



July 9, 2004

## **DOE Statement on U.S. Court of Appeals Decision Regarding Yucca Mountain**

**WASHINGTON, D.C.** – U.S. Department of Energy Secretary Spencer Abraham issued the following statement today reacting to multiple decisions reached by the U.S. Court of Appeals regarding Yucca Mountain:

"I am pleased with today's decisions handed down by the Court. The Court dismissed all challenges to the site selection of Yucca Mountain. Our scientific basis for the Yucca Mountain Project is sound. The project will protect the public health and safety.

"The Court rejected the State of Nevada's challenge to the constitutionality of the resolution approving Yucca Mountain and dismissed the state's petition attacking the actions of the Administration that lead to the passage of that resolution by Congress.

"While the Court did not question the scientific validity of the Environmental Protection Agency's standards, it did vacate one aspect of the standard, the 10,000 year compliance period. Therefore, DOE will be working with the EPA and Congress to determine appropriate steps to address this issue."

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Number: R-04-145



# NEWS from U.S. Senator HARRY REID

ASSISTANT DEMOCRATIC LEADER FROM NEVADA

## Court Hands NV Major Victory

Friday, July 9, 2004

WASHINGTON, D.C. - In a decision handed down today, the D.C. Circuit Court of Appeals sided with the people of Nevada in an argument to stop the Yucca Mountain project. The state of Nevada sued the Department of Energy claiming a proposed nuclear waste repository would not be safe. The court decided that federal regulations are not stringent enough to protect the public from the significant risks associated with nuclear waste.

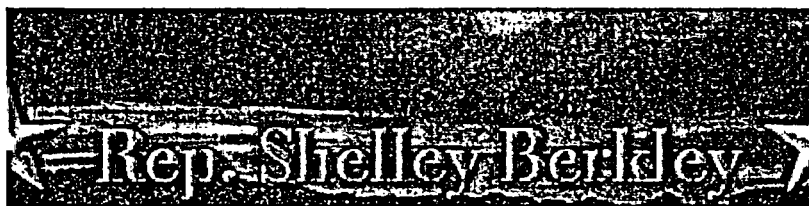
**Senator Harry Reid and Senator John Ensign released the following statements today:**

"Nevadans have won a huge victory today," Senator Reid said. "I've never believed Yucca Mountain would open, and today it could not be more clear that's true. The court's ruling is a significant blow to the Department of Energy and the Yucca Mountain project and I believe enough to effectively kill the project. There is a reason we have fought this project for more than two decades. It is impossible to open this kind of nuclear waste repository and still guarantee the health and safety of Nevadans."

"Today's court ruling provides Nevada a crucial legal tool to defeat the Yucca Mountain project once and for all," Sen. Ensign said. "Our state's legal team should be congratulated for this victory against all those forces that would like to turn Nevada into the country's nuclear dumping ground. Our united effort, in which Nevadans of all political affiliations joined, is the reason for this victory and our celebration today."

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## Berkley Says Court Ruling Could Bury Nuclear Waste Storage at Yucca Mountain

July 9, 2004

**(July 9, 2004 – Washington, D.C.)** U.S. Representative Shelley Berkley today declared that a ruling by a U.S. federal appeals court may spell the end of efforts to bury high-level nuclear waste at Yucca Mountain. In its ruling, the court found that a radiation standard established by EPA for the Yucca dump did not meet legal requirements for protecting public health and safety.

In response to the ruling, Berkley issued the following statement:

"The people of Nevada should throw up their arms and cheer at this court ruling. By tossing out the EPA's radiation standard, the court has said that the Bush Administration's plan for Yucca Mountain will not protect the health and safety of Nevada residents. I have no doubt that the White House and the nuclear power industry are going to fight the court's action, but this should serve as a warning to both, that science, not politics, must guide this process.

"It is long past time that we pull the plug on funding for Yucca Mountain and invest in the safe storage of nuclear waste at the sites where it was produced. This solution is good for a century and is already in use around the nation.

"The days of burying our heads in the sand by attempting to bury nuclear waste in Nevada are over. Technology ultimately holds the answer to the nation's nuclear waste problem, and we should be investing more in research. We have already wasted billions of dollars on a hole in the Nevada desert, and today's court ruling only proves that the Yucca Mountain is unsafe, unwise and unworkable."

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Gibbons Statement on Federal Appeals Court Ruling on Yucca Mountain  
Decision is an Historic Victory for Nevada

7/9/2004

WASHINGTON, D.C. -- Congressman Jim Gibbons (R-Nev.) released the following statement regarding the federal appeals court ruling in favor of the State of Nevada which rejected the EPA safety standard currently being used for Yucca Mountain. The court ordered the federal government to develop a plan to protect the public against radiation releases beyond the proposed 10,000 years.

""Today""s decision is an historic victory for Nevada. I have always said that only before an unbiased court would Nevada receive a fair forum on Yucca Mountain. Today""s ruling reiterates what many Nevadans have said all along-- that the science behind the Yucca Mountain project was unsafe and unsound.

""I applaud the diligent work and commitment of the state""s attorneys and our Attorney General, Brian Sandoval. Today""s court decision deals a major blow to the Yucca Mountain project and is good news for the people of Nevada.

""The court found that the EPA must abide by the law and rely upon the expert scientific findings of the National Academy of Sciences (NAS). In fact, the EPA""s inadequate and arbitrary safety standard completely disregarded the recommendations of the NAS that had called for a standard of compliance for hundreds of thousands of years, instead of only 10,000.

""As a result of the court""s decision, the EPA must now promulgate a new safety standard that can show compliance well beyond 10,000 years. That will be a high standard to meet, and one that I doubt the DOE could realistically meet. Ultimately, today""s ruling creates a monumental obstacle and uncertain delay in the licensing process for Yucca Mountain.""

**For more information, contact:**

Amy Spanbauer

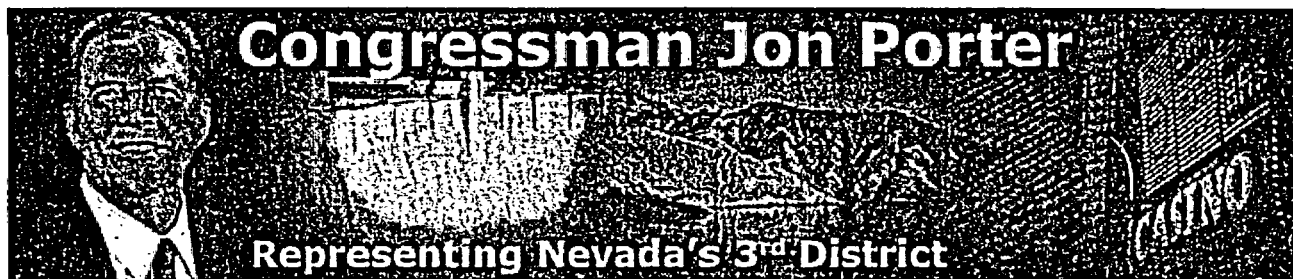
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FOR IMMEDIATE RELEASE  
July 9, 2004

Press Release

## U.S. REPRESENTATIVE JON PORTER PRAISES TODAY'S YUCCA DECISION

*U.S. Court of Appeals rules favorably for Nevada*

Washington, D.C. – Today, U.S. Representative Jon Porter (R-NV) praised the U.S. Court of Appeals for the District of Columbia Circuit's ruling from the January 14 hearing on the proposed nuclear repository at Yucca Mountain:

"Today's decision is a big win for Nevada. The decision is ultimately a huge setback for the Department of Energy and the Yucca Mountain Project. The court ruled that the EPA did not follow the law when developing radiation standards. While I fully expect the federal government to appeal this ruling, today's decision will clearly delay the project and possibly end it.

"The Yucca Mountain project has been of intense personal interest to me and all Nevadans. I have been personally involved in the fight to stop Yucca for 20 years. The Yucca Project has been supported by both Republicans and Democrats, and I will continue to fight against this project and will not rest until the storage of nuclear waste is no longer an option and the doors of Yucca Mountain are closed shut forever.

"We know the Department of Energy bent the rules to find the site suitable. Today, it is clear that sound science and common sense have prevailed over political expediency.

I join with Nevada's delegation in celebrating this victory. I want to

congratulate our Attorney General Brian Sandoval and our world-class legal team, headed up by Mr. Joseph Egan. We could not ask for a more competent and capable group of men and women than the one comprised by the State of Nevada.”

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