



# EYE ON ENERGY

A Monthly Newsletter from the Public Citizen Energy Team

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## Eye on Yucca Mountain

On March 16, the Department of Energy (DOE) and U.S. Geologic Survey (USGS) announced that data related to water infiltration prepared by USGS scientists may have been falsified. Water infiltration is one of the most crucial questions determining whether the site can safely contain the waste. Emails discussing the falsification by USGS employees from 1998-2000 were found last December. While only a portion of the emails have been released in redacted form, they call into question the entire scientific basis of DOE's license application. The emails can be viewed at <http://www.citizen.org/documents/Interior%20emails%20on%20falsification.pdf> (from the Department of Interior) and <http://www.citizen.org/documents/Energy%20emails%20on%20falsification.pdf> (DOE). The DOE and DOI inspector generals, as well as the Federal Bureau of Investigations, are conducting criminal investigations. On March 5, Jon Porter (R-NV), chairman of the House Subcommittee on the Federal Workforce, held a hearing on this issue, where he said that he wants to set up an independent investigation. Despite calls from Nevada elected officials to halt the project, DOE testified that it is continuing to prepare its license application.

On March 24, the State of Nevada filed its opening brief in its lawsuit against the DOE that challenges DOE's decision to build a rail line along the so-called Caliente corridor to transport high-level waste within Nevada to Yucca Mountain. This was one of five potential rail lines that DOE considered for the construction of a railroad to the site. Nevada charges that DOE failed to conduct the required analyses under the National Environmental Policy Act. DOE is required to respond by April 25.

### DID YOU KNOW...?

#### *The Power of the Public Utility Holding Company Act*

President Franklin D. Roosevelt called the utility lobby that organized in 1935 to prevent passage of the Public Utility Holding Company Act "the most powerful, dangerous lobby that has been created by any organization in this country." Nevertheless, the President was supported by the voters--who didn't want excessive electric or natural gas bills--and the powerful lobbyists were defeated.

On March 8, Public Citizen and 11 other public interest groups met with the EPA about its plans for reissuing public health standards for Yucca Mountain. Last July, the D.C. Court of Appeals threw out the EPA's standard that determines how long the site has to comply with public health standards (a 15 millirem dose for 10,000 years), because it did not follow the recommendations of the National Academy of Sciences, as required by law. It appears the EPA is seriously considering proposing a 15 millirem dose for the first 10,000 years "coupled" with a weaker standard, such as 20 or 100 millirem, after 10,000 years until the time that the groundwater is most contaminated (called peak dose). This type of standard would put a greater burden on future generations. See the group letter to the EPA at [www.citizen.org/documents/epayuccaltr.pdf](http://www.citizen.org/documents/epayuccaltr.pdf).

### *It's baaack!!!*

The regressive energy bill that failed in the last two Congresses is back once again. The House Energy & Commerce committee is marking up its version of this bill - which is the same text as before - on April 5, 6 and 12. Included

in this bill is the repeal of the Public Utility Holding Company Act, the important consumer protection bill and backbone of the U.S. electric system, as well as more incentives and subsidies for the nuclear, coal, gas, and oil industries. The bill will do nothing to reduce our dependence on foreign oil or to save consumers money at the pump. Call (202) 224-3121 or write to your representative to oppose this bill.

## *Consumer Groups File Motion to Intervene in Exelon Merger*

Public Citizen joined New Jersey Public Interest Research Group (NJPIRG) and NJ Citizen Action on March 28 to announce their submission of intervention filings in Chicago-based Exelon's proposed buyout of Newark-based Public Service and Gas (PSEG). PSEG is New Jersey's last state-based energy company.

The groups fear the buy-out will further diminish energy competition in the region and substantially limit state regulatory authority, leading to higher rates and worse reliability and safety.

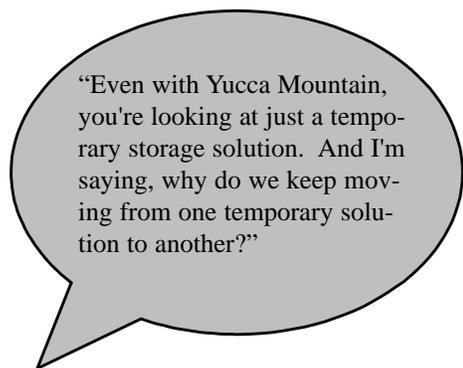
The consumer groups called on state regulators to commit to using a 'positive benefit' standard in making its decision on whether or not to approve the proposed acquisition, as well as a commitment to public hearings so ratepayers could voice their concerns.

Public Citizen and Nuclear Information & Resource Service (NIRS) recently co-sponsored a press conference to oppose Private Fuel Storage in Utah. Read about it here: [www.citizen.org/pressroom/release.cfm?ID=1911](http://www.citizen.org/pressroom/release.cfm?ID=1911)

**Public Citizen Urges Nuke Agency to Withdraw Secrecy Proposal**

Public Citizen has called on the U.S. Nuclear Regulatory Commission (NRC) to withdraw a proposed rule that would unduly and perhaps illegally broaden the scope of nuclear industry security information that would be restricted from public access. On March 28, the group submitted formal comments to the NRC on the agency's proposed rule to revise

**QUICK QUOTE:**



~ Utah Gov. John Huntsman, Jr., on March 25, at a press conference where he stated his opposition to Western dump sites for nuclear waste.

its regulations governing the protection of so-called “Safeguards Information,” access to which is restricted to people who have undergone extensive background checks and demonstrated a “need to know” the information.

“If instituted, these new regulations would further compromise the public's ability to hold the nuclear industry and its government regulators accountable for their management of nuclear facilities and materials,” said Wenonah Hauter, director of Public Citizen's energy program.

The NRC is attempting to expand the category of Safeguards Information to encompass virtually anything it wants—including information important to the public such as engineering and safety analyses, emergency planning procedures and inspection reports on nuclear facilities.

The proposed rule comes at a time when the NRC is under fire for its allegedly improper use of the Safeguards classification to conceal industry vulnerabilities. To read Public Citizen's comments, please go to <http://www.citizen.org/documents/sgi-comments.pdf>.

**National Academy of Sciences Studies Nuclear Waste Security**

The National Academy of Sciences should soon be releasing a public version of its report on the security of “spent” nuclear fuel, nearly a year after it completed a classified version. It has been held up by the NRC, purportedly over sensitive information contained in the document.

NAS' executive officer E. William Colglazier called NRC's characterization of the report “an incomplete and, consequently, less than accurate description of what our classified report had to say.” Rep. Ed Markey (D-Mass.) has seen both the classified version and the unclassified version prepared by NAS, and “believes that the Commission's desire to prevent public access to the NAS report is based on the fact that it disagrees with the NAS' conclusions, not on any legitimate security concerns.” According to *The New York Times*, even the NRC admitted that the problem was more one of “aggregation,” and that while no secret information appears in the report, the material can be pieced together in such a way as to be potentially useful to terrorists.

Though the report remains behind closed doors, NRC managed to reveal some of NAS's conclusions by sending a rebuttal to Congress on March 14. Astonishingly, NRC argued in its letter that NAS's analysis of a “maximum-credible scenario” is not a “credible scenario.” NRC also found fault with the recommendation “that earlier movements of spent fuel from pools to dry storage would be prudent to reduce potential consequences of terrorist attacks on pools at some commercial nuclear plants.”

**Environmental Analysis Released for New Illinois Nuke**

The Draft Environmental Impact Statement (EIS) for a new reactor at Exelon's Clinton site in Illinois was released with little fanfare by the NRC on March 2. The document, based on information provided to NRC by Exelon, is part of the review process for the company's application for an Early Site Permit (ESP).

In the report, NRC preliminarily recommended that Exelon receive its permit as no significant environmental effects prohibit it. However, that conclusion is drawn from admittedly incomplete data. For instance, NRC writes that the effect a new unit will have on water temperature “remains undetermined.” Water temperature is critical because it affects water levels, aquatic habitat, and the ability to enjoy the lake for recreation.

NRC's approach to the report also has been criticized. The EPA, in reviewing a similar report for new reactors in Virginia, complained that because the need for energy and energy alternatives are not assessed at this stage, it “biases the subsequent energy alternative analysis toward nuclear power...since the NRC would have approved the suitability under the ESP.” EPA also took issue with the ESP being valid for 20 years.

A public comment period on the document is open until May 25, and a public meeting will be held in Clinton, on April 19. Visit [www.citizen.org/cmep/clinton](http://www.citizen.org/cmep/clinton) for more information.

**Corporate Corner**

**\$12 billion**  
 What it would cost Exelon to buy New Jersey's PSEG, a merger that would create the U.S.'s largest energy company.