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“Not only has DOE failed to provide the most important documents on its LSN, but it has made the entire system unnecessarily cumbersome by stacking it with literally millions of questionably relevant documents,” Loux said.

In a motion filed by attorneys representing Nevada in its ongoing battle against the Yucca Mountain Project, the state said DOE purported to re-certify its crucial Licensing Support Network (LSN) database on Oct. 19, more than three years after first trying unsuccessfully to certify the database on June 30, 2004.

“[DOE’s] LSN submission is not simply defective, but blatantly so – omitting numerous critical, core technical documents and model basis information necessary for licensing and for formulating contentions,” Nevada’s motion states. “DOE’s premature re-certification is the apparent consequence of its headstrong commitment to an arbitrary project schedule.”

DOE has vowed to submit its license application to the NRC by next June. Loux said this “self-imposed deadline” drives everything about the Yucca Mountain Project.

He said the incomplete database is more proof of DOE rushing to meet this June deadline, even if means changing licensing rules to suit its purposes and sacrificing the safety of the project. According to the state’s motion, DOE is flouting the very regulations it insisted that the NRC adopt and “shirking repeated promises it had made about compliance.”

Nevada’s lawyers also charge DOE with ignoring the so-called Six-Month Rule it helped create. At least six months before it submits its Yucca Mountain license application to the NRC, federal law requires DOE to make all its licensing documents available electronically to all interested parties.

“When it became clear that meeting LSN requirements would likely delay the project’s self-imposed schedule,” Nevada’s motion states, “DOE abruptly changed course, ignoring the Six-Month Rule and adopting a public stance directly opposite to that which it had previously articulated.”

As a result, the state calls for the NRC to issue an order striking DOE’s Oct. 19 certification and “postponing the obligations of Nevada and the other parties” to certify their information systems until 90 days after DOE properly re-certifies its LSN database. The state also urges the NRC board charged with overseeing the availability of these documents to force DOE to fully comply with NRC’s requirements.

The motion was filed by the nuclear law firm representing Nevada: Egan, Fitzpatrick and Malsch PLLC, based in Washington D.C. For a copy of the legal motion and more information on Nevada’s opposition to the Yucca Mountain Project, visit www.state.nv.us/nucwaste/.

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