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**16<sup>th</sup> Annual  
Regulatory Information Conference  
Spent Fuel / Transportation / Disposal  
Session T13**

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**“Nevada, NRC and Yucca Mountain”**

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## **Introduction:**

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- **Nevada intends to participate as a full party in formal NRC licensing hearings should NRC docket DOE's Yucca Mountain licensing application.**
- **Nevada's goal is compliance with the law and reliance on sound science – “NIMBY” or opposition to nuclear power will play no role.**
- **Nevada's governor and attorney general strongly support this participation; there is also strong bipartisan support in the Nevada legislature.**

# **Yucca Mountain:**

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- **Nevada challenged NRC's Yucca Mountain licensing regulation (10 C.F.R. Part 63) in Court.**
- **Nevada's objective is a new regulation that complies with the law.**
- **Nevada is already successful: NRC conceded three of Nevada's issues –**
  - ▶▶ **Reasonable assurance versus reasonable expectation as the ultimate NRC licensing standard;**
  - ▶▶ **Litigation of peak dose in the licensing hearing; and**
  - ▶▶ **Compliance with EPA standards before construction.**

# **Yucca Mountain:**

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- **Remaining issues could alter NRC regulation dramatically:**
  - ▶▶ **Geologic isolation must be primary;**
  - ▶▶ **A 10,000-year compliance period is unsupportable; and**
  - ▶▶ **NRC's traditional defense-in-depth approach (multiple, independent barriers) cannot be abandoned.**
  
- **Decision may require new EPA and NRC rulemaking proceedings.**
  
- **The court's decision is expected within several months.**

# **Yucca Mountain:**

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- **Nevada's participation in NRC hearings will include numerous issues.**
- **Nevada has already retained a world-class team of technical experts (see attached list).**
- **Tentative plans call for extensive discovery, cross-examination of NRC and DOE, and an affirmative case.**
- **Affirmative case may include a revised performance assessment that relies on sound science.**
- **Nevada has already conducted scientific research in critical areas.**
- **Early warning signals: Nuclear Waste Technical Review Board (NWTRB) report.**

## **Yucca Mountain:**

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- **Nevada will also participate fully in the NRC Staff review.**
- **Nevada will attend all NRC/DOE open meetings.**
- **Nevada will participate in ACNW and NWTRB reviews.**
- **Nevada will continue to oppose NRC Staff's practice of meeting secretly with DOE.**

## **Conclusions:**

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- **NRC's current approach to Yucca Mountain licensing is unprecedented: It departs from decades of consistent practice in other fields.**
- **Nevada's participation in NRC licensing will also be unprecedented in scope and expertise.**
- **Focus will be on compliance with the law and sound science.**