

From: "Barbara Byron" <Bbyron@energy.state.ca.us>
To: <ARJones@chp.ca.gov>, <bghiglieri@chp.ca.gov>, <dpierce@chp.ca.gov>, "Joe McEnulty" <JMcEnulty@chp.ca.gov>, <mchaffee@chp.ca.gov>, <jdavis@consvr.ca.gov>, <e63@cpuc.ca.gov>, <stepekj@cwpc.swrcb.ca.gov>, <Ebailey@dhs.ca.gov>, "Robert Greger" <RGreger@dhs.ca.gov>, <swoods1@dhs.ca.gov>, <Susan.Durbin@doj.ca.gov>, <Bill.Costa@dot.ca.gov>, <Brad_Mettam@dot.ca.gov>, "Charleen Fain-Keslar" <Charleen_Fain-Keslar@dot.ca.gov>, "Andrew Burow" <ABurow@dtsc.ca.gov>, <gmoskat@dtsc.ca.gov>, <MGillett@dtsc.ca.gov>, <Jrubin@emsa.ca.gov>, "Robert Laurie" <Rlaurie@energy.state.ca.us>, "Steve Larson" <Slarson@energy.state.ca.us>, "Terry O'Brien" <TObrien@energy.state.ca.us>, "Terry Surles" <Tsurles@energy.state.ca.us>, <dbenson@fire.co.san-bernardino.ca.us>, <Paul@ideal-identification.com>, "Ben Tong" <Ben_Tong@oes.ca.gov>, <Gregory_renick@oes.ca.gov>, <Rrichard@ospr.dfg.ca.gov>, <NTILG@parks.ca.gov>, <singh@rb6s.swrcb.ca.gov>, <Tpost@rb6v.swrcb.ca.gov>, <Inyoyucca@telis.org>, <chauge@water.ca.gov>
Date: 2/19/02 3:22 PM
Subject: Yucca Mountain Update

There has been a flurry of newspaper articles and press releases following the Secretary of Energy's and President Bush's recommendation to Congress for their approval of the Yucca Mt. site. Here is a summary of the latest developments:

1. Showdown will occur in Congress over the next . Nevada has 60 days in which to submit its notice of disapproval to Congress; after Congress receives Nevada's veto, Congress has 90 days of continuous session to override Nevada's notice by a majority vote in both houses. New articles report that the vote may be similar to a vote in early 2000, which was the last time the House voted on a Yucca-related issue. Just 167 of 435 voted along with Nevada. The vote is expected to be closer in the Senate, with perhaps 40 senators currently on Nevada's side, and they need a majority of 51. Generally senators vote more on the basis of whether their states have nuclear power plants or defense facilities with nuclear waste accumulating in their state.
2. Senator Boxer's Statement. Senator Boxer's press release on Feb. 15, 2002, said, "I am deeply disappointed that President Bush has decided to approve the Yucca Mountain site as a final repository for nuclear waste, despite continuing concerns that this project may pose a serious threat to the health and safety of Californians. Residents in Eastern and Southern California face possible groundwater contamination of the regional aquifer. In addition, the people of Inyo and San Bernardino Counties have raised issues concerning transportation of nuclear waste to the site. It is clear that the Yucca Mountain Project is not ready to move forward. I will work with my colleagues in Congress to oppose actions to implement this decision which threaten public health and safety."
3. Nevada's Legal Challenges. Nevada has set aside \$5.4 million to fight the Yucca Mt. decision. Nevada has filed several lawsuits that directly or indirectly challenge this decision.
4. Statement by Nevada's Governor Guinn, in an article for the New York Times (attached) disputed DOE's and the President's use of national security to defend the Yucca Mt. decision. Guinn noted that spent fuel will be stored at reactor sites for 50 years or more as it waits to be shipped and that much of the fuel will remain above ground. He also criticized DOE for putting the site decision before adequately determining whether scientific studies supported that decision. He noted that that DOE's own contractor Bechtel/SAIC, the U.S. General Accounting Office, the Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste, and the Nuclear Waste Technical Review Board all have concluded that additional studies are needed. Further, he noted that the technical basis for DOE's estimates of repository performance in isolating the wastes from the environment have been judged "weak to moderate."
5. Yucca Mt. related documents' links are listed below:

Transmittal letter from the Secretary to the President:
<http://www.ymp.gov/new/official/letter.pdf>

Recommendation of the Secretary:
<http://www.ymp.gov/new/sar.pdf>

Statutory Materials Supporting the Recommendation
http://www.ymp.gov/new/official/srr_doc.htm

For more information on the Yucca Mt. Project, visit:
<http://www.ymp.gov>

As I mentioned in an earlier memo, we need to read DOE's responses to our comments in DOE's Final EIS (Chapter III, Part 7) and evaluate the extent to which California's concerns regarding spent fuel transport and potential groundwater impacts in California were adequately addressed in the Final EIS.

That's all for now. We have some interesting months ahead of us!

Barbara Byron
916-654-4976

From: <sgoldsto@energy.state.ca.us>
To: <sgoldsto@energy.state.ca.us>
Date: 2/17/02 8:31AM
Subject: NYTimes.com Article: Refusing to Take Nuclear Waste

This article from NYTimes.com
has been sent to you by sgoldsto@energy.state.ca.us.

Refusing to Take Nuclear Waste

February 16, 2002

By KENNY GUINN

CARSON CITY, Nev.

Yesterday, Energy Secretary Spencer Abraham finally forwarded to the White House his plan for high-level nuclear waste disposal: Put it all in Yucca Mountain, a volcanic ridge 100 miles northwest of Las Vegas. President Bush took just a few hours to send the plan on to Congress with his blessing. But like Sisyphus pushing his rock up the mountain only to have it crash back down, time and again, the Department of Energy can send its Yucca Mountain plan wherever it likes - and the plan will crash again. Why am I so sure? The Energy Department tends not to complete its more grandiose projects, even when they were based on sound science and common sense. This project is based on neither.

When Congress ordered the Energy Department to study Yucca Mountain, it required that the site must be geologically sound: the stability of the repository would come from the geology of the site, providing a rock- solid backup to manmade waste containers.

Today, after \$7 billion and almost 20 years of study, the Energy Department's own contractor, Bechtel/ SAIC, as well as the General Accounting Office, the Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste, and the Nuclear Waste Technical Review Board have each concluded that additional studies need to be performed. Those studies must be completed before Yucca Mountain could ever be seriously considered for permanent nuclear waste disposal.

The Nuclear Waste Technical Review Board, which Congress created specifically to look at storage problems, said last month that the "technical basis" for the Energy Department's performance estimates "is weak to moderate." Last month the acting head of the Office of Civilian Radioactive Waste Management, who has been working on the

Yucca Mountain plan, seemed to agree, saying, "We think we have sufficient science for the step that we are at." That's the problem. The Energy Department has all along acted as though "the science" would always catch up with the politics, but the science is supposed to be the foundation upon which a decision to move forward is made. The Department of Energy has it backward - decision first, science later.

The secretary of energy has also tried to link his Yucca Mountain recommendation to national security. This is an absurd invention of the nuclear industry and an opportunistic use of the tragedies of Sept. 11. Spent fuel will have to be stored at reactor sites across America for 50 years or more as it waits to be safely shipped, because even if the Yucca Mountain repository is approved and built, it will not be ready to receive most of the waste for decades. And should Yucca Mountain get up and running, much of the fuel will remain above ground for perhaps 100 years if the Energy Department sticks with its current plans for very gradual insertion of fuel into subterranean caverns.

Meanwhile more nuclear waste will be produced around the country and continually sent out for hauling to Nevada, creating, in essence, a network of nuclear vulnerability throughout the nation, with one very big terrorist target 100 miles from one of the nation's fastest-growing cities. This is not a recipe for increased national security.

Today nuclear power plants are building inexpensive and safe dry storage facilities of their own, at their plant sites, for their spent fuel. They will continue to do this whether or not Yucca Mountain proceeds.

I was hopeful that President Bush would keep his promise to Nevada not to push the project forward absent a sound scientific basis. The president has let that opportunity go. Nevada will now pursue every means available to ensure that the laws of science and the nation ultimately prevail.

I have, under the Nuclear Waste Policy Act of 1987, 60 days in which to veto the recommendation. I will do so. The House and Senate leaders will then have 90 days to decide whether to override the veto by majority votes of each chamber. If the 90 days of consecutive session pass, then the veto stands.

Nevada did not pick this fight, but we are determined to win it.

Kenny Guinn is the governor of Nevada.