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House trims Yucca Mountain budget

Funding for Yucca Mountain in 2007 would be \$50 million less than in 2006 under legislation passed in January by the House of Representatives.

The figure, in a report by the Government Accountability Office that was requested by Rep. Jon Porter, R-Nev., matches past Energy Department estimates but gives a more precise accounting.

The report said that in 2005-2006 it cost government agencies some \$4.2 million to review e-mails and documents to determine the extent of the problem; \$16 million to redo water infiltration analyses; and \$340,000 for management and quality assurance training. The Energy Department plans to spend another \$5.1 million in

2007 on redoing science work. *Source: Associated Press*

The development came as the five members of Nevada's congressional delegation met in Democratic Majority Leader Harry Reid's office to discuss plans for the upcoming legislative session, including keeping the nuclear waste dump project in check.



"We'll reallocate the money to something else that's needed," said Rep. Shelley Berkley, D-Nev. "So that's the good news for the day."

The cut comes in a massive spending bill funding about one-sixth of the federal budget that Democrats pushed through the House in one batch of budget bills left undone by the Republican Congress. The measure still must pass the Senate.

It would put Yucca Mountain funding for the remainder of the 2007 fiscal year ending in September at about \$405 million, the lowest level in several years and significantly less than the \$544 million President Bush sought in his 2007 budget request.

Meanwhile, congressional investigators released a report in January saying it cost federal agencies some \$25 million to respond to the 2005 controversy over falsified science on the Yucca Mountain project that emerged from e-mails exchanged by U.S. Geological Survey scientists.

The e-mails indicated scientists on the project backdated reports and fudged quality control documents. Prosecutors ultimately decided not to pursue criminal charges and the Energy Department concluded that the science of the project had not been compromised, but decided to redo the science anyway.

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Yucca Mountain News
 Spring 2007

On February 5, 2007 Edward Sproat, Director, Office of Civilian Radioactive Waste Management announced the FY 2008 budget rollout with the following milestones.

Program Key Milestones

- ▶ License Application Design Complete- November 2007
- ▶ LSN Certification- December 2007
- ▶ Supplemental Repository EIS- May 2008
- ▶ License Application Submittal- June 2008
- ▶ YM Construction Authorization- September 2011
- ▶ Operating License Submittal- March 2013
- ▶ Commence Repository Operations- March 2017

* These milestones are based on a best-achievable schedule and are dependent upon appropriations consistent with optimum project execution, the timely issuance of all necessary authorizations and permits, the absence of litigation-related delays and enactment of the legislation proposed by the Administration last year.

Goshutes, PFS press their battle for a nuke dump

The battle over high-level nuclear waste in Utah is not over yet.

The Skull Valley Goshutes and their business partners, a group of nuclear-power companies called Private Fuel Storage, filed papers in a Washington, D.C.,



appeals court January to defend their license to store used reactor fuel on the Goshutes' reservation.

"The bottom line is: This is not a dead project," said Jay Silberg, an attorney for the nuclear companies.

In September, many of the project's critics applauded its demise after a pair of rulings by the U.S. Interior Department that, in effect, blocked waste shipments to the site and invalidated the lease between the companies and the tribe. Silberg said the legal paperwork filed January 29th, disputes assertions that the project cannot go forward. *Source: The Salt Lake Tribune*

DOE requests reduced Yucca Mountain budget

The DOE scaled back its planned Yucca Mountain spending in a 2008 budget it announced Monday, February 5th delaying railroad designs and deferring advanced research while focusing on forming a license application for the nuclear waste site.

Department leaders sent Congress a budget requesting \$494.5 million for the proposed waste repository in the year that begins Oct. 1.

It was the smallest Yucca Mountain request since fiscal 2002, and \$50 million below what the Bush administration budgeted last year for 2007.

That request has not been finalized on Capitol Hill, although lawmakers appeared to be settling on \$445 million.

"The goal is to try to create a license application in the next 18 months, that is really what the focus is," Energy Secretary Samuel Bodman said of Yucca at a budget briefing. "There are various other aspects we are not pursuing."

Bodman said the project is not being scaled back.

"It is a matter of looking in realistic ways as to where our opportunities are," he said. "It is not a matter of retrenching, it is a matter of trying to recognize our priorities."

Sen. Harry Reid, D-Nev., a repository critic, said, "I promise the highest congressional scrutiny for this waste of taxpayer dollars."

Rep. Jon Porter, R-Nev., another critic, said the budget for the much-delayed repository was "reckless."

"To ask for an additional dime for this doomed project is not only fiscally irresponsible but an insult to the residents of Nevada," Porter said.

The DOE budget contains \$2.5 million for the state of Nevada to fund its own Yucca oversight programs, and \$1.5 million for Nye County,

where the site is located.

Nye County, Clark County and other Nevada counties that border Nye, plus Inyo County in California, would split another \$4 million.

Within the \$494.5 million request, DOE officials said they plan to allocate \$131 million on completing a voluminous license application by a self-declared June 30, 2008, deadline.

Another \$195.2 million is budgeted to continue designing an above-ground complex where highly radioactive waste would be managed before being placed in the mountainside.

On the other hand, designs for a railroad line DOE wants to build to the Yucca site were cut back by \$22 million, while spending was deferred on development of rail cars and early purchase of waste casks, a cut of \$30.8 million.

Research into specialty metals and other advanced technologies that might be integrated into the repository effort also was deferred.

But the budget does contain \$2 million for a study ordered by Congress on whether a second repository should be built, and where.

Project director Ward Sproat said Yucca Mountain was pressed by Bush administration demands to keep spending under control and to lower the federal deficit.

Spending for railroad designs became expendable for now, he said, because DOE has not yet decided on competing railroad corridors to the repository site.

A draft environmental impact study is expected this summer comparing an east-west corridor from Caliente to Yucca Mountain with a north-south corridor through Western Nevada. *Source: Las Vegas Review Journal*

Nuclear Agency: Air defenses impractical

Federal regulators plunged into an energy and national security controversy yesterday by ruling that the nation's 103 nuclear power plants do not need to protect themselves from potential attacks by terrorists using airplanes.

The Nuclear Regulatory Commission's 5-to-0 ruling was in response to a 2004 petition by the Committee to Bridge the Gap, a Los Angeles nonprofit group, that said nuclear plants should build shields made of steel I-beams and cabling or take other steps to prevent a release of radiation in case of an air attack. Eight state attorneys general backed the petition.

The group cited the 9/11 Commission, which said in its report that the al-Qaeda plot to hit the World Trade Center towers and the Pentagon in 2001 had originally contemplated hijacking 10 planes and striking one or more nuclear power plants.

"Nuclear power plants are pre-emplaced nuclear weapons near major cities," said Daniel Hirsch, president of the Committee to Bridge the Gap. "They can't blow up like a nuclear bomb, but they can release a thousand times the radiation of the Hiroshima bomb. They are the most attractive target for a terrorist to hit in our country."

But NRC Chairman Dale Klein said, "Nuclear power plants are inherently robust structures that our studies show provide adequate protection in a hypothetical attack by an airplane."

The commission might impose stricter requirements on new plants, which some nuclear foes hope will add costs or delay licenses for industry expansion.

For now, however, the NRC said that guarding against airborne attacks was the job of the military and other

agencies. It added that nuclear plant operators were already required to be prepared to respond to fires or explosions, whatever the cause. The commission said that it was toughening requirements for reactor operators to repel "multiple, coordinated groups of attackers, suicide attacks and cyber threats."

Some members of Congress said that the NRC's steps fell short of what was needed.



"I am disappointed," said Rep. Edward J. Markey (D-Mass.). The NRC decision "reflects an inadequate, industry-influenced approach that sacrifices security in favor of corporate profits."

Sen. Barbara Boxer (D-Calif.), who chairs the Senate Environment and Public Works Committee, wrote to the agency that "the communities that surround existing plants need to be confident that the NRC, as the regulator charged with nuclear safety, did all it could to ensure that plants defend against current security threats" -- including, she added, "large attacking forces and commercial aircraft."

Boxer said that her "initial reaction" was that the NRC "did not follow the direction of Congress to ensure that our nuclear power plants are protected from air- or land-based terrorist threats."

The 9/11 Commission called nuclear plants "vital facilities" and pointed to evidence that the plants had attracted al-Qaeda's attention. The commission's report said that senior al-Qaeda planner Khalid Sheikh Mohammed told interrogators after his capture that nuclear plants were on his original target list. And the commission said that during a meeting in Spain in July 2001, Mohamed Atta, thought to be the lead hijacker on Sept. 11, had considered targeting a nuclear facility he had seen during familiarization flights near New York -- a target he and his conspirators referred to as "electrical engineering." In the end, Atta did not have a chance to discuss the idea with senior al-Qaeda leaders.

Timothy J. Roemer, a member of the 9/11 Commission, said that "there should be agencies in our government that make this as high a priority as al-Qaeda makes it." He also said that

as the nuclear industry expands, "they should also shoulder some of the burden of our environment and our defense."

The question of whether nuclear facilities should be required to protect themselves against air attacks is frequently mentioned as a cost issue by electric power companies interested in building nuclear plants. There has not been a new order placed for a nuclear reactor in the United States since the 1979 Three Mile Island accident in Pennsylvania. Tax incentives in the Energy Policy Act of 2005 have sparked preliminary planning on about 19 nuclear power projects, and several companies are expected to seek NRC approval later this year.

Many of the industry's critics have seized on national security as a reason to block new plants or to raise

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Air Defenses Impractical (continued)

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the costs of construction. Hirsch said, however, that building an I-beam and cabling shield would add only about 1 percent to the cost of a plant.

"Where are the resources best put to use to protect our population?" said Steven Kerekes, a spokesman for the Nuclear Energy Institute. "There will be far more value in putting those resources toward other parts of the infrastructure that aren't nearly as well protected as nuclear power plants." He cited a 2002 computer modeling study that said a jetliner crash at a nuclear site would not lead to a radiation leak.

The Supreme Court decided not to hear an appeal of a 9th Circuit Court of Appeals ruling that said the NRC had violated the National Environmental Policy Act when it failed to include a terrorist attack in an environmental impact report for an application to create dry-cask storage at the Diablo Canyon Power Plant near San Luis Obispo, Calif. Pacific Gas and Electric, which owns Diablo Canyon, was granted the license, but the NRC must now reconsider the application.

Baltimore-based Constellation Energy, which operates five nuclear units at three locations, is weighing a new plant. It has chosen a design by Areva that is supposed to protect against airplane crashes by doubling the thickness of the containment vessel and redesigning other facilities. *Source: Washington Post*

Agencies to spend \$25 million retracing key Yucca research

Federal agencies plan to spend more than \$25 million to retrace key Yucca Mountain research that became tainted after the discovery of scientist e-mails suggesting documents may have been falsified, according to a recent report.

The report by the Government Accountability Office puts a price tag on an e-mail scandal that rocked the Department of Energy almost two years ago and that contributed to delays in the nuclear waste repository effort.

Costs of \$25.6 million, compiled by the GAO from figures supplied by the Energy Department and other

template future spending for the project.

"This is an admission of total embarrassment for the program and an unacceptable waste of taxpayer dollars," said Rep. Jon Porter, R-Nev., who released the GAO study that was undertaken at his request.

Energy Department officials were reviewing the report and planned to comment today, spokesman Allen Benson said. DOE officials previously have cited the \$25 million cost of the correction in remarks to Congress, and have said their response to the controversy showed their drive to get things right.



federal agencies, include replacing an important computer model of how water might infiltrate the mountain and erode canisters of highly radioactive spent nuclear fuel. That work is ongoing.

DOE personnel also randomly sampled and reviewed 14 million worker e-mails for evidence of deeper problems in the Yucca program.

Nevada leaders who oppose nuclear waste being shipped to the Yucca site 90 miles northwest of Las Vegas, said the 30-page GAO report will serve to remind members of Congress about turmoil surrounding the proposed repository as they con-

The report was made public in an apparent coincidence on the same day that House Democrats unveiled a \$463.5 billion budget bill for the remainder of fiscal 2007 that cuts \$50 million from the Yucca project.

The new budget would allocate roughly \$405 million to the Department of Energy for nuclear waste disposal, its smallest line item in five years. The fiscal year runs until Sept. 30.

Democrats did not disclose why the Yucca project was slashed. Most programs were frozen at 2006 levels, but leaders on the House Appro-

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Agencies to spend \$25 million retracing key Yucca research (continued)

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priations Committee said they forced cuts and reclaimed unspent balances in more than 60 programs to generate \$10 billion that was used to boost priorities like health research and education.

"There are a few bright spots, and that is one of them," in the budget, said Rep. Shelley Berkley, D-Nev.

Energy Department officials would not comment on how the reduced budget might impact the Yucca program as they strive to meet a June 30, 2008 deadline to complete a repository license application.

"We are confident that Congress will provide adequate funding to enable the department to complete a high-quality license application to be submitted to the NRC," spokesman Allen Benson said.

The Yucca e-mail controversy ignited on March 16, 2005, when Energy Secretary Samuel Bodman announced discovery of a series of e-mail messages from 1998-2000 in which several government hydrologists swapped e-mails expressing frustration with quality assurance rules and hinting that corners might have been cut in complying with the strict procedures.

Joseph Hevesi, one of the hydrologists who worked for the U.S. Geological Survey, testified before Congress in June 2005 that he did not alter reports or falsify data.

DOE undertook extensive reviews of all the work he and several others had performed. Further, inspectors within the Energy and Interior departments initiated investigations of possible criminal activity that ended when the U.S. attorney in Nevada declined to prosecute. *Source: Washington Post*

Nevada lawmakers urged to fund anti-nuclear dump agency

CARSON CITY, Nev. (AP) - The director of Nevada's nuclear watchdog agency told lawmakers that a proposed nuclear waste dump at Yucca Mountain may be "on life support," but his agency still needs a budget increase to oppose the federal government's final push for dump licensing in 2008.

Bob Loux said that the plan to store high-level nuclear waste at Yucca Mountain has suffered a series of setbacks, and U.S. Senate Majority Leader Harry Reid, D-Nev., has promised to block further legislative progress on the project.

"We need to wrap up scientific and technical studies of the site," said Loux. "It's critical in this final year prior to the DOE application."

In addition, since the Department of Energy will be applying to three separate NRC licensing boards, Loux said his agency must staff teams of lawyers at each of those boards to effectively oppose the efforts of federal energy officials.

President Bush has asked Congress for \$494.5 million in his upcoming budget to allow energy officials to complete their application in 2008.



Nevada's seven-person Agency for Nuclear Projects, which operates under the governor's office, was created in 1985 to oppose the Yucca Mountain dump, 90 miles northwest of Las Vegas. Bob Loux has been director of the agency since its inception.

But since federal energy officials will push forward with an application to the Nuclear Regulatory Commission in 2008, Loux said his agency needs increased funding to maintain its position.

"On the one hand, we believe the project is dead, over with," said Loux. "But they're going to do this anyway. Without the state's opposition it (the dump) would already be built."

Loux is asking the Legislature for a \$600,000 supplemental appropriation as well as a 16 percent increase in the agency's two-year budget, to \$10.3 million.

Nevada's seven-person Agency for Nuclear Projects, which operates under the governor's office, was created in 1985 to oppose the Yucca Mountain dump, 90 miles northwest of Las Vegas. Loux has been director of the agency since its inception.

While Loux faced numerous questions about his budget, senators said the prospect of the dump's demise was good news for Nevada.

"We're doing the right things," said Sen. Barbara Cegavske, R-Las Vegas. "Our elected officials in Washington are having an impact." *Source: Associated Press*

Department of Energy—Office of Civilian Radioactive Waste Management

FY 2008 Budget Request Summary (dollars in millions)

	FY 2007 Request	FY 2008 Request
Yucca Mountain	\$ 355.4	\$378.4
Transportation	\$67.0	\$15.0
Prog Mgmt & Integration/Prog Direction	\$121.4	\$101.0
TOTAL PROGRAM	\$544.5	\$494.5
Nuclear Waste Fund	\$156.4	\$202.5
Defense Nuclear Waste Disposal	\$388.1	\$292.0

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 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.

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 www.ymp.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 <http://www.state.nv.us/nucwaste>. Lander County's Nuclear Waste Oversight website is at <http://www.landercountynwop.com>.

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