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FOR IMMEDIATE RELEASE
DATE: Wednesday March 22, 2006

NEVADA SUES TO OBTAIN KEY YUCCA DOCUMENT

Carson City, NV – Nevada today sued the U.S. Department of Energy, claiming the agency is hiding a key document pertaining to the safety of the proposed Yucca Mountain nuclear waste repository. The suit, brought by Attorney General George J. Chanos under the Freedom of Information Act, was filed in federal court for the northern district of Nevada. The document is the government's draft license application for the repository, prepared by DOE's contractors in 2004 for upcoming Nuclear Regulatory Commission licensing proceedings. Those proceedings have yet to begin.

"The federal government is required by law to share its important Yucca information with the host state," Chanos said, "and we are entitled to such information under the Freedom of Information Act as well. But DOE has refused to provide Nevada with this most important document for the past three years."

Chanos outlined a host of measures Nevada has taken to secure the document, including two requests by Governor Kenny Guinn to the Secretary of Energy and a follow-up request to President Bush, pending unfulfilled subpoenaed demands by Representative Jon Porter, litigation before the Nuclear Regulatory Commission's licensing hearing board, a Freedom of Information Act request, and administrative appeals within DOE. All those requests were rebuffed, with DOE claiming the draft license application was subject to various legal privileges.

"We want to see this document because we believe it will show that the repository is unsafe after 10,000 years, if not before," said Robert Loux, executive director of Nevada's Agency for Nuclear Projects. "There isn't a privilege in the world that should shield this from Nevada's citizens." In July 2003, a federal appeals court ruled that DOE must demonstrate repository safety for a period much longer than 10,000 years.

To secure a construction permit for the repository, DOE will have to submit a license application to the NRC, commencing several years of formal hearings on various technical and legal challenges expected by Nevada. DOE had completed a draft license application and planned to submit it to NRC

by December 2004. But legal victories by Nevada and technical shortcomings at the project made that deadline impossible to meet, and no new deadline has yet been set.

“What are they trying to hide?” Chanos added. “If the repository is safe, you’d think they’d be anxious to prove it.”

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