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NEVADA DETAILS YUCCA CASE AGAINST NRC

Carson City—Attorney General Brian Sandoval today announced the filing of Nevada's main brief in its case against the Nuclear Regulatory Commission ("NRC"). The 75-page brief addresses the NRC's proposed licensing regulations for the Yucca nuclear waste repository. Nevada was joined in the action by co-petitioners Las Vegas and Clark County.

"What our brief shows," Sandoval said, "is that the NRC distorted principles of law to create a licensing rule for Yucca that would get the project licensed despite their failure to prove geologic containment at the site. We then had a rule that applied only to the proposed Yucca repository, while every other such facility ever built in this country is held to higher standards. The NRC's licensing effort fails both science and law."

The suit raises five major claims against NRC:

- That NRC's licensing rule fails to require the Energy Department to demonstrate that the repository's geologic setting forms the primary barrier for isolation of wastes buried at Yucca, contrary to the Nuclear Waste Policy Act;
- That by permitting the project to be licensed only on the strength of man-made waste packages, the rule also violates the "multiple barrier" requirement of that Act, which requires man-made barriers *and* geologic barriers to act independently and redundantly to contain lethal wastes;
- That the rule unlawfully fails to require NRC to make a finding that the project conforms with relevant standards of the Environmental Protection Agency;
- By deliberately ignoring the entire period during which radiation doses to humans will be at their highest and by preventing Nevada from raising such "peak dose" issues in the contested licensing hearings for Yucca, the rule violates the Atomic Energy Act and the National Environmental Policy Act;

- The rule unlawfully requires only a watered-down “reasonable *expectation of safety*” standard of proof instead of the “reasonable *assurance of safety*” standard required by federal law and applied by the NRC *to every other nuclear facility in America*.

“This is a highly technical challenge designed to ensure that any licensing hearing for Yucca, if it were ever actually to get that far, will be fair and require genuine *safety* in the construction of the repository,” Sandoval continued.

The brief will be posted on Nevada’s Yucca web site at: <http://www.state.nv.us/nucwaste/>