

Winter 2004

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LANDER COUNTY NUCLEAR WASTE OVERSIGHT OFFICE

Yucca Mountain News

Another Yucca advocate likely to replace Abraham

WASHINGTON -- The departure of Energy Secretary Spencer Abraham likely would not herald changes in the Energy Department's Yucca Mountain project because President Bush is sure to appoint another Yucca advocate, observers said today after Abraham's resignation was announced.

The Energy Department has been studying Yucca Mountain for nearly two decades as it researched whether the site

would be a suitable place to construct a repository for the nation's most radioactive waste.

Abraham will be remembered by opponents of the project as the energy secretary who ultimately approved it -- on Feb. 14, 2002, an unwelcome Valentine to Nevada, Yucca critics noted at the time. That led to President Bush formally approving Yucca a day later.

In his formal endorsement, Abraham told

Bush that "sound science" proves that waste could be safely stored at Yucca. Abraham cited "compelling national interests" in backing Yucca, including national security and energy security. "Secretary Abraham's tenure was an absolute disaster for



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

DOE revises Yucca schedule

WASHINGTON -- Still working out segments of an elaborate licensing plan, the Energy Department said it will not meet its schedule to apply

by the end of the year for approval to build a Nevada nuclear waste repository.

"We are revising our original goals," said Margaret Chu, direc-

tor of DOE's Office of Civilian Radioactive Waste Management. Chu did not specify when the department would complete a 5,800-page license

Inside this issue:

Reid Advisor granted limited role on NRC	3
State Survey results differ from those in Lander	4

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Special points of interest:

- *Bush is sure to appoint another Yucca advocate.*
- *DoE will not meet schedule for license application by end of year.*
- *A top aide to Senator Harry Reid will take seat on NRC.*
- *Lander County opposition to Yucca repository at 56.9%.*

Another Yucca advocate likely to replace Abraham (Continued)

the state of Nevada, but also for the nation," Rep. Shelley Berkley, D-Nev., said, citing Yucca and soaring gas prices.

Before nominees can join the Cabinet, they need confirmation from the Senate.

Sen. John Ensign, R-Nev., commended Abraham for his service, noting Abraham's support for counterterrorism training programs at the Nevada Test Site.

"Of course, I strongly disagree with his advocacy of the Yucca Mountain project and believe he gave the wrong advice to President Bush on that issue," Ensign said.

Rep. Jon Porter, R-Nev., said he expects the next energy secretary to be in lockstep with Bush on Yucca, but added, "It is my hope that the individual is a forward-looking nominee who is open to alternative solutions to nuclear waste."

Rep. Jim Gibbons, R-Nev., said, "I am confident that Yucca Mountain will be rigorously debated when confirmation hear-



Mouth of Yucca Mountain

ings begin for the new nominee in the Senate."

The delay-plagued Yucca project's future is uncertain given court challenges, budget shortfalls and questions about radiation safety standards.

Still, Energy Department leaders have said they are determined to open Yucca, ideally by 2010.

The next step for the department is submitting an application for a license to construct the underground repository. Department officials have said they intend to submit the application to the Nuclear Regulatory Commission by year's end.

Early speculation on possible replacements for Abraham centers on Deputy Secretary Kyle

McSlarrow, outgoing Sen. John Breaux, D-La., and Thomas Kuhn, president of the Edison Electric Institute.

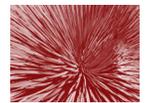
McSlarrow has been a vocal supporter for advancing Yucca and this year told Congress that it could overcome a legal setback dealt by a federal court over health standards. But he has also signaled that the department may not be able to meet its goal of submitting the license application by the end of December.

Kuhn has been an outspoken Yucca advocate as leader of a trade group that includes nuclear industry members.

Breaux met with President-elect Bush in December 2000 about taking the job, but declined. Breaux ultimately voted against Yucca Mountain under heavy lobbying pressure from Reid, although he is sympathetic to the nuclear industry.

Source: Sun Washington Bureau

DOE revises Yucca schedule (Continued)



application to be judged by the Nuclear Regulatory Commission for the Yucca Mountain Project. But she and other DOE executives indicated at a meeting with NRC officials it could be mid-2005 or later.

The NRC might begin a multi-year review late in 2005, but that

could change as well depending on government progress to set new radiation safety standards for the nuclear waste burial complex.

John Arthur, Yucca Mountain deputy director, said he could not say whether the licensing delay will cause DOE to push

back its 2010 goal ultimately to have a repository operating and accepting nuclear waste.

"We do not anticipate significant delays," Chu said. "We remain focused on implementing the nation's policy for nuclear waste management."

DOE revises Yucca schedule (Continued)

DOE's announcement had been anticipated for weeks by industry and state officials and members of Congress. Officials had been reassessing the schedule since legal and administrative rulings this summer set back the program.

"We're disappointed but at the same time we understand why they made the decision," said Mitch Singer, a Nuclear Energy Institute spokesman. "They want to file the best license application they can and they want to take a little more time to do that."

Sen. Harry Reid, D-Nev., believes the delay illustrates DOE disorganization, spokeswoman Tessa Hafen said. "It comes as no surprise to anyone the project is fraught with mistakes," Hafen said.

The schedule change carries ramifications for Bechtel-SAIC, the project's managing contractor that employs 1,444 workers, mostly in Southern Nevada. It throws into question a \$15.2 million DOE payment to Bechtel

tied to finalizing a license application by Nov. 30, and a \$22 million award the company would receive if NRC docketed an application by March 2005.



Application won't be submitted by Dec. 31.

Arthur said the Bechtel-SAIC contract was being reviewed. "With the changes that have happened and

other factors, some of them external, we are having to sit down and look at the fee structure," Arthur said. Bechtel "will get paid, it is just how much and in what time frame."

Bob Loux, executive director of Nevada's Agency for Nuclear Projects, said it would be wrong if Bechtel-SAIC were to profit from Yucca Mountain slippage. "It doesn't make any difference if there were external factors to DOE or not," Loux said.

DOE officials also are weighing 2005 spending for Yucca Moun-

tain that Congress passed over the weekend. The \$577 million budget is \$303 million less than what DOE requested for repository designs, to ramp up work on transportation segments and to begin preparing power plants to move spent fuel by the end of the decade.

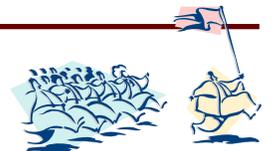
Arthur said an undetermined number of workers will face layoffs as managers look to rebalance resources to focus on repository licensing and design issues.

Explaining the schedule change, Arthur said a September review of the 5,800 page license draft written by Bechtel-SAIC turned up areas that project managers want to strengthen before handing over to the Nuclear Regulatory Commission.

"To be blunt, we saw some things that we did that should have been done differently," said Joseph Ziegler, the project licensing director.

Source: Washington Bureau

Reid adviser granted limited role on NRC



WASHINGTON -- A top aide to Sen. Harry Reid, D-Nev., will take a seat on the Nuclear Regulatory Commission but with significantly limited power to block Yucca Mountain, under a deal struck in Congress during the weekend.

Reid has battled for about a year to win Senate approval for one of his top advisers, physicist Greg Jaczko.

Yucca advocates in Congress opposed the nomination, figuring that Jaczko would thwart the project.

The appointment to the commission is important to Nevada because it would give the state a voice on the agency panel responsible for licensing and regulating Yucca, the Energy Department project proposal to construct a high-level nuclear waste repository under construction 90

Reid adviser granted limited role on NRC (Continued)

miles northwest of Las Vegas.

The department aims to open Yucca as early as 2010, but it must first win approval from the Nuclear Regulatory Commission. The department had planned to submit an application to the commission for a license to construct the underground facility to the NRC by year's end so the commission could begin reviewing it, a process that would likely take several years.

Jaczko will be limited in his power to take a critical approach to the proposed nuclear waste repository project under an unusual compromise forged by Reid, White House officials and Sen. Pete Domenici, R-N.M., chairman of the Energy and Natural Resources Committee and a leading Yucca advocate in the Senate.

Jaczko will have to recuse himself from all Yucca Mountain matters for the first year of his two-year appointment, according to the agreement. That point has long been part of ongoing deal-making over Jaczko's appointment, Reid spokeswoman Tessa Hafen said.

"It was all part of the negotiations and compromises," she said.

Further, Jaczko likely will be limited to a two-year stint. White House officials assured Domenici that Bush would not renominate Jaczko, Domenici spokeswoman Marnie Funk



Mouth of Yucca Mountain

said. Most appointments to the five-member NRC are for five years.

"We made it clear that a nominee as controversial

as Greg Jaczko will not be confirmed by the Senate for the sake of political expedience regardless of the pressure exerted by his advocate, Sen. Reid," Domenici said in a statement.

Domenici added, "I hope we have ensured the impartiality and fairness of the NRC."

In two years, Reid plans to use his powers as Democratic leader to fight to get Jaczko more time on the commission, Hafen said.

Despite the limits on Jaczko's nomination, the deal on the nomination was still a good one, Hafen said.

"It allows Greg to do good work on the NRC and prove that he is fair and objective," she said.

It is not immediately clear just how much opposition Jaczko could mount, even behind the scenes, against the project with limited power during a limited term.

"It just shows how much power the nuclear power industry has," said Kevin Kamps, nuclear waste specialist with the anti-Yucca group Nuclear Information and Resource Service, who has long argued the industry

has powerful friends in Congress. "They can set the terms for the commissioners that oversee them."

A spokesman for the Nuclear Energy Institute, the leading industry lobby group, today said he could not comment on Jaczko's nomination.

Nominees to federal posts, including the NRC, must be approved by the Senate.

President Bush nominated Jaczko in February under a deal made with Reid to drop his hold on other nominees, including opposition to Environmental Protection Agency administrator nominee Mike Leavitt, who was confirmed to that post.

Under the deal reached during the weekend, Reid agreed to release a hold he had placed on another slate of nominations to federal posts. Domenici said Reid had been holding 172 nominations "hostage" in an effort to win approval for Jaczko.

Senate Republicans wanted a Republican named to the Nuclear Regulatory Commission, and a number of senators wanted full congressional hearings on any nominees before confirmation to full five-year posts.

As part of the agreement, Jaczko and Republican nominee Albert H. Konetzni will serve for two years to fill the two empty seats on the five-member panel. President Bush likely will make the

Reid adviser (Continued)

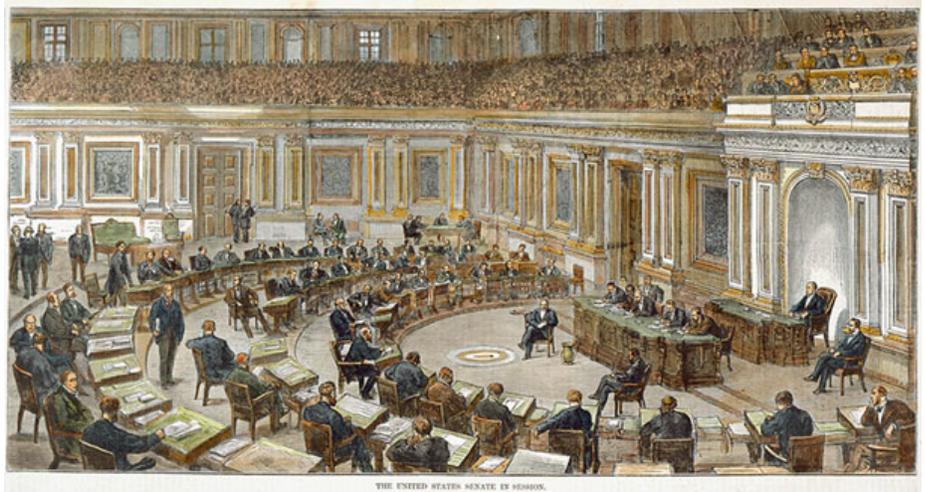
appointments under special rules during January, a Domenici aide said.

Jaczko likely would begin serving immediately after Bush's appointment, Hafen said.

Jaczko is a scientist with the experience necessary for the job, Reid said in a statement. He will be an "independent" voice on the commission, Reid said.

"Greg understands and cares deeply about nuclear safety issues, and he will put the welfare of the American public above everything else," Reid said.

Source: Sun Washington Bureau



US Senate in session 1874
Engraving by unidentified
Published in Harper's Weekly, 1874
Source: US Senate website.

State Survey Results differ from Those in Lander County

Public Sentiment For and Against Yucca Mountain

In 2004, 76.8% of state survey respondents oppose locating a high-level nuclear waste repository at Yucca Mountain and would vote against it if given the opportunity. Only 19.2% support the project. These figures represent a modest increase in opposition to the project from the time of the last such survey in October 2003. At that time, slightly over 75% were opposed to the project. In Lander County, opposition to the repository is substantially less at 56.9% based upon a community survey conducted in 2003.

Opposition to the Repository	
State of Nevada	Lander County
October 2004	April 2003
76.8%	56.9%

Continued Opposition vs. Making a Deal

State survey respondents remain strongly opposed to the abandoning the fight to stop the Yucca Mountain project while the majority of Lander County respondents indicated that the state should stop opposition and make an agreement for benefits.

Risks from the Yucca Mountain Project

Respondents were asked to rank risks potentially associated with the Yucca Mountain project as being little or no risk, slight risk, moderate risk, or high risk.

Risks associated with the transport of spent nuclear fuel and high-level radioactive waste by rail and highway ranked first, with almost 85% of statewide respondents considering such risks to be of moderate to high risk. Of those, almost 68% considered waste transportation to be in the high risk category. In Lander County only 64.5% of the 2003 survey respondents considered transportation to be either moderate or high risk. (continued page 6)

State Survey Results (Continued)

(Continued from page 5)

Approximately 75.6% of the state respondents indicated that the risk of adverse health effects from the repository itself or from transportation operations was high or moderate. Only 55% of Lander County survey respondents held the same view on risk.

Just over 64 percent of the state's respondents view Yucca Mountain as having high or moderate risk of damage to Nevada's reputation as a place to live or visit. Only 44.8 of Lander County survey respondents held the same view.

the risk that public revenues would be lost due to decreased numbers of visitors and tourists (62.2%), and the risk of serious economic damage to Nevada's major tourism and gaming industries (61.7%).

Ranking of risks people associate with the Yucca Mountain project and related activities- High/Moderate		
Rail and truck shipments of radioactive waste	84.8%	64.8%
Adverse health effects	75.6%	55.0%
Damage to Nevada's reputation as a place to vacation or live	64.2%	45.8%
Loss of public revenues due to reduced numbers of visitors/tourists	62.2%	42.5%
Economic damage to Nevada's major industries	61.7%	42.4%

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