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COURT DECISION A MIXED BAG FOR NEVADA

CARSON CITY, Nev. – Nevada officials reacted with disappointment a day after the U.S. Circuit Court of Appeals for the District of Columbia declined to rule on key issues in the State’s challenge to the U.S. Department of Energy’s plans for transporting radioactive waste into Nevada to the proposed Yucca Mountain nuclear waste site.

But Bob Loux, Executive Director of the State’s nuclear waste watchdog agency, noted that the court did not reject Nevada’s challenges to DOE’s proposal for a hybrid rail-to-truck transportation scheme or to the Department’s decision process for selecting a proposed rail corridor to Yucca Mountain.

“The court said only that Nevada’s filings on these matter were not yet ripe for [judicial] review,” Loux said. “The court basically invited the State to re-litigate the issues at a later date once DOE has made final decisions.”

Loux said that the State’s legal counsel and the Nevada Attorney General are still reviewing the court’s decision and will decide in the next week or two whether to appeal those elements of the ruling that deal with the “ripeness” of Nevada’s contentions.

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