

Yucca Mountain Project clears another big hurdle

On September 8th, the Nuclear Regulatory Commission announced it will conduct an in-depth review of the government plans for Yucca Mountain, another step forward for the controversial nuclear waste storage project.

The decision by the nuclear safety agency to place a Department of Energy license application on its docket represents a milestone for the project over the objections of Nevada's elected leaders.

The NRC concluded following an initial 90-day screening by its technical staff that an application that DOE filed on June 3 "is sufficiently complete" for the agency to move forward, according to its announcement.

The move opens the way for detailed safety studies that will be performed by NRC technical staff, and for legal hearings before panels of administrative judges where Nevada and

other parties would be able to raise objections.

The process will result in a decision whether to grant a license for the repository to be built.

The decision was announced shortly after the NRC notified members of Congress. Those from Nevada were not happy although they were not altogether surprised.

"The NRC's decision puts nuclear politics over the health and safety of Nevada families and you can bet that we will continue fighting the Bush-McCain Yucca Mountain plan," said Rep. Shelley Berkley, D-Nev.

The licensing process is envisioned by law to take three-four years. Many officials believe it could take years longer for the NRC to sort through a project that is the first of its kind.

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Nuclear projects chief Bob Loux steps down

Nevada's Nuclear Projects Commission accepted the resignation of Bob Loux on September 29, the man who for 23 years led the state's charge against federal plans to bury nuclear waste in Yucca Mountain and whose career now ends marred

by controversy over unauthorized pay raises.

The seven-member commission, led by former U.S. Sen. Richard Bryan, decided unanimously to accept Loux's resignation and allowed him to continue to serve as executive director of the State Nuclear Projects Agency until his replacement is chosen by Gov. Jim Gibbons.

That process is expected to take at least six weeks.

"It's clear to me now this issue of my employment and other related issues have become

too big of a distraction to the overall effort," Loux, 59, said as he apologized to the commission and to the public for giving himself and other agency staffers unauthorized pay increases of up to 16 percent.

Controversy over unauthorized raises leads to downfall



"I think it's appropriate at this point in time that I do step down from this position," he said.

Bryan acknowledged that Loux, the agency's only executive director since it was created by state lawmakers in 1985, had "ably advised four governors." He also said Loux has steered the state's effort against the planned high-level nuclear waste repository, 100 miles northwest of Las Vegas, to a crucial point. The Department of Energy's plans are now entering a lengthy licensing review by nuclear regulators.

But, Bryan said, Loux's unauthorized pay raises to himself and his staff were "an indefensible lapse of judgment." *Continued on page 3*

Yucca Mountain Project clears another big hurdle (continued)

Following construction the agency would consider a second application for DOE to begin receiving waste at the site.

The Energy Department proposes to build a warren of tunnels beneath Yucca Mountain, 100 miles northwest of Las Vegas, where 77,000 tons of used nuclear fuel and highly radioactive material from U.S. weapons manufacturing would be stored and eventually sealed within the mountain.



An above-ground waste handling complex also would be constructed where canisters of waste would arrive, mostly by rail, from sites in 39 states.

The repository plan is opposed by a majority of Nevadans. State leaders have committed millions of dollars to fight at the NRC and in courts.

The U.S. Nuclear Regulatory Commission's Review of the Yucca Mountain License Application

The U.S. Nuclear Regulatory Commission (NRC) received an application from the Department of Energy on June 3, 2008, for a license to construct and operate the nation's first geologic repository for high-level nuclear waste at Yucca Mountain, Nev.

Receipt of the application initiated the NRC review along two concurrent processes. The first process is the technical licensing review by the NRC staff, to assess the technical merits of the repository design and make a decision whether to issue a construction authorization for the repository. The second process is the adjudicatory hearings before one or more of the NRC's Atomic Safety and Licensing Boards, which will hear challenges by a number of parties to the technical and legal aspects of the DOE application. Based on the results of the licensing review and the hearings, the Commission will determine – solely on the technical merits – whether to authorize construction of the Yucca Mountain repository.

The **docketing review** by the NRC determined the application contained enough information for the NRC staff to initiate its formal technical review and was announced on September 9th.

MAJOR LICENSING MILESTONES

- DOE submitted a License Application to construct a repository on 8/3/08
- Initial 90-day license review (docketing the license application) (June 2008 – September 2008).
- Environmental determination (Sept. 2008).
- NRC docketed License Application (Oct. 2008).
- NRC's Safety Evaluation Report (Nov. 2008).
- The Adjudicatory Review Process (LSN, and Hearings). (Nov. 2008 – Nov. 2011).
- Repository Construction Authorization (2011/2012).

Nuclear projects chief steps down (Continued)

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“Obviously the actions that you’ve taken with respect to your own pay are things that have been greatly troubling to all of us,” Bryan said.

Loux has admitted that last year he gave his entire staff, including himself, salaries that exceeded what was authorized by Legislature. He told the commission he thought he had the latitude to do so because of a state employee classification created when Kenny Guinn was governor in 1999. Essentially, he said, he redistributed money to himself and his staff that would have been paid to an employee who left.

Loux contended the agency never exceeded the budget or salaries allowed by the governor’s chart.

But he sought permission a few weeks ago from the Interim Finance Committee to transfer money from the agency’s current budget to cover \$500,000 he had overspent last year. The request included \$72,000 for additional retirement and benefit expenses for himself and his staff that had not been factored in when he increased salaries beyond legal limits.

Upon learning that, Gibbons called for Loux’s resignation. The governor then sent a letter Thursday to Bryan and other commission members that said he had ordered that the salaries in question be corrected to the approved amounts and asked that the Department of Personnel obtain repayment of the excess salaries.

“This action will ensure that the general fund is reimbursed for any salary overpayments and will also ensure that any retirement benefits to employees of the Agency for Nuclear Projects are based on the correct salary levels,” Gibbons wrote.

Gibbons’ chief of staff, Josh Hicks, said Monday that Loux’s salary has been rolled back to the 2006 budgeted amount of \$104,497. Loux’s retirement will be based on a percentage of his three highest pay years, excluding the unauthorized salary increases.

“We’re still in the process of ironing everything out,” Hicks said, referring to an audit Gibbons ordered. It will “determine how far back overpayments go; then we’ll determine any corrective action.”

In a statement, Gibbons said the commission’s action to accept Loux’s resignation “sends a strong message that fiscal accountability must be maintained.”

Before Bryan called for a vote to accept Loux’s resignation with the condition that he serve until his successor is hired, he said, “This is a sad day for all of us.”

After the meeting, Bryan said he had many conversations with Loux after the salary issue surfaced. “He recognized in light of the public outcry that existed that he needed to submit his resignation. He used the term, ‘stepping down,’ and we accepted his offer.”

Commissioner Steven Molasky was absent during the meeting at the Las Vegas City Council chambers. Commissioner Joan Lambert participated by telephone.

In public comments, several people praised Loux’s service but a couple of his critics, including Stuart

Waymire, said that Loux, who holds a bachelor’s degree in education from the University of Nevada, Reno, did not have credentials for the job.

“There must be at least a thousand people in Nevada who have better expertise than Bob Loux,” Waymire said. Source: *LV Review Journal*



EPA issues final Yucca Mountain radiation rules



On September 30, the federal Environmental Protection Agency issued final rules for limiting radiation standards from a proposed nuclear waste repository at Yucca Mountain, 90 miles northwest of Las Vegas.

The new rules satisfy a July 2004 court decision to extend the standards to protect public health and the environment, the EPA said.

The Yucca Mountain standards are in line with international radioactive waste management approaches, although Yucca Mountain is the only site designated as a final repository for both spent nuclear fuel and Defense Department nuclear wastes from the Cold War.

The EPA said it retained the dose limit of 15 millirem per year for the first 10,000 years after nuclear waste is disposed.

The agency established a dose limit of 100 millirem for annual exposure per year between 10,000 years and 1 million years.

It also requires the Energy Department to consider effects of climate change, earthquakes, volcanoes and corrosion of the waste packages buried in the mountain to safely contain radiation during the 1-million-year period.

The agency also ordered the Energy Department to be consistent with National Academy of Sciences standards for Yucca Mountain at peak dose up to 1 million years after disposal.

The 100 millirem dose limit roughly equals radiation from five chest X-rays.

The average annual radiation exposure from both naturally occurring radiation such as radon and ultraviolet radiation from the sun and other sources such as X-rays is 360 millirems a year, the EPA said. Source: Las Vegas Sun

The following documents are available on-line at: <http://www.epa.gov/radiation/yucca/>

- Public Health and Environmental Radiation Protection Standards for Yucca Mountain, Nevada.
- Fact sheet: Final Amendments to the Public Health and Environmental Radiation protection Standards for Yucca Mountain, Nevada
- Response to Comments: Amendments to the Public Health and Environmental Radiation Protection Standards for Yucca Mountain, Nevada.
- Background on Proposed Facility at Yucca Mountain - Describes the history of this proposed DOE facility and a timeline of regulatory actions.
- Agency Roles in the Approval, Monitoring, and Operation of a Potential Yucca Mountain Repository.
- Document describing each agency's responsibilities for ensuring that the repository is protective of human health and the environment and the approval path for each step in the process.

Yucca Mountain: Nuclear Waste in Nevada

The setting was new, but the arguments were familiar at a Senate hearing on nuclear waste shipments to a planned high-level nuclear waste site in Nevada.

Nevada Senators Harry Reid and John Ensign took the opportunity to renew their campaign against the proposed Yucca Mountain repository.

Reid, D-Nev., testified the Department of Energy's nuclear waste shipping plans "are grossly incomplete" even as the DOE has applied for a repository construction license.

The department has not yet finalized shipping routes, and its draft transportation plan "is barely a crude sketch," he said.

Ward Sproat, director of the Office of Civilian Radioactive Waste Management, said shipments still are years away, and the DOE "has committed to meet or exceed" federal safety rules.

If the repository is built 100 miles northwest of Las Vegas, the first shipments would not be made until 2020 under the DOE's best-case scenario, he said.

The discussion played out before the Senate Commerce, Science and Transportation Committee at its first hearing in years on nuclear waste shipping. The panel has jurisdiction over railroads.

Sproat and other federal officials said movement of nuclear materials around the country has a decades-long safety record.

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Yucca Mountain: Nuclear Waste in Nevada (continued)

“Spent nuclear fuel can be safely and securely transported, including from its current location at operating and decommissioned nuclear power plants, to a permanent geological repository,” said Michael Weber, a safety and safeguards director at the Nuclear Regulatory Commission.

A 2006 study by the National Research Council concluded there were no technical barriers to safe shipments of nuclear fuel.

But study director Kevin Crowley said it also concluded the number of rail shipments to Yucca Mountain would be 18 times the number

made between 1964 and 2004, and the council offered recommendations for the DOE to improve its program.

DOE and Nye County: Spirit of cooperation benefits rural Nevada

Nye County’s Emergency Management Services (EMS), public works department and the U.S. Department of Energy (DOE) have been working together for the past year to improve the emergency response capabilities in rural areas of Nevada.

Initially, DOE loaned a fire engine, a brush truck and a rescue truck to EMS for use in Nye County. After reviewing where they could be used, EMS placed the fire engine in Beatty, the brush truck in Amargosa Valley and sent the rescue truck to Station 51 in Pahrump.

DOE has since loaned other equipment to Nye County, which has been put to good use. Nye County’s public works department, the towns of Beatty, Manhattan, Pahrump, Amargosa Valley, Tonopah and the Nye County School District have all benefited from the loaned equipment.

The county’s public works department, as well as the towns of Beatty and Manhattan, received much needed 20- to 40-foot storage containers.

The Nye County radio shop put a 40-foot office trailer to use the same day DOE turned it over to the county. The shop was in need of a new transmitter building to house additional radio equipment for the county’s radio system.

Using the trailer allowed the radio shop to properly mount and store the equipment and saved the county the cost of constructing a new building.

When told that Nye County urgently needed a generator to back up the runway lights at the Tonopah Airport, DOE arranged the loan of a large, trailer-mounted generator.

Nye County Public Works was ready with a truck when DOE disconnected the generator from their power grid and delivered the generator to the airport to ensure the runway lights work at all times.

Nye County, in turn, has worked with other counties.

Esmeralda County was loaned a Nye County fire engine for use in Goldfield.

A brush truck, squad truck and a fire engine were loaned to White Pine County and two ambulances have been sent to Inyo County, Calif.

The spirit of cooperation and concern for our citizens has gone far beyond expectations anticipated when Nye County, the sheriff’s office and EMS first started talking with DOE.



Building supplies and office furniture (desks, file cabinets, work stations, etc.) soaps, solvents and other chemicals, and tires, which DOE donated to Nye County, have been put to good use by almost every department within the county as well as the Nye County School District.

Lander County Repository Planning and Oversight Program

This newsletter is a publication of the Lander County Repository Planning and Oversight Program. Lander county is one of ten affected units of local government (AULG) involved in the proposed Yucca Mountain Repository. Funding provided to Lander 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. Articles in this newsletter may not necessarily reflect the positions or opinions of the Lander County Board of Commissioners.

For more information on Lander County's program contact Deborah Teske at the Community Development Department (775) 635-2860 or Joy Brandt at (775) 964-2447 in Austin, NV. Additional information can be obtained from the U.S. Department of Energy, Yucca Mountain, Site Characterization Project Office at (702) 794-1444 or contact them at ocrwm.doe.gov. The Nevada Agency for Nuclear Project, Nuclear Waste Project Office, Capital Complex, Carson City, NV. 89570, (775) 687-3744 or at their web site state.nv.us/nucwaste. Lander County's Nuclear Waste Oversight web site is at landercountynwop.com. Editors: Rex Massey, & Deborah Teske, research, design & format, Loreen Pitchford.

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