



Mourners honor Department of Energy Official and friend of Esmeralda County Officials

By: Edwin Mueller, ROP Director

As a Public Relations employee for the DOE Yucca Mountain Project, Bob Lupton was a liaison to the ten Affected Units of Government counties, which included the Esmeralda County Commissioners and Ed Mueller, Esmeralda County ROP Director. Ed and Bob also worked and traveled together for several years when Ed was previously employed by Bechtel SAIC Communications.

Bob made several trips a year to the rural Affected Units of Government counties to give presentations and updates on the Yucca Mountain Project. All the county officials including Esmeralda County enjoyed seeing his smiling face and considered Bob as a good friend. "He will be missed ...we always enjoyed his visits to the county and the opportunity to visit with him and discuss the status of the program. He provided us with his insight on where he thought the

Program was going and the obstacles it faced," Mueller said. The following is his obituary:

LT. COL. ROBERT LUPTON U.S. Marine Corps, Retired Lt. Col. Robert E. Lupton, U.S. Marine Corps, Retired, passed away Dec. 21, 2007, at Mountain View Hospital of amyloidosis related complications. Bob is survived by his wife, of 35 years, Janice (Johnson); his children, Christopher Lupton of Champaign, Ill., and Stephanie Lupton of San Marcos, Calif.; and four grandchildren, Cloe Lupton, Joey Fuller-Lupton, Jacob Fuller-Lupton and Alyssa Fuller-Lupton. Born May 1, 1951, Bob was a graduate of Silver High School in Silver City, N.M., and received a NROTC scholarship to attend the University of Southern California. He received his B.A. in Business Administration and was commissioned a Marine 2nd Lieutenant in 1973. He received a Masters Degree in Computer



Resource Management from Webster University in 1990. During 20 years of active duty, he served at Camp Pendleton, Calif.; Okinawa, Japan; Headquarters Marine Corps and 29 Palms, Calif. He attended career level schools in Quantico, Va., including Command and Staff College and commanded

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An Update on the Department of Energy (DOE) Yucca Mountain Project 2008 funding

By: Edwin Mueller, ROP Director

There have been a lot of questions and discussions from the residents of Esmeralda County concerning the recent news reports on the budget cuts

regarding DOE and the Yucca Mountain Project. It is the assumption by some, that the entire Yucca Mountain Project has been shut down completely. **The budget cuts have not shut down the project and DOE and its contractors are continuing with all activities to submit a license application for construction of the repository.** The only way the project can be shut down is for the U.S. Congress to change the Nuclear Waste Policy Act of 1982 and pass new legislation to shut it down.

On December 16, 2007, the U. S. Congress conferees agreed to appropri-

ate \$390 million in fiscal 2008 for DOE's Yucca Mountain repository program for used-nuclear fuel from commercial nuclear power plants and high-level radioactive waste from U.S. defense programs. This is a reduction of \$105 million from the Administration's budget request and \$55 million below the FY07 funding level.

On January 7, 2008, the DOE disclosed it was dramatically scaling back at Yucca Mountain, by laying off dozens of workers and shutting down nearly all activity at the nuclear waste site (the

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High-Level Waste Disposal Licensing

By: Loreen Pitchford, ROP LSN/NRC Coordinator

Many steps remain to be completed before any Nuclear Regulatory Commission (NRC) licensing action of a high-level waste repository could occur. These steps are defined in the Nuclear Waste Policy Act of 1982. Only after the steps are completed could the Department Of Energy (DOE) submit a license application to the NRC.

- Licensing Process
- Licensing Criteria
- Background
- Process Description
- Hearing Process

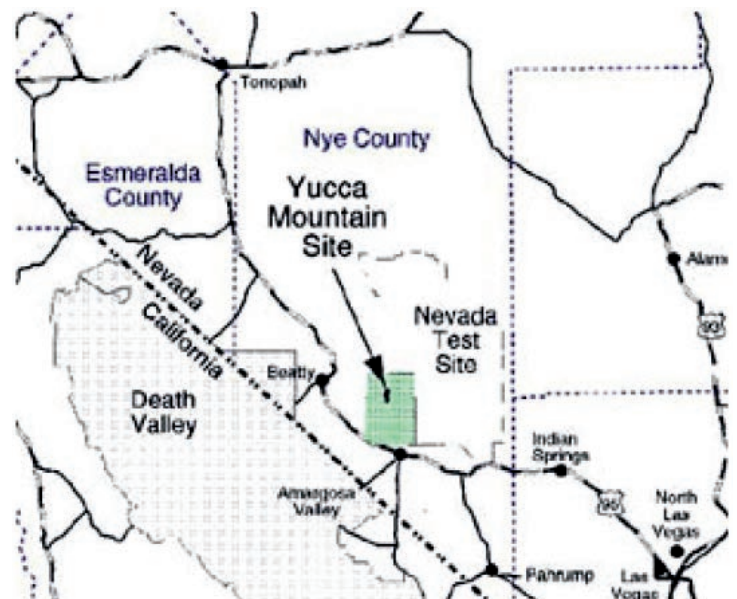
Licensing Process

The Nuclear Waste Policy Act specifies that licensing of a geologic repository will occur in three phases. In the first phase, the DOE would apply to the NRC for authorization to construct a geologic repository. Once a construction authorization request is submitted, by law, the NRC will have three years to perform its review, conduct a public hearing, and reach a construction authorization decision by an independent Licensing Board. To comply with this schedule, the NRC is already reviewing the DOE's site characterization activities and investigations to identify and resolve potential licensing issues. However, during the licensing proceeding itself, all issues, including those previously resolved, can potentially be reopened by the Licensing Board and become issues of contention during the hearing. Should a license for construction authorization be granted by the NRC, then the process would enter the second phase.

In the second phase, as construction of the repository nears completion, the DOE will request a license to receive high-level radioactive waste. If the NRC grants that license, the DOE will begin placing high-level radioactive waste into the repository. In the third phase, when the repository is full, the DOE will apply for a license amendment to decommission and permanently close the disposal facility.

For each phase of the licensing process, the same licensing procedures are followed by the NRC. For instance, for

the construction authorization phase, the NRC process for licensing a high-level waste repository includes an initial review of the application to learn whether it is complete. If the application is incomplete it will be returned to DOE. If the application is complete, it will be docketed, and a public notice will be published. The public notice provides information on how the application can be accessed by the public, and it will offer the opportunity for public intervention in a public hearing on the application. After the NRC reviews the application and completes a hearing it will make a decision on whether to authorize construction of a high-level waste repository by the DOE. ■



Map showing the location of Yucca Mountain in relation to major highways; surrounding counties, cities, and towns in Nevada and California; the Nevada Test Site; and Death Valley National Park. Yucca Mountain is located on federal land in Nye county in southern Nevada.

Yucca Mountain Information obtained from: the Nuclear Regulatory Commission website (<http://www.nrc.gov>).

Nevada told to take Yucca Mountain money State official counters no such federal funding exists

By: Ed Vogel, Review-journal Capital Bureau
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RENO – Nuclear waste can be safely stored in Yucca Mountain and the state should consider negotiating for financial benefits in exchange for accepting the long-delayed nuclear repository, a member of Gov. Jim Gibbons' transition team and former Reagan administration security official said Tuesday.

Ty Cobb told a gathering of Reno business and political leaders that some money from a \$27.1 billion national fund to construct the repository could be given to the state.

"The money is there," said Cobb, a former Army colonel, National Security Council and CIA operative. "The monetary ben-

efits are there and warrant a reappraisal of the state stance."

But Bob Loux, director of the Nevada Agency for Nuclear Projects, responded that no money is available for Nevada. He said the latest estimates are that the repository, 100 miles northwest of Las Vegas, will cost more than \$100 billion if it is ever built, and taxpayers will end up paying for half of that.

He said one-third of the workers at the site have been laid off and Congress has limited funds. He said both Democratic presidential candidates want to scrap the project.

Loux said the state could have claimed \$10 million a year for

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Railroad Corridor Hearings Held in Goldfield

By: Edwin Mueller, ROP Director

On November 27, 2007 from 4:00 PM until 7:00 PM the U. S. Department of Energy (DOE) held a public meeting in Goldfield to gather comments on the two Draft National Environmental Policy Act documents related to the Yucca Mountain Project. The 90-day comment period began on October 12, 2007 and ended January 10, 2008.

Thirty people from the public attended the meeting in Goldfield in addition to approximately 20 DOE and Bechtel SAIC employees who provided posters, exhibits, a moderator, and subject matter experts. The DOE also provided two court reporters to accept verbal comments. Of the 30 people who attended, four provided verbal comments to the court reporters, two submitted written comments and eight provided public oral comments in front of the audience.

Esmeralda County Commission Bill Kirby speaking on behalf of himself gave verbal comments saying, "When determining the Goldfield alternative segment 3 as the preferred route the Draft Nevada Rail Corridor SEIS does NOT appear to have accurate informa-

tion. When comparing the Goldfield alternative segments 3 and 4 the numbers used for private parcels, mining claims, and impacts are not accurate. The final EIS needs to examine these findings further. Since 2004 Esmeralda County residents and officials have submitted written comments stating very clearly that the western side of Esmeralda County (**Goldfield alternative segment 4**) was overwhelmingly the preferred route for a railroad passing through our county. However, the EIS gives no consideration to Esmeralda County for past comments and preferences when designating Goldfield alternative segment 3. The final EIS should include moving the rail to the west near (Goldfield alternative segment 4) to ensure the future exploration, development and mining of the mineralized lands. The Goldfield alternative segment 4 has a large differential financial benefit to Esmeralda County over the other three Goldfield alternatives. The final EIS should include a through-going rail system running both north from Yucca Mountain and also south from Yucca Mountain connecting to the Union Pacific rail road line south

of Las Vegas. The through-going rail system would serve to eliminate the necessity for rail shipments through the Las Vegas Valley where government leaders are concerned about the effect nuclear shipments may have on the tourism industry. In the large sense a through going railroad would link San Francisco/Oakland/Reno to Las Vegas/Los Angeles, a major addition to the flow of commerce in Central Nevada and the western seaboard."

Bob Halstead, transportation advisor for the State of Nevada Agency for Nuclear Projects also provided oral comments saying, "The argument may be, if it's a shared use line, you have to build it like any other railroad. You have to go before the Surface Transportation Board and get construction authorization." Halstead urged Nevada residents to order the EIS and study it closely, particularly if they are concerned about ranching. "The biggest impacts on the land frankly don't have anything to do with nuclear waste. They have to do with the fact you're building a railroad." ■

Esmeralda County School Students to Conduct County Wide Survey on the Yucca Mountain Project

By: Edwin Mueller, ROP Director

As part of its impact assessment and oversight program of Yucca Mountain, the Esmeralda County Repository Oversight Program (ROP) through a Grant and Memorandum of Understanding with students from Esmeralda County will initiate a new county survey using a set of questions that are substantially different from any previous State of Nevada Yucca Mountain survey efforts. Survey questions will be directly related to the Yucca Mountain project and more generally related to nuclear energy, and transportation of nuclear waste to Yucca Mountain. The 2008 Survey questions used in this survey are the same as those

used by the Nuclear Energy Institute to gauge public opinion about nuclear waste and nuclear energy.

Previous State of Nevada and Clark County survey's were intended to represent the views of the State in general, but provides little or no insight about the opinions and beliefs held by Esmeralda County residents with respect to the repository program. Esmeralda County wants to complete a number of public opinion surveys that might possibly provide somewhat different results using questions similar to those found in the State's survey.

The survey will be conducted in coordination with the Esmeralda County

ROP and the Esmeralda County School District using the Esmeralda school students. By entering into a contract for the students to conduct this survey, funds will be contributed for their services to a school activity to be selected by the Esmeralda County School District. Students, parents, and teachers participating in conducting the survey will be included in a tour of a nuclear power plant sometime in the spring prior to end of the school year. Esmeralda County residents will be contacted sometime in next few weeks to answer the 12 questions on the survey. The questions are simple multiple choice and it should only take a couple of minutes to complete. ■

Nevada told to take Yucca Mountain money

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accepting the dump, but that offer expired long ago.

He said every poll for decades has shown overwhelming citizen opposition to the repository. Loux has voiced the state viewpoint against the dump for every governor since 1984.

While Nevada state government revenues have fallen short of projections by \$565 million because of a weakened economy, Gibbons remains opposed to the repository, Loux said in an interview last week.

Before the presentation, University of Nevada, Reno professor John Scire and Cobb released a position paper asking the state to “undertake a neutral, unbiased assessment” of the repository.

They argued that a new appraisal would find that waste can be safely transported by armed guards to the Nevada site. Waste stored in Yucca Mountain would be far more secure from terrorists than continuing to store it at 73 nuclear power plants around the country, they concluded.

Cobb, who is the father of Assemblyman Ty Cobb, R-Reno, even said that an earthquake along the lines of the one that struck Wells last week would not penetrate the waste in casks buried beneath Yucca Mountain.

And he said Illinois has drawn \$3 billion and Pennsylvania \$2 billion out of the nuclear waste fund.

“And Nevada? The state government hasn’t drawn a red cent?”

The rationale is that should Nevada begin to negotiate for a slice of this funding, it would compromise its ‘No Repository Here’ stance,” he said.

Loux said Cobb was mistaken and had actually cited what Illinois and Pennsylvania ratepayers paid into the waste fund.

“No state has ever drawn money out of the waste fund,” Loux said.

But in an interview after the meeting, Cobb even said the power generating states “want to pay us.”

Loux questioned whether a Yucca Mountain repository ever could be safe. He said the Energy Department has been called “incompetent” by the Congressional Government Accounting Office.

All 127 nuclear facilities constructed by the DOE have leaked, and cleanup costs the government \$500 million a year, he said.

But Scire called Loux’s comments “propaganda” and contended DOE inherited facilities in which sloppy work was conducted by the Department of Defense.

Despite joining Cobb in preparing the position statement, Scire said he did not care whether the repository is ever completed.

He said the waste can remain for now outside nuclear plants and eventually be reprocessed. ■

An Update on the Department of Energy (DOE)...

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tunnel area) in response to deep budget cuts. DOE further explained the “The tunnel is closed for all intents and purposes. DOE officials maintained research needed for licensing has been completed at the site, and the remaining workers were performing largely maintenance tasks. The job cuts are DOE’s first response to budget cuts totaling more than \$100 million for 2008. The Yucca Mountain Project continues to employ approximately 2400 full time employees, with the majority in the Las Vegas offices.

DOE officials described a new round of layoffs as a “restructuring” forced by budget shortfalls and a way to conserve money. They told members of Congress they will continue to work in Las Vegas offices to move forward in building a construction license for a waste-handling complex and underground repository. But officials did not rule out other layoffs and delays, including possible decisions to put off plans to file for a license by the end of June. Sixty-three

workers at the Yucca Mountain site have been laid off. They included 27 union metalworkers, electricians, miners and pipefitters, and another 36 people in administrative, environmental safety and health and property management positions. The mouth of the 25-foot-diameter exploratory tunnel has been fenced off and a skeleton crew of fewer than a dozen

workers will maintain the site on standby, monitoring plumbing, ventilation and electrical equipment.

A spokesman for Bechtel SAIC, the project’s managing contractor said “The site is the first real impact and we are looking to see what else.” He further said, the site is not being closed, “but it is being greatly reduced.” Fewer than 10 DOE caretakers will monitor the site’s access to water and electricity and

take air quality readings as required by state permits. Security guards will be provided by the Nevada Test Site, but “We are not just locking the gate and walking away.” ■



Bechtel Group Foundation makes contribution to Esmeralda County School District

By: Sally Christensen, Editor

Bechtel SAIC Company, LLC (BSC) the contractor to the Department of Energy, Yucca Mountain Project, on behalf of Bechtel Group Foundation made a contribution to Esmeralda County School Board in the amount of \$5,000.00 in January. Bobbie Pope, BSC Community Outreach Manager, coordinates these efforts with BSC and Bechtel Group Foundation each year.

In a letter to Mr. Ted Feigenbaum, President & General

Manager of BSC, Robert Aumaugher, Superintendent of Esmeralda School District said "It is with great pleasure the Esmeralda County School District accepts the very generous donation of \$5,000 from the Bechtel Group Foundation and we appreciate the continued support of our students and staff." The funds will be used to purchase math, reading and science programs for the elementary students attending the Esmeralda County School District Schools. ■

Department of Energy Authorizes Esmeralda County Cooperating Agency Status

By: Pat Aumaugher, ROP Resident Coordinator

In a letter from the Department of Energy (DOE), addressed to The Honorable William Kirby, Chairman Esmeralda County Board of County Commissions details were provided authorizing Esmeralda County cooperating agency status in the preparation of the Nevada Rail Corridor Supplemental Environmental Impact Statement (EIS) (DOE/EIS-0250F-S2), and Rail Alignment EIS (DOE/EIS-0369).

Under the proposed action of the EISs, the U.S. Department of Energy (DOE) would determine an alignment in which to construct and operate a railroad for shipments of spent nuclear fuel, high-level radioactive waste, and other materials from an existing rail line in Nevada to a geologic repository at Yucca Mountain, Nye County, Nevada.

DOE recognizes that Esmeralda County has special expertise as defined by the Council on Environmental Quality (CEQ) regulations that implement the National Environmental Policy Act (NEPA). More specifically, they recognize that Esmeralda County has particular expertise regarding the relationship of DOE's proposed action to the objectives of regional and local land use plans, policies, and controls, and to the current and planned infrastructure (e.g., public services, traffic conditions) in the county. It would, therefore, be appropriate for Esmeralda County to participate as a cooperating agency in the preparation of these EISs.

In general, DOE anticipates that Esmeralda County

would participate in internal Departmental and any public meetings in Las Vegas and elsewhere within Nevada, provide information as requested, and review and provide comments on portions of working documents. Esmeralda County's participation will be directed toward those issues and resources most closely related to Esmeralda County's area of expertise – land use policies, plans, and controls; current and planned infrastructure; and associated socioeconomic factors (e.g., population, employment).

As lead agency, DOE will provide timely information and consult with Esmeralda County on relevant issues. DOE will seek to resolve all issues, concerns, and comments raised by Esmeralda County prior to publication of the Final EISs.

In anticipation of Esmeralda County acceptance to become a cooperating agency, DOE prepared a Memorandum of Understanding (MOU) between DOE and Esmeralda County to memorialize the understanding of the parties concerning their roles and responsibilities in the preparation of the EIS.

Ed Mueller, Director, Esmeralda County Repository Oversight Office will be the liaison between the DOE and the Esmeralda Board of County Commissioners (BCC). However any major decisions will be placed on the Esmeralda BCC meeting agenda, for discussion and approval by the BCC. ■

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BSSG-5 during the Persian Gulf War as a junior Lt. Col. His MOS included Motor Transport and Logistics. In 1993, Bob became the Twin Falls Regional Manager for the Idaho Department of Environmental Quality. Following his wife's career opportunity, he relocated to Las Vegas, where he worked first for BSC and then for the U.S. Department of Energy in public relations for the Yucca Mountain Project. He was diagnosed at the Mayo Clinic in Rochester, Minn., with primary systemic amyloidosis in the fall

of 2005, chose to pursue the most aggressive treatment available and received an autologous stem cell transplant Feb. 10, 2006, in hopes of defeating his disease. Following a partial response to that treatment, he was undergoing a tough chemotherapy regimen. Bob loved competitive ballroom dancing and was an avid bowhunter. He was a caring, honest, determined, good, kind, loving, trustworthy, funny, private, stubborn, yet tender spirited man. He will be greatly missed by everyone who knew him. ■



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