GUINN AND DEL PAPA FILE LAWSUIT
CHALLENGING RADIATION STANDARDS FOR
YUCCA MOUNTAIN

Carson City – Today, at the request of Governor Kenny C. Guinn, Attorney General Frankie Sue Del Papa, on behalf of the State of Nevada, filed a lawsuit in the 9th Circuit Court of Appeals in San Francisco challenging the recently issued radiation protection standards for Yucca Mountain by the Environmental Protection Agency. “This is the first opportunity the state has had in over 15 years to legally challenge EPA’s rulemaking process for the proposed repository at Yucca Mountain” stated Guinn. “While we were pleased with certain aspects of the EPA’s Yucca Mountain rule,” commented Governor Guinn, “other portions of the standard do not adequately protect Nevadans and our precious groundwater.” The length of time the standard is to be in effect, 10,000 years, does not include the time at which most of the radioactive materials placed in a repository would escape and enter the environment. “The Department of Energy believes that peak doses to the public occur much later than 10,000 years” continued the Governor, “any standard is inadequate if it does not include the time when the risk to the public is the greatest.”

The State is also challenging the portion of the EPA rule which sets the point of compliance, that is, the place at which the permitted exposure of radiation released into the environment is measured. The EPA rule sets the point of compliance at 18 kilometers or 11 miles from the repository. This point of compliance will endanger the water quality of the 11 miles of the Amargosa aquifer that is closest to Yucca Mountain. “To establish a standard that allows DOE to use a portion of one of the most important aquifers in Nevada to dilute and disperse radiation from the repository, not only violates state law, but is simply unconscionable and unacceptable,” said Guinn. While noting that the standard for the WIPP facility at Carlsbad, New Mexico, which stores “transuranic” radioactive waste, is measured at 5 kilometers or 3 miles, the Governor commented that, “Nevadans are entitled to the same protection as the citizens of New Mexico. The Yucca Mountain standard is not as protective as the rule for the WIPP facility and appears to be designed to allow the repository to pass judgement, notwithstanding its major scientific flaws.”