

WHERE DOES THE YUCCA MOUNTAIN HIGH-LEVEL NUCLEAR WASTE REPOSITORY PROPOSAL GO FROM HERE??????

THE NUCLEAR WASTE POLICY ACT OF 1982, AS AMENDED, SETS OUT THE FOLLOWING PROCEDURE FOR DESIGNATION (OR NOT) OF THE YUCCA MOUNTAIN SITE FOR A LICENSE APPLICATION TO DEVELOP AND OPERATE A REPOSITORY:

- If the Secretary of Energy determines at any time that the site is unsuitable for development of a repository, he must end all site characterization work and inform Congress and the Nevada Governor and Legislature of this determination. Then, within 6 months, the Secretary must make recommendations to the Congress for further action regarding disposal, including the need for new legislative authority.

To date, the Secretary has not made such a determination; therefore

- The Secretary must hold hearings in the vicinity of the Yucca Mountain site to inform the residents that he is considering recommending to the President that the site be developed as a repository, and receive the residents' comments.

These hearings were held in Nevada during the last quarter of 2001.

- After the hearings, and when site characterization is complete, if the Secretary decides to recommend the site to the President, he must inform the Governor and Legislature of his decision.

Secretary Abraham informed Nevada Governor Guinn and the Nevada Legislature, on January 10, 2002 of his intent to recommend the Yucca Mountain site to President Bush for development as a repository.

- The Secretary, no sooner than 30 days after informing the Governor and Legislature of his decision, shall recommend to the President that the site be approved for development as a repository.
- If anytime after he receives the Secretary's recommendation, the President recommends the site to Congress, the Secretary must submit a repository license application to the Nuclear Regulatory Commission, no later than 90 days after the site designation becomes effective.
- Following the President's recommendation to the Congress, the Governor or

Legislature of Nevada have the opportunity, within 60 days, to submit a notice of disapproval. Unless a notice of disapproval is submitted, the site designation becomes effective 60 days after the President's recommendation.

The Nevada Legislature, last session, adopted a resolution of disapproval, and Governor Guinn has declared that he will submit a notice of disapproval, should the President recommend the site to Congress. In 1989, the Legislature enacted, and the Governor signed, a bill making a high-level nuclear waste repository illegal in the State.

- With submission of a notice of disapproval, the site is disapproved (vetoed) unless, during the first period of 90 calendar days of continuous session after receipt of the notice, Congress passes, by majority vote of both houses, a resolution overriding the veto and approving the siting of a repository at Yucca Mountain.
- If the Secretary submits a Yucca Mountain repository license application to the Nuclear Regulatory Commission, the Commission has three years to act on the application by approving or denying authorization to construct a repository. This period may be extended by up to one year.
- After substantial construction of the repository is complete, the Secretary must apply to the Commission, and receive a license amendment to begin receipt of radioactive waste and repository operation.

The Department of Energy's current plan is to begin waste receipt and repository operation in 2010.

- The Department of Energy must maintain the option for retrieval of the waste for at least 50 years after first waste emplacement. The Department then must apply for, and receive a license amendment for permanent closure of the repository. When all closure requirements are met, the license will be terminated.

The Department of Energy's current plans are to emplace waste in the repository during an approximately 25 year period, but defer closure and permanent marking of the repository for a period of 100 to 300 years.

**Prepared by the Nevada Nuclear Waste Task Force, a non-profit public advocacy organization.
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