

The tangled saga of the proposed high-level nuclear waste disposal facility at Yucca Mountain is going to have at least one more chapter. In June 2008, President Bush's Department of Energy [filed an application](#) for a license to construct a high-level repository at Yucca Mountain. In March 2010, President Obama's Energy Department [sought to withdraw that application](#) with prejudice, meaning that it could not be refiled. Nevada applauded that move, but not everyone did. The states of Washington and South Carolina, which fear that they may have to permanently house high-level waste from the nation's weapons programs, were among the objectors.

On June 29, a panel of administrative law judges at the Nuclear Regulatory Commission's Atomic Safety and Licensing Board [rejected DoE's motion to withdraw](#) the Yucca Mountain licensing application. The panel concluded that the Nuclear Waste Policy Act, which required DoE to submit the application once the President had recommended the site, did not allow unilateral withdrawal of the application.

Licensing Board decisions can be appealed to the Commission, or the Commission can decide on its own to review a decision. On June 30, [the Commission said it would review](#) this decision, and set July 9 and July 16 [deadlines for briefing](#).

Meanwhile, Washington and others have [filed petitions in the D.C. Circuit](#) raising similar objections to DoE's decision to pull the plug on Yucca Mountain. In May, the court rejected their request for a preliminary injunction to halt the shutdown. Oral argument is [scheduled for September 23](#).