

**RIC 2006
Session W3BRK
Yucca Mountain**

**HIGH-LEVEL WASTE CHAOS
NRC 2006 REGULATORY INFORMATION CONFERENCE
YUCCA MOUNTAIN PRESENTATION BY STATE OF NEVADA**

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Nevada stated at 2004 RIC: “Heroic efforts will be needed for DOE to certify the availability of its documents on the LSN by June [2004], and more heroic efforts will be needed for DOE to file a complete application by December....but DOE is not capable of heroic efforts; it’s a difficult and marginal applicant at best, and probably not qualified to be an NRC licensee at all.”

Developments since 2004:

- NRC struck (nullified) DOE's efforts to certify its LSN collection. The NRC PAPO decision is extremely critical of DOE. DOE's case was hopeless from the beginning.
- The D.C. Circuit vacated (nullified) a critical part (the 10,000 year performance assessment limit) of EPA's and NRC's rules for Yucca licensing.

Developments since 2004:

- DOE confessed that critical aspects of the science underlying the President's site recommendation (studies by USGS) were tainted by non-existent QA and possible fraud.
- DOE told NRC's PAPO it can no longer offer any date for when an LA might be filed.
- LA is now years away (if ever).

Pending matters:

- New EPA rule: abandons basic logic, sound science and long-held principles of intergenerational equity.
- New NRC rule: abandons long-held principles of NRC independence.
- New legislation?

New GNEP initiative: Is Yucca needed?

How can DOE proceed with an LA without a demonstrated near-term-need or defined source term?

Chaos reigns: no regulatory framework; no LA; no LSN certification; no well-defined need; no defined waste package; no source term; new OCRWM organization; new TSPA contractor.

Heroic efforts were needed but were (and still are) confused with desperate efforts.

Conclusion: Nevada advised at 2004 RIC: “Yucca supporters need a strong dose of realism. DOE is still living in a fantasyland. Yucca supporters need to...take a deep breath, and begin to think about alternatives.” Even better advice today.