

Las Vegas Sun

Yucca Mountain's death just a few steps away

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Washington — The long and tortured effort to build a national burial ground at Yucca Mountain for highly radioactive waste will be halted once and for all, [the Obama administration promised Monday](#), saying it would withdraw the application to build the project and starve it of funds.

And the coup de grace, maybe many years from now: plugging the tunnel into the mountain and sealing inside, forever, not nuclear waste but a giant boring machine that became an icon for the vexed project.

The government has poured \$38 billion into the effort, claiming it had found the perfect place to house the Earth's most dangerous garbage but failing in its effort to prove its case. Now that search will be renewed.

"The administration has determined that Yucca Mountain, Nevada, is not a workable option for a nuclear waste repository and will discontinue its program to construct a repository at the mountain in 2010," White House in budget documents said.

Marty Malsch, an attorney who has fought the project for years on behalf of Nevada, said if the application withdrawal is approved, "It would mean, effectively, that's the end of it."

"Yucca, as Yucca, is dead."

Energy Secretary Steven Chu emphasized that he will seek the withdrawal "with prejudice" — a legal definition that prohibits the project from being resubmitted later, ending speculation that the project could be revived when a more dump-friendly administration inhabits the White House.

Nevadans who have opposed Yucca Mountain repository since Congress singled it out more than 20 years ago think the endgame is set.

"This is the day we put the Champagne on ice — we'll pop the cork after the motion is heard and decided," said Richard Bryan, former Democratic governor and senator who led efforts to stop the dump.

"It's a great day for the state and a great testament to the state hanging tough and staying the course."

Former Republican Gov. Kenny Guinn said, "It has been a long time coming."

But before the Champagne begins to flow, several steps must be taken.

- First, the Energy Department must, within 30 days, submit to the Nuclear Regulatory Commission's three-judge panel its request to withdraw the application with prejudice.

The panel is reviewing the application to license the waste dump, a painstaking process that began in 2008 and could take at least four years to complete. Citing Obama's intent pull the plug, the Energy

Department asked the panel Monday for a stay in those hearings, "to avoid the unnecessary expenditure of resources," according to the legal papers.

In a sign of the possible debate, White Pine County indicated in a legal filing it will oppose the motion for the stay. Several other Nevada counties remain neutral or are supportive, according to legal documents.

- Next, the three-judge panel will consider the withdrawal application — a key document that would outline the terms of withdrawal and whether the site could be reconsidered in the future.

The nuclear industry has been the primary champions of the dump, and the Nuclear Energy Institute, the industry's main lobby, would not say if it plans to challenge the withdrawal application. A spokesman said the withdrawal language will be "of paramount importance," hinting at the industry's desire to keep a dump at Yucca Mountain on the back burner.

"The industry does not support the termination of this program, but believes that, if it is going to happen, it should occur in an orderly manner to permit the licensing process to be restarted if ever warranted," said Marvin Fertel, the institute's CEO.

- Finally, the panel would issue a ruling that could be appealed, and any decision would be reviewed by the full Nuclear Regulatory Commission.

The commission is made up of political appointees — three Democrats, two Republicans — and is headed by Gregory Jaczko, who specialized in nuclear energy issues on the staff of Senate Majority Leader Harry Reid before being tapped for the job.

Yet even with these final, potentially arduous, steps still to come, those who have fought the dump are confident that if the Obama administration continues on the course it has outlined, a Yucca repository will never exist.

By withdrawing the application, the administration would take the legal action necessary to halt the project — a move with even more teeth than if the energy secretary were to declare the site unsuitable, which had always been an option.

Malsch said that if the energy secretary were to declare the site unsuitable but then fail to pull the license, "you always would have wondered. This makes it clear that changing the mind is out of the question."

A Yucca dump's obituary has been written before, but Monday's developments provided the strongest indications yet that the project is ending.

The Obama administration's decision was not a complete surprise. As a presidential candidate in 2008, Barack Obama's campaign told the Las Vegas Sun he would withdraw the application if elected.

Yet the administration did not do so after taking office last year, even as Obama severely cut the Yucca Mountain budget. The federal government appeared hesitant to pull the plug because it faces mounting legal liability for failing to take the waste off nuclear power companies' hands, as required by law. Already several utilities have successfully sued the government for failing to open a Yucca repository in 1998 as promised.

But over the past several days, Obama sought to assure the nuclear industry he is on its side even as he prepared to deliver a devastating blow to its long-promised dump.

In his [State of the Union address last week](#), Obama welcomed “a new generation of safe, clean nuclear power plants in this country.” And Friday the administration announced the formation of a new commission headed by Lee Hamilton and Brent Scowcroft that will come up with Plan B — alternatives to a dump at Yucca Mountain. Also, Obama’s new budget triples to \$54 billion the federal loan guarantees available for financing new nuclear power plants.

With so many sweeteners, the industry’s opposition to a Yucca dump’s demise may be muted.

Reid, who has worked closely with Obama and Chu on Yucca, on Monday thanked Obama “for keeping his word to Nevadans.”

Although the 2011 budget would eliminate the project, it provides at least \$55 million for a newly merged office to close the site. Yucca’s staff has been slashed from 1,400 last year to 625 today, with just 127 working in Las Vegas.

The tunnel into the repository has long been closed, with a chain-link fence across the openings.

Bruce Breslow, executive director of the [Nevada Agency for Nuclear Projects](#), which has fought the dump, said the site needs to be remediated and returned to its original condition, as required by law.

The buildings need to be removed, the boring holes that have made Swiss cheese of the mountain top need to be patched up and the entrance tunnels need to be filled “with two giant corks, or however they’re going to do it,” Breslow said.

Eventually, the state also would need to untangle its many lawsuits against the federal government.

Yet while a Yucca dump may be done, Nevada may not be safe from the nation’s nuclear waste.

The new commission promises it will not consider Yucca Mountain as it seeks alternatives, but the rest of Nevada’s desert could be open ground for waste storage or a waste reprocessing facility.

Some members of the Republican political establishment in Nevada have long envisioned a nuclear waste facility in the desert, and several candidates hoping to unseat Reid in the fall election, including Sue Lowden and Danny Tarkanian, want to explore waste reprocessing ideas.

Yet Yucca Mountain as the end destination for the waste would be no more. Even though Yucca Mountain remains in law as the chosen site for the nation’s nuclear waste, without a project application the law is moot, legal experts said.

Democratic Rep. Shelley Berkley said that if the president follows through and pulls the application, it will be “all but impossible for this threat to one day return from the grave.”

Stephanie Tavares reported from Las Vegas.

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