

Eye on Yucca Mountain

Three weeks of rain in Nevada last month caused flooding and damaged significant portions of the Caliente railroad tracks, where the Department of Energy intends to construct a rail spur for more than 3,300 high-level radioactive waste shipments to Yucca Mountain. A railroad bridge in the county was washed out and more than 20 cars of a waiting train were derailed by flood waters. A Union Pacific railroad employee stated that flash floods are not surprising in the area. Other Western states also experienced serious flooding, causing Union Pacific to cancel trains on the main line that passes through Las Vegas to California due to missing or mud-covered tracks along a 139-mile portion of track.

DOE announced that it intends to build a 500-foot square "aging pad" that could hold up to 2,000 casks above-ground at Yucca Mountain. While the concept of an aging pad is not new in the various designs that DOE has generated for the site, DOE is now claiming that they could begin accepting waste at Yucca Mountain and store it on the aging pad before construction of the repository is actually complete. DOE denies that this would be an "interim" storage facility, which according to the Nuclear Waste Policy Act is illegal in states that are slated to host a national permanent waste repository. An above-ground waste facility also poses accident and terrorist risks.

As of Jan. 18, there remain between 1.7 million and 2.6 million documents related to the Yucca Mountain license application that DOE still needs to make publicly available on NRC's web

DID YOU KNOW...?

The Power of the Public Utility Holding Company Act

Don't throw public utilities to the wolves of Wall Street! If PUHCA is repealed to allow investment bankers and others to own regulated utilities outright and to seek to maximize profits, those profits will have to be collected from electric and natural gas consumers.

site, called the Licensing Support Network. For at least two months, DOE has not provided Nuclear Regulatory Commission with significant numbers of documents to load into the system. Nor has DOE given NRC any target date for its second attempt to certify that all of its documents related to the licensing are publicly available online. The DOE must certify before it can submit its license application to the NRC, which the new Secretary of Energy Sam Bodman stated will be by the end of the 2005 calendar year.

Regulators Put Depleted Uranium in 'Low-level' Radioactive Waste Category

The NRC issued an order on Jan. 18 in the licensing case of Louisiana Energy Services (LES) in which it determined that depleted uranium - a toxic and radioactive waste that would be produced by LES's proposed uranium enrichment plant - shall be classified as "low-level" radioactive waste.

The ruling was initially perceived as a boon to LES since the "low-level" classification is a legally-required condition before the waste may be accepted for disposal by DOE-one of the "plausible strategies" identified by LES for disposal of its waste. But citizen inter-

venors Public Citizen and the Nuclear Information and Resource Service (NIRS) argued in a Feb. 1 filing with the NRC's licensing board that, despite the ruling, the DOE option is still not feasible.

The complaint noted that DOE has its hands full with its own waste, and it has a poor track record when it comes to radioactive waste disposal. The DOE has breached the terms of the Nuclear Waste Policy Act by failing to establish a national repository for high-level radioactive waste.

The NRC did not base its waste classification decision on the physical properties or dangers of depleted uranium, even suggesting that the waste may be of the sort that requires very stringent and expensive disposal methods. Instead, the Commission defined the "low-level" category broadly to encompass depleted uranium.

NRC Takes Comments on New Reactor Environmental Impact

On Dec. 7, the NRC released a draft version of its Environmental Impact Statement (EIS) for Dominion Resources' plan to construct two new reactors at its North Anna facility in Virginia. Despite the identification of many negative impacts, and a tendency to put off until later a discussion of if and how to mitigate adverse consequences, and inadequate data to formulate other opinions, NRC concluded that there was no environmental reason to deny Dominion's application for an Early Site Permit.

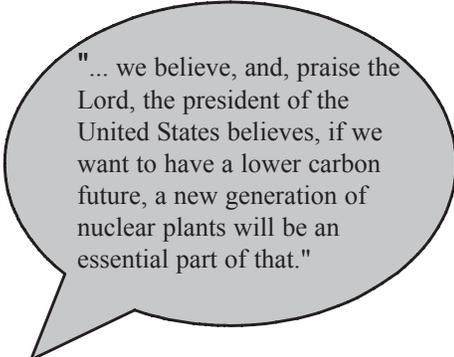
For example, information on exactly how much water flows into Lake Anna is "limited," and "velocity measure-

ments are important for both understanding the hydrodynamics of the lake and to calibrate numerical models of fluid and heat transport process in the lake." But velocity measurements have not been taken, even though temperature changes in the lake will be one of the major impacts, and reduced

Middle School (1009 Davis Highway, Mineral, VA, 7-10pm). For more information, visit www.citizen.org/cmep/northanna

in addition to dominating energy trading markets. This development not only forces us to re-think the special interests that influence energy policy, but also the implications on consumers and the economy.

QUICK QUOTE:



"... we believe, and, praise the Lord, the president of the United States believes, if we want to have a lower carbon future, a new generation of nuclear plants will be an essential part of that."

~ John Rowe, CEO and chairman of Exelon, Jan. 27, 2005, as quoted in *The New York Times*.

PFS Decision Expected

After eight years of review, a NRC Licensing Board is expected to issue a decision on Private Fuel Storage (PFS) by the end of this month. PFS, a limited liability company formed from eight commercial nuclear utilities, is seeking to establish a private "interim" storage site for high-level radioactive waste on the tiny Skull Valley Goshute Indian Reservation in Utah. The PFS proposal is neither safe nor necessary, and the State of Utah and groups across the country continue to adamantly oppose it.

We've been through this before. The Great Depression was fueled by the role investment banks played in the collapse of the electric utility industry. That's why Congress placed limits on the ability of investment banks to own utilities or even have representatives sit on the boards of utilities when it passed the Public Utility Holding Company Act (PUHCA) in 1935. The Securities and Exchange Commission, in its 1944 Annual Report, noted how utility acquisitions prior to the passage of PUHCA "were often motivated by the profits to be gained by promoters and investment bankers, and were made at inflated prices... Congress found that the national public interest and the interest of investors and consumers were adversely affected by the growth and extension of holding companies that bear no relation to economy of management and operation or the integration and coordination of operating properties."

water levels pose an additional threat. Yet, NRC still concluded that the effects of another reactor will be "small."

The problems are wide-ranging. The site itself is inappropriate, with above-ground storage, an increased risk of plane crashes, and no waste repackaging facility on site to prevent contamination if storage casks fail for any reason. PFS will also unnecessarily increase the transportation and handling of high-level waste, enhancing the risk of accidents. Furthermore, the proposed "interim" nature of the project is also questionable. DOE has stated that it cannot accept irradiated nuclear fuel from PFS at Yucca Mountain, because the NRC rules require DOE to accept only freshly packaged fuel directly from nuclear utilities at reactor sites.

Hopefully Congress and the Bush White House won't doom us to repeat the mistakes we made generations ago by repealing PUHCA, making it even easier for Wall Street to rip off consumers.

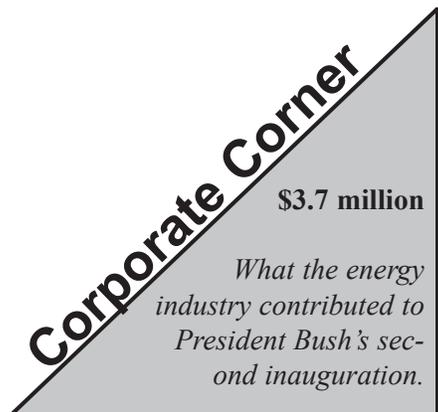
Most outrageously, the EIS doesn't even postulate effects of intentional malicious acts, only accidents. Terrorism concerns are considered "too speculative" to factor into licensing proceedings, according to an NRC order from December 2002. Similarly, the environmental impacts of the additional nuclear waste generation and storage can't be and aren't considered.

Take Action! Call the NRC Commissioners and urge them to reject PFS's license application, or write them by going to: http://www.citizen.org/cmep/energy_enviro_nuclear/nuclear_waste/pfs

The EIS is at this time a draft, meaning that the public is allowed to read it and submit comments, which NRC is duty-bound to consider before issuing a final version. There are several ways comments may be submitted: via email to NorthAnna_ESP@nrc.gov, in writing, or in person at a public meeting on Feb. 17 at the Louisa County

Investing in Energy: Who's Doing It?

Next month, Public Citizen will release a new report documenting how Wall Street investment banks, led by Morgan Stanley and Goldman Sachs, have quietly become major owners of U.S. power plants and natural gas pipelines,



Corporate Corner

\$3.7 million

What the energy industry contributed to President Bush's second inauguration.