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YUCCA MOUNTAIN: Nuke group sets 'alarms'

Trade organization representing industry wants to allow plan to be revived if warranted in future

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WASHINGTON -- The nuclear industry's trade group is signaling it might not go along with the Obama administration's plan to withdraw from Yucca Mountain and make it difficult if not impossible to revive the proposed nuclear waste repository ever again.

The Nuclear Energy Institute said it would accept the repository plan being shelved but in a way that could permit it to be revived if warranted in the future.

That's not what the White House proposed this week. Agreeing to the demands of Sen. Harry Reid, D-Nev., and other officials from the state, it moved to withdraw the project's license application in a legally binding way that would prevent it from being brought back at a later date.

Attorneys who follow nuclear waste issues noticed the caveat in NEI's statement shortly after it was issued Monday.

Nevada officials focusing on the nuts and bolts of the Obama plan said it raises a red flag on what they hope would be a repository shutdown conducted with order -- and finality.

"That certainly sets off alarms," said Bruce Breslow, executive director of the Nevada Agency for Nuclear Projects. Breslow said it underscores the need for Nevada officials to stay on their toes as the administration attempts to wind down the project.

Marvin Fertel, chief executive officer of NEI, said in the statement the industry "does not support the termination of this program but believes that, if it is going to happen, it should occur in an orderly manner to permit the licensing process to be restarted if ever warranted."

There are a number of people who believe that abandoning the Yucca site before the NRC can weigh a license would waste \$11 billion that has been spent since 1983. Top officials with the state of Nevada argue the site is flawed and would pose a health and safety risk to residents.

Energy Secretary Steven Chu said Monday the Department of Energy in the next month will file a motion with the Nuclear Regulatory Commission seeking to withdraw the license application "with prejudice," meaning it could not be refiled.

The eight parties taking part in the NRC license process, including NEI, the states of Nevada and California, and rural Nevada counties, would file comments or objections if they wished, and a three-judge NRC administrative panel would rule.

NEI attorney Michael Bauser said Tuesday the organization will examine how DOE frames its license

withdrawal motion before deciding whether to object.

Bauser said it was "totally unprecedented" for an NRC license applicant to ask that its own application be withdrawn and essentially killed.

In other Yucca Mountain developments Tuesday:

- Reid requested a study of what might be done with Yucca Mountain if it is abandoned as a nuclear waste site.

One idea, he said, is to turn the remote site, including its five-mile tunnel, into a refuge where political leaders could be transported in the event of a nuclear war or other national emergency.

Reid called on the Government Accountability Office to consult with state leaders and federal agencies to determine new roles for the site 100 miles northwest of Las Vegas. He also asked for research into what legal steps would be necessary to do that.

- A panel of judges at the NRC granted permission for attorneys to temporarily suspend preparations for Yucca Mountain license hearings.

The interim ruling by the Atomic Safety and Licensing Board allowed attorneys for DOE, the state of Nevada and others to put aside their groundwork for upcoming depositions, at least for now and perhaps forever.

It was the first in what could be a series of NRC rulings that could lead to the eventual withdrawal of the application to build the nuclear waste repository.

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