EUREKA COUNTY YUCCA MOUNTAIN INFORMATION OFFICE

Nuclear Waste Update

VOLUME VIII, ISSUE II
FALL 2002

NRC Licensing Process

The NRC Board of Commissioners. From left, Chairman Richard A. Meserve, Greta Joy Discus, Nils J. Diaz, Edward McGaffigan, Jr., and Jeffrey S. Merrifield. Source: Nuclear Regulatory Commission

Now that Congress has approved the Yucca Mountain nuclear waste repository, the next step for the Department of Energy is to apply to the Nuclear Regulatory Commission (NRC) for a license to build the repository.

The Nuclear Regulatory Commission, made up of a five-member appointed board and staff, is a federal agency that regulates all of the nation's nuclear facilities except the nuclear weapons complex. All commercial, industrial, and academic entities must apply for a license from the NRC before they can build any facility containing or involving the use of nuclear materials. This includes nuclear power plants, research reactors, scientific labs, and facilities that produce or store radioactive materials other than those for nuclear weapons research and manufacture. The NRC also licenses transportation casks used for storing and moving nuclear waste.

Before any construction can begin on the Yucca Mountain repository, the project must be licensed by the Nuclear Regulatory Commission. The licensing process can be viewed in three parts. First, the DOE must submit a license application for a construction authorization. The repository construction authorization, if granted, would allow the DOE to begin building surface facilities for waste handling and the first group of many tunnels for waste emplacement.

When sufficient facilities have been built above ground for waste handling and a small percentage of the eventual number of tunnels are complete, the DOE will submit an application amendment for a license to operate the repository. Currently they expect the NRC to okay that license amendment in 2010, enabling DOE to begin the national transport of waste to Yucca Mountain.

It is expected that waste would continue to be transported to Nevada and emplaced in the repository for about 30 years. During that time additional surface facilities could be built and tunnel construction would continue as waste filled up the original drifts. Under current regulations, the repository must remain open and the waste must be retrievable for at least 50 years. Design options are still under consideration ranging from 50 to 300 years of monitoring and/or ventilation.

At the time that the decision is made to close the repository, another license application amendment is submitted to the NRC for closure.

The NRC licensing process is expected to be:

◈Once the License application is received from DOE, the NRC staff will do an "acceptance review" to determine if all required information is included. This is scheduled to take 90 days. If the required information is not all there, staff will request the DOE to provide what is needed. Once all information is there, the application can be docketed and the three-year licensing clock begins.

(Continued on page 2)

Nuclear Waste Update Special Insert:

If an accident did occur during the transport of nuclear waste through Eureka County to Yucca Mountain, who would be liable? Federal agencies say that the Price-Anderson Act covers that unlikely circumstance. The Insert covers the basics of the Price-Anderson Act from the standpoint of local government and local residents.

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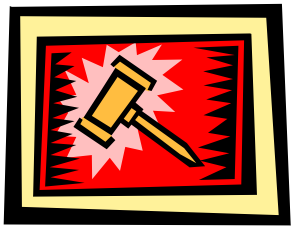
◈Then the NRC staff begins its substantive review under applicable regulations and review guidance leading to staff determination of whether there is "reasonable expectation" that the repository will meet applicable safety standards of the NRC and EPA. The findings become the "Safety Evaluation Report."

◈In addition, NRC staff will review DOE's Final Environmental Impact Statement (FEIS) to determine to what extent it can be adopted by NRC and/or if supplements or revisions are required. If the FEIS is not made adoptable by DOE then the NRC staff must prepare an EIS appropriate to the final decision for construction authorization.

◈A public hearing will be held and presided over by the Atomic Safety and Licensing Board (ASLB), an independent entity within the NRC. The hearing will cover disputed issues or contentions of DOE's license application deemed admissible by NRC. The State of Nevada and other parties granted permission to be involved may cross-examine witnesses who are proponents of the application and bring in expert witnesses to testify. After conclusion of the hearing, the Atomic Safety and Licensing Board's three-member panel will come to a decision on whether to grant the license. The ASLB's decision can be appealed, in which case the five Commissioners of the NRC will have the final say.



Public Participation

Public involvement in the Yucca Mountain licensing process is limited. In the pre-licensing stage, the public was invited to comment on NRC's proposed licensing criteria for the Yucca Mountain repository. However, the full licensing-stage involves little public participation.

Members of the public can participate in what is called a 'limited appearance' at the public hearing given by the Atomic Safety and Licensing Board. During the 'limited appearance,' members of the Board will listen to statements from any public citizen who wishes to participate. However, neither the ASLB nor the NRC are required to take those comments into account while making the license decision.

Members of the public are also allowed to attend and observe the hearing, which will take place over a period of months, perhaps in more than one location. No locations have currently been set, but the NRC says it will make transcripts of the hearing available to the public. The NRC will also consider

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THE SCHEDULE:…..Ever since Congress and the President approved the Yucca Mountain repository in July, the schedule for repository licensing and transportation planning has been slowly evolving. Here's our best shot at a summary of the evolving schedule from what we know today.

Fall, 2003	**DOE national nuclear waste transportation plan** Contents are expected to include: strategies for hauling waste to YM; policies for emergency responses and safeguarding waste during transports; the use of private transportation contractors; cask acquisition and use for transporting nuclear waste by truck, train & barge.
December, 2004	**DOE submits license application to NRC**
2005-06	**NRC reviews license application**
2006-07	**NRC holds license application hearings**
2005-2007 ?	**DOE notifies states affected by transportation routes 3-5 years before shipments begin.**
December 2010	**First load of nuclear waste arrives in Nevada**

(Continued from page 2)

whether to broadcast the hearing via closed circuit TV to several locations around the state, as well as allowing citizens to participate in limited appearance via satellite. Although the hearing is not likely to take place before 2006, NRC staff says it could make location and broadcast decisions as early as mid-2003.

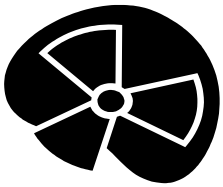
In the meantime, if concerned citizens have any questions about the licensing process, they can contact Nuclear Regulatory Commission On-Site Representatives at their Las Vegas office: U.S. Nuclear Regulatory Commission, High-Level Waste On-site Representatives Office, P.O. Box 371048, Las Vegas, Nevada, 89137-1048, telephone: (702) 794–5046. Comments can also be submitted online at *www.nrc.gov*.

Current Status

According to NRC Chairman Richard Meserve, the NRC is currently working with DOE to provide guidance on developing the license application. Although DOE is technically required by a 1982 nuclear waste law to submit their application within 90 days of Congressional approval of the repository (by mid-October 2002), the earliest DOE says they will be ready is December 2004.

After that, the NRC has three years (with a possible one-year extension) to review the construction authorization application before rendering a decision on whether to grant DOE the license. Historically, the NRC has never denied a license to any major nuclear power entity such as nuclear utilities and independent spent fuel storage sites.

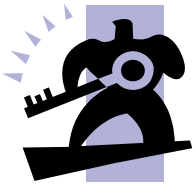
Cask Testing



The NRC is also responsible for the safety of casks to be used to transport nuclear waste across the country. So far, full-scale testing of the casks has yet to be completed; only smaller cask models and computer simulations have been used. However, the NRC currently plans a limited full-scale cask testing process in 2004. The details of the plan are not yet known.

Key Technical Issues

To help organize its review of the Yucca Mountain license application, the staff of the Nuclear Regulatory Commission has established nine key technical issues concerning the performance of the repository.



These topics are the most important to understanding the long-term capability of a repository at Yucca Mountain to protect public health, safety and the environment.

(1) Unsaturated and saturated zone flow under isothermal conditions: How does water move above and below a potential repository at Yucca Mountain?

(2) Thermal effects on flow: How does the heat generated by nuclear waste affect the movement of water in the immediate area of the potential repository?

(3) Container life and source term: How long do we expect the containers and waste forms to last? What will happen to the waste as the containers and waste forms wear away?

(4) Evolution of the near field environment: How do water and heat affect the chemical environment of the containers, waste forms, and the immediate area around the repository?

(5) Radionuclide transport: How do radioactive elements released from degraded waste move away from the repository?

(6) Repository design and thermal mechanical effects: How do engineering design, construction, and operation of a repository affect short- and long-term repository safety?

(7) Structural deformation and seismicity: How do geologic features and events, such as fractures and earthquakes, affect repository safety?

(8) Igneous activity: How likely is it that volcanic eruptions or igneous intrusions will disrupt the repository, and what would be the potential consequences to people and the environment?

(9) Total system performance assessment and integration: How will the entire system of engineered and natural barriers work together to retain waste so that the proposed repository at Yucca Mountain will comply with safety and environmental standards?

(Source: www.wpnwpo.com)

Nuclear News . . . in brief

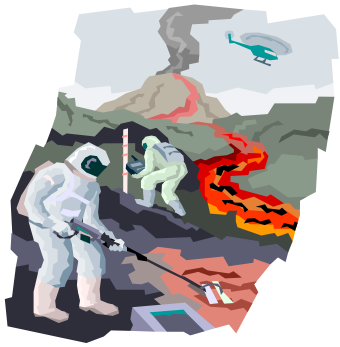
A volcanic eruption at Yucca Mountain... could do more damage than previously thought, possibly forcing radioactive waste from its burial site to the surface. If long-dormant volcanoes near the dump sprang back to life, molten rock moving at up to 600 mph could fill the repository within hours according to an article in the July issue of *Geophysical Research Letters*. (Las Vegas Review Journal 8/1/02)…..

DOE told to use taxpayer money… A federal appeals court has ruled that billions of dollars in damages that the Energy Department is likely to owe to nuclear reactor owners for DOE's failure to store nuclear waste will be paid by taxpayers, not ratepayers. Estimates of damages are from $2 billion to $60 billion. The court ruled that Nuclear Waste Fund cannot be used by DOE to pay damages to the utilities. (New York Times 9/26/02)

Test Site considered for plutonium pits…. The Nevada Test Site is one of five government facilities being considered by DOE for a new plant to manufacture plutonium pits that form the core of nuclear weapons. A final decision is expected in 2004. The other sites being considered are Carlsbad, NM near the WIPP site; Los Alamos, NM; the Pantex plant in Amarillo, TX, and the Savannah River site in SC. Previously the pits were made at Rocky Flats near Denver. That facility was closed due to contamination. (Las Vegas Review Journal 9/27/02)

Water level not affected by DOE pumping…. The level of ground water south of Yucca Mountain is not declining, says a study by U.S. Geological Survey. DOE funded the study to find out what effect its groundwater pumping was having on the region. (Las Vegas Sun 10/4/02)

Emergency response training questioned…. At a Nevada Legislative Committee on High-Level Radioactive waste, Senator Lawrence Jacobsen questioned DOE project manager Russ Dyer about transportation planning. Dyer stated that it would be 2003 before DOE has a transportation plan. Then three or four years before 2010, equipment and training reviews would begin at the state level. Veteran volunteer firefighter Jacobsen said Nevada volunteer firefighters and paramedics are concerned because they feel that they do not have adequate training to handle an accident involving radioactive materials. (Las Vegas Sun 10/10/02)



The names have been changed…. DOE's Las Vegas office in charge of Yucca Mountain is now the Office of Repository Development (ORD.) The new name reflects the shift from research to development. The previous name was the Yucca Mountain Site Characterization Office (YMSCO) **…..** W. John Arthur III, a DOE manager from the WIPP project in New Mexico, will become chief of site development and licensing in Las Vegas in early December in a newly created job, deputy director for repository development. **….**Arthur will be chief of DOE's Nevada-based operations that involve 100 federal employees and 1,500 contract workers. **….**DOE is recruiting a counterpart to be deputy director at Washington headquarters in charge of "strategy and program development." **….**Russ Dyer, longtime project manager, will be a senior project advisor under Arthur. Both Arthur and his DC counterpart will report to Margaret Chu, director of the Office of Civilian Radioactive Waste Management. (DOE and Las Vegas Review Journal 10/11/02)

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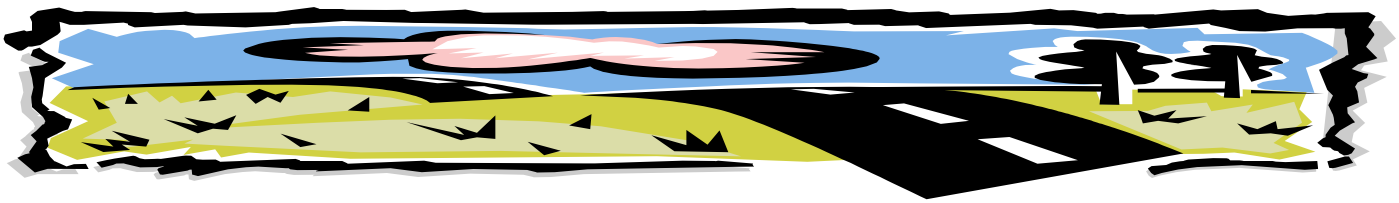


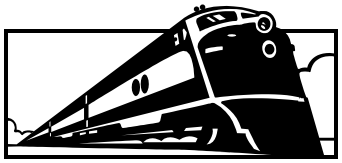
DOE to Start Waste Transportation Planning

The Department of Energy is accelerating nuclear waste transportation plans in an attempt to meet the 2010 deadline set for the opening of the Yucca Mountain repository. Transportation officials are currently working on transportation route selection, and Secretary Spencer Abraham is expected to unveil a "National Transportation Plan" in 2003.

Yucca Mountain Project Chief Margaret Chu told the National Academy of Sciences in late July that the Department of Energy (DOE) has an "extremely tight" schedule and plans to make up time along the way. She said over the next eight years the Department will identify the exact routes to be used, prepare state and local emergency response teams, and construct a $900 million rail line to Yucca Mountain despite Nevada's objections.

The State, however, insists that DOE follow the rules throughout the transportation planning process. In a statement issued by the Nuclear Waste Project Office, State officials argue that DOE must follow the requirements of the National Environmental Policy Act (NEPA) which requires federal agencies to prepare Environmental Impact Statements (EIS) that evaluate alternatives before decisions are made. NEPA also calls for public involvement in the federal decision making process.

The State is urging DOE to develop several drafts of a transportation EIS and to incorporate public input throughout the process. The State says the Department should allow lengthy EIS public comment periods, from six months to a year, after each draft of EIS documents are released. DOE should also hold formal public hearings in states and cities along the transportation routes.



The Department of Energy, however, is trying to meet the 2010 deadline by using a "modular" approach that calls for shipping waste to Yucca Mountain while the repository is still under construction.

"Instead of building a whole house at one time, we build part of the house in order to begin receiving waste." —- Margaret Chu.

Waste would be stored on the surface and moved into the tunnels in "phases" as construction is completed. "Instead of building a whole house at one time, we build part of the house in order to begin receiving waste," says Chu.

Besides having the repository built on time, Chu also has ambitions to reduce the project's hefty $58 billion "life-cycle" price tag. Whether Chu accomplishes her goals remains to be seen, but one thing is certain: State officials in Nevada will continue to challenge DOE at every step, demanding that the Department adheres to all public laws and federal regulations concerning nuclear waste transportation.

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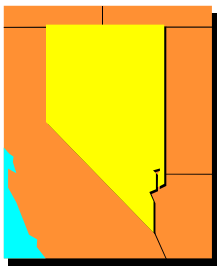
Nuclear industry plays politics… In the 2002 election, the nuclear industry doled out more than $1.5 million to federal candidates in competitive races, according to a November 2002 report by Public Citizen. The contributions came from nuclear power plant owners and operators and three leading trade associations: the American Public Power Association; Edison Electric Institute, and the Nuclear Energy Institute. (Source: access the report: www.citizen.org)



Transportation procurement is starting ... DOE has drafted a list of services it will need for a Yucca Mountain "transportation integration contractor" responsible for coordinating shipments of spent fuel and high level waste to Yucca Mountain. Tasks include: planning, equipment acquisition, analysis and management plans, operational planning and scheduling for mobilization. (Source: Nuclear Waste News 10/3/02)

Utah Senators Promised Yucca Mountain-Skull Valley Trade-off

Despite strong hopes that Utah Senators Orrin Hatch and Robert Bennett would support Nevada's fight to kill the Yucca Mountain Project on Capitol Hill, both Senators announced the day before the vote that they would support the nuclear waste repository. Hatch and Bennett made their decision after meeting with Energy Secretary Spencer Abraham, who promised to help derail efforts to store nuclear waste on the Goshute Indian Reservation in Skull Valley, Utah (45 miles southwest of Salt Lake City). "My message is, in short, that if Yucca Mountain moves ahead, sites such as the Utah site will not move ahead," Abraham told them.

In a July 8 letter to Senator Hatch, Secretary Abraham promised that Private Fuel Storage (PFS), the consortium of 8 nuclear power utilities that has applied to build and run the Skull Valley storage facility, would not receive federal funding or assistance with the project. "...the Nuclear Waste Policy Act authorizes DOE to provide funding and financial assistance only for shipments of spent fuel to a facility construction under that Act," said Abraham in the letter. "Because the PFS/Goshute facility in Utah would be constructed and operated outside the scope of the Act, the Department will not fund or otherwise provide financial assistance for waste storage, nor can we monitor the safety precautions the private facility may install."

Secretary of Energy Spencer Abraham, left, with Utah Senators Robert Bennett and Orrin Hatch outside the White House after their meeting on July 8th.

Source: Las Vegas Sun

Secretary Abraham's letter urged Senator Hatch to vote for the Yucca Mountain resolution. "...I think the test course for you to pursue would be to vote for permanent storage at Yucca Mountain. In my view, this would greatly reduce, if not eliminate, the chances that this material will end up in Utah."

Secretary Abraham's arguments successfully swayed the formerly undecided Utah senators. "I would rather [nuclear waste] pass through Utah than stay in Utah," Senator Bennett told the press.

However, Private Fuel Storage spokeswoman Sue Martin told the *Salt Lake Tribune* that the Skull Valley storage will be needed no matter what happens with Yucca Mountain. She said nuclear plants in 35 states are running out of on-site storage and must move waste soon if they are to keep producing electricity. The earliest Yucca Mountain could be open is 2010, while the Goshute Storage Facility, if granted a license later this year, could be operational by 2005.

Martin also pointed out that Private Fuel Storage had never planned to tap federal funds set aside for nuclear waste disposal. In fact, the very reason PFS is pursuing private storage at Skull Valley is because several nuclear utilities have lost confidence in the government's promise to dispose of high level waste.

Each member of the PFS consortium owns nuclear power plants. According to Private Fuel Storage, all of these companies are considering storing spent fuel at the PFS Goshute facility until the federal government has a permanent repository ready. The companies are:

- **Xcel Energy** (a merger of Minneapolis-based Northern States Power Co. and Denver-based New Century Energies)
- **Genoa Fuel Tech**
- **American Electric Power** (serves customers in Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia, and West Virginia)
- **Southern California Edison**
- **Southern Nuclear Company**
- **First Energy** (serves OH, PA and NJ)
- **Entergy** (5 reactors at 4 locations in Arkansas, Mississippi, and Louisiana)
- **Florida Power and Light**

Private Fuel Storage

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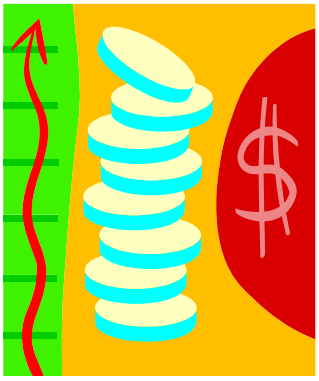
Nonetheless, Senators Hatch and Bennett hope that lack of federal funding will be a strong enough incentive for nuclear utilities to hold out for the Yucca Mountain repository. On July 9, Hatch and Bennett were two of the 60 Senators who voted to override Nevada's veto. Reflecting on his vote in Favor of Yucca Mountain, Senator Hatch said, "This is the best we can do," Senator Hatch said. "I don't feel good about this at all. These are our neighbors to the west in Nevada. I wish I didn't have to vote this way." But in the end, Senators Hatch and Bennett seemed to believe that a vote for Yucca Mountain was a vote against Skull Valley.

Utah state nuclear waste law overturned

In a related story, a U.S. judge ruled in late July that several Utah laws designed to keep nuclear waste out of the state are illegal. The Utah legislature had passed a package of laws regulating nuclear waste and imposing large fees on waste-storage business. But U.S. District Judge Tena Campbell said it was a federal issue beyond the reach of state lawmakers. She said Private Fuel Storage has a right to seek a federal license without state interference.

Campbell's ruling prohibits Utah from enforcing the antinuclear waste laws and removes financial obstacles for PFS. The state had tried to impose a $5 million license application fee and a requirement that PFS pay a "transaction fee" equal to 75% of the value of its contracts.



The state of Utah also challenged the contract between the tribe and Private Fuel Storage, saying it was not properly approved by the Goshutes. Campbell, however, ruled that the contract is a tribal matter and does not fall under state jurisdiction. Utah Governor Mike Leavitt said the state would appeal Campbell's decisions. The ruling could set an important precedent for Nevada antinuclear laws.

Court Agrees to Hear Three Yucca Lawsuits Together

Nevada's request to combine three lawsuits related to the federal government's push to construct a nuclear waste repository at Yucca Mountain was granted by a federal appeals court. The suits challenge DOE's site suitability rules, environmental impact statement, EPA's radiation standard, and NRC's licensing rule. The DC court of appeals is expected to hear arguments in all three cases in September of 2003. Source: Inside Energy 11/14/02

Price-Anderson Partially Renewed by Congress

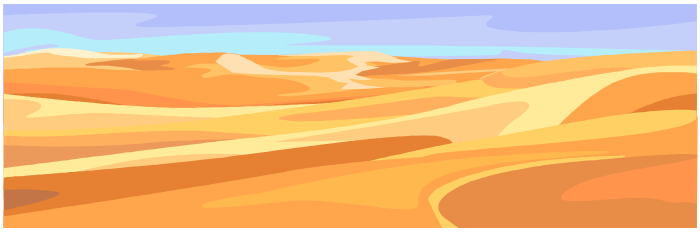
Congress has renewed the provisions of the Price-Anderson Act that protect DOE contractors at government facilities in case of an accident. Provisions related to insurance for commercial nuclear power plants were not extended. The nuclear industry needs the extension for construction of new nuclear power plants. Source: Inside Energy 11/18/02

Experts Disagree on Yucca Mountain Capacity

Current plans for the Yucca Mountain repository do not include enough space to hold all the liquid radioactive waste to be produced by the federal government.

The liquid waste will be converted to solid glass logs before disposal. DOE now estimates that only a third of the 23,000 glass cylinders will fit based on the repository's current legal capacity of 77,000 tons.

DOE spokesman Joe Davis says that Yucca Mountain is physically able to hold all nuclear waste to be produced. All that's needed is Congressional approval to expand the legal capacity. Source: Las Vegas Review Journal 9/22/02



Nuclear Waste Update
Eureka County Nuclear Waste Repository Program

The Eureka County Nuclear Waste Update is published by the Eureka County Yucca Mountain Information Office, P.O. Box 714, Eureka, NV 89316, (775) 237-5372. The purpose of the *Update* is to provide information to the public about issues related to the proposed nuclear waste repository at Yucca Mountain.

The newsletter is funded by a grant to Eureka County from the U.S. Department of Energy.

Articles in this newsletter may not necessarily reflect the positions or opinions of the Eureka County Board of Commissioners.

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Eureka County on the web! New updates on the Yucca Mountain project!

Check out the county's website at *www.co.eureka.nv.us*. Log on to our nuclear waste website at *www.yuccamountain.org* to get information on Yucca Mountain and its effects on the residents of Eureka County. Info includes news, maps, links, photos, and transportation updates.

Congressional Hearings ◆ Legislation Bills ◆ Yucca Mountain Lawsuits

UPDATE
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Telephone (775) 237-5372

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Nuclear Waste Update

Fact Sheet on the Price-Anderson Act: Nuclear Liability — Who Pays?

Special Insert

In a Nutshell

The federal Price-Anderson Act is designed to protect the public and the providers of nuclear energy in the event of a nuclear incident. It makes a large pool of money available to compensate members of the public, while limiting the liability of the nuclear power industry.

Eureka County is interested in the Price-Anderson Act because shipments of spent nuclear fuel and high-level radioactive waste to the U.S. Department of Energy's proposed geologic repository at Yucca Mountain could pass through the County. These shipments could expose Eureka County and its residents to both damage and liability.

If a ***nuclear incident*** or an ***authorized precautionary evacuation*** occurs during an accident at a power reactor or fuel processing plant, or during shipment of spent nuclear fuel or radioactive waste, the Price-Anderson Act protects anyone who might be liable for damages. Regardless of who is legally liable, the Act provides for payment of claims from one source of money. The federal district court where the incident occurs has jurisdiction, but state law applies when it comes to determining liability, damages, and a claimant's ability to prove causation of injuries.

History

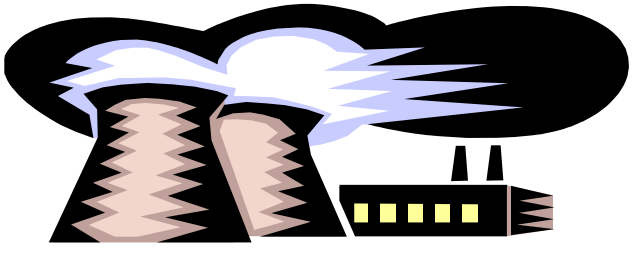
The U.S. Congress enacted the Price-Anderson Act in 1957, and has extended it several times. The latest extension occurred in 1988, and expired in August, 2002. The U.S. House of Representatives passed a reauthorization act in November, 2001, but--to date--the Senate has not acted. The reauthorization would extend the Act to August, 2017.

Definitions

- **"Nuclear incident"** means any occurrence causing bodily injury, sickness, disease, or death, or loss or damage to property, or loss of use of property, resulting from the radioactive, toxic, explosive, or other hazardous properties of nuclear material.

- **"Precautionary evacuation"** means an evacuation of the public in a specified area near a nuclear facility or transportation route, in the case of an incident involving transportation of nuclear material or waste. The evacuation must be the result of an event that poses an imminent danger of injury or damage from the radiological properties of nuclear materials. It must be initiated by an authorized state or local official who reasonably determines it is necessary to protect the public health and safety.

- In the event of an **"extraordinary nuclear occurrence" or "ENO,"** the Act imposes strict liability. (In other words, a person who may be



liable can't use the defense that the damages were someone else's fault.) Also, people who might have suffered damage (cancer, for instance) from an ENO are not subject to the usual statute of limitations, if they make a personal injury claim within three years of discovering the injury. However, the government did not declare the Three Mile Island accident, our worst nuclear incident, to be an ENO. So it is unlikely that a less serious accident in Eureka County would be declared an ENO either.

The government did not declare the Three Mile Island accident, our worst nuclear incident, to be an ENO.

How Price-Anderson Works

For accidents at nuclear power plants, the money to cover any damages comes from two sources. First, each power plant must carry $200 million in liability insurance for each reactor. Second, any damages over $200 million and up to $9.43 billion are assessed equally against all operating reactors, in annual installments of $10 million or less. As of 1998, there were 103 operating reactors in the U.S.

For an incident or precautionary evacuation involving a shipment to the proposed repository at Yucca Mountain, the money to cover damages comes from the Nuclear Waste Fund, which is paid for by utility ratepayers. Payments for damages are also limited to $9.43 billion.

The Price-Anderson Act and Three Mile Island (TMI)

After the 1979 accident at the Three Mile Island II reactor in Harrisburg, PA, the plant's primary insurance coverage paid $1.2 million in evacuation claims and $92,000 in lost wage claims. The owners settled a class-action lawsuit for property loss, evacuation losses, and expenses for individuals, corporations, and municipalities in 1981. In 1982, after a favorable ruling from the U.S. Circuit Court of Appeals, the State of Pennsylvania and several municipalities received $225,000 for the costs of emergency services provided during the accident.

However, more than 2,000 personal injury claims stemming from the TMI accident are still pending in court--23 years later. A small group of plaintiffs was chosen for a "mini-trial," and federal District Court Judge Sylvia Rambo dismissed their lawsuits on summary judgment, after ruling that their expert testimony was inadmissible. The Appeals Court upheld that ruling, but refused to extend it to the thousands of plaintiffs who were not included in the mini-trial.

In the TMI personal injury cases, the main issue is whether radiation from the accident caused cancer among the exposed population. The only way to establish that is through epidemiological studies. Such studies are complicated, since about 33% of the population in industrialized countries will develop cancer in any event, and because natural and man-made radiation is normally present in the environment.

What about an accident in Eureka County?

If there is a release of radiation, or a precautionary evacuation, one would have to sue to recover damages. The federal district court in Reno would have jurisdiction, but if no "ENO" is declared, Nevada's liability laws would apply. If someone has a strong case, the DOE might settle. Otherwise, the case would go to court, and the person bringing the lawsuit would need attorneys and expert witnesses. Based on experience to date with Price-Anderson, a person can realistically expect compensation only in the most clear-cut cases.

For more information….

Eureka County is preparing a complete report on the Price-Anderson Act, and will post it on its website (*www.yuccamountain.org*) soon. The report will also be available at the Public Works office in Eureka and the Crescent Valley Town Center.

This fact sheet was written for Eureka County by David Ziegler, of Ziegler Technical, November 2002.