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## **Nevada wonders what DOE is hiding by withholding Yucca documents**

CARSON CITY, Nev. – Nevada representatives said Friday that the U.S. Department of Energy continues to hide important information about its plans to seek a license from the Nuclear Regulatory Commission (NRC) to build a proposed nuclear waste dump at Nevada's Yucca Mountain.

"DOE is desperately trying to hide the truth about the dump," said Nevada attorney Joe Egan.

Egan is representing Nevada in its fight against the federal government's plan to license and build the nation's first high-level nuclear waste repository at Yucca Mountain, less than 100 miles northwest of Las Vegas. His remarks came Friday, the deadline issued by a congressional committee for DOE to deliver Yucca Mountain documents to the House Government Reform Committee under a subpoena delivered Wednesday by committee Chairman Tom Davis, R-Va.

Davis sent the subpoena at the recommendation of Rep. Jon Porter, R-Nev., who is conducting an investigation to determine if scientists falsified documents related to the project. Porter has been requesting such documents since April, though DOE officials have missed previous deadlines to supply the information to Congress.

Bob Loux, director of Nevada's Agency for Nuclear Projects, said the actions of DOE officials continue to contradict their public promises of keeping the licensing process open and "transparent" to the public.

"How long will they continue to hide these documents?" Loux asked, suggesting that DOE officials fear the information may damage the project if it is made public. "It makes you wonder what DOE is hiding."

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This would be the latest in a long line of denied requests by DOE, Loux said. He said other recent examples include:

- DOE has spent billions developing a draft NRC license application for the Yucca Mountain Project. Loux said DOE officials continue to “hide from public view” a document that was written in 2002.
- DOE refused a request from Nevada’s Agency for Nuclear Projects to release its draft application.
- DOE refused Nevada Gov. Kenny Guinn’s request for the U.S. Secretary of Energy to share DOE’s draft application with the state. Egan said, “This request was submitted pursuant to Nevada’s rights to full disclosure of Yucca information under the Nuclear Waste Policy Act (NWPA). Invoking his prerogatives under the NWPA, Gov. Guinn then wrote President Bush requesting that he order DOE officials to release the draft application. No such order was made.”
- Nevada Attorney General Brian Sandoval’s team of attorneys filed a Freedom of Information Act request seeking the draft application. “DOE denied it,” Egan said. “Nevada appealed. DOE denied the appeal.”
- Nevada’s attorneys sought access to the draft through NRC regulatory procedures applicable to all Yucca documents. “DOE refused again,” Egan said.
- Nevada’s attorneys sought access to the draft application from NRC’s Yucca Licensing Board. “Using every conceivable trick to hide it,” Egan said, “DOE called it ‘privileged,’ ‘preliminary,’ and ‘not relevant’ to licensing.” The board said it will rule on Nevada’s request in August.

DOE spokesman Craig Stevens rationalized DOE’s decision not to turn over documents to a subcommittee of the House Government Reform Committee by expressing concern that the subcommittee would make the documents public, and that would somehow damage DOE’s ability to implement the Nuclear Waste Policy Act and participate in the NRC’s licensing process.

Quite the contrary, Loux said.

DOE’s acting general counsel, Eric Fygi, complained in a letter to the subcommittee that providing the documents requested by the subcommittee threatens “to metastasize without discrete bounds to embrace all current and future Yucca Mountain licensing proceeding matters.”

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“The real cancer is the scientific and policy fraud that’s being perpetrated on Congress and the public,” Loux said.

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