
Why the Yucca application should be rejected

BY CATHERINE CORTEZ MASTO
FOR THE APPEAL,

The United States Department of Energy submitted its license application for the proposed Yucca Mountain nuclear waste repository to the United States Nuclear Regulatory Commission on June 3.

Nevada's experts reviewed the application and quickly concluded that it is neither viable nor complete. Therefore, I directed our state's legal team to request that NRC decline to docket it and return it to DOE until the missing information can be provided and the requisite rules and regulations are fully in place.

The long anticipated license application, filed at the behest of DOE higher-ups and representatives in the commercial nuclear power industry, represents a continuation of the poor quality work and unsound science that Nevadans have been subjected to for far too many years. Some of the more glaring deficiencies include:

• Lack of a final radiation health protection standard against which DOE's proposed repository is to be evaluated. This alone is enough to have the application immediately rejected.

• Lack of final NRC repository licensing regulations.

• Absence of a final design for the repository.

• Absence of final design information for the multipurpose canister system that is intended to store, transport and dispose of spent fuel.

• Reliance on engineered barriers (thousands of titanium drip shields) for meeting health and safety standards that DOE does not intend to install in the repository until 300 years after waste has been emplaced, assuming they can be installed at all given the scarcity of titanium and the staggering costs involved.

DOE continues to try to push this project through without living up to its promise to rely on sound science and protecting the safety of our citizens. Nevadans deserve an honest and more respectful effort from their federal representatives. We didn't get that with this license application. Unfortunately, it appears Nevada will once again not get a fair shake from DOE. Therefore, I will not stand by and acquiesce to a continuing course of conduct that will injure the people of this state.

The license application comes at a time when public distrust of DOE is at an all-time high. Recent surveys undertaken by Clark County and the state show more than two-thirds of Nevadans strongly distrust DOE. After more than 25 years of trying to make Yucca Mountain work by manipulating regulations, covering up flaws, and by even falsifying and manipulating data, this clearly deficient license application only serves to reinforce and further deepen the distrust Nevadans have for this project.

DOE appears to have lost touch with the fact that the nation is moving away from Yucca Mountain and toward more realistic and workable solutions. Formerly ardent Yucca supporters like Sen. Pete Domenici and representatives of the nuclear industry are advocating putting Yucca on the back burner in favor of pursuing interim storage, reprocessing and other approaches. Even former Sen. Bennett Johnston, the architect of the 1987 legislation that singled out Yucca Mountain in the first place, has acknowledged that Yucca was a mistake and the nation should be looking for solutions elsewhere.

NRC should reject the license application submitted by DOE, decline to docket it and return it to DOE. Such action on the part of NRC will avoid unnecessary and wasteful expenditures of resources by NRC staff and other potential parties who would otherwise be required to initiate a full review of an enormous license application that is hopelessly incomplete and cannot possibly be the subject of a complete or efficient review.

Nevada is not a wasteland and its state and federal leaders stand united in this historic fight to block development of the proposed high-level nuclear waste repository at Yucca Mountain.

• Catherine Cortez Masto is the Attorney General for the State of Nevada.

<http://www.nevadaappeal.com/apps/pbcs.dll/article?AID=/20080608/OPINION/664857051/1029&parentprofile=1061&template=printart>

Copyright 2008 All Rights Reserved