

# ***Yucca Mountain is Deeply Flawed***

***Las Vegas Review-Journal***, Jan. 23, 2007

By STEVE TETREULT, WASHINGTON BUREAU

WASHINGTON -- Ed McGaffigan, a veteran member of the Nuclear Regulatory Commission, said Monday that the Yucca Mountain program is deeply flawed and that the Nevada nuclear waste site should be scrapped.

"It may be time to stop digging, and it may be time to rethink," McGaffigan said in a critique of the Energy Department program as he prepares to retire from the five-member commission that regulates nuclear safety.

Speaking to a group of reporters, the official said the Nevada site probably could be licensed "if it had been handled properly through the years."

But he said it has been doomed by failures in Congress to correct flaws in nuclear waste laws and by Energy Department missteps, including appointment of some directors "who really weren't cut out for the job."

"I think Yucca Mountain has been beset by bad law, bad regulatory policy, bad science policy, bad personnel policy, bad budget policy throughout its history," McGaffigan said. "Every time somebody has done something to try to speed things up, it has backfired."

"Each year that passes, we are not going to get any closer to Yucca under the current circumstances," McGaffigan said. The Energy Department has projected a 2017 repository opening, but he said 2025-2027 would be more realistic.

McGaffigan, 58, has been an NRC commissioner since 1996, making him the longest-serving member in the agency's 32-year history.

He is undergoing treatment for metastatic melanoma, an aggressive cancer that he has said he does not expect to defeat.

McGaffigan, who is a physicist, has questioned the Yucca program in the past. But his comments Monday were among the strongest and most direct of any federal official watching over the project.

In another instance, physicist Paul Craig resigned from the Nuclear Waste Technical Review Board, a DOE advisory group, in 2004 to speak out against what he

saw as safety and design flaws in the proposed repository.

The Nuclear Regulatory Commission has monitored DOE's work at the Nevada site, and its leaders would pass judgment on the repository's safety and operational plan when the department submits an application for a license.

McGaffigan's views were embraced by critics of the Yucca program, although some wondered why he waited to make them public. McGaffigan said he felt free to speak as a private citizen as his NRC tenure comes to an end.

Energy Department spokesman Craig Stevens said the criticism from McGaffigan was "highly predictable."

"It is good that we are going to get somebody new with open eyes to look at this at the NRC," Stevens said, referring to McGaffigan's successor who has not yet been named.

McGaffigan "is tainted in our view," Stevens said.

"We believe there is no better place to store spent nuclear fuel than in the middle of the desert in the belly of a mountain," Stevens said.

Rep. Shelley Berkley, D-Nev., said she plans to broadcast McGaffigan's views to other lawmakers as Congress resumes debate on nuclear waste disposal.

"This is akin to the generals who are leaving Iraq and speaking their minds once they are in a position to do so," Berkley said.

McGaffigan "is serving in a very important position where he has had an opportunity over a period of time to get input from both sides, and he has come out squarely against Yucca Mountain."

Michele Boyd, energy legislative director at the Public Citizen, a watchdog group that opposes the repository, called McGaffigan's comments "stunning."

But, Boyd said, "I find it disturbing that he waited until he was leaving office to start saying these things. The bottom line is that these facts about the dubiousness of the project should have been brought up before."