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Energy Department pulls water applications for Yucca rail line

Agency wanted wells to build rail line to Yucca Mountain

By KEITH ROGERS
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In what is the strongest sign to date that it will abandon the Yucca Mountain Project, the Department of Energy on Tuesday withdrew 116 water applications it had filed with the State Engineer for building a rail line to haul nuclear waste to the mountain from Caliente.

"This is the first card in hopefully a domino of cards that is ready to fall," said Nevada's Senior Deputy Attorney General Marta Adams.

She leads the state's legal effort to block DOE from obtaining water for the project, both for the proposed rail line and for constructing and operating a repository to bury 77,000 tons of highly radioactive waste in the mountain, 100 miles northwest of Las Vegas.

"I'm really happy about it, but we need to make sure it's really in the grave. The next telling thing will be the motion to withdraw the license application," Adams said late Tuesday.

She expects the appeals the federal government has pending in federal court over constitutional issues with Nevada's denial of water for constructing and operating a repository will be dismissed.

The letter dated Monday from DOE Federal Project Director Ned B. Larson to State Engineer Tracy Taylor said the department does not intend to pursue the Caliente rail line water applications "in light of recent developments."

The "developments" stem from the Obama administration's plan to zero out funding for the project and Energy Secretary Steven Chu's announcement last week that the department would withdraw the license application within 30 days. A review of the license application by nuclear regulators has been suspended temporarily.

DOE filed the Caliente rail line water requests on Jan. 20, 2009, the day Barack Obama was sworn in as president. Nevada filed its protests on April 1.

Bob Conrad, spokesman for the state engineer's office, said Larson's letter was received by acting State Engineer Jason King because Taylor is on medical leave.

"Obviously, we will withdraw the applications at their request," Conrad said.

Of the applications, 103 were for temporary wells to build a rail line through a 319-mile corridor from Caliente west to Yucca Mountain. The remaining 13 applications were for permanent wells to maintain and operate the rail line, which would funnel nuclear waste shipments mainly from states in the East and Midwest.

Bruce Breslow, executive director of the Nevada Agency for Nuclear Projects and a opponent of the Yucca Mountain Project, said the state wants Chu to declare the site unsuitable and withdraw the license application with prejudice so that it will not be refiled.

He said that Congress probably will not act on Obama's budget recommendation to zero out funding until after the fall elections.

"This is another step toward ending the misguided Yucca Mountain nuclear waste repository project," Breslow said in a statement Tuesday.

"We are awaiting DOE's motion to withdraw the Yucca license application 'with prejudice,' and hope that the Construction Authorization Board rules quickly to dispose of the application," he said.

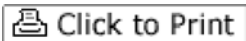
Yucca Mountain is by law the only site being studied for a national nuclear waste repository although Obama has fielded a commission to chart a new course for dealing with nuclear waste that does not include Yucca Mountain.

Sen. Harry Reid, D-Nev., released a statement Tuesday, saying, "This is another important step toward not only killing the dump, but also making sure it can never come back to life."

Reid has sent a letter to the Government Accountability Office asking the agency to examine alternatives for the Yucca Mountain site.

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