

LETTERS: Attorney downplayed success of Yucca challenges

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To the editor:

As reported by the Review-Journal on Tuesday ("Sandoval says project doomed"), Nuclear Energy Institute attorney Michael Bauser testified to the state Senate Judiciary Committee that out of 13 legal cases against the Yucca Mountain Project, nine of which were initiated by the state, all but one of the challenges were rejected.

He is wrong. Since 2001, Nevada has indeed brought nine lawsuits against the federal government. But of those, Nevada won two, lost three, the court tabled one and the remaining three have yet to be ruled on.

--Nevada v EPA, on the primary radiation standard for Yucca: Nevada won (the standard was vacated and will take years to remake).

--Nevada v. United States, on constitutional issues: Nevada lost

--Nevada v. Nuclear Regulatory Commission, on the Yucca licensing rule: Nevada won (the rule was vacated).

--Nevada v. Department of Energy on the Yucca siting guidelines: dismissed as moot.

--Nevada v. President Bush and Energy Secretary Spencer Abraham on their site recommendations: dismissed as moot.

--Nevada v. Department of Energy on Yucca's environmental impact statement: tabled for later decision-making.

--Nevada v. Department of Energy on funding for the state: no ruling yet.

--Nevada v. Department of Energy on Yucca water rights: no ruling yet.

In the Energy Department's first appearance before the Nuclear Regulatory Commission regarding the Yucca Mountain Project, Nevada succeeded last summer in having the agency's entire array of Yucca licensing documents decertified. Recertification, if it ever occurs, will take at least a year. And the most serious of Nevada's challenges -- to the Yucca license application -- has yet to begin.

The results of Nevada's efforts is a project that looks increasingly likely to meet the fate of the Energy Department's other major projects: a dead albatross.

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