The State of Nevada remains committed to protect the health, safety and welfare of its citizens which have been threatened for the past 23 years by the seriously flawed high level nuclear waste repository project proposed at Yucca Mountain. While we are encouraged by the commitment of the Obama administration to kill the ill-advised project, we remain steadfast in our opposition to the Department of Energy’s License Application.

While DOE has filed a motion to withdraw its license, the process has been kept alive by the federal licensing board which opined that DOE did not have the legal right to withdraw its application. Both DOE and the State have challenged that ruling to the full Nuclear Regulatory Commission. In addition, other parties including the States of South Carolina and Washington, are suing in federal appeals court to make sure their states get to dump their nuclear waste in Nevada. Nevada will not receive any compensation in exchange for hosting this high risk project.

Nevada’s legal team attempted to shorten the long 4-year licensing hearing with eleven legal challenges that could have stopped the project. Nevada challenged that the project was illegal because DOE’s application is incomplete, did not include models showing what would happen if safety barriers failed, and depended on the safety of 11,500 titanium robot-installed drip shields that DOE does not plan to install until after the waste is emplaced in the mountain for approximately 100 years.

Today, the licensing board ruled against most of Nevada’s legal challenges forcing the long drawn-out hearing to continue and kicking the safety issues down the road. However, the judges did allow Nevada to challenge the facts of each of these safety issues during the licensing hearing. In addition, the judges made special note of Nevada’s scientific claim that erosion could cause the surface of Yucca Mountain to completely erode during the period prescribed by the Environmental Protection Agency, leaving the waste unprotected by the mountain’s geology in the future. EPA requires that nuclear waste must be kept away from public and environmental exposure for a million
years. The State will petition the Nuclear Regulatory Commission to open a rulemaking docket addressing this erosion science that was not previously available when the NRC addressed the issue.

While the license application remains alive in the courts, Nevada believes the final matter will be decided by both the courts and the US Congress. We will continue to work with the President’s Blue Ribbon Commission for America’s Nuclear Future while it works on alternatives and sets a new path toward solving the nation’s nuclear waste issues. The Commissions first draft report is due next summer.

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