsequent fire.

"We're very, very confident that those casks would maintain their integrity," said Mitch Singer, spokesman for the Nuclear Energy Institute, the top industry lobby group.

Even typical freight trains are monitored to the tenth of a mile at Union Pacific's headquarters in Omaha, Neb., where officials also closely monitor weather services and coordinate with inspectors in the field, railroad officials said.

But Nevada officials aren't convinced that rail shipments of nuclear waste would be safe. There are no guarantees waste containers would survive a train accident, Rep. Shelley Berkley, D-Nev., said.

"The nuclear industry cannot, by any stretch of the imagination, foresee where the railroad tracks would be washed out, how strong the currents would be, and where the water could take the waste," Berkley said. "I didn't know they were clairvoyant." *Source: Las Vegas Sun*



The Energy Department has been studying Yucca Mountain for nearly two decades.

DOE unveils details of above-ground storage plan

In January 2005, the Energy Department unveiled new plans for a 500-foot-by-500-foot "aging pad" where nuclear waste would be stored above ground at Yucca Mountain until it was ready for placement in the underground repository.

The department has long planned to collect waste at a surface holding facility at Yucca, where waste could be sorted and stored, in some cases for years. Some of the waste could be relatively fresh from nuclear plant reactors and more radioactive, or "hotter," than waste that would have been cooling for far longer in pools at the plants.

The department had considered an aging pad with storage for up to 40,000 metric tons of waste -- over half the planned 70,000-metric-ton capacity of Yucca's repository tunnels, Energy Department repository systems engineer Paul Harrington said at a nuclear waste issues conference. But that plan was scaled back, he said.

Design plans now call for a pad with capacity for 21,000 metric tons of waste. Waste would be stored in roughly 2,000 above-ground casks, Harrington said.

Up to 21,000 metric tons of nuke waste could sit at Yucca for years

It's hard to know how long a typical waste package would sit there, but it could be five, 10, even 15 years, he said. The pad likely would be used for about 50 years -- about the amount of time it would take to fill Yucca.

The aging pad would allow the department to accept waste at the Yucca site before construction of the repository is complete, Harrington said. Energy Department officials aim to begin accepting waste at Yucca by 2010, although critics say that target is unlikely to be met.

Nevada lawmakers have battled back proposals in Congress to construct a "temporary," or interim, waste site at the Nevada Test Site until Yucca is complete.

Harrington said the aging pad is not defined as a temporary storage facility because the waste would not be stored temporarily -- it would be held awaiting placement in the permanent repository.

"Interim storage doesn't have a disposal component," Harrington said.

Yucca critics have said that is a matter of semantics. They note that federal law prohibits interim waste sites in Nevada if the state is to be home to a national permanent waste repository.

Such a large pad would enable the department to ship hotter waste earlier than planned, said Kevin Kamps, a nuclear waste specialist with Nuclear Information and Resource Service.

"That really increases transportation risks," Kamps said.

Nevada officials plan to challenge the Energy Department's attempt to construct such a large aging pad. They say that a pad that size should be licensed separately by the Nuclear Regulatory Commission.

"We think that a facility that holds that quantity of waste is an independent fuel storage facility," said Bob Loux, executive director of the Nevada Nuclear Projects Agency.

Yucca critics also have been critical of plans to store so much waste above ground because it would be vulnerable to aircraft accidents or even terrorist attacks.

"If you have waste sitting there for 10 or 15 years -- that's a long time," said Michele Boyd, an analyst for Public Citizen who tracks Yucca issues. "That's one of the most dangerous aspects of Yucca Mountain."

Nevada officials are keeping a close eye on the NRC, which has raised questions about the security of "temporary" waste sites. The NRC has delayed licensing a temporary above-ground waste site in Utah in large part due to concerns about aircraft crashes. That case may have implications for the aging pad at Yucca,



Yucca critics said.

The Yucca pad could be surrounded by a 300-foot barrier that would offer protection from, among other things, aircraft "skid-ins," Energy Department officials say. But Harrington said that for security reasons, officials could not offer details about security measures that would be taken at the site.

"There would be security, certainly," he said.

Source: Sun Washington Bureau

Indian casino or nuclear waste? (continued)

(Continued from page 3)

Certainly, there are some drawbacks as well.

The Berkeley study found that there was a dramatic increase in calls to gambling addiction hot lines in Minnesota after Indian casinos opened there. Researchers also found that the casinos were regressive in that poor people tended to gamble away more of their incomes than the rich.

A Canadian study also noted that criminal activity increased when Indian casinos offered "hard" casino gambling -- blackjack, dice, roulette, slot machines -- rather than sticking to softer games like bingo and pull tabs.

While PFS is supposed to be a "temporary" storage site while Yucca Mountain, Nevada, is being prepared as the permanent repository, nuclear power plants haven't stopped generating waste. Assuming Yucca Mountain ever becomes operational, it would not have the capacity to hold all of

the nation's spent fuel rods. Skull Valley would have to become a permanent facility, and likely would expand.

While casinos can cause damage to families and society, that damage is at least partially quarantined. If nuclear storage happens in Skull Valley, Utah will be a helpless bystander. The federal government would have oversight of all operations since an Indian reservation is considered a sovereign nation. Utah would have no regulatory authority over the site. *Source: Daily Herald*



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.mcnucprojects.com>.

Questions and/or Comments are welcome.