

# Nevada Wins the Nuclear Waste Lottery

*Congress ends the long-running controversy over a reactor fuel dump by sticking a pin in the map at Yucca Mountain*

**I**N a bold stroke in December, Congress took apart a complex plan it created 5 years ago for selecting a national nuclear waste dump and imposed a cheaper, simpler, and riskier solution. Facing an election year and an immediate Christmas deadline, the members stuck a pin in the map at Yucca Mountain, Nevada, and declared the issue closed. Senator Bennett Johnston (D-LA), led the way. When the job was done, he said, "I think it's fair to say we've solved the nuclear waste problem with this legislation."

The new law has been attached to the budget reconciliation bill for 1988. It directs the Department of Energy (DOE) to stop exploratory work at two of three sites already chosen as candidates for a waste repository—Hanford, Washington, and Deaf Smith County, Texas. From now on, the investigation is to focus exclusively on a third site at Yucca Mountain, a desert area of volcanic tuff about 110 miles from Las Vegas. It will become the national burial ground for all spent reactor fuel, unless researchers find in the next 5 to 7 years that it is not environmentally fit. If the Nevada site fails to measure up, the secretary of energy is directed to return to Congress for further instructions.

Even veterans of the nuclear waste brawl were surprised by the speed with which Congress acted. "Nobody thought it could be done this quickly, except Bennett Johnston," says Keiki Kehoe of the Environmental Policy Institute.

Johnston and Senator James McClure (R-ID) introduced a plan for speeding up the site-selection process on 10 July and held hearings in the late summer. The bill did not single out Nevada by name, but left it to the secretary of energy to choose the best qualified site by January 1989, based on available data. Johnston insists that the goal was not to tag Nevada, but to accelerate the process and cut costs by an estimated \$3.9 billion. His staff also points out that the environmental standards of the old law are retained.

The critics see it differently. Brooks Yeager of the Sierra Club argues that Johnston's "game of musical chairs" created a powerful dynamic, in which states started

bargaining to be excused early. Yeager says that Johnston "encouraged" the idea that Nevada would be drafted as the only repository state and began to solicit support on that basis. Many eastern states were assured that they would be protected by a section that defers a second repository indefinitely. That let a large group off the hook. In the end, the only states with something to worry about were Texas, Washington, and the eastern states that might become the home for a waste repackaging and transfer center called the Monitored Retrievable Storage (MRS) facility, slated to be built in Oak Ridge, Tennessee.

The music stopped on 17 December, as conferees from the House and Senate met to bargain. The House side had refused to accept construction of an MRS, and until the last moment, sought a moratorium on all repository site preparation. According to a Senate staffer, the House suddenly proposed that Yucca Mountain be named as the one and only candidate site. The Senate side was stunned. An aide says: "It took us about a day to realize it, but once they had picked Nevada, it was inevitable that they would have to agree with us on the major provisions of the bill."

Although Johnston never singled out Ne-



**Bennett Johnston:** "We've solved the nuclear waste problem with this legislation."

vada, his legislation had two provisions that effectively dropped Texas and Washington to second and third place. These new requirements were that the cost of developing the site be taken into account (the Washington site is far more expensive), and that the choice be made within a year (DOE has more data on Nevada than Texas). Furthermore, because Johnston was able to attach his plan to a money bill that includes pork-barrel projects, it was difficult to drum up opposition. The House side claims virtue at least in being "open and honest" about tagging Nevada.

In return, the House demanded and got a number of restrictions on the development of a retrievable storage facility. The bill requires DOE to reexamine and recertify the need for an MRS in a report to be submitted by June 1989. Even if the need is confirmed, site selection will begin from scratch and in practice no site will be chosen before 1994. Construction of the MRS cannot begin until after the repository has been fully characterized. The MRS may not accept fuel until after construction of the repository has begun. And if the repository program hits a snag, work on the MRS is to stop as well. The law imposes a capacity limit of 10,000 metric tons of spent fuel until the Nevada repository opens, and after that, a limit of 15,000 tons.

In Johnston's original plan, some of the money saved by canceling exploratory work on two of the sites was to be spent on "incentives" or federal grants to the states that get the nuclear waste. At the insistence of House negotiators, these rewards were sharply reduced. The host of the repository will now receive \$20 million a year (not \$100 million), and the MRS host will get \$10 million (not \$50 million). In addition, the law promises that Nevada will get "special consideration" in requests for siting research grants. Johnston's initial idea was to locate the Superconducting Super Collider in the state that accepted nuclear waste. Now that its funding has been cut, a staffer says, "The good news is, you get the Super Collider; the bad news is, there isn't one."

The preliminary reading of the legal impact of the new law is that the dozens of suits that have been brought against the DOE's nuclear waste program will be moot. The one exception, says Yeager of the Sierra Club, may be a suit that attacks the validity of DOE's environmental guidelines for qualifying a site. Supporters of the bill agree with critics that the decision to bet everything on one site is risky. "It's a roll of the dice with Yucca Mountain," says one aide. "We have reason to believe it will work out, but if it doesn't . . . man, we're in trouble." ■ **ELIOT MARSHALL**