

# Nuclear Waste Program Faces Political Burial

*Angered by DOE's decision to drop plans to explore sites in the eastern United States, some senators are seeking to halt funding for site work in the West*

A posse of senators and congressmen, upset by the Department of Energy's (DOE) recent actions, wants to hang the civilian nuclear waste program.

The politicians say they are not driven by the intense regional campaigns that broke out this spring over DOE's choice of waste disposal sites. They just want to impose a year-long pause in site exploration to allow for a more careful review of the environmental risks. However, once on-site research is stopped, it will be difficult to get it going again.

A little over 4 years ago, Congress put together a national compromise, the Nuclear Waste Policy Act. All the states agreed to give up some autonomy to support a single comprehensive system for disposing of spent reactor fuel. About 15,000 metric tons of old fuel sit in utility company storage areas. Space is getting tight, and the utilities are eager to get rid of the aging and increasingly vulnerable fuel containers. They would also like to lower storage costs.

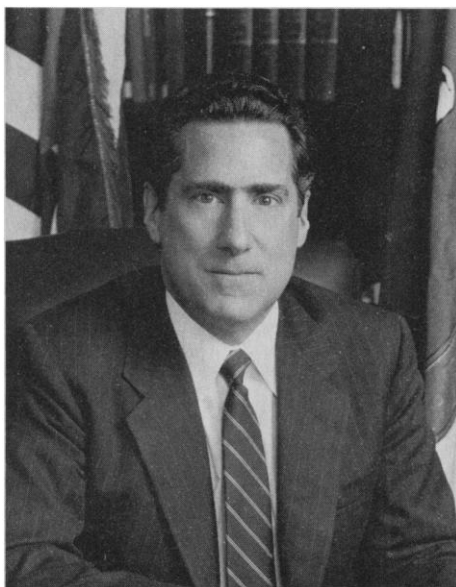
DOE was assigned to search the country for the best geological formation in which to bury the waste. In a series of reviews, DOE was to narrow its choices for a western site from nine to five, then to three finalists. It was to follow the same course east of the Mississippi, starting with 12 and narrowing to three sites. When detailed local studies on these finalists were complete, the President was to choose one site in the West to hold 70,000 metric tons of waste. Several years later, he would choose a second site in the East. The two-site requirement was essential. Without it, westerners were not inclined to take any waste from the East, where most nuclear waste is generated.

This compromise arrangement has now been thrown off the tracks by political maneuvering in the Administration and a backlash in Congress.

The main threat at present comes from western states, whose leaders have offered to save the act by gutting it. To end a controversy that has raged since May, they would strip away all funds that enable DOE to explore potential waste sites in the West.

Representative James Weaver (D-OR) proposed to do this in a budget-cutting amendment to the House energy and water bill on 23 July. The amendment failed, 351 to 68.

The same idea is now circulating in the Senate Appropriations Committee, backed by powerful Republicans, including Senators Mark Hatfield (R-OR), Paul Laxalt (R-NV), James McClure (R-ID), and Pete Domenici (R-NM). By stalling, the senators say, they will let regional disputes cool



**John Herrington.** *The Energy Secretary set the stage for trouble when he said DOE had suspended plans to look for a waste site in the East.*

and allow time for better planning. They may also help Republican candidates this fall avoid getting linked with DOE's odious decision.

However, the delay would set DOE's schedule back at least a year and throw the whole subject open for renegotiation. The vote on restarting the program would come as the presidential campaign gets under way, not the best time for a reasoned debate. Congress found it hard to agree before specific sites had been named. It will be harder now. Representative Morris Udall

(D-AZ), sponsor of the original law, says that it will take a mighty effort to "put this program back together."

The program burst wide open on 28 May when Energy Secretary John Herrington announced in a press conference that three specific sites had been chosen for exploration in the West. They were Hanford, Washington; Yucca Mountain, Nevada; and Deaf Smith, Texas. Then Herrington delivered the big surprise. He said that DOE had dropped—for the indefinite future—all plans to explore sites in the East.

Westerners were outraged because Herrington described the "postponement" in a way that seemed to let the East completely off the hook. They took it as a violation of the spirit if not the letter of the Nuclear Waste Policy Act. A month ago, Udall, Representative Sid Morrison (R-WA) and 11 senators demanded that DOE submit a legal justification for its action. They are still waiting for it.

Northwesterners were especially upset to find Hanford on the final list of candidate sites. Hanford, a huge defense nuclear center 5 miles from the Columbia River in southeastern Washington, had been ranked among the top five western sites by DOE a year earlier. Critics said DOE chose Hanford for its local politics, not geology. Residents have dealt with nuclear materials for 40 years and would welcome the new jobs. An investigation in 1985 by Representative Edward Markey (D-MA), chairman of the House subcommittee on energy conservation and power, found fault with the selection process. DOE inflamed the controversy when it said it could not give the subcommittee its working files on the decision because they had been thrown away.

With advice from the National Academy of Sciences, DOE set up a new and more methodical selection procedure. From the list of possible western sites, five finalists were selected once again. This time, taking environmental and transportation costs into account, Hanford ranked last in desirability—not third, as before. Thus, when Hanford suddenly jumped from fifth back into third place on 28 May, ahead of two higher ranked sites (Richton Dome, Mississippi, and Davis Canyon, Utah), northwesterners felt the decision had been rigged. DOE seemed intent on using Hanford, regardless of what the studies might indicate.

Markey demanded again that DOE turn over its decision memoranda, and DOE again said the documents had been thrown away. About 8 weeks later, DOE found some memos and released them. They revealed that the nuclear waste office had indeed considered the public repercussions of dropping the eastern sites, but they shed

no light on the ranking of western sites.

Meanwhile, according to the General Accounting Office, 19 lawsuits have been filed against the nuclear waste program, many brought by state governments. One of the more significant, *Tennessee v. Herrington*, seeks to prevent DOE from sending a proposal to Congress on a waste-handling site known as the monitored retrievable storage (MRS) center. DOE has proposed three sites for MRS, all in Tennessee. MRS would serve as a waste processing, packaging, and transfer point. It is also attractive to DOE planners because it could store up to 15,000 metric tons of waste pending completion of the repository. And, because it is in the East, it lends a measure of regional balance. But Tennesseans are sharply divided on its merits. The state's legal action thus far has prevented DOE from sending an MRS proposal to Congress.

As western politicians threaten to halt the program to restore regional balance, environmental and antinuclear groups have moved in as well, calling for a moratorium. This fueled the recent proposals to cut all site-specific research at DOE.

However, the origins of this trouble lie in decisions taken earlier, back in the winter when DOE first released a list of possible waste sites in the East. The seven states DOE named on 16 January as having crystalline rock (granite) suitable for a second repository were Georgia, Maine (two sites), Minnesota (three sites), New Hampshire, North Carolina (two sites), Virginia (two sites), and Wisconsin. Although the process of choosing an eastern site had received little attention until then, as one activist said, "When they finally put the pins in the map, the intensity of the response took everyone by surprise." DOE collected 60,000 comments, most of them negative.

The Governor of Maine, Joseph Brennan (D), who had said little on the subject, suddenly found himself at the head of a furious local protest. He came out strongly against DOE's selections. The Governor of the granite state of New Hampshire, engineer John Sununu (R), described by press secretary Frank Haley as "not one who acts on emotion," traveled to Washington in January to argue his case "strictly on the facts." Sununu argued that a second repository was not needed and that, in any case, the granite in New Hampshire is too porous. A Republican candidate in a close race for a Senate seat in North Carolina, Representative James Broyhill, also sent distress signals to DOE.

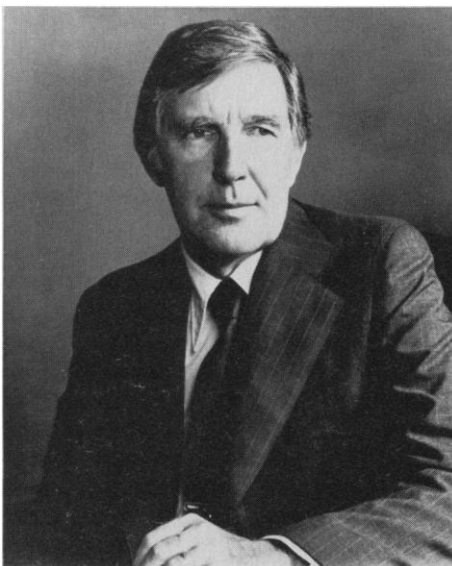
Logs obtained by Markey show that DOE's nuclear waste officials had 32 meetings or phone conversations with distraught eastern senators, congressmen, governors,

and their staffs between 15 January and 28 May 1986.

A small campaign orchestrated by Cooper Brown, an attorney at the firm of Baron & Budd in Washington, D.C., illustrates how some of these protests made an impact.

A group in Sebago Lakes, Maine, known as Citizens Against Nuclear Trash (CANT) hired Brown in February. After consulting with Brown, CANT chairperson Bonnie Titcomb and other members of the group arranged to meet Vice President George Bush on 22 April when he was in Maine for a fund raiser. Bush met with them, listened, and invited them to see his staff in Washington. In mid-May, Titcomb and Brown met with vice-presidential aide Lehmann Li at the Old Executive Office Building on Pennsylvania Avenue.

"Before January, most people in Maine had no knowledge of what DOE was pro-



**Morris Udall.** *It will take a mighty effort to put this program back together.*

posing," said Titcomb. They were shocked to learn that Sebago Lakes was on the list of proposed disposal sites. Titcomb argues that DOE's process was flawed on technical grounds, citing the fact that an aquifer through Sebago provides drinking water for 200,000 people. "We have people in Maine who are willing to die to keep DOE out of here," she said, making it clear that she spoke literally.

According to Brown, if DOE had persisted with its plans for Maine and New Hampshire, "it would have been very difficult for any Republican candidate associated with this Administration [to win] in the upcoming presidential primaries. The Bush people saw the handwriting on the wall, and saw that something had to be done."

Brown continued: "I pointed out to Li that we were looking for help from the

White House to go to DOE and point out that they were off center." He asked Li to persuade the DOE to "suspend the process and go back and start all over." Brown said it would be politically difficult to rescue Maine and New Hampshire alone, so he suggested to Li that it "would make more political sense if DOE would drop the whole second round [of eastern site selection]."

A list of calls and visits obtained by Representative Markey's committee shows that on 26 March, Li called DOE's Office of Civilian Radioactive Waste Management to convey some comments from the Maine group. Li declined to discuss this or the later meeting in May. Two weeks after the Maine citizens visited Li in Washington, Herrington announced that he would "indefinitely postpone" work on an eastern site.

Vice-presidential spokesman Stephen Hart says Bush's staff sent DOE many comments it received, including those from Maine, but that none could be characterized as recommendations. "The Vice President's role is not to persuade," Hart said, but to "listen" and "pass along the feelings of people he meets."

Herrington insists that he did not change the waste program to suit the Vice President's plans for 1988 or the needs of Republican candidates running in the East this fall. Politics played no part in it, he told the House Interior Committee on 31 July. "It was a managerial decision made in the Department," Herrington said, aimed at saving money.

In the spring, DOE reviewed new, low figures on waste production and learned that the first repository would provide adequate storage space for 10 to 15 years longer than previously realized. The statutory limit of 70,000 metric tons for the first site will not be reached until 2020. DOE will not have to decide on building a second repository until 1995. "It is not prudent to spend hundreds of millions of dollars on site investigation and identification now," Herrington said. Slowing the pace will allow DOE to restructure the program technically and investigate new disposal technologies.

Whatever valid technical reasons there may be for changing the schedule, DOE's announcement on 28 May had an obvious political dimension. Herrington's tone aroused suspicions that eastern states would be let off the hook indefinitely and was read by westerners as a betrayal. DOE now confronts potential delays in both the East and the West. The Administration will have to repair this badly scarred program or propose a new one, just at a time when Congress is least interested in taking up the subject. ■

**ELIOT MARSHALL**