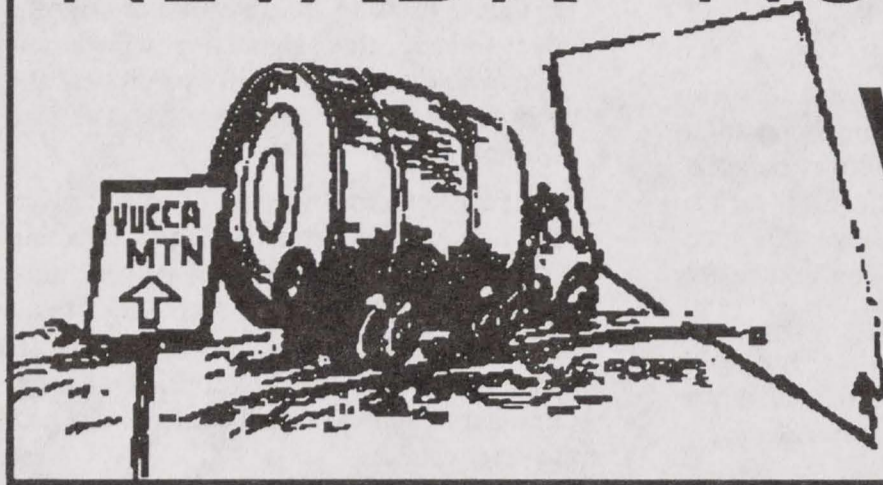


NEVADA NUCLEAR



WASTE NEWS

CALENDAR

- Jan. 23 Clark County Nuclear Waste Steering Committee
1:30 p.m. Henderson City Hall Planning Department
- Jan. 25 Nevadans Against Nuclear Dumping
7 p.m. Univ. of Nevada, Reno Jot Travis Student Union
- Mid-Jan. Release of NDOT nuclear waste routing plan for 45-day public review and comment
(See related story on back page)

Vol. 1 No. 2

January 1990

Miller and Bryan Blast Yucca Mtn Plan

Governor Bob Miller and Sen. Richard Bryan lashed out at the Department of Energy's Yucca Mountain nuclear waste dump plans at a Nevada Commission on Nuclear Projects meeting Dec. 15, in Las Vegas.

Miller said the DOE's program has been "obscene political manipulation from the very beginning," and branded the DOE's restructuring efforts (see December newsletter) as the "latest evidence of deeply rooted flaws" in the program.

Miller said Secretary of Energy James Watkins has admitted the DOE's technical program has been based on misperceptions. "This technical sow's ear cannot be turned into a political silk purse," said Miller.

DOE Land Withdrawal Request Draws Comment

More than 200 Nevadans attended public meetings Dec. 18-19 to comment on the U.S. Department of Energy's request to withdraw 4,300 acres of public land around Yucca Mountain.

Nearly all the testimony at the Bureau of Land Management hearing opposed the land withdrawal. "We see this land withdrawal as one more step towards forcing Nevadans to accept a repository at Yucca Mountain without our state's consent," said Judy Treichel, Executive Director of the Nevada Nevada Waste Task Force. Representatives from mining, environmental, and Native American groups also asked the BLM to deny the application.

The Nevada Nuclear Waste Project Office vigorously protested the DOE's request to transfer multiple use public land to DOE's exclusive jurisdiction. Speaking at the public meetings in Reno and Henderson were Robert Loux, executive director of the NNWPO, and deputy attorney general Harry Swainston.

(Cont'd on back page)

He pointed out the DOE has missed every deadline in the program, and couldn't perform any work at Yucca Mountain even if it had all the necessary State permits. The DOE has threatened to sue Nevada in January for several environmental permits.

Miller said it had been nine months since hundreds of Nevadans testified at public hearings on the DOE's site characterization plan, but "there has yet to be any response to their comments or questions."

The Governor also said he has never received a response to a Nov. 14 letter he sent to Watkins outlining formidable technical flaws at Yucca Mountain, which should disqualify the site under the DOE's own guidelines.

And he said Nevada was never consulted on the DOE's restructuring plan, saying the DOE chose to release it instead at a nuclear industry forum in San Francisco.

Carl Gertz, the DOE's Yucca Mountain project manager, said the release of the restructuring plan "was a decision of the Secretary's office and I can't put words in his mouth."

Commission chairman and former Gov. Grant Sawyer told Gertz, "We would hope that he (Watkins) would communicate to us what the hell was going on."

Of the restructuring plan, Miller said, "The formula for failure remains intact. Only the schedule has changed."

Miller said the Nevadans would continue to fight "until the DOE is DOA at Yucca Mountain."

Sen. Bryan said Nevadans' opposition to the dump has intensified over the years, adding that national media attention has focused on the DOE's bungling at Yucca Mountain and other sites across the country.

Bryan, however, warned the commissioners that he feared the Congress may try to saddle Nevada with a temporary, monitored retrievable storage facility, even though it is illegal under federal law.

Bryan said he will introduce incentive legislation for the nuclear power industry to store waste in dry casks at reactor sites, while they search for permanent disposal options.

McKay Takes DOE to Court

Attorney General Brian McKay filed a lawsuit on Dec. 27 against Energy Secretary James Watkins, charging that continuing to target Yucca Mountain for high-level nuclear waste disposal is a violation of the federal Nuclear Waste Policy Act.

Filed in San Francisco, in the Ninth Circuit Court of Appeals, the suit seeks a court ruling that the Nevada Legislature's 1989 adoption, and Gov. Miller's signature of AJR 4 and AJR 6, opposing a repository and refusing consent for a withdrawal of public land at Yucca Mountain stand as a valid Notice of Disapproval under the federal waste law. McKay, in a November opinion, stated since Congress did not override the notice, the site is effectively vetoed, as required by law.

The suit also charges Watkins has ignored technical factors which should result in the site's disqualification under the Department of Energy's dump siting rules, and seeks a court order to halt further DOE work at Yucca Mountain.

Meanwhile, DOE announced last month that it will take Nevada to court, in January, to gain State permits needed to conduct its planned work at Yucca Mountain. The State, claiming the validity of the site veto, declined to act on DOE's permit applications, and returned them and the application fees to DOE on Dec. 26. Having filed this suit in the Ninth Circuit Court, the State contends it must be resolved before any court can rule on the permit issue.

Statewide Nuclear Poll

MOST NEVADANS SAY STOP DOE AT YUCCA MOUNTAIN

Nearly 80 percent of all Nevadans believe the State of Nevada should do all it can to stop the DOE's planned Yucca Mountain repository, according to a survey released Dec. 15 by Governor Bob Miller.

Miller revealed the figures at a Nevada Commission on Nuclear Projects meeting in Las Vegas, and said he is "more confident than ever that a Yucca Mountain nuclear waste dump is not in our future."

Miller said the DOE has asked Nevadans to "relax in the face of the inevitable," but added that "Nevadans will do everything but relax" in fighting the proposed dump.

LAND MEETING *(Cont'd from front page)*

Loux said the DOE's withdrawal plan "not only seeks to bend federal laws to its own current purposes, but it then seeks to have the Congress and federal agencies of authority ratify its transgressions." He added the DOE application was "an obvious attempt to circumvent the need for congressional authorization," which would have to include State consent.

Swainston said he feared the BLM's director and the Secretary of the Interior would not view the application "in an objective fashion," but instead engage in a "sweetheart deal" that "will be difficult to disguise and even more difficult to defend" in court.

BLM Environmental Specialist Ed Tilzey said both BLM and DOE in Nevada will recommend Congressional review of the withdrawal, but the final decision will be made in Washington, D.C. Legally, there are several options for the withdrawal. Tilzey said a recommendation will be sent to the Secretary of Interior this spring. Secretary Manuel Lujan has the option of ruling on the request or sending the report to Congress for a vote. Congress would then have 90 days to act.

Among the survey's findings:

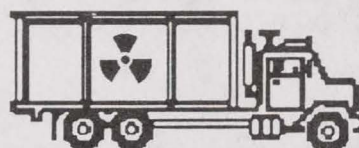
- ❑ When asked to make a choice between (1) stopping the fight against the repository and making a deal, or (2) continuing opposition even if this meant turning down benefits that the federal government might offer, 73.6 percent said they believe the state should continue its opposition and reject any "deal."
- ❑ Some 78.2 percent agreed or strongly agreed that the State of Nevada should do all it can to stop the Yucca Mountain repository.
- ❑ Only 53 percent thought the repository would be built whether the State opposed it or not. This belief in the repository's inevitability is much lower than what was recorded in a 1987 state survey, where it was 89.4 percent.

According to Mountain West, the Las Vegas and Phoenix research firm that conducted the survey for the State, the large decrease

in the inevitability question "is very significant and appears to signal a growing confidence in the State's ability to prevent the repository from being located at Yucca Mountain."

- ❑ When asked how they would vote, if given the opportunity, on accepting or rejecting Yucca Mountain, only 14.4 percent indicated they would vote to accept such a facility, while 69.4 percent indicated opposition, a result remarkably consistent with a number of surveys conducted over the past several years.
- ❑ Almost three-fourths (74 percent) favored a law such as AB 222, passed by the 1989 Nevada Legislature, which outlaws the storage of high-level nuclear waste in the state.

The statewide survey was conducted as part of an ongoing socioeconomic impact assessment study. The margin of error for the entire sample is plus or minus 5 percent.



NUCLEAR WASTE ROUTES

It appears that possible shipments of high-level nuclear waste to Yucca Mountain will be banned from all metropolitan areas of Clark County.

Nevada Department of Transportation officials unveiled potential highway route designations for hazardous and radioactive wastes at a Commission on Nuclear Projects meeting in Las Vegas Dec. 15.

The DOT's analysis, required by state law, governs all routing of waste, including that to Yucca Mountain, if the waste dump is built.

The most likely scenario is for the waste to steer clear of most, if not all, of Las Vegas and Clark County, and move along rural highways throughout the state.

The DOT is expected to conduct public hearings on the proposed routes in the next few months. Citizens interested in the routing studies should contact their local government representatives.

For more information, contact the Nevada Department of Transportation, the Nuclear Waste Project Office, or the Nevada Nuclear Waste Task Force.

The Nevada Nuclear Waste News is prepared for the Nevada Nuclear Waste Project Office by the Nevada Nuclear Waste Task Force, Inc., funded through U.S. DOE grant #DE-FG08-85NV10461

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NEVADA NUCLEAR

WASTE NEWS



CALENDAR

Department of Energy Update Meetings about Yucca Mtn. are scheduled for the following dates and communities. No specific locations have been set yet. Call NNWTF at (702) 878-1885 or 1-800-227-9809 for more information.

March 29 Fallon

April 2 Tonopah

April 3 No. Las Vegas

Vol. 1 No. 3

February 1990

DOE Nuke Suit Draws Political Heat

The Department of Energy filed suit against Nevada Jan. 25 to force the state to allow tests for siting the national high-level nuclear waste dump at Yucca Mountain. The suit, filed in U.S. District Court in Las Vegas, charges Nevada has improperly refused permits to conduct scientific studies at Yucca Mtn.

Energy Secretary James Watkins said, "the State has refused to cooperate, as has been especially evident in the two years of inaction on permit applications which normally take 75 days to process." The suit is the latest exchange in a legal gun battle that has included a rejection of the Yucca Mtn. project by Nevada's Gov. Bob Miller, the State Legislature, and a lawsuit filed by Attorney General Bryan McKay.

The DOE suit drew immediate criticism from Miller, and Nevada Senators Harry Reid and Dick Bryan.

In his Jan. 25 State of the State address, Gov. Miller predicted the Yucca Mtn. project will be fought by Nevada for years in the courts.

"Those of us who live here realize that Nevada is endowed with abundant natural beauty and majesty. We must fight to protect Nevada's environment from becoming what too many outsiders believe it already is — a wasteland. On this front, the battle lines are drawn at Yucca Mountain," he said in his speech.

"No other state has supported and participated in our national defense any more than we

have. But believe me, no other state has ever been more bullied and endangered than we have, as the target of the nation's high-level nuclear waste repository.

"Last month, we saw our first tangible evidence that the resolve and determination of Nevada citizenry is getting through to Washington, D.C. In December the Department of Energy announced it has decided to reevaluate the entire nuclear waste program and the Yucca Mountain project, in particular.

"That same month, the DOE asked the Nuclear Regulatory Commission to relax the safety

standards and requirements for the site selection process. Why did they do this?

"They did it because by existing standards, Yucca Mountain is a square peg being forced into a round hole. Yucca Mountain is not a scientifically suitable site for the repository.

"Thanks to your legislators, we sent a clear message to Congress that Nevada has vetoed the Yucca Mountain project. Due to their lack of formal response, it is our position that the DOE is now DOA at Yucca Mountain. But we must never underestimate the determination of the DOE to strap us with this time bomb."

Bartlett Nomination Questioned

President Bush's nomination of John Bartlett to head the U.S. Department of Energy's nuclear waste program, including the Yucca Mountain project, has drawn a united front of concern from Nevada's top elected officials.

Bartlett's nomination was criticized because of his close ties to the nuclear industry, and past assertions that the siting of the national waste dump at Yucca Mtn. should be made more on "judgment," instead of "meaningless data and unprovable theoretical models."

Sen. Dick Bryan reacted to the Bartlett nomination by asking, "What would Mr. Bartlett recommend instead of science, that we should determine the location of the nuke dump by use of tarot cards and a Ouija board? It is clear that Mr. Bartlett takes his lead from the nuclear power industry." Bryan will be "looking very closely at Mr. Bartlett's ties to the nuclear power industry," according to Bryan spokesman Jim Mulhall.

Senator Reid also expressed disappointment at Bartlett's nomination. "(Energy Secretary) Admiral Watkins has been saying 'trust me' for over a year now, For the second time in two days, DOE has proven that it can't be trusted and that its policies are scientifically bankrupt." Reid was referring to the DOE lawsuit against Nevada filed on Jan. 25.

Reid said, "Yesterday they nominated a man to head the nuclear waste program who wants to rush ahead full speed on the nuke dump, regardless of the scientific consequences, according to published reports.

"Today, they have again ignored their own scientific experts who say the dump is dangerous and instead are about to embark on an expensive court case that's going to waste millions of tax dollars."

In his State of the State address Jan. 25, Gov. Bob Miller said, "There is no question that this process will be tied up in the court system for years." Miller said the DOE has asked for cooperation from the State, but Bartlett's nomination "clearly removes the sheep's clothing from this project."

President Bush nominated Bartlett Jan. 24 to head the Office of Civilian Radioactive Waste Management. Bartlett, 54, has been a consultant to nuclear power clients, including the Edison Electric Institute. He is now a special adviser to Energy Secretary James Watkins. Bartlett has a doctorate in chemical and nuclear engineering

Bartlett will have to be confirmed by the Senate. Sen. Bryan has already said he will question Bartlett's past ties to the nuclear industry.

YUCCA HOTLINE

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STATE CRITICIZES DOE "STORY BOOK"

Citing at least 67 factual errors or misleading statements, the State nuclear waste director last month called for the withdrawal and correction of a 20-page Department of Energy brochure describing the proposed nuclear waste dump in Southern Nevada.

The brochure, entitled "The Yucca Mountain Story," "Is just that — a story," said Bob Loux, executive director of the Nevada Nuclear Waste Project Office. "It's a fantasy full of factual errors and bereft of intellectual honesty. It's another chapter in the DOE's long-standing but unsalable book of science fiction to mislead Nevadans."

In a letter to Carl Gertz, the DOE's Yucca Mountain program manager, Loux noted: "You can hardly expect the public to trust and believe the DOE about its intentions to conduct a scientific program at Yucca Mountain when it cannot produce a factually accurate description of

the project in a publication designed to promote public understanding."

Among the more blatant falsehoods listed by Loux is the brochure's commitment that the DOE will follow "the most stringent standards" for health and safety set by the Nuclear Regulatory Commission and the Environmental Protection Agency.

"This is absolutely untrue," said Loux. "The DOE has continually sought to dilute or relax the existing safety standards for a high-level nuclear waste repository."

He pointed to recent pitches by high-ranking DOE officials to the Nuclear Regulatory Commission for the NRC to revise and tailor its regulations to fit the flaws of Yucca Mountain.

The booklet also boldly states that radioactive waste could not leak from a repository, which is "blatantly false and misleading and

serves as an example of the type of salesmanship reflected in much of the brochure," said Loux.

"In fact, the waste can and probably will leak from a repository," said Loux, "as contemplated by federal standards. The State and the DOE disagree on when that will occur. But they don't want anyone to know about this."

The brochure's claim that there is "no risk" of a reaction or explosion in a shipping cask "is likewise false," said Loux. "It is possible to generate a nuclear reaction if the arrangement in the cask is wrong. While that may be unlikely, DOE cannot say that there is 'no risk.'"

"We have identified errors like this in other DOE publications," Loux said, "but apparently they don't care about the truth or the facts. This can't be what the Secretary of Energy's new culture of openness and honesty in the DOE is all about."

Nevada: New Plan Subverts Safe Rules

The State of Nevada blistered the Department of Energy for "political pressure and unethical tactics" in its recently announced plan to restructure the high-level nuclear waste dump project at Yucca Mountain. The revised DOE plan postpones the dump opening to 2010 and asks for less safe standards, according to the State.

In releasing comments on the restructuring sent to the DOE, Nevada Nuclear Waste Project Office executive director Bob Loux said the essence of the restructuring plan is "a hidden agenda to subvert the safety regulations of the Nuclear Regulatory Commission and Environmental Protection Agency."

Under the federal Nuclear Waste Policy Act, the NRC must license any repository. Yet Loux asserted the DOE is attempting to persuade the

NRC and the EPA to change its licensing rules to fit the inadequacies of Yucca Mountain, thus compromising public health and safety and the environment.

Loux pointed to a Dec. 20, 1989, presentation to the NRC by DOE special assistant Leo Duffy, who told the Commissioners that "in some areas it may be advisable" to make the rules fit the site.

"It's as if the company charged with fixing the San Francisco Bay Bridge after the earthquake rebuilt it below legal standards, then petitioned the state to lower the safety standards so the bridge would comply with the law," said Loux. He said Duffy's presentation "confirms what Nevada has long believed: that Yucca Mountain is not suitable or safe and cannot meet the existing NRC licensing regulations.

"The DOE wants to tailor, through modification, the NRC licensing regulations to the Yucca Mountain site and, in the process, attempt to compromise the independence of the NRC."

Loux said Duffy "compounded this attempted invasion of regulatory objectivity and integrity" by proposing "what amounts to a sweetheart deal by collaborating on revised regulations."

Duffy suggested a "collaborative interaction" among NRC, DOE, other federal agencies and boards, the State of Nevada, and the nuclear industry in "joint development of regulatory criteria."

"This is a continuation of DOE political pressure and other unethical tactics to achieve its predetermined notion of Yucca Mtn's suitability and should not be tolerated," Loux said.

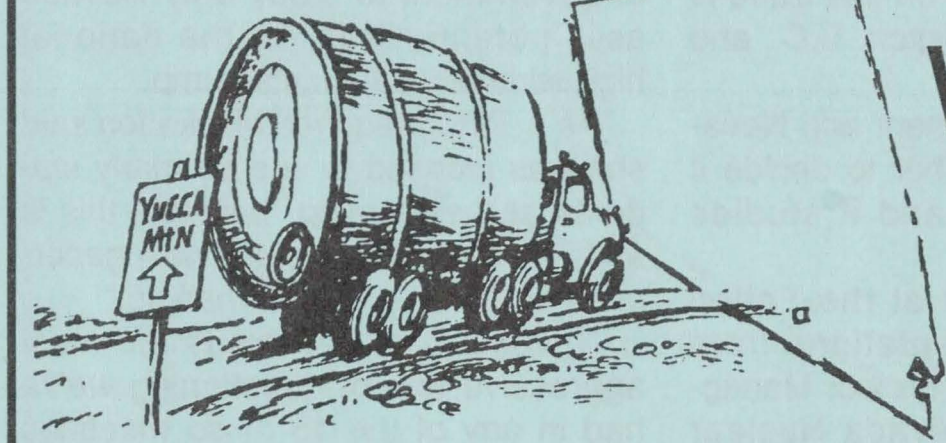
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Nevada Nuclear Waste News



CALENDAR

- April 24-26** Environmental and Public Health Panel of Nuclear Waste Technical Review Board, 8 a.m., Ramada St. Tropez, 455 E. Harmon, L.V.
- April 25** 'Haznuke' Conference, Bristlecone Convention Center, Ely
- April 26** Nevada Commission on Nuclear Projects, 10 a.m., Clark County School District Administrative Offices, 2832 E. Flamingo, L.V.
- May 17** 'Haznuke' Conference, Peppermill Hotel and Casino, Reno

Vol. 1, No. 6

April 1990

Miller slams DOE at nuke convention

"The Department of Energy is not competent to run this nation's hazardous materials disposal program" and Nevadans should not have to pay the price by hosting a scientifically questionable nuclear dump, Governor Bob Miller charged in a speech.

Miller issued the indictment of the DOE April 9 at the International High-Level Radioactive Waste Management Conference, a gathering of about 800 scientists and engineers in Las Vegas sponsored by DOE, the American Society of Civil Engineers, UNLV and the American Nuclear Society.

Charging the conference was "one-sided" and only presenting "DOE's side of this story," Miller listed the federal agency's string of failures, including ground or ground water contamination at 124 of the 127 nuclear facilities DOE manages.

"That's a record to be ashamed of," said Miller, adding that "the disastrous

world of Keystone Cop management" within the DOE was "not on the agenda" of the conference.

"DOE comes in with a biased position and a willingness to take any step necessary to achieve its predetermined goal, safety be damned," the governor said.

Miller said he was "here today to confront you with facts ... with facts that are being swept under the rug." He charged that the conference "is part of a \$250,000 public relations

campaign, and not a true and complete discussion of scientific issues."

The governor suggested that the conference attendees "focus on putting scientific honesty ahead of political expediency" within the DOE, using the failures at the Waste Isolation Pilot Program in New Mexico and Rocky Flats "as your case studies."

"Would you allow someone with a record like that to come into your state?" Miller asked. "No, you would not."

Nuclear industry representatives to address Commission

Representatives of the nuclear power industry will discuss the DOE's Yucca Mountain project at a Nevada Commission on Nuclear Projects meeting April 26 in Las Vegas.

Arjun Makhijani, a former DOE consultant who recently issued a report highly critical of the DOE's ability to

build a high-level nuclear waste dump, also is scheduled to appear.

The Nuclear Waste Project Office will present an update on State oversight of the project to the Commission, which will convene at 10 a.m. in the Clark County Administrative Offices auditorium at 2832 E. Flamingo Road.

Bryan introduces on-site storage legislation

Federal legislation to divert nuclear waste from Yucca Mountain that is "more fair and equitable" to Nevada has been introduced by Sen. Richard Bryan.

The bill, S. 2258, was introduced March 7 to allow nuclear utilities to finance on-site storage of nuclear waste at power plants. "What can be more fair than having the nuclear waste stored at the site?" said Bryan.

"The communities which reap the benefit of nuclear power should also bear the burden."

On-site storage in dry casks is permitted now by the Nuclear Regulatory Commission for up to 100 years. By

authorizing the funding for these casks, Bryan said the Congress could offer a "century-long alternative." The money would come from the existing Nuclear Waste Trust Fund, which is paid into by consumers of nuclear power.

Bryan said as skepticism grows about the viability of Yucca Mountain as a national nuclear dump, this technology gives utilities an alternative for storage of waste.

"It is safe technology; it is fair," said Bryan. "It prevents shipping high-level waste through hundreds of communities, and it is less expensive than building a nuclear dump." No hearing date was set for the bill.

Nevadans object to dump at meetings

Nevadans spoke out against the proposed Yucca Mountain nuclear waste dump at three recent public update meetings staged by the Department of Energy.

The meetings, March 29 in Fallon, April 2 in Tonopah and April 3 in Las Vegas, drew questions about the safety of the dump and Congressionally documented radioactive and hazardous contamination at 124 of the 127 DOE-managed facilities that handle nuclear materials.

"There was basically nothing new that came out of the meetings," said Judy Treichel, executive director of the Nevada Nuclear Waste Task Force.

"Most of the activity on this issue is now focused in Washington, D.C., and in the courts," she said.

The federal government and Nevada have sued each other to decide if the project is legal and if studies should continue.

About 130 people at the Fallon meeting heard presentations from DOE Yucca Mountain Project Manager Carl Gertz and Nevada Nuclear Waste Project Office Executive Director Bob Loux.

Michon Mackedon, a Fallon resident who is a member of the Nevada Commission on Nuclear Projects, said she thought it was unfair for the feder-

al government to study only Nevada as a potential site for the national high-level nuclear waste dump.

As a Fallon teacher, Mackedon said she was pleased to see so many students at the meeting "because this is an issue that will affect the next generation of Nevadans more than us."

"I would say that this is the most aggressive line of questioning we've had in any of the 15 or so meetings we've held," Gertz said after the Fallon session.

The Tonopah meeting drew many people who are familiar with the Nevada Test Site. The audience questioned the validity of some studies done by DOE. One man asked, "If there is nothing new to present, why even have these meetings?"

The Las Vegas meeting drew about 150 people, despite competition that evening with the civic victory celebration for the NCAA national championship UNLV Runnin' Rebels basketball team.

Presidential board to examine issues in Southern Nevada

Environmental, public health and cultural areas related to the proposed Yucca Mountain dump will be examined at a Nuclear Waste Technical Review Board subcommittee meeting in Las Vegas April 24-26.

The presidentially appointed Board's Environmental and Public Health Panel will convene in the Monte Carlo #3 Room at the Ramada St. Tropez, 455 E. Harmon Ave., at 8 a.m. Tuesday, April 24.

Agenda items include presentations by the State of Nevada and Native American representatives and an overview of the DOE's environmental program management.

The next two days the panel is scheduled to tour the Yucca Mountain site, as well as areas in Ash Meadows and Death Valley.

The meeting at the Ramada St. Tropez will be open to the public.

'Haznuke' conferences slated

The Nevada Nuclear Waste Task Force will co-sponsor two conferences on hazardous waste and nuclear waste for Nevada emergency response personnel on April 25 in Ely and May 17 in Reno.

The conferences will gather the state's emergency responders for a dialogue about the "haznuke" issues, including the DOE's proposal to build a high-level nuclear waste dump at Yucca Mountain.

"Rural communities in Nevada will absorb much of the risk when it comes to hazardous and nuclear waste being transported on Nevada highways," said NNWTF conference coordinator Abby Johnson.

"Information about how to handle this potentially dangerous material is not an academic topic for rural fire departments. They are being confronted with hazardous waste accidents now."

Johnson said the Yucca Mountain dump would dramatically increase the number of trucks and trains shipping waste to Nevada.

The primary sponsor for the Ely conference is the Nevada League of Cities. The keynote speaker will be

former Gov. Grant Sawyer, currently chairman of the Nevada Commission on Nuclear Projects.

Ely Mayor Bob Bartlett will open the conference at the Bristlecone Convention Center. Government officials and Dr. Marvin Resnikoff, a nationally recognized expert and author on nuclear issues, will speak.

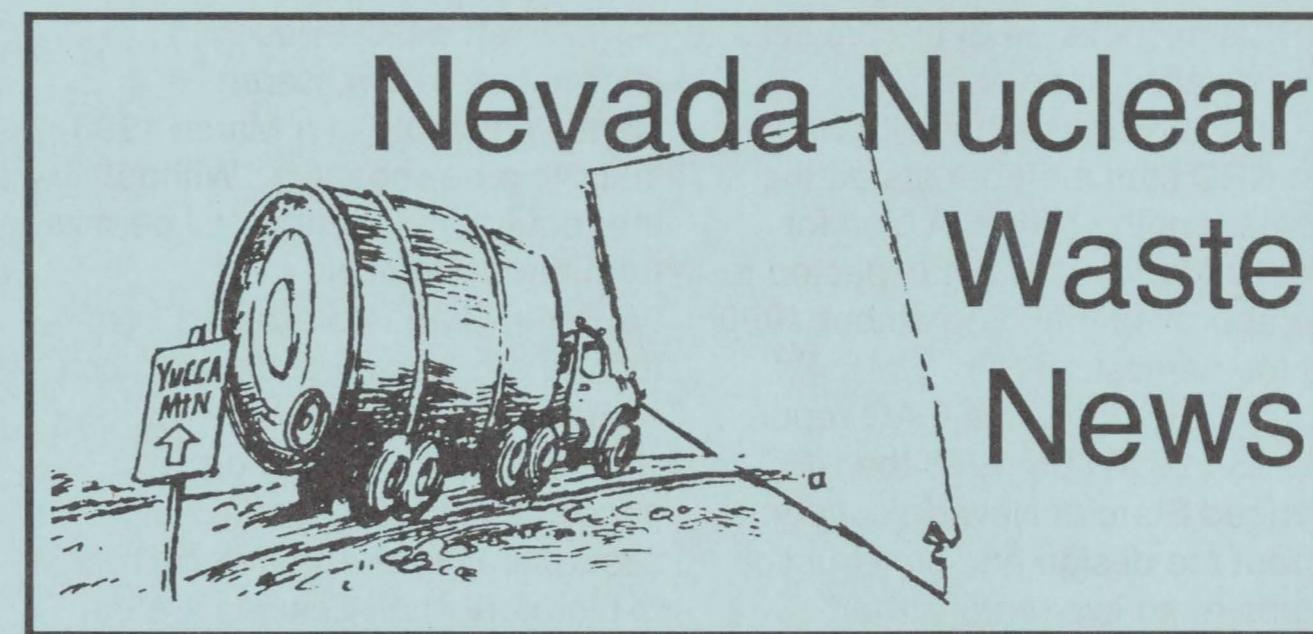
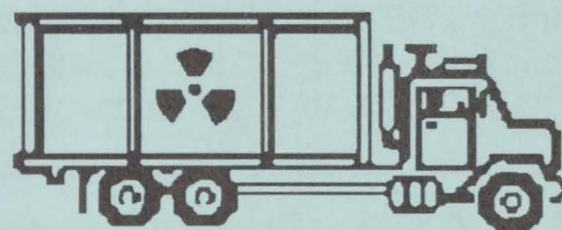
Concerns about increasing hazardous waste and the potential for more nuclear waste shipments also motivated the Reno Firefighters Local 731, IAFF, to schedule a haznuke conference in Reno.

"Our interests lie predominantly with the present and proposed risks of transportation of nuclear and hazardous waste with

respect to its impact on professional firefighters," said Chuck Laking, president of Local 731 and the Federated Firefighters of Nevada, IAFF.

Firefighters from throughout Northern Nevada have been invited to the Reno conference at the Peppermill Hotel and Casino.

For more information call the Nevada Nuclear Waste Task Force at (702) 878-1885, or toll free at 800-227-9809.



YUCCA HOTLINE

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Vol. 1, No. 5

Special Edition

March 1990

The truth, confirmed by the GAO

The following is a message from Robert R. Loux, executive director of the Nevada Nuclear Waste Project Office:

The Department of Energy cannot begin site characterization at Yucca Mountain because of its own institutional inability to conduct precise and correct science, and because of its failure to adequately design and plan construction of an exploratory shaft facility.

This is the view of the U.S. General Accounting Office, the Congress' watchdog over executive programs. A March 2, 1990, GAO report lists those as the *real* reasons -- protestations by the DOE notwithstanding -- why no work has progressed in recent years at Yucca Mountain.

During the first half of 1989, Nevadans heard the familiar refrain from DOE and other dump zealots: "DOE will move dirt at Yucca Mountain this year."

DOE officials were poised to "move dirt" at Yucca Mountain in November 1989 to reinforce their long-held but scientifically questioned concept that the site is suitable to house the nation's first high-level nuclear waste dump.

The 1989 Nevada Legislature, however, objecting to the DOE's slipshod "science" at the site, as well as Congress' heavy-handed political manipulation which attempts to jam the project down Nevada's throat, memorialized the will of Nevadans through two resolutions:

Before the federal government can remove Yucca Mountain's land for a dump, it must receive the consent of the Legislature, and such consent is refused; and the Legislature is expressly opposed to the dump in Nevada.

It was Governor Bob Miller's view, backed by a legal opinion from Attorney General Brian McKay, that these resolutions effectively vetoed Yucca Mountain under provisions of the Nuclear Waste Policy Act. Since Congress did not act to override that veto within the prescribed 90 days, the site was dead. Thus, there was no need for the State to even consider issuing DOE-requested environmental permits for further work at Yucca Mountain.

The November deadline for "moving dirt" passed without a spade of earth being turned at

Yucca Mountain. DOE officials whined to Nevadans, to the press, and to Congress that the State was holding up progress at the site; that all the DOE needed were those permits so it could go out and study whether Yucca Mountain was indeed suitable.

In fact, as late as January 1990 the DOE Yucca Mountain Project Manager, Carl Gertz, said: "We are ready to start new scientific investigation work at Yucca Mountain. Unfortunately, the State of Nevada is preventing this important scientific work from starting by its refusal to issue appropriate permits."

Now, the truth:

Since mid-1989 DOE officials knew they could not "move dirt" at Yucca Mountain by November, regardless of whether the State issued any permits. Yet they persisted in perpetuating, and continue to, the groundless notion that it is all the State's fault.

According to the GAO report, the DOE in 1985 agreed that it would not begin site characterization until it has demonstrated, to the Nuclear Regulatory Commission's satisfaction, that quality assurance programs required by NRC

licensing regulations are in place.

The GAO report confirms that the needed programs are not yet in place.

"DOE's schedule for obtaining NRC's approval has slipped continually," the GAO report states. "In July 1988, for example, DOE anticipated that it would be ready by May 1989 to demonstrate to the NRC that its programs are adequate ... By the July-September 1989 quarter, however, DOE's planned date for obtaining NRC's approval had slipped to Jan. 1, 1990.

"In commenting on DOE's site characterization plan, NRC said that *none* [emphasis added] of DOE's quality assurance programs met NRC's requirements, and it questioned whether DOE would meet the January 1990 goal. ... In November 1989 the DOE once again delayed its scheduled date for demonstrating the readiness of its quality assurance programs."

Yet, listen to Gertz in a February 1990 interview: "... work could begin at Yucca Mountain as soon as DOE receives the appropriate permits from the State of Nevada. DOE has met the other requirements to start new site work. These include ... the

NRC's acceptance of the project's quality assurance plan."

Juxtapose that with what an NRC staff member stated the same month: "The QA plan for Yucca Mountain is not expected to be approved until September 1990 at the earliest."

Secondly, the GAO report states that in July 1988 the NRC echoed State of Nevada concerns about the design and construction plans of an exploratory shaft facility (ESF). According to the report:

"In October 1988 DOE agreed to comply with NRC's quality assurance standards in future design activities and to assess whether earlier [ESF] design work met the standards.

"According to NRC, however, DOE's site characterization plan and [ESF] design assessment report did not consider 11 applicable regulatory requirements.

"In addition, NRC said DOE had not considered adequately 30 of 52 other requirements and may have overlooked key information such as the possibility of a fault near the proposed [exploratory] shaft locations."

Those design criticisms are still unresolved today.

Yet, a DOE public information officer, Karen Randolph, wrote in a March 1990 letter to a newspaper: "Without the required environmental permits from the State of Nevada, however, DOE is precluded from turning one shovel of dirt at Yucca Mountain."

As the GAO report concludes, shoddy quality assurance plans and defective exploratory shaft designs are the two primary reasons why no work has progressed at Yucca Mountain. The State's refusal to issue environmental permits, according to GAO, ranks a distant third.

The DOE is now re-evaluating its plans for seven years of site studies, beginning in January 1991, and has deferred the start of the exploratory shafts until late 1992.

The DOE assumes that it will have corrected the major deficiencies cited by the GAO by that time -- and it will have the State environmental permits necessary to proceed.

If the DOE's first assumption is correct, then the lack of State permits may, in fact, stall the DOE's progress at Yucca Mountain.

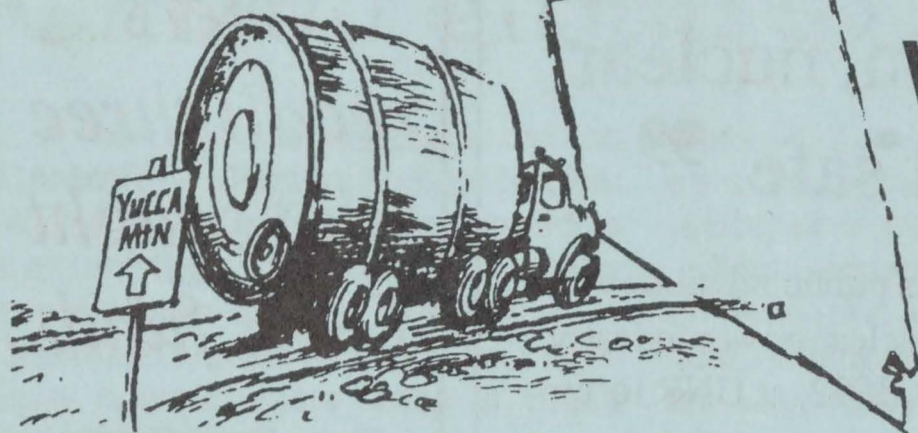
The Nevada Nuclear Waste News is prepared for the Nevada Nuclear Waste Project Office by the Nevada Nuclear Waste Waste Task Force, Inc., funded through U.S. DOE Grant #DE-FG08-85NV10461

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Nevada Nuclear Waste News



CALENDAR

- May 11 Department of Energy update meeting, Pahrump
May 12 DOE update meeting, Las Vegas
May 14 DOE update meeting, Carson City
(Locations and times to be announced by DOE)

Vol. 3, No. 3

April 1992

DOE shortchanges the public again

Once again, the Department of Energy is shortchanging the public in reviewing its proposal for a high-level nuclear waste dump at Yucca Mountain, according to Bob Loux, executive director of the Nevada Nuclear Waste Project Office.

The DOE recently released an early site suitability report prepared by one of its contractors and "invited" public comment, but the document is a final, not draft, version and thus "any comments the public may provide seemingly will have no impact," Loux said.

The report was prepared by contractors on DOE payroll without any public input or oversight of the State office, noted Loux, and DOE itself dis-

claims any "responsibility for the accuracy" by stating "[T]he views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

Yet it was released under the guise of the report "confirming we're on the right track," in the words of DOE's Yucca Mountain project manager.

Loux sent a letter to John Bartlett, director of the DOE's Office of Civilian Radioactive Waste Management, pointing out shortcomings in the process, asking for clarification and whether the DOE's professed interest in public involvement was merely lip service.

"The only opportunity for public participation is a meeting in Chicago in May," said Loux, "and Bartlett will hand-pick for selective input the 'public,' which includes representatives of the nuclear power industry."

"This follows on the heels of the Secretary of Energy's task force which is charged with examining why there is such little public confidence in the DOE. The task force also refuses to hear from the public in Nevada.

"If there's one constant failing that is universally recognized, it's the lack of public participation in DOE's decision-making process," Loux said. "This is another example in a long list of attempts to freeze the public out."

Industry official raps DOE, threatens to pull out

A nuclear power industry official has threatened to stop payments to the Nuclear Waste Fund, which finances the Department of Energy's Yucca Mountain dump project, because the DOE can't do the job.

The information was revealed in a Nuclear Regulatory Commission file memorandum documenting a Feb. 20, 1992, visit between NRC Chairman Ivan Selin and Allen Keesler.

Keesler is the head of Florida Power Corp. and the man who solicited support throughout the nuclear power industry for the Nevada Initiative, the confidential industry plan to brainwash Nevadans, buy off the media, and control the political process of Nevada.

The memo, written by Selin's aide, said Keesler planned to recommend a plan that the industry "stop sending money to the nuclear waste fund in an effort to

focus attention on DOE's lack of timelessness on nuclear waste activities."

Keesler "did not think that DOE could deliver on nuclear waste activities as scheduled," the memo said. "Mr. Keesler indicated that DOE was too large, too bureaucratic, and that the process was too cumbersome."

"Our ratepayers have been sending money to the waste fund for 10 years, and we're no further along than when we started out," Keesler told the *Las Vegas Review-Journal*.

"We have some deep concerns about the availability of a waste disposal location and whether there'll be (a temporary storage site) by 1998."

Keesler said if the industry withholds payments to the congressionally mandated fund, the industry and DOE would square off in court.

Citizens, workers exposed to radiation at DOE plant

Citizens who live near or work at the Department of Energy's Idaho National Engineering Laboratory have been exposed to excessive radiation dosages during the past four decades, according to a recently released government report.

The report, prepared by the Congress' General Accounting Office, said radiation has been released into the atmosphere at least 115 times since the facility opened in 1949 near Idaho Falls.

The six most serious accidents caused three deaths and exposed 25 workers to radiation doses exceeding levels now believed by the federal government to be safe.

Sen. John Glenn of Ohio, who chairs the congressional committee that monitors the federal nuclear weapons complex, questioned why the DOE has never studied all the workers to determine the health risks posed by the plant.

The plant's prime function is to build, test and operate nuclear reactors and support facilities.

Idaho National Engineering Laboratory officials verified the GAO's findings, according to the report.

“No, no, no, no, and I'll say it again, nuclear waste is not safe.”

— Don Williams, Las Vegas public relations man and contractor to the nuclear power industry, March 9, 1992, at UNR forum

How to sell a nuclear dump

Under the headline “Public-Relations Strategy, How to Sell a Nuclear Dump,” the following appeared in the March 1992 issue of *Harper's* magazine:

From “The Nevada Initiative: The Long Term Program: An Overview,” a confidential proposal prepared in September 1991 for the American Nuclear Energy Council, an industry association, by a consultant and an advertising executive under contract to the council. Under the plan, the utilities that own nuclear reactors would contribute to an \$8.7 million campaign to convince Nevadans to support locating the nation's only repository for high-level nuclear waste, the most dangerous category of nuclear waste, at Yucca Mountain, in the Nevada desert. A copy of the plan, which was implemented last fall, was obtained by the Safe Energy Communication Council, an antinuclear group in Washington, D.C.

The most critical priority at hand for the nuclear-energy industry is ensuring that the process of approving the Yucca Mountain site continues to move forward without further slippage. Since 1986 the industry has seen the repository target deadline slide twelve years — to the point where the very future of a national repository is in question.

However, as a result of a stepped-up industry effort during the past year, tangible progress has been made to
(Continued on Back Page)

Clarification

In the March 1992 issue it was stated that munitions are transported through the Walker River Paiute reservation at Shurz to and from the Hawthorne Army Ammunition Plant on the Southern Pacific rail line.

The line is now owned by the Department of Army, not Southern Pacific.

N. Dakota voters recall three who sought DOE funds

Three Grant County, North Dakota, commissioners who sought money from the Department of Energy to study the feasibility of a temporary nuclear dump have been recalled by voters.

The Department of Energy is searching for a 500-acre site to temporarily store discarded fuel rods from nuclear reactors.

The temporary facility would be used to prepare high-level nuclear waste from the nation's commercial nuclear power plants for disposal in a permanent dump.

The DOE is studying only one site at Yucca Mountain as a potential resting place for the high-level nuclear waste.

The recalled county commissioners had said they saw the \$100,000 Energy Department grant as a way to spur the stagnant economy and create jobs.

The grant was awarded in November, and opponents immediately began collecting signatures for a recall election.

The DOE has warded six such grants and another is pending.

The federal government is scheduled to begin receiving waste from commercial nuclear power plants in 1998.

Gaming industry leader serves as chairman

Citizen group to fight nuclear dump

A non-profit citizen group known as CANWIN — Citizens Against Nuclear Waste in Nevada — has formed to battle the nuclear industry's multimillion-dollar campaign to brainwash Nevadans and build a high-level nuclear waste dump at Yucca Mountain.

Gaming industry veteran Phil Bryan, president and chief operating officer of the Sands Hotel & Casino, is the CANWIN chairman of the board. Tom Polikalas is its executive director.

Bryan said the organization was formed to counterbalance the nuclear industry's increasingly intrusive advertising and lobbying.

“The first message we bring to our fellow citizens is that we CANWIN and, in fact, we are already winning the fight against the nuclear utilities,” said Bryan.

“If these utilities truly believed making Nevada the nation's nuclear waste dump was a done deal, they would not be spending vast sums of

money to convince Nevadans to give up our strong and consistent opposition to their scheme.”

Bryan added that the vast majority of Nevadans know a nuclear waste dump in Nevada is bad policy for both the Silver State and the nation as a whole.

It is entirely supported by private donations from individuals and businesses, and hopes to raise up to \$250,000 to help finance anti-dump political activities.

CANWIN's executive director, Tom Polikalas, will handle tactical operations.

“We look forward to going head-to-head against Yucca Mountain proponents at every available opportunity,” said Polikalas. “There is a vast amount of information their advertising conveniently chooses to ignore.”

The nuclear industry would be well-advised to discontinue their efforts, according to Polikalas.

“Nevadans have a successful history of stopping federal boondoggles,” he said.

“CANWIN provides a power vehicle for all of us to take action against this clear threat to our fundamental constitutional rights,” said Bryan.

CANWIN is the only citizen advocacy organization dedicated exclusively to the Yucca Mountain

Also serving on the board of directors are Frank Brusa, Jan Christensen, Laura Fitzsimmons, Marlene Hillard, Ann Lynch, Mary Ann Mele, Steve Padar, Kay Scherer, and Diana Wilson.



CITIZENS AGAINST NUCLEAR WASTE IN NEVADA

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Thomas appointed to commission

Peter Thomas has been appointed by Gov. Bob Miller to the Nevada Commission on Nuclear Projects.

Thomas replaces Jim Cashman, a member of the commission since 1985, whose term expired.

Thomas, 42, is president and chief operating officer of Valley Bank of Nevada. A Las Vegas resident, he is a graduate of Clark High School and the Georgetown University law school, and is a member of the Las Vegas Convention and Visitors Authority and numerous governmental committees and civic organizations.

The seven-member commission advises the governor and Legislature on matters concerning the proposed high-level nuclear waste dump at Yucca Mountain.

Operators reject industry ad plea

Two nuclear power generators have refused to contribute to an industry group's multimillion-dollar campaign to convince Nevadans that they ought to accept a high-level nuclear waste dump at Yucca Mountain.

The Tennessee Valley Authority, which operates nine nuclear power plants in Tennessee and Alabama, and Maine Yankee Atomic Power, which operates one plant, turned down requests from the American Nuclear Energy Council to help fund the controversial Nevada Initiative.

The nuclear power industry group had asked Maine Yankee to contribute \$50,000 and TVA to kick in \$100,374.

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Even after all permits issued

DOE pushes bill to strip state's rights

A water permit, the last of three permits sought by the Department of Energy to study Yucca Mountain, was granted March 2 by the State of Nevada.

The same day DOE officials renewed their call for Congress to strip Nevada of its rights to enforce environmental regulations at Yucca Mountain.

“We've acted in good faith,” Gov. Bob Miller said when the water permit was issued.

“It's about time the federal government does the same.”

The governor asked that DOE push to look at other sites as potential dumps, as it was mandated to do before the “Screw Nevada” bill was passed in 1987, and to end its efforts to preempt Nevada's regulatory authority.

Yet John Bartlett, director of the DOE Office of Civilian Radioactive Waste Management, said he wouldn't consider dropping pending legislation in Congress taking away Nevada's control over environmental permits. Bartlett called the legislation an “insurance policy.”

Carl Gertz, the DOE Yucca Mountain project manager, concurred with his boss.

“I'm not surprised we got more of the same from DOE,” Gov. Miller said after Bartlett's comments, “but I am disappointed.”

“It's obvious that the DOE doesn't care about science. The federal government is more concerned about stripping us of our state's rights and trying to shove poison down our throats.”

“The DOE showed its true colors by refusing to consider to do the right thing: opening the study to more than one site, or pulling their support for a purely punitive congressional proposal.”

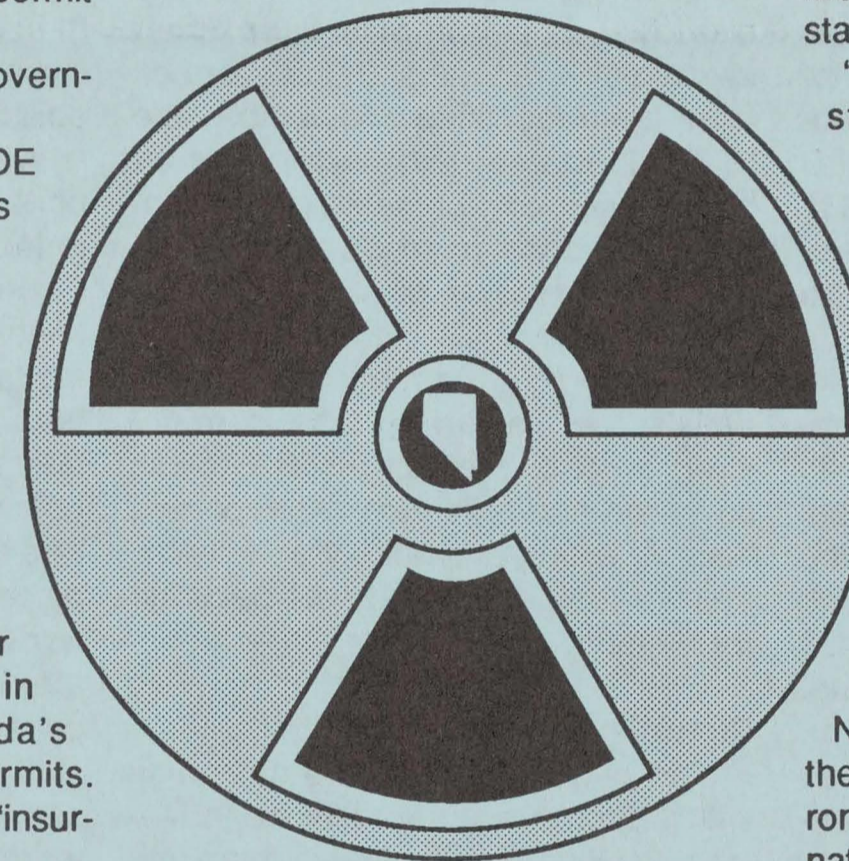
In a March 8 editorial, the Las Vegas *Review-Journal* commented on

DOE's continued call to strip Nevada of its rights:

“In reality, however, this unnecessary congressional proposal represents a calculated effort to punish the state and to perpetuate one of the great DOE myths surrounding Yucca Mountain: the blame for delays always falls on Nevada.”

“That is nonsense.”

The editorial said that if DOE



“hopes to convince Nevadans it has even a smidgen of credibility as it attempts to address that issue, it ought to drop its pursuit of punitive legislation.”

“Any walls the state can erect to obstruct the study of Yucca Mountain pale compared to the towering interior barriers the DOE must first scale.”

On the heels of the state issuing the water permit, the House Energy and Commerce Committee, without discussion, approved legislation March 11 that would allow DOE to bypass Nevada's environmental regulations.

The bill also removes the prohibition against a temporary dump in the same state as a permanent dump, opening the way for Nevada to house both.

Nevada officials immediately expressed their outrage at the commit-

tee passage of the legislation, but noted it has a long way to go before it becomes law. Sen. Richard Bryan promised a filibuster if the bill reaches the Senate floor.

“It's clear that DOE doesn't want any oversight at Yucca Mountain,” said Bob Loux, director of the State Nuclear Waste Project Office.

“DOE wants total self-regulation, to be the judge and jury whether Yucca Mountain meets health and safety standards.”

“And if the site doesn't meet the standards, DOE will just push to change those standards to meet Yucca Mountain.”

“It's the same lack of regulation that DOE has always operated under. Because of this, its mismanagement of the nuclear weapons complex in this country will cost taxpayers \$200 billion to clean up the radioactive contamination it has caused.”

The Las Vegas *Sun* said the legislation “will disenfranchise Nevadans. It would strip them of their power to control their own environment, or to have an effective say in national government.”

“It also makes a laughingstock of DOE's claim that no nuclear waste will be placed in Yucca Mountain until it is deemed to be safe.”

The Reno *Gazette-Journal* said it was “business as usual for the Department of Energy and its cohorts in Washington.”

“They are determined to foist a high-level nuclear waste dump on Nevada and they don't give a damn about how they do it. Due process is not in their vocabulary.”

“Somehow, the Energy Department has convinced a number of members of Congress that it knows best on this issue,” said the *Gazette-Journal* editorial.

“It has convinced them that states' rights don't matter. It has convinced them to keep sticking it to Nevada.”

Defective casks cost DOE \$3 million

The Department of Energy spent \$3.5 million on defective nuclear waste containers and other equipment for use at the Waste Isolation Pilot Plant in New Mexico, according to the General Accounting Office.

In a recently released report the GAO, an investigative arm of the Congress, said the Nuclear Regulatory Commission found the walls on 24 of the casks too thin for use with radioactive materials.

Nevertheless, DOE allowed Westinghouse Electric Corp, the contractor that operates WIPP, to buy the defective containers for \$3 million.

The DOE contractor also spent \$546,000 on 12 unnecessary trailers and \$579,000 on tools which the government may have already owned, the GAO said.

The problems that resulted 'are symptomatic of DOE's long-standing approach to managing its nuclear complex.'

The report said DOE decided to buy the defective containers because the manufacturer's financial condition was shaky and it wanted to rush experiments with radioactive waste at WIPP.

“Ineffective oversight by Westinghouse and DOE contributed to the production of defective containers,” the report said, adding that the rush to build the containers and the problems that resulted “are symptomatic of DOE's long-standing approach to managing its nuclear complex.”

Rep. Mike Synar of Oklahoma, who asked for the report, said this “is a perfect example of what is wrong with the DOE contracting system.”

“The taxpayers end up paying millions of dollars for worthless shipping containers because DOE let the contractors mind the store.”

Last year Leo Duffy, director of DOE's office of environmental restoration and waste management, acknowledged blatant instances of waste.

“We admit that \$50 million was wasted on pondcrete at Rocky Flats,” Duffy said, adding that other problems have cropped up from pouring concrete.

“This is not brain surgery,” he said.

“The inspector general has got us as number one of his list for potential fraud,” said Duffy. “We need all the help we can get.”

Whistle-blowers tell of their nightmares

Two women who filed suit against the operators of the Department of Energy's Rocky Flats nuclear weapons plant claiming they were deliberately contaminated with radioactive material and harassed because they talked to the FBI and a grand jury discussed their stories in Las Vegas and Reno appearances recently.

Jacqueline Brevier and Karen Pitts are former chemical operators and members of the local steel workers union who worked for seven years at the DOE facility, about 18 miles north of Denver, which was the nation's only maker of nuclear triggers for hydrogen bombs.

The plant was raided in June 1989 by FBI and federal EPA agents investigating charges that workers at the plutonium plant dumped poisons in drinking water and radioactive waste was burned in an unsafe incinerator that wasn't supposed to be used. However, in 1987 the operators of the plant received an \$8.6 million bonus for excellent management of the facility.

Brevier and Pitts claim they were threatened, harassed and deliberately exposed to radiation after they questioned procedures and discussed the plant's operations with federal agents and a grand jury investigating allegations of improper and illegal work practices at the plant.

Several days after the raid, they said the manager of plutonium operations told a staff meeting, “Whistle-blowers will be dealt with severely and completely.”

Pitts said the aim of the plant operators was that “the Department of Energy will get what it wants, the place will reopen and everything will be fine and dandy.”

Pitts said there was a “blatant disregard for human life” at Rocky Flats that was “perpetuated by management and DOE,” which she labeled an “agency known for half-truths and blatant lies.”

“The DOE is not capable of staffing a facility that handles nuclear materials,” said the women's attorney, Hartley Alley, who has represented about 10 nuclear materials workers, including some in management.

“The DOE, being fully advised, sat by on their hands” during the campaign of harassment and retaliation against his clients, Alley said.

Brevier kept a diary during her Rocky Flats tenure until she and Pitts were forced to resign last year. Excerpts were printed in the February 1991 *Harper's* magazine.

“I feel I have been beat to death by the neighborhood bully,” said Brevier, “but I just keep standing up. It has made me stronger.”

The U.S. Senate Government Affairs Committee and the Congress' General Accounting Office have documented radioactive and hazardous waste contamination of groundwater, soil and air at 124 of the 127 nuclear facilities managed by the DOE.

PR strategy: How to sell a nuclear dump

(Continued from Page Two)

halt this erosion and keep the program on track. A political beachhead has been established in Nevada: The industry message has been focused, influential Nevadans have been recruited, and a dialogue has been developed with the media. A paid advertising campaign will begin this month.

The Nevada Congressional delegation is under growing pressure to come to the negotiating table to discuss economic benefits related to the repository; Nevada is facing enormous, costly demands for infrastructure improvement, which are out-stripping declining revenues and are leading to forecasts of a revenue shortfall of up to \$360 million as early as 1993.

Notwithstanding these recent successes, much remains to be done to ensure a favorable outcome. By a clear majority of 61 to 35 percent (with 4 percent undecided) the Nevada public at large opposes a repository. In addition to building on its political inroads, the industry must address the major obstacle to ultimate success: public attitudes, particularly as they relate to safety. Political networking, media relations, and one-on-one negotiations will not assuage these fears. Major shifts in public perceptions and attitudes are achievable only through a sustained advertising program aimed at Nevadans.

Another key to changing public attitudes is the utilization of top scientists as spokespeople for the campaign. Scientists can convince the public that nuclear energy is safe. The Department of Energy must be turned into a proactive force by training its scientists to function as an expert in-house accuracy/response team. The last three months have been spent doing this kind of training — and the product is impressive.

To back the in-house scientific response team, a professional media attack/response team will be deployed. Two highly respected investigative reporters and anchormen have been identified and will be able to deal with the working press as peers. The advantage of having sincere, seasoned professionals present the industry's side of stories is obvious.

Coupled with the team of DOE scientists, the media response team will exert a positive effect on free media coverage and attitudes. As reporters become more favorable, they will also start to look at the benefits package for Nevada.

Summary

The ongoing advertising campaign will reduce the number of negative-leaning Nevadans and drive them into the undecided camp, where they will be more receptive to factual informa-

tion. By softening public opposition, the campaign will provide "air cover" for elected officials who wish to discuss benefits. Additionally, the advertising component will act to encourage politicians to be much more cautious in their attacks.

By executing the sustained, multi-faceted initiative recommended in this proposal, the pendulum can swing our way. We project that within twenty-four months Nevadans supporting the repository will be at or near a majority (up from 35 percent today), while a solid majority, about two out of every three voters, will be in favor of allowing a scientific study of the site's suitability.

With the positive movement in the polls and a more informed media that is less susceptible to hyperbole, the anti-repository movement will find fewer and fewer elected officials willing to even sanction their cause, much less give them credibility. Consequently, the opposition will dramatically lose numbers and effectiveness, and the domino effect will fall into place. The end result will be the collapse of the anti-nuclear forces as a majority in Nevada. The state will cease its interventionist attempts to stall the study of the Yucca Mountain site, and the process will move forward without constant Nevada-concocted delays. Checkmate for the anti-nuclear forces.

The Nevada Nuclear Waste News is published by the Nevada Nuclear Waste Project Office and funded through financial assistance provided by the United States Congress

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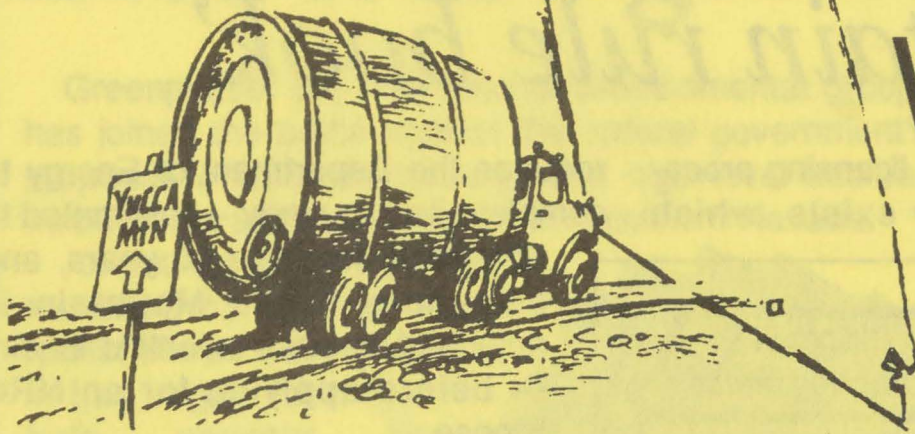
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Reno, NV 89511-7119

July 2 Nevada Commission on Nuclear Projects Meeting, 10 a.m., Las Vegas City Council Chambers

Inside

- DOE shows sudden interest in Nevada Education
- Greenpeace joins nuke dump fight
- Nuclear power executive likes parodies better than industry ads

Nevada Nuclear Waste News



Vol. 3, No. 5

"There is no right way to do a wrong thing"

June 1992

DOE and its contractors want exemptions

Changing rules covering the dump

"It is obvious there is a conspiracy between the Department of Energy and the nuclear power industry to find Yucca Mountain suitable for a radioactive waste dump no matter what the site's conditions, and have it exempted from all health and safety regulations and standards if that's what is necessary to build the dump."

So said Bob Loux, executive director of the Nevada Nuclear Waste Project Office, after the DOE's leading Yucca Mountain contractor admitted the Yucca Mountain site could never be licensed under current federal health and safety regulations as the nation's first high-level nuclear waste dump.

Robby Robertson, president of TRW Environmental Safety Systems, a \$100 million per year contractor for DOE, told the Las Vegas *Review-Journal* that the Yucca Mountain site cannot meet the existing federal licensing requirements.

The *R-J* reported that DOE's solution to this problem is to alter the

regulations rather than walk away from the site.

Loux said Carl Gertz, DOE's Yucca Mountain manager, "maintains in every public meeting that if the site isn't safe, DOE will walk away from it. If the DOE's prime contractor says the site can't meet the regulations, then DOE should walk.

"But the fact that they're not is confirmation of the DOE and nuclear

industry agenda," said Loux. "There will be no objective study of Yucca Mountain. The DOE wants to build a dump at Yucca Mountain no matter what flaws the site has."

Loux said Robertson's comments are "the latest in a whole series of attempts by the DOE, its contractors and the nuclear industry in staging an ongoing, unprecedented assault to soften or weaken Environmental Protection Agency standards for high-level radioactive waste."

The Nuclear Waste Policy Act directs the EPA and the Nuclear Regulatory Commission, which must license any dump, to develop standards and regulations that a site must meet to be licensed as safe. Those standards and regulations have been developed.

The Congress then directed the DOE to investigate sites — and in 1987 a single site, Yucca Mountain — to see if the site would meet the existing regulations and standards.

"The DOE and Robert-
(Continued on Page 2)

DOE seeks waste burial before dump is licensed for safety

The Department of Energy's latest plan is to store high-level nuclear waste at Yucca Mountain by the end of the decade and before the Nuclear Regulatory Commission could license it as safe.

The plan, unveiled by DOE official John Bartlett before a gathering of nuclear power industry executives, drew immediate and severe criticism.

In a May 8 editorial entitled "Regulatory legerdemain," the Las Vegas *Review-Journal* said the maneuver was "Yet another attempt by the Energy Department to rewrite the rule book on Yucca Mountain."

"Apparently it's not enough that the Department of Energy be allowed to study Yucca Mountain as the potential storage site for this nation's nuclear waste," the *R-J* said.

"Now, the DOE wants to place spent fuel out there before experts license the repository."

"In a wonderful example of roundabout logic," the editorial continued, "Bartlett said putting radioactive waste at Yucca Mountain
(Continued on Page Two)

'Yet another attempt to rewrite the Yucca Mountain rule book'

(Continued from Front Page) before the site is licensed as safe may be necessary to prove the safety of the site."

The editorial quoted Bartlett as saying, "The key thing is it would allow us to demonstrate safety aspects sooner."

"Hogwash," the *Review-Journal* said.

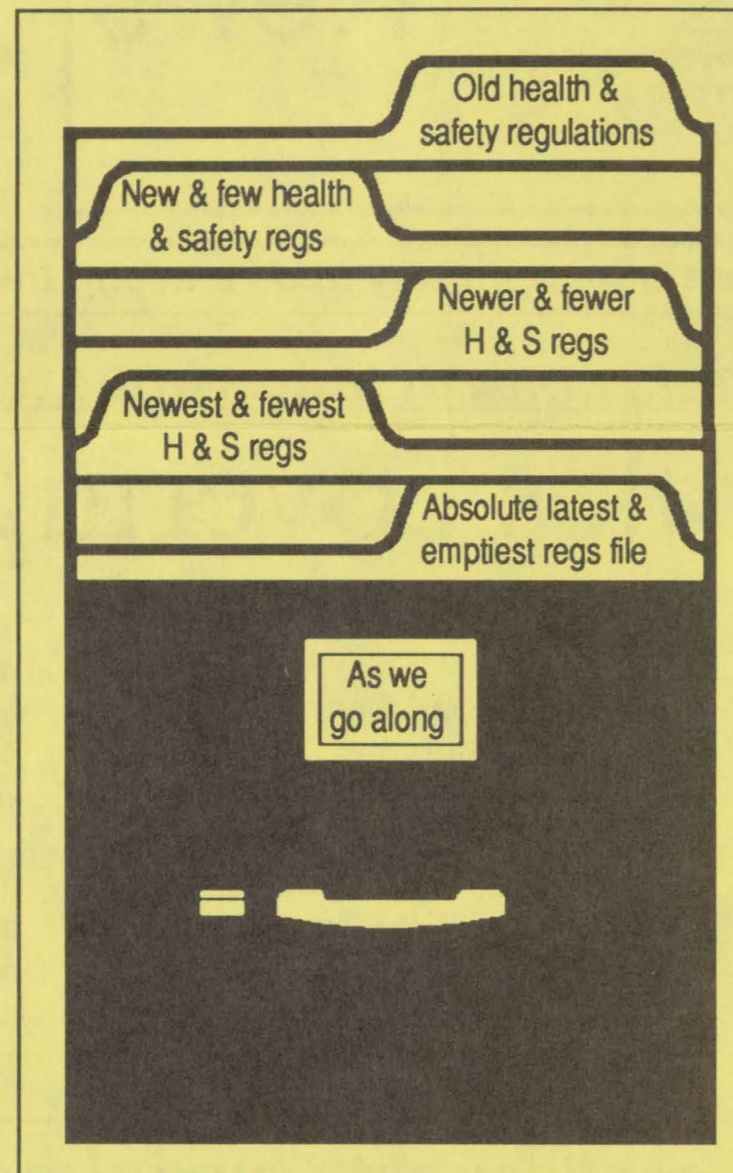
"The 'key thing' is it would allow the DOE and the nuclear power industry to circumvent current regulations and procedures to get a jump on establishing a permanent repository."

"This represents just another example of why the DOE today enjoys all the credibility of a 10-term congressman," said the editorial.

"In its quest to please the nuclear power industry and hurriedly establish a high-level radioactive waste dump, no regulation, no safety standard is immune to meddling. The DOE just makes up the rules as it goes along."

Bartlett said the plan would

mean a different NRC licensing procedure than currently exists, which



requires the Department of Energy to complete its site study — estimated to take from seven to 10 years, and assuming Yucca Mountain is adjudged to pass scientific inquiry — before applying for an NRC license.

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"But I will do everything in my power to make sure that it doesn't happen."

(Continued from Front Page)

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"The DOE ought to quit pretending that there is an objective evaluation going on at Yucca Mountain, disqualify the site and walk away from it without wasting any more money.

"It's outrageous enough that Yucca Mountain was chosen for purely political reasons and that the DOE continues to try to force the dump down our throats when we don't want it," said Loux.

"But now, when it's obvious the site cannot meet the licensing regulations, it is morally reprehensible for the DOE and the nuclear power industry to take the next step and try to water down or totally erase the existing health and safety standards."

DOE, contractors and nuclear industry stage assault against health and safety standards

The nose glows

Greenpeace joins the fight against the nuke waste dump

Greenpeace, the international environmental group, has joined the battle against the federal government's proposal to build the nation's first high-level nuclear waste dump at Yucca Mountain in Southern Nevada.

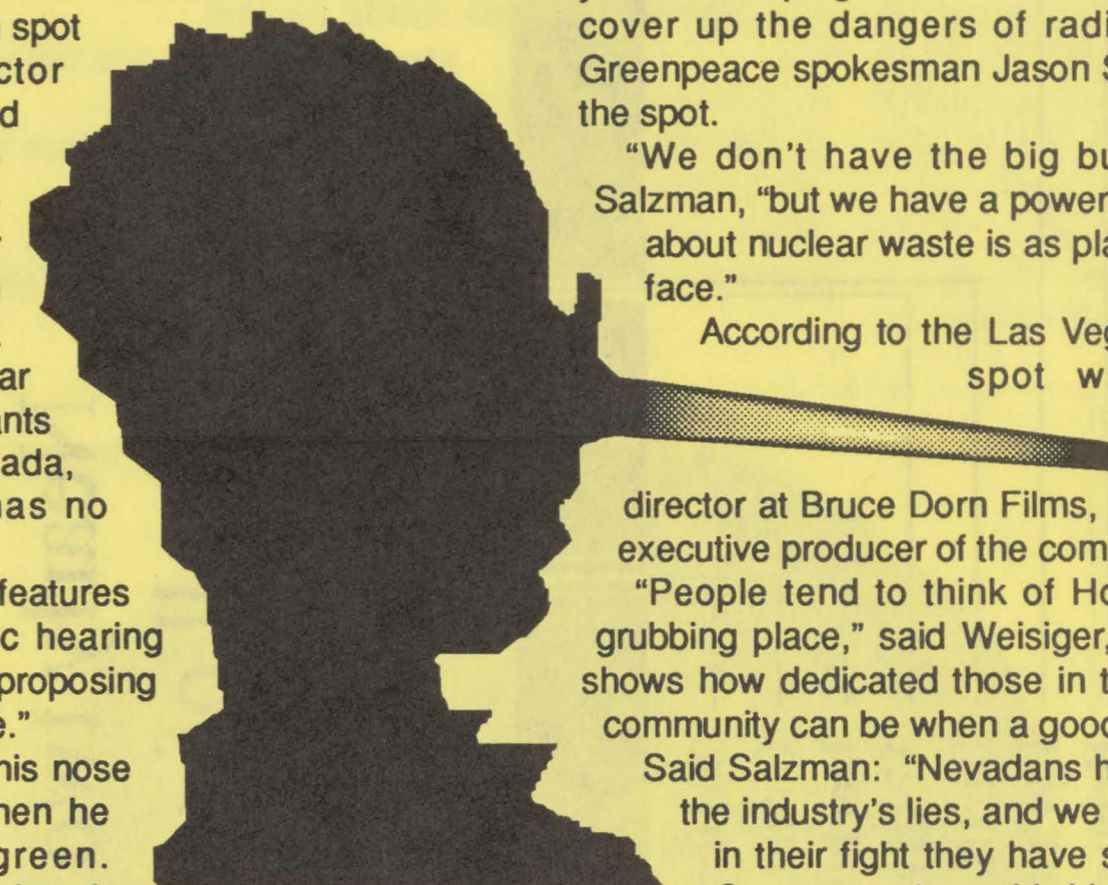
An anti-dump television spot narrated by veteran actor Martin Sheen was unveiled in Las Vegas recently to help counter the multimillion-dollar advertising campaign being waged in Nevada by the commercial nuclear power industry, which wants to bury its waste in Nevada, even though Nevada has no nuclear power plants.

The Greenpeace spot features an official telling a public hearing that a "dump site we are proposing is perfectly safe. Trust me."

As the official speaks, his nose grows like Pinocchio when he told a lie, and glows green. When the man turns his head, his nose knocks over a pitcher of water.

"As for our track record," the official says, "accidents will happen." Then he says, "Clean it up."

In a voice over, actor Sheen says, "The people who tell you nuclear waste is safe are stretching the truth. Nuclear waste: Don't let it happen again, here."



Nuclear power executive likes parodies better than industry ads

A nuclear power industry executive said he prefers parodies by a Las Vegas radio station that mock the industry's multimillion-dollar ad campaign in Nevada.

"I like their ads better than ours," said Rodney Smith at a nuclear power industry conference. "In terms of public opinion, I think they touch the right political buttons."

Ken Johnson and Jim Tofte of KKLZ radio in Las Vegas have spoofed the industry's "Ron Vitto" ads in a series of parodies that have gained wide attention.

TV editorial: Fairness and Yucca Mountain

The following editorial was broadcast April 16, 1992, on KOLO-TV, News Channel 8 in Reno, by Charles S. Alvey, general manager:

If Nevadans want fairness in the selection of a site for a nuclear waste dump, we're apparently going to have to continue to fight for it.

As late as last week our representatives in Congress were once again

having to buttonhole colleagues to kill a proposal to force nuclear waste on our state without our approval.

That plan would have sent the nation's nuclear garbage to Nevada on an interim basis while the fight over a permanent dump continues.

It was a transparent attempt to open the way for the permanent dump and strip the state of its ability to enforce

"Nevadans are being bombarded by a \$3 million per year ad campaign from the nuclear industry that tries to cover up the dangers of radioactive waste," said Greenpeace spokesman Jason Salzman in announcing the spot.

"We don't have the big bucks to spend," said Salzman, "but we have a powerful message: The truth about nuclear waste is as plain as the nose on your face."

According to the Las Vegas *Sun*, the television spot was produced on a volunteer basis by Jim Weisiger, a

director at Bruce Dorn Films, and his wife Joyce, the executive producer of the company.

"People tend to think of Hollywood as a money-grubbing place," said Weisiger, "but an effort like this shows how dedicated those in the film and advertising community can be when a good cause is at stake."

Said Salzman: "Nevadans have refused to listen to the industry's lies, and we want them to know that in their fight they have strong allies throughout Greenpeace's worldwide network of activists — and in Hollywood."

In a Greenpeace statement, Sheen said, "Instead of wasting billions of dollars on environmental disasters like Yucca Mountain, the industry — and our government — should focus on developing energy-efficient technologies and alternative energy sources."

its own environmental laws.

From the beginning, it's been clear, this is a matter of political, not scientific decisions. The federal government's selection process has simply been a fast track plan to place the nuclear dump here and nowhere else.

We can expect, apparently, nothing more than callous arrogance from people who don't know our state and couldn't care less about us and our concerns.

Whatever the eventual outcome of this battle, it's clear that any fairness in this process will be won by Nevadans insisting on their rights over Washington's objections.

'Yet another attempt to rewrite the Yucca Mountain rule book'

(Continued from Front Page) before the site is licensed as safe may be necessary to prove the safety of the site."

The editorial quoted Bartlett as saying, "The key thing is it would allow us to demonstrate safety aspects sooner."

"Hogwash," the *Review-Journal* said.

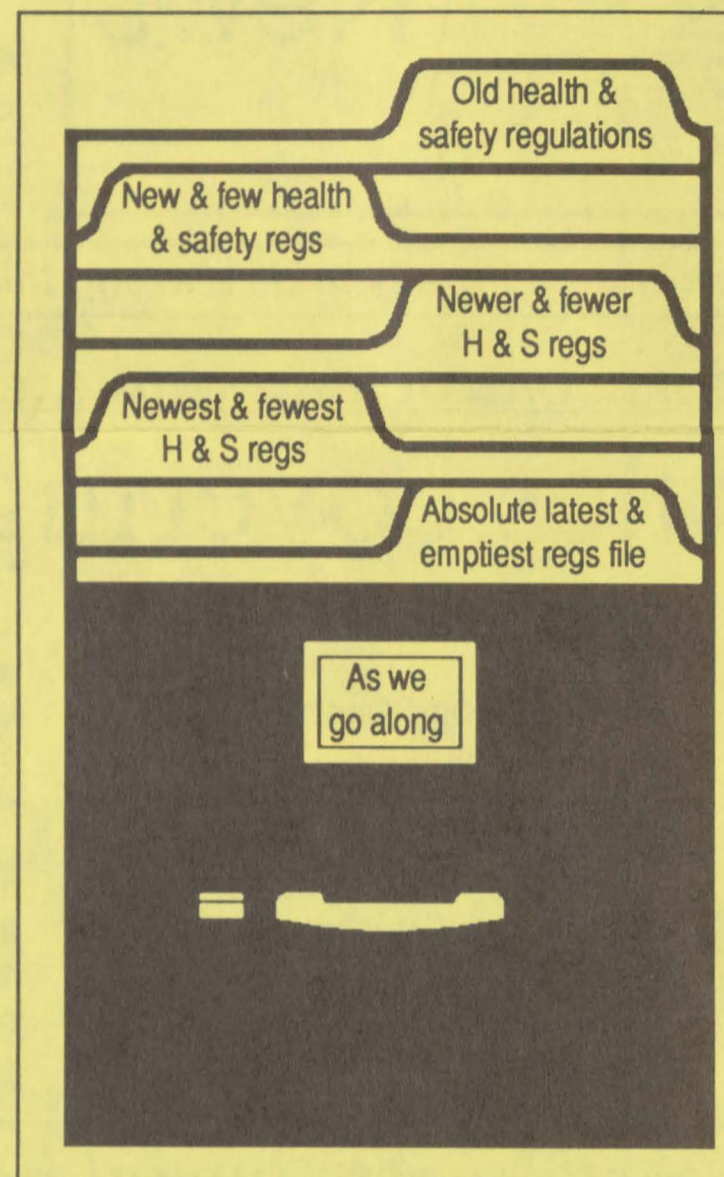
"The 'key thing' is it would allow the DOE and the nuclear power industry to circumvent current regulations and procedures to get a jump on establishing a permanent repository."

"This represents just another example of why the DOE today enjoys all the credibility of a 10-term congressman," said the editorial.

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DOE, contractors and nuclear industry stage assault against health and safety standards

Subtle promotion ...

... of the dump project through Nevada's schools

By Anne Peirce

*"Something there is that does not love a wall,
That sends the frozen ground swell under it,
That wants it down ..."*

— Robert Frost

In 1989, the Nevada Legislature erected a wall against the U.S. Department of Energy's proposed nuclear waste dump at Yucca Mountain with the passage of two resolutions opposing the project and a State law banning high-level radioactive waste storage in Nevada.

As Robert Frost was fond of saying, "Good fences make good neighbors," and Nevada's legislators left no doubt about their intention to keep the fences high and strong between Nevada and the DOE when it comes to the nuclear waste dump.

Or so it seemed.

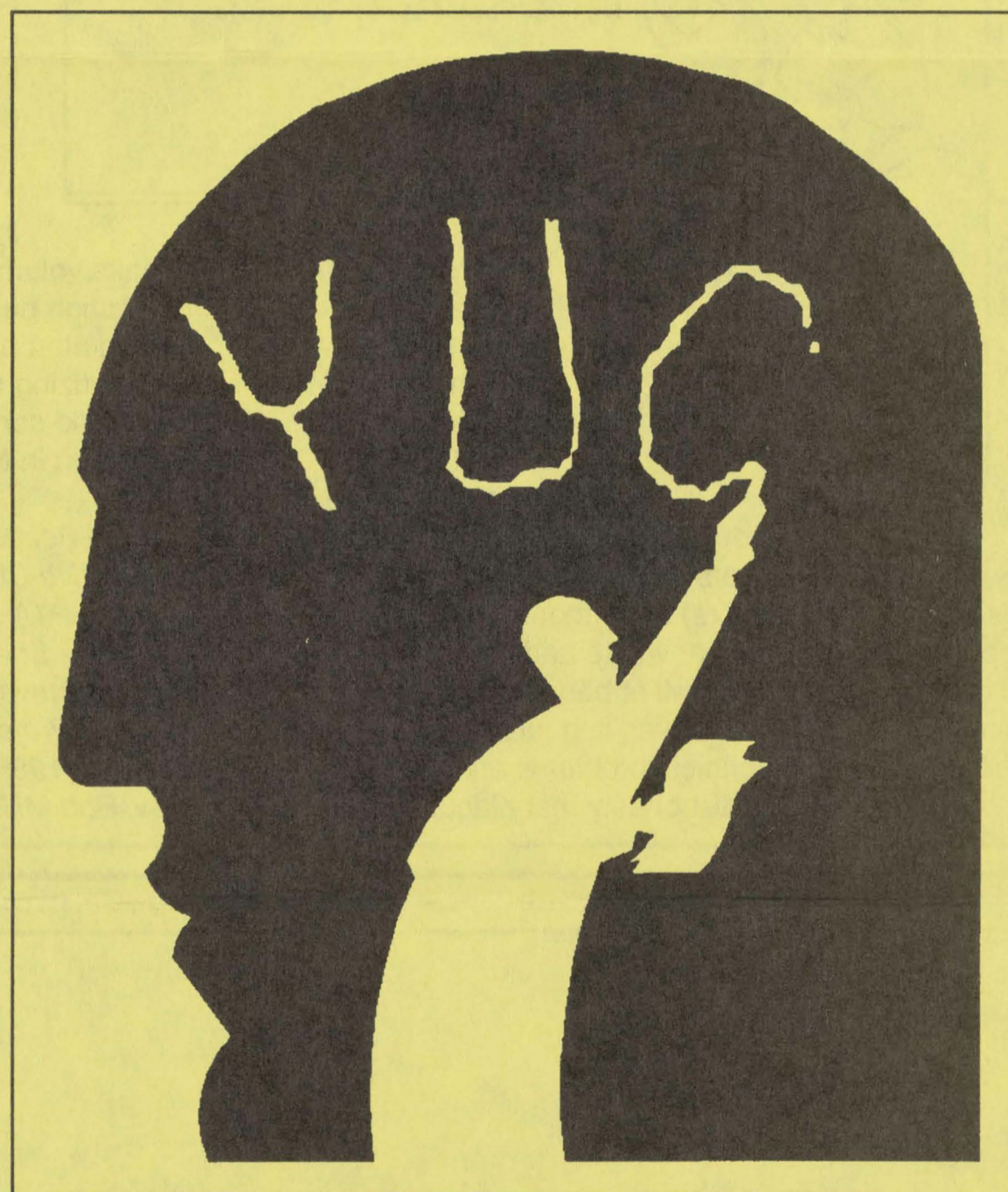
Enter DOE and the U.S. nuclear industry two years later. Quietly, DOE and its pro-repository allies have worked behind the

scenes to chip away at Nevada's resolve on a number of fronts, including attempts to subtly promote the Yucca Mountain nuclear dump project through the State's education system.

DOE has developed course materials for use in the public schools, from grade school through high school, which are being made available to

schools and teachers as science information about nuclear energy and related subjects.

However, this type of "education" is actually part of a larger campaign to change public attitudes about the nuclear waste dump and create a public atmosphere that is more accepting of the project.



Teachers, local parent-teacher organizations and school administrators need to be aware of the public relations objective behind many of the DOE educational initiatives.

In January 1991, Dr. Eugene Paslov, Superintendent of Public Instruction for the State of Nevada, sent a memo to state school boards

urging that administrators and teachers contemplating using material or personnel supplied by DOE treat the subject as a controversial topic and present both sides of the issue.

One thing that has become extraordinarily clear to those of us who have closely followed the Yucca Mountain issue over the years is that science and technology have taken a back seat to politics and public relations in the federal government's attempts to establish a dump in Nevada.

State scientists and researchers, supported by a number of DOE's own scientists, have questioned the ability of Yucca Mountain to safely isolate deadly nuclear materials from people and the environment for the thousands of years necessary.

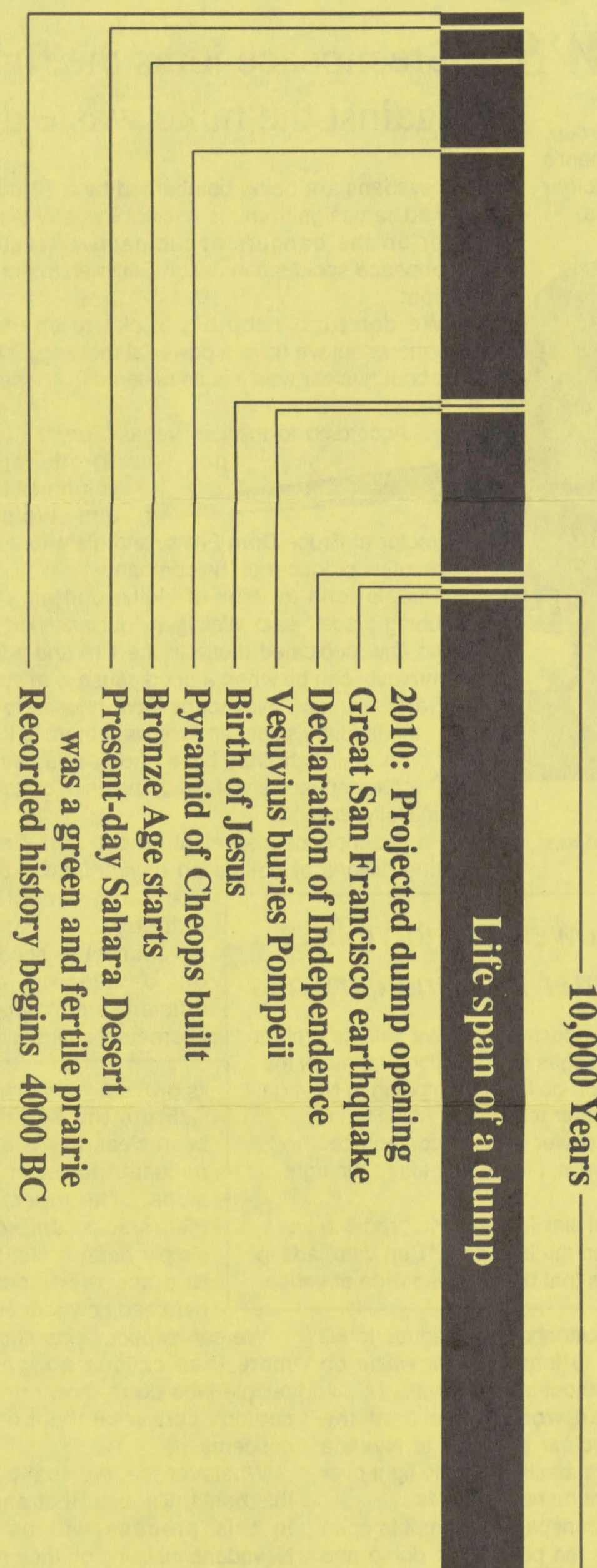
In response to State and public concerns, DOE, with public relations and financial support from the nuclear industry, has begun an intensive sales campaign designed to convince Nevadans (1) that the dump is inevitable and, as a result, the State should stop fighting the project and make a deal now for purported benefits, and (2) that nuclear waste is high tech and good for the State.

The inevitability/benefits argument is based upon the contradictory assumption that monetary recompense can somehow overcome inherent technical and safety flaws in the

(Continued on Back Page)

How long must a dump safely isolate high-level nuclear waste from the environment?

Nearly two times longer than all of recorded history.



In the schools

The DOE shows sudden interest in Nevada education

(Continued from Page Three)
site itself, and that health and safety can be bought and sold.

It also assumes, again erroneously, that the Department has the will or the ability to deliver on promises it makes. DOE's record of adhering to agreements is abysmal.

In New Mexico, for example, DOE promised the state and local communities millions in highway funds and other "compensation" for a defense nuclear waste site located near Carlsbad. Once the state was co-opted by agreeing to benefits, DOE proceeded to abrogate or ignore almost all of the commitments made.

One is compelled to ask why, if the benefits DOE is promising in exchange for a repository are so lucrative, other states and communities are not standing in line for the privilege of hosting the facility.

Perhaps it is the legacy of con-

tamination and environmental degradation (estimated to cost more than \$200 billion to clean up, if it can be cleaned up at all) at more than 120 DOE nuclear facili-

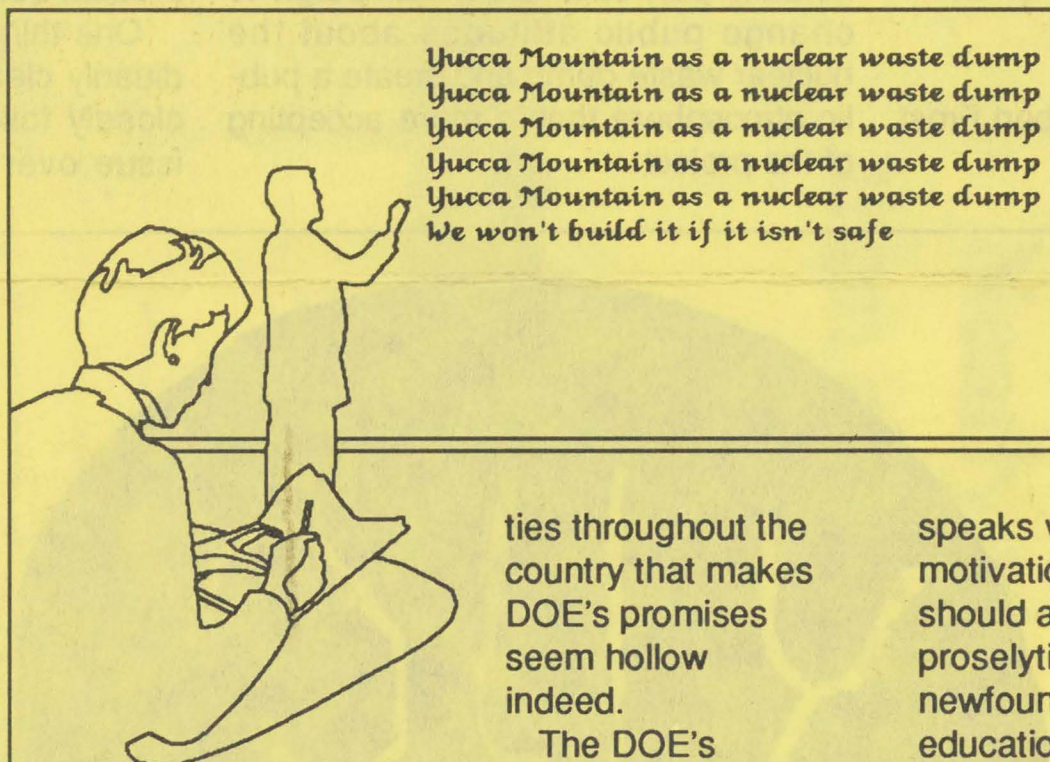
ties throughout the country that makes DOE's promises seem hollow indeed.

ties throughout the country that makes DOE's promises seem hollow indeed. The DOE's education initiative is designed to subtly prepare future voters (and their teachers/administrators) to be more accepting of nuclear waste and more open to the siren call of benefits. However, it ignores the serious technical problems and fundamental dishonesty that plague the DOE program and which are the foundation of State opposition to the project. The Department of Energy and its predecessor agencies have been operating in Nevada for over 40 years. During that time, DOE has shown very little interest in the education of Nevada's children or in helping Nevada's teachers develop "science" curricula.

This sudden move into the State's schools

speaks volumes about the real motivation behind the effort and should alert all concerned to the proselytizing nature of the DOE's newfound concern for science education in Nevada.

Anne Peirce is past State Legislative Chairman of the Nevada PTA and a longtime Reno resident. She was appointed to the State of Nevada Commission on Nuclear Projects by Gov. Richard Bryan in 1985 and reappointed by Gov. Bob Miller.



Yucca Mountain as a nuclear waste dump
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We won't build it if it isn't safe

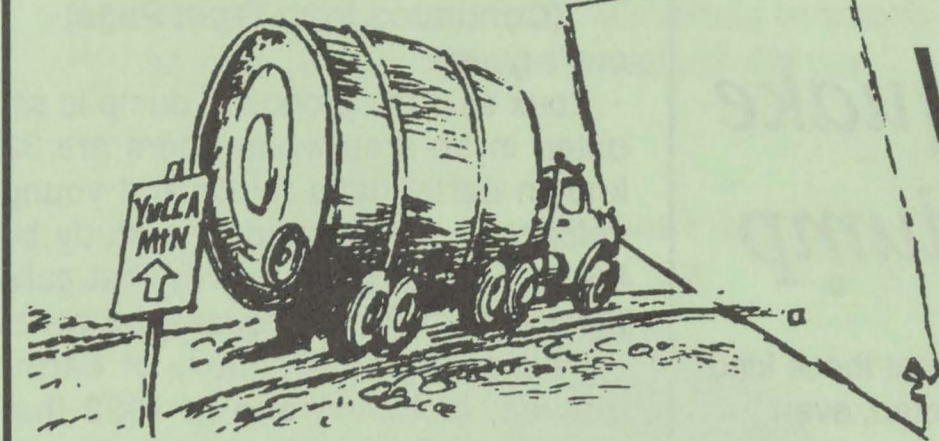
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Nevada Nuclear Waste News



Calendar

Sept. 4 Nevada Commission on Nuclear Projects, 10 a.m., Las Vegas City Council Chambers (*tentative*)

Inside

- Nevada wins victory against stripping State's enforcement rights
- NBC: Quake 'scrambles' dump plans
- Clark County residents think work at Yucca Mountain should cease
- Dump site suitability report criticized

Vol. 3, No. 7

"There is no right way to do a wrong thing"

August 1992

Temblor rattles DOE facilities, program

Earthquake rocks Yucca Mountain

Strong earthquakes in Southern California and Southern Nevada have raised new concerns about the safety of a proposed high-level nuclear waste dump at Yucca Mountain, some 70 miles northwest of Las Vegas.

"People in Nevada literally felt why Yucca Mountain is an unsafe site for the disposal of radioactive nuclear waste," said Robert Loux, executive director of the Nuclear Waste Project Office.

A 5.6 magnitude earthquake struck at 3:14 a.m. June 29 just 12 miles southeast of the mountain along Rock Valley Fault, knocking out windows, cracking walls and downing light and ceiling panels in a field operations center near Yucca Mountain.

Damage to Department of Energy facilities was estimated at \$1 million by DOE officials.

"The question

that now comes up is how big an earthquake and how close does it have to be to disqualify the site," said Carl Johnson, a geologist and administrator of technical programs for the Nuclear Waste Project Office.

"We right now believe we just had that one," Johnson told the Nevada Commission on Nuclear Projects at a July 2 meeting.

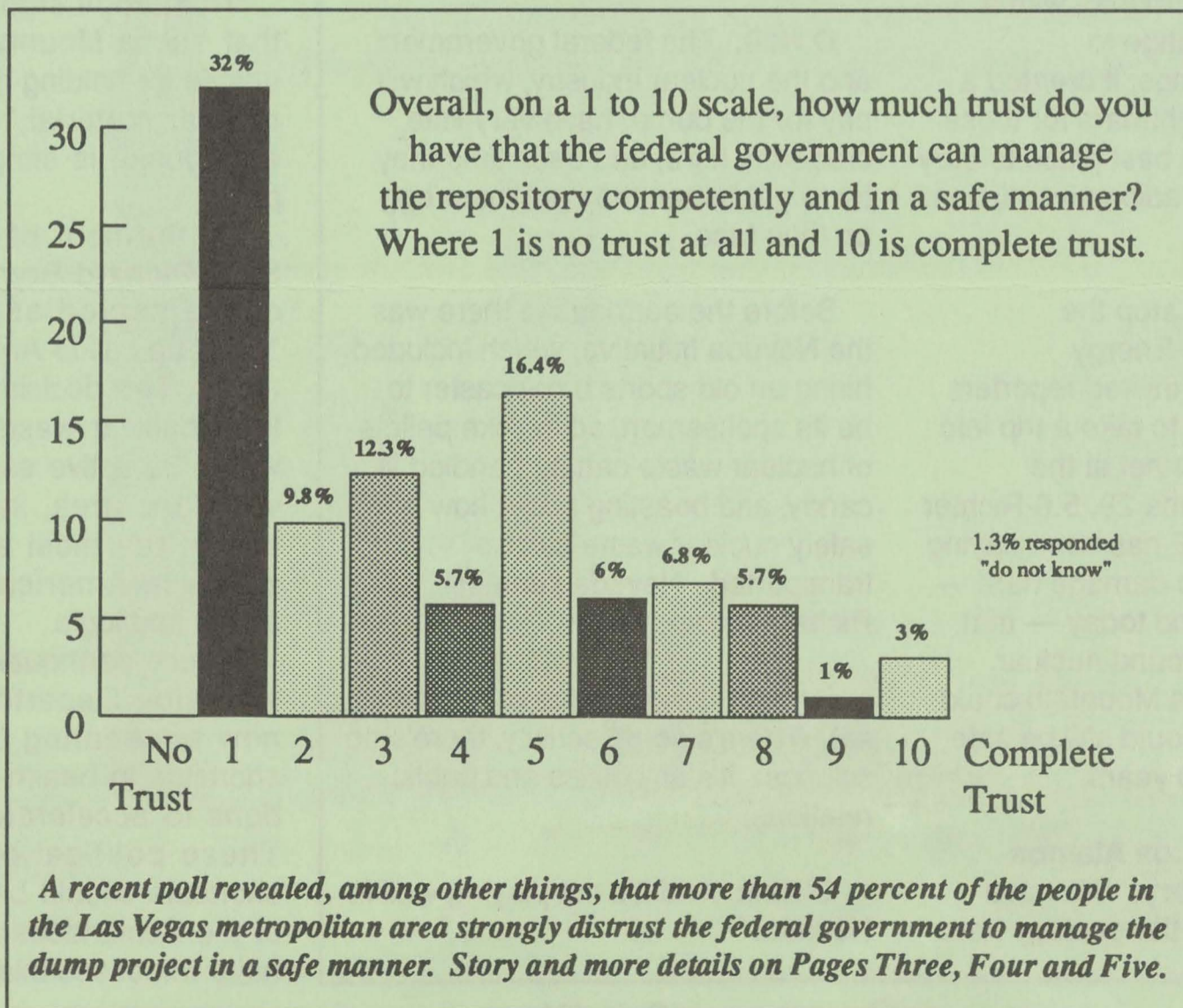
Johnson said if nuclear waste had been stored in the mountain, there would have been "potential for a real disaster."

Yucca Mountain, a 4,800-foot flattop mountain, is about 190 miles north of Yucca Valley, Calif., where a pair of earthquakes measuring 7.4 and 6.5 on the Richter scale struck June 28, causing one death, scores of injuries and millions in damage.

Federal and state geologists said the earthquake near Yucca Mountain was triggered by the earlier quakes in California and occurred on an uncharted fault.

"What does it take for the DOE to understand that Yucca Mountain is not a safe site?" asked Loux. "What if nuclear waste were stored there now? What could have happened is any-

(Continued on Page Two)



NBC Nightly News: Yucca Mountain earthquake 'scrambles' plans for dump

The July 22 NBC Nightly News aired a segment on the DOE's plan to build a high-level nuclear waste dump at Yucca Mountain. This is a transcript of the network report, with the lead-in by anchor Tom Brokaw.

Brokaw: On Assignment Earth tonight — that's our environmental watch — Mother Nature meets nuclear power. Those recent California earthquakes did more than shake up communities and rattle residents. As NBC's Roger O'Neil reports now, they scrambled the government plans for nuclear waste in Nevada.

O'Neil: Scientists have been saying there hasn't been a major earthquake at Yucca Mountain, Nevada, in 10,000 years. So when there was one last month, with a million dollars damage to government buildings, it created a public relations nightmare for those who say this is the best place to bury the nation's most radioactive nuclear waste.

In an attempt to stop the hemorrhaging, the Energy Department today invited reporters and their cameras to take a trip into an underground tunnel at the epicenter of the June 29, 5.6-Richter Scale quake. DOE has been saying since there was no damage here — and none was found today — that means an underground nuclear graveyard at Yucca Mountain could still be built, and would still be safe, for the next 10,000 years.

Bruce Crowe, Los Alamos National Laboratory: We have studied enough of the geology here

that we'd have to say that these kind of events can be expected, even anticipated, and it's very easy to design a repository to resist damage to those kinds of events.

O'Neil: Critics of the nuclear dump, who include most of Nevada's citizens and just about all of its politicians, call that spin control.

Robert Loux, Nevada Agency for Nuclear Projects: It proves our point that DOE is going to be willing to say or do anything to make this thing happen. It reminds me of the old story about the optimist and the pessimist. When you throw the optimist in a room full of horse manure, he's looking for the pony. And I suspect DOE is scrambling to find the pony at Yucca Mountain.

O'Neil: The federal government and the nuclear industry, which will pay for the dump, have very little credibility here, and each time they try to get better, they get more egg on their face.

Before the earthquake there was the Nevada Initiative, which included hiring an old sports broadcaster to be its spokesman, acting like pellets of nuclear waste can be handled like candy, and boasting about how safely nuclear waste can be transported. Nevada senator Richard Bryan:

Bryan: It's indicative of a mind set. There's no objectivity, there's no science. It's all politics and public relations.

O'Neil: And it's not playing well in Nevada.

More on quake

(Continued from Front Page)
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Loux said the proposed dump is situated in an area where there are 32 known earthquake faults and young volcanos. He pointed to a study by the U.S. Geological Survey that calls the area a major earthquake risk zone.

The area has a history of earthquakes, including one in 1932 that registered 7.1 on the Richter scale, the same magnitude as the San Francisco earthquake in 1989.

"Should an earthquake or volcano erupt and damage casks containing nuclear waste, a catastrophic accident could occur," said Loux.

He noted that studies show groundwater under the mountain could well up, flood the facility, and touch off a nuclear accident.

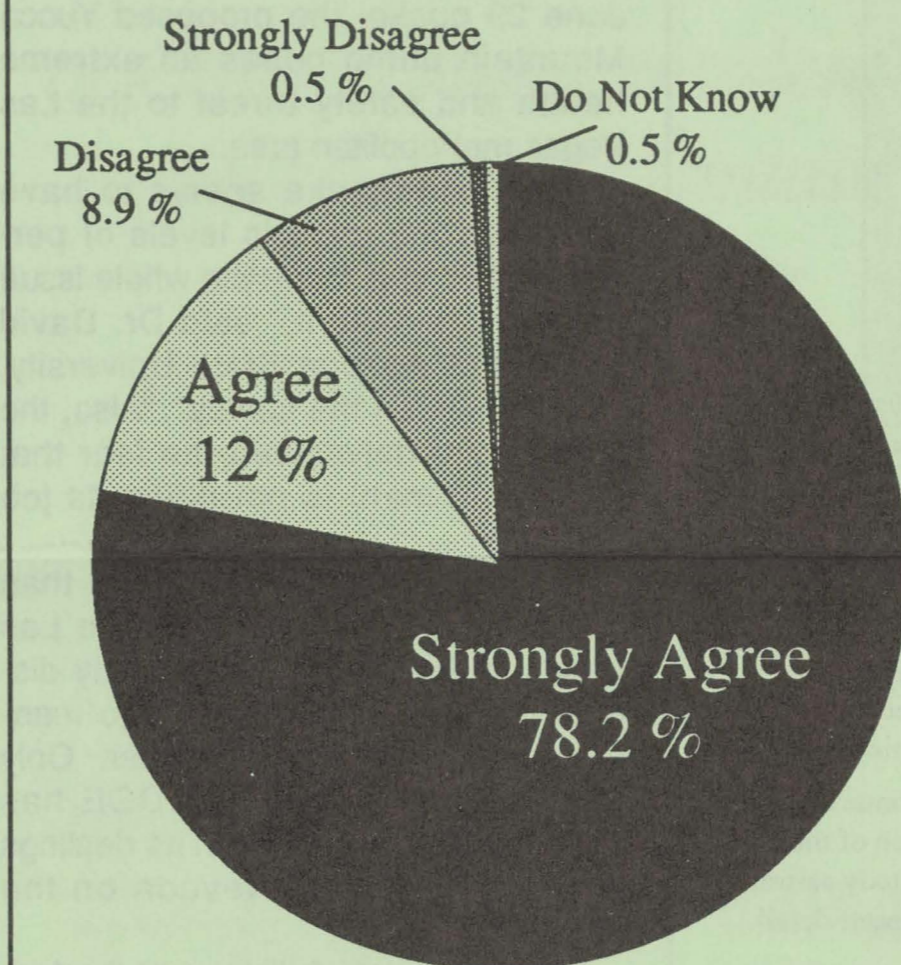
The state of Nevada has battled the federal government over the DOE's proposal to turn Yucca Mountain into the nation's first high-level nuclear waste dump. If the plan proceeds, 77,000 tons of deadly radioactive materials from commercial nuclear power plants will be entombed there for the next 10,000 years.

"Numerous studies have revealed that Yucca Mountain is scientifically unsafe for holding the most dangerous nuclear material," said Loux. "This earthquake is simply another example."

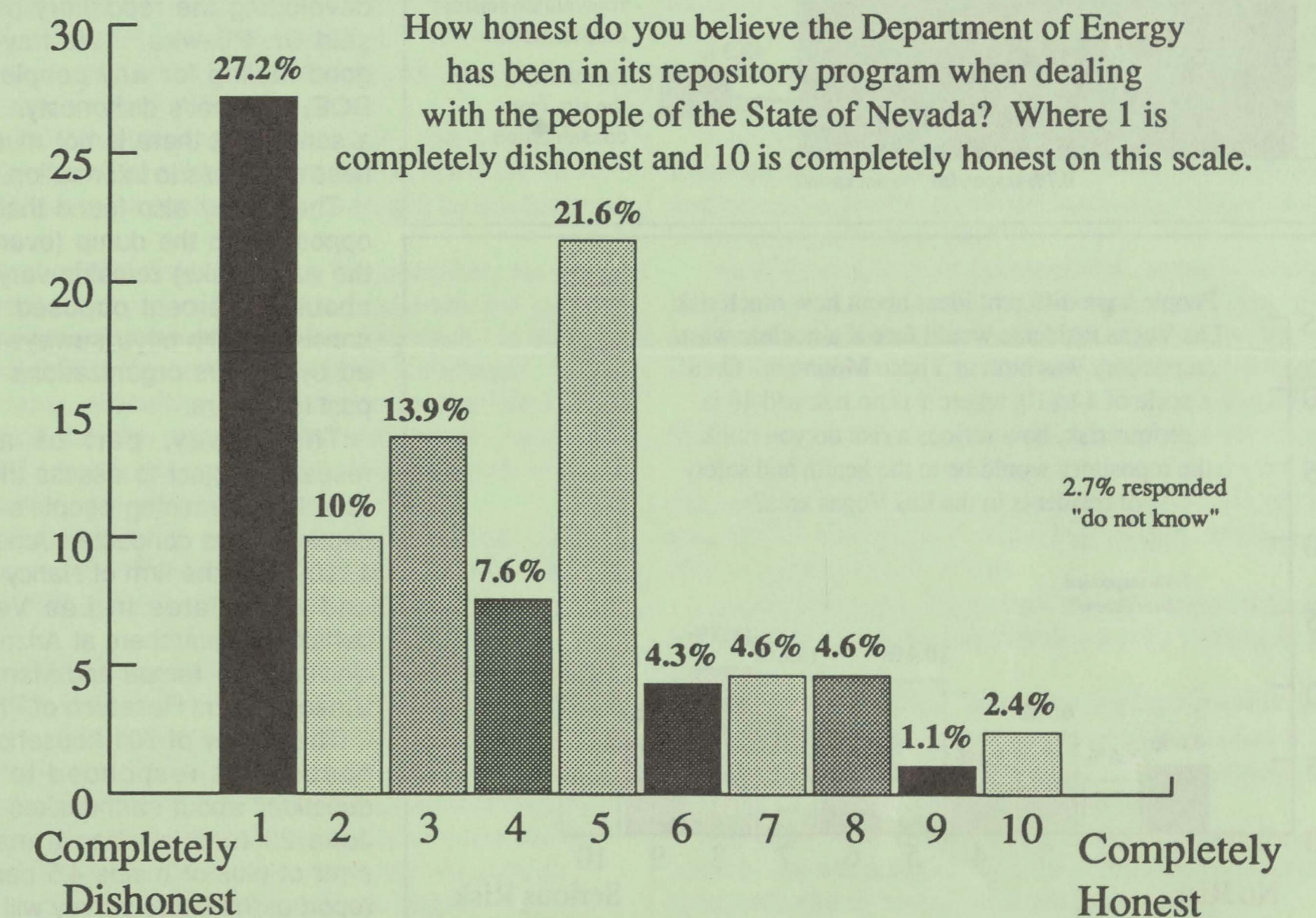
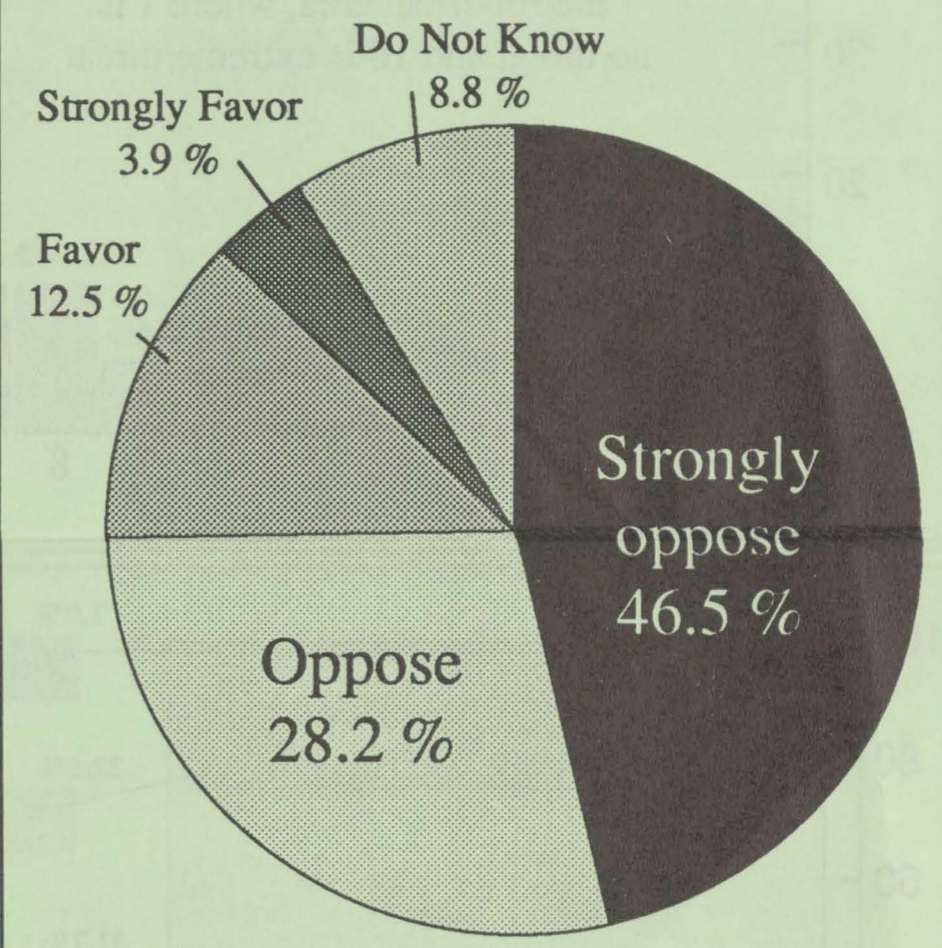
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"These earthquakes come at a time when the Department of Energy is now advocating taking significant shortcuts in health and safety regulations to accelerate the program. ... These political pressures to take shortcuts should be evaluated in light of the tremendous seismic activity we have witnessed this weekend."

If it is discovered that the area around the proposed repository site at Yucca Mountain evidences earthquake activity, do you agree this should be a basis for dropping the site from consideration? Do you ...



At this time, do you personally favor or oppose the siting of the repository in Nevada?



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Poll reveals three-fourths of Clark County residents believe Yucca Mountain work should cease

Concerns about earthquake risk at the planned high-level nuclear waste dump are extremely high following the June 29 temblor that rocked Yucca Mountain and caused \$1 million in damages to Department of Energy support facilities, according to a recent survey of Las Vegas area residents.

When asked what DOE should do as a result of the Yucca Mountain quake, which measured 5.6 on the Richter scale, 74.9 percent of those surveyed thought the site should be immediately dropped from consideration, or that site characterization should cease and seismic considerations re-evaluated.

The survey shows that more than 90 percent of the people in Clark County believe that earthquake activity should disqualify Yucca Mountain as the site for the world's first high-level nuclear waste dump.

(Continued on Page Four)

Yucca site suitability report criticized State: 'Dangerously misleading'

A DOE contractor report affirming the suitability of Yucca Mountain as a nuclear waste dump has been severely criticized as "overly simplistic," "unjustified, and dangerously misleading" regarding the site's ability to safely isolate highly radioactive waste.

The DOE in March released an early site suitability report by one of its contractors in a final, not draft, version, without public comment or oversight by the State of Nevada.

While the DOE disclaimed any "responsibility for the accuracy" of the report, it was released under the guise of the report "confirming we're on the right track," in the words of DOE's Yucca Mountain project manager.

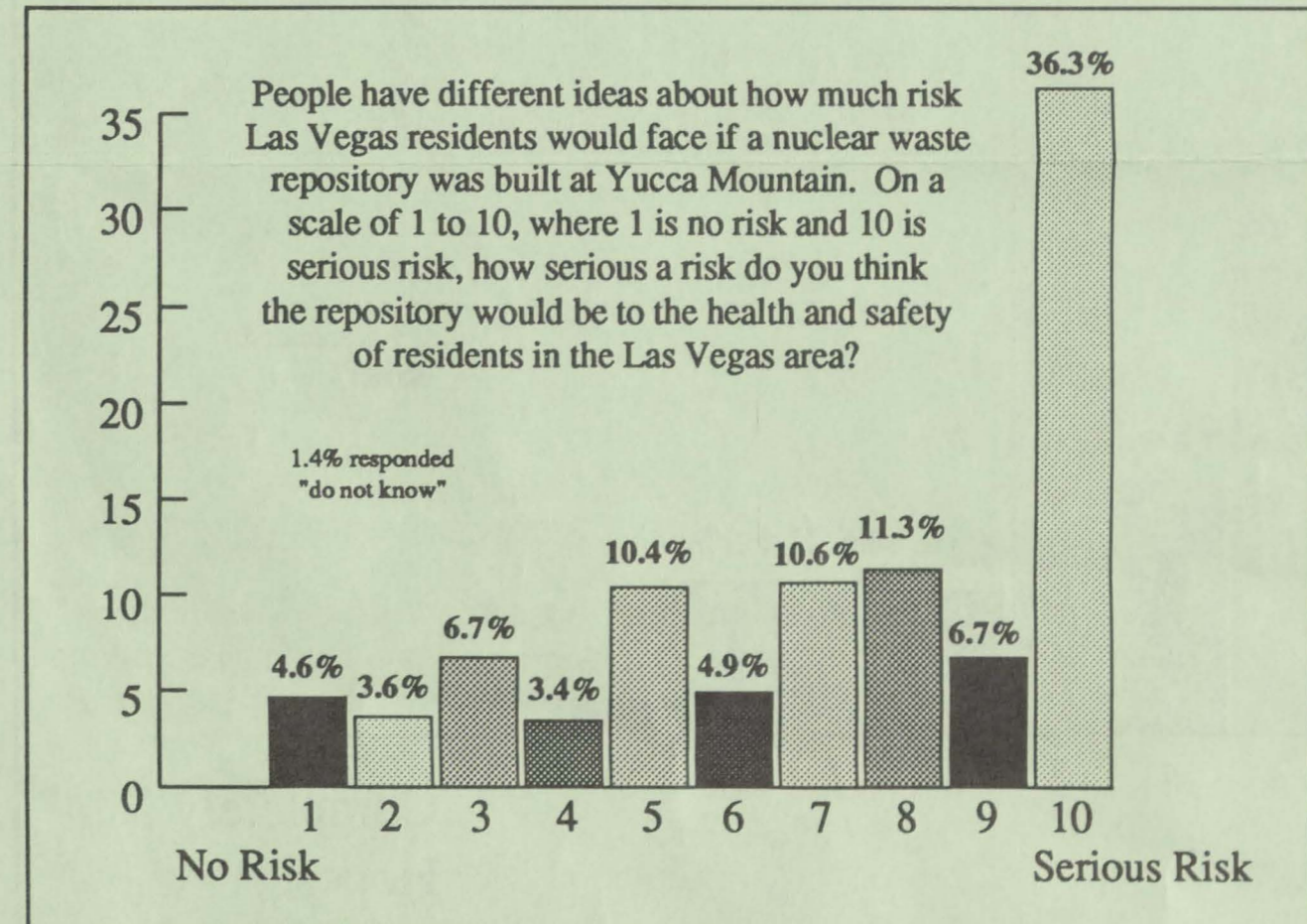
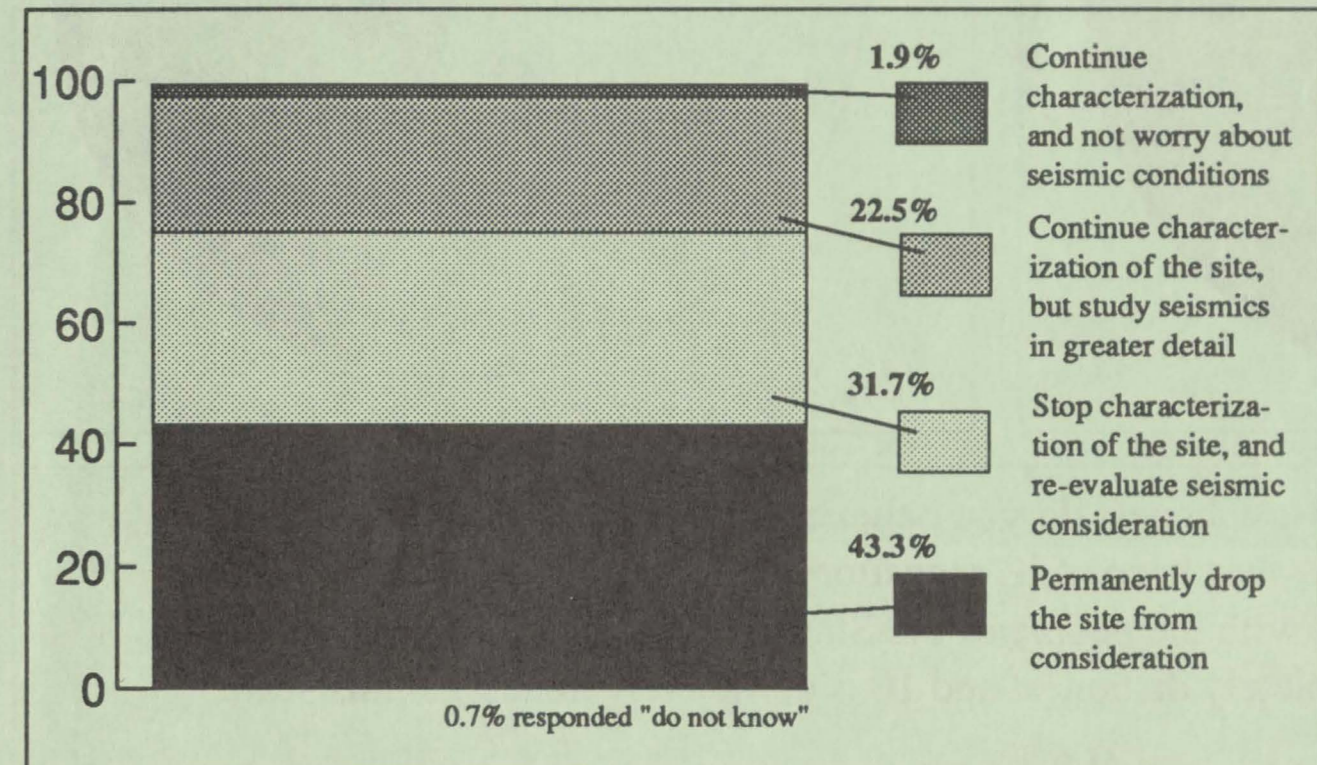
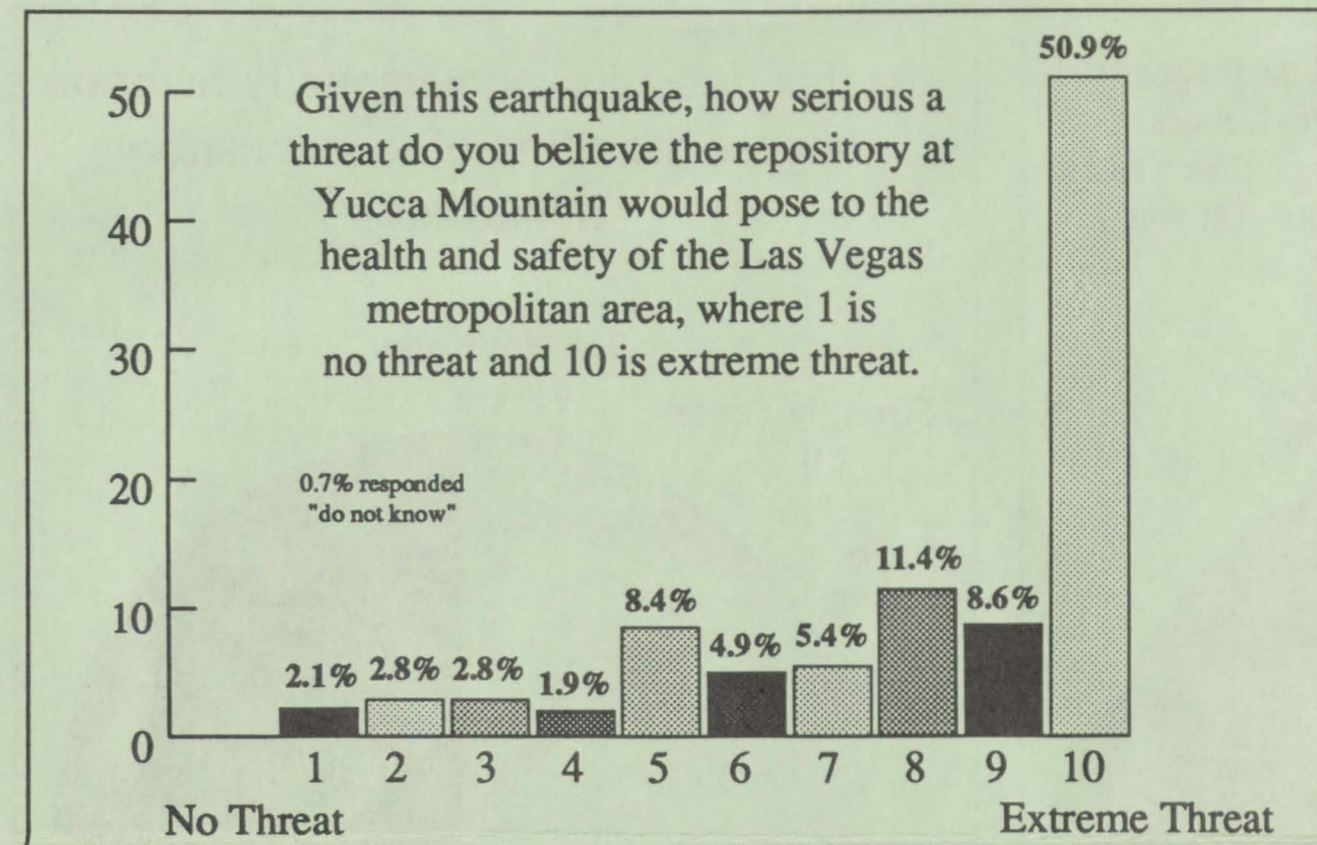
Bob Loux, executive director of the Nuclear Waste Project Office, said the report and its peer review "perpetuate the DOE's self-serving process of saying the site is fine and dandy in the absence of good science."

In a July 14 letter to DOE official John Bartlett, Loux said the report's "intended use was likely for little more than internal justification to continue the Yucca Mountain project."

Loux said the problem with the report is that DOE management and its contractors repeatedly instructed the report's peer reviewers to not allow a "no conclusion" finding, despite the lack of data.

Many report peer reviewers complained that they were given only the choices of site suitability or unsuitability, despite the fact that "there is ... currently not enough

(Continued on Back Page)



Poll details

(Continued from Page Three)

Almost 71 percent of those surveyed believe that because of the June 29 quake, the proposed Yucca Mountain dump poses an extreme health and safety threat to the Las Vegas metropolitan area.

"The earthquake seems to have increased the public's levels of perceived risk, and made the whole issue much more salient," said Dr. David Pijawka of Arizona State University, who worked on the survey. "Also, the earthquake galvanized the fear that the government is not doing its job properly."

Survey data show that more than 54 percent of the people in the Las Vegas metropolitan area strongly distrust the federal government to manage the dump in a safe manner. Only 2.4 percent believe that DOE has been completely honest in its dealings with the people of Nevada on the dump issue.

"There is a lot of distrust of the federal government in managing and developing the repository program," said Dr. Pijawka. "We have a real good feeling for why people distrust DOE, and that's dishonesty. There is a sense that there is not much openness or access to information."

The survey also found that general opposition to the dump (even without the earthquake) remains very high — about 75 percent opposed. This is consistent with other surveys conducted by various organizations over the past five years.

The survey, part of a larger research project to assess the role of trust in determining people's risk perceptions, was conducted June 26-July 1, 1992, by the firm of Nancy Downey and Associates in Las Vegas on behalf of researchers at Arizona State University in Tempe and Management Strategies and Research of Phoenix.

The survey of 701 households (431 households responded to several questions about earthquakes after the June 29 temblor) has a margin for error of plus or minus 4.5 percent. A report of the entire survey will be completed by September.

Nevada wins victory against stripping rights

Nevada has won the fight against a Department of Energy-backed plan to strip the state of its ability to enforce environmental regulations at Yucca Mountain.

Sens. Harry Reid and Richard Bryan announced July 22 that their actions to delay an energy bill paid off in an agreement that will delete the provisions in an energy bill passed by the House of Representatives that would have taken away Nevada's ability to issue environmental and safety permits for work at Yucca Mountain.

The House and Senate passed different versions of the energy bill. Reid

and Bryan said an agreement was reached with Sen. Bennett Johnston of Louisiana, chairman of the Senate Energy Committee, during upcoming negotiations to reconcile the two measures in conference.

Johnston also said he would try to keep out any provisions in the bills that would allow a temporary monitored retrievable storage facility for nuclear waste in Nevada, as well as provisions to place nuclear waste at Yucca Mountain before it could be licensed for safety.

Reid and Bryan had promised to filibuster the energy bill. Johnston

agreed to the provisions in exchange for the two senators not delaying the bill by filibustering or proposing numerous amendments.

Reid and Bryan described the agreement as a victory over the nuclear power industry, which wants to entomb the highly radioactive waste from its commercial power plants across the country in Yucca Mountain.

"This should disprove the critics who say we can't win on the floor of the U.S. Senate," said Bryan.

Gov. Bob Miller said the agreement was another sign that "Congress is becoming educated on this issue."

State _____ (Continued from Page Three)

defensible, site-specific information available to warrant acceptance or rejection of this site."

An analysis by Dr. Kristin Shrader-Frechette of the University of South Florida said the report permits only one of two conclusions — that the site is suitable or unsuitable — while scorning the idea that suitability cannot be determined one way or the other. This "two-valued logic," said Shrader-Frechette, "is not typically employed in science."

"This is another example of the DOE only looking for information they want to hear to validate their predetermined conclusions about the site's suitability, which the peer reviewers protested," Loux said. "Is that science? No, but it is the DOE's brand of science."

Shrader-Frechette said the report "appeals to ignorance, a deductive fallacy in reasoning that consists of the presumption that, if the site has not been shown unsuit-

able, therefore it is suitable. The obvious problem, however, is that one may not be able, at present, to show suitability or unsuitability."

The report's finding that "the site remains suitable simply illustrates that those who frame the questions control the answers," said Loux.

The report ignores or inappropriately handles the issues of groundwater travel time, repository flooding, valuable natural resources in the area, coupled natural processes, and mitigation of socioeconomic impacts.

Loux said the study "fails both conceptually and in its implementation to meet acceptable standards of objective scientific evaluation.

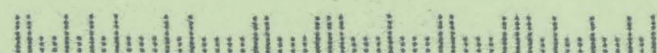
"DOE's reliance on this document for its continued belief in the suitability of Yucca Mountain for a high-level nuclear waste repository is unjustified, and dangerously misleading regarding the ability of the site to safely contain these highly radioactive wastes."

The Nevada Nuclear Waste News is published by the Nevada Nuclear Waste Project Office and funded through financial assistance provided by the United States Congress

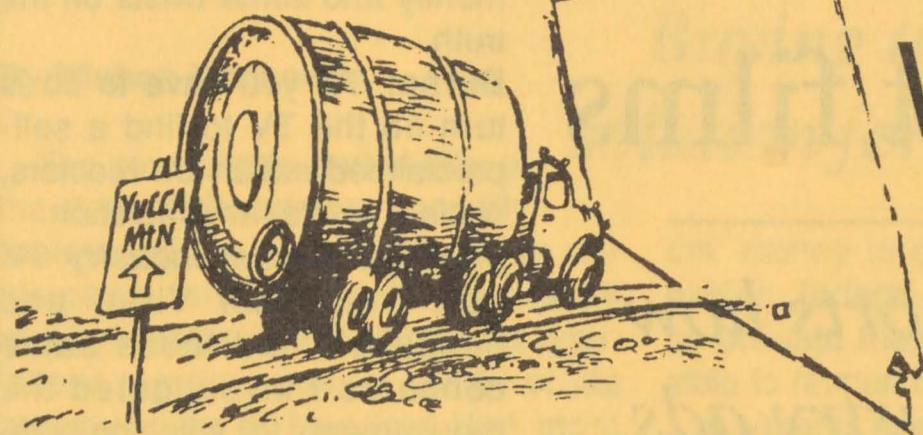
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Nevada Nuclear Waste News



Inside

- TV news reports how nuclear industry ads are 'twisting the truth'
- Floating hot air about so-called Yucca Mountain 'benefits'
- Buying time to find a better solution for storing high-level nuclear waste

Vol. 3, No. 8

"There is no right way to do a wrong thing"

September 1992

Researchers recommend in prestigious journal

Rethink nuclear waste storage

"The 35-year effort to find a permanent repository for the nation's high-level radioactive nuclear waste is on the verge of collapse."

So say researchers James Flynn, Roger Kasperson, Howard Kunreuther and Paul Slovic in a piece entitled "Time to Rethink Nuclear Waste Storage" in the Summer 1992 issue of the prestigious journal *Issues in Science and Technology*, published by the National Academy of Sciences.

The noted authors suggest that the Congress rethink the existing waste dump program, remove the Department of Energy from any part in it, and include the public in the entire process.

"Social acceptability has always taken a back seat to technical concerns," say the authors.

"The level of trust needed to conduct a siting process free of coercion does not exist."

The authors say that neither the federal government nor the nuclear industry have ever understood or dealt with the cause of the problem in finding a dump location: the depth of public concern about the siting of a nuclear waste repository.

Although public opposition to nucle-

ar dumps is hardly news, "what is startling is the depth of public fear and revulsion.

"The public's visceral horror of all things nuclear has never been adequately understood by the government or the nuclear power industry, which have tended to dismiss such concerns as irrational and rooted in misperceptions and misinformation."

" Given the levels of public opposition and distrust, Congress should scrap the current repository program and reconsider the options. "

Mismanagement of the Department of Energy's nuclear weapons complex "has done much to discredit DOE's role in siting a permanent civilian repository," the authors say.

Beyond that, there is the perception of being labeled a "dump state," and how it may affect an area's economy.

"For Nevada in particular, which is almost wholly dependent upon tourism for its economic well-being, the

prospect of stigmatization is a serious concern," say the researchers.

The authors observed that the so-called "Screw Nevada" bill, which singled out Yucca Mountain as the only place in the country to study for a nuclear waste dump, had the unintended effect of energizing opposition and further debilitating the program.

"Nevadans, of course, reacted to the subverting of the integrity of the siting process with outrage — an anger and opposition that has continued to build since the 1987 decision," they say.

And since then, "DOE has continued to stumble in its management of the high-level nuclear waste program."

"Indeed, given the levels of public opposition and distrust, Congress

should scrap the current program and reconsider options" since, the authors say, "No compelling reason currently exists for siting a permanent repository at an early date."

The authors recommend that the United States learn from the experience of other countries.

"The Europeans in particular are making progress because they have
(Continued on Page Four)

An investigative news report by a Las Vegas television station has exposed the 15-year deception by the nuclear power industry and the federal Department of Energy that high-level nuclear waste can be transported through back yards safely.

As many as 140,000 individual truck shipments of nuclear waste could stream through the nation to Nevada, where the DOE and nuclear power industry wants to force a high-level nuclear waste dump despite the objections of 80 percent of its citizens.

That amounts to up to 5,000 shipments a year, or one every hour and 45 minutes for 28 years, the proposed length of time for burying 77,000 tons of radioactive waste from the nation's nuclear power plants.

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those TV commercials paid for by the nuclear industry are twisting the truth.

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And that's not all. Tonight at 6 we'll show you how nuclear dump supporters are using deception to sell Nevadans on the plan.

News at 6 p.m., June 30

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Page Two

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Remember when Ron Vitto said the cask survived the tests intact? Bob Luna was the project manager when the fuel casks were tested in 1977. During the fire test, it broke open.

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(Continued on Page Four)

There is, in fact, a better way

By Michon Mackedon

The sovereignty and vitality of the state of Nevada are currently threatened by encroachment on our airspace, land and water resources and by increasing governmental regulations, eroding both a quality of life and quantity of freedom that most Nevadans have taken for granted.

Some problems we can do more about than others. We can't, for example, change the fact that water is limited and that battles for its control and use are likely to continue.

However, one problem that we can still act upon is the threat to turn our state into a dump for high-level nuclear waste and our highways and railroads into arteries transporting the deadly waste to Yucca Mountain.

Granted, the Department of Energy long ago decided that the political environment (alas, not the geophysical one) made Nevada the best site for the implantation of the waste, and, during the last six years, we living in the state have watched as, one by one, our cries of outrage and our legal rights have been ignored.

Now the DOE, knowing that the opposition is bloodied and that many feel discouraged, has begun to move in for the kill.

Rural Nevada, especially, has been targeted for a new campaign to 1) make Yucca Mountain seem the logical and inevitable site for the nation's waste, and 2) make us feel enough confidence in the safety of the project and the competence of the DOE to be enticed into cooperation by the promise of dollars.

Let's look at DOE's history on their own selling points: the safety, the management competence, and the delivery on promises.

• The nuclear weapons facilities managed by DOE across the nation are so contaminated with radiation it will take at least \$200 billion of taxpayer's

Buying time to find a solution for waste storage

money to clean them up. Some places, federal investigators say, are so polluted they may never be accessible to human beings again.

• Agents from the EPA and the FBI raided the DOE's Rocky Flats plant in Colorado because of illegal dumping of hazardous wastes into the ground water. A DOE cover-up is suspected.

• The DOE's inspector general recently said he has found illegal practices in the management of \$1.3 billion a year spent for construction, and that the agency spends twice as much as private industry on engineering contracts.

• At the same Colorado plant cited above, the DOE awarded \$26 million

“The stakes are too high for us to settle for a few dollars, a lot of promises and the chances of 10,000 years of good luck.”

in bonuses for “excellent management.”

• The DOE has promised to clean up contaminated facilities, yet the EPA has been forced to levy hundreds of thousands of dollars in fines for work not undertaken or completed.

• The DOE promised the state of New Mexico jobs, infrastructure improvements and economic incentives in exchange for building the WIPP nuclear waste dump there. The dump is built; the promises are still just promises.

The problem was summarized in the June 1, 1991, issue of *Public Utilities Fortnightly* by physicist Victor Gilinsky, who served on the Nuclear Regulatory Commission from 1975 to 1984.

He points out that “of all the nuclear

organizations, DOE stands lowest in the public trust” and that Nevada is doing everything it can to stop the Yucca Mountain

project.

But, he adds, “The administration is dealing with the issue by trying to curtail Nevada's rights under the law.” He surmises, “There has to be a better way.”

There is, in fact, a better way.

Nevadans must remain firm in their opposition to the Yucca Mountain project. We must not give up to “inevitability” or heed the promises of “economic boon.”

Eventually, Congress will be forced to re-evaluate the plan, especially as within the so-called corridor states — through which the waste-carrying trucks and trains will roll — citizens mobilize in recognition of the transportation dangers and join the Nevada position.

Good storage alternatives are available. The Nuclear Regulatory Commission has certified that, with new dry cask technology, spent fuel can be safely stored at power plants for more than 100 years — about double the time we've spent

researching nuclear energy to date.

Let's buy this time to find a better permanent solution for waste storage (or reuse) rather than let the DOE buy our state and the health and safety of its residents for the next 10,000 years.

At issue is a deadly radioactive product which, once buried, remains irretrievable and at the mercy of unpredictable planetary and cosmic forces.

The stakes are too high for us to settle for a few dollars, a lot of promises and the chances of 10,000 years of good luck.

Michon Mackedon is vice chairman of the Nevada Commission on Nuclear Projects. An English instructor at Western Nevada Community College, she lives in Fallon.

Page Five

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(Continued on Page Four)

Floating hot air about so-called 'benefits'

By Robert R. Loux

As the nuclear industry and the Department of Energy once again spend millions on a public relations offensive to sell Nevadans on the idea that a Yucca Mountain nuclear waste dump is good for them, a great deal of erroneous and misleading information is being disseminated.

We have seen the TV ads that show nuclear waste shipping containers subjected to all sorts of abuse in what are purported to be tests of the casks' ability to withstand accidents.

What the ads don't say is that scientists never intended for the tests to be used to imply that the casks are impregnable.

In fact, it was recently revealed by Las Vegas TV station KVBC that the casks in those commercials did not withstand the tests that are depicted, and other tests showed the same casks to be vulnerable to accidents and terrorist attacks (see story, Page Two).

As disturbing as the false and misleading claims about the "safety" of nuclear waste and nuclear waste transportation are the distorted and exaggerated assertions about so-called "benefits" Nevada would receive by simply going along with DOE's "study" of Yucca Mountain.

Recent letters to the editor in Nevada newspapers make the outlandish assertion that the federal government has offered the state \$200 million per year since the early 1980s

just to allow the Department to study the site — no strings attached.

This is completely false.

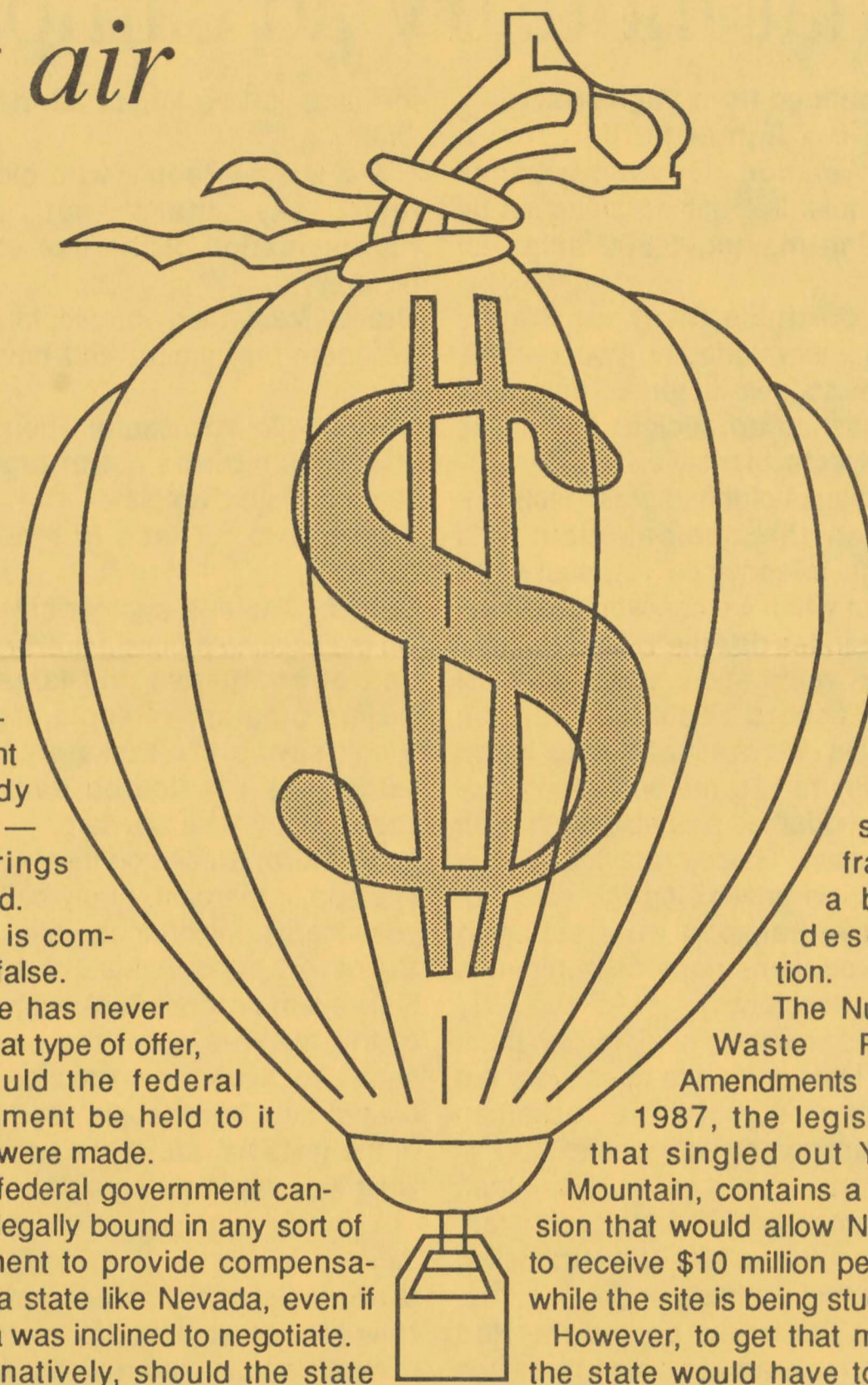
There has never been that type of offer, nor could the federal government be held to it even if it were made.

The federal government cannot be legally bound in any sort of agreement to provide compensation to a state like Nevada, even if Nevada was inclined to negotiate.

Alternatively, should the state seek "benefits," even just to let the Department of Energy study the site (as the letter writer suggested), the state would forfeit its legal right to ever object to the project in the future.

Nevada would have legally given its consent to the project, no matter how unsafe the site, no matter if the federal government never makes good on such an agreement.

The DOE and the nuclear industry are simply running a sophisticated "sting" operation. They want Nevada's consent (by signing any type of agreement) to ensure that no further legal obstacles arise, and whether they ever make good on any so-called "benefits" is immaterial. Con-



sumer fraud is a better description.

The Nuclear Waste Policy Amendments Act of 1987, the legislation that singled out Yucca Mountain, contains a provision that would allow Nevada to receive \$10 million per year while the site is being studied.

However, to get that money, the state would have to sign away its ability to object to a dump at Yucca Mountain, regardless of how bad the site might turn out to be.

The idea that Nevada is losing big federal dollars by opposing the Yucca Mountain project is nothing more than nuclear industry and DOE propaganda aimed at changing public opinion about the project.

The fact is, Yucca Mountain is a bad place to bury deadly nuclear waste — material that must be kept out of the environment for 10,000 years or more.

It is in a geologically active area with numerous earthquake faults and evidence of recent volcanic activity.

(Continued on Page Four)

'Startlingly deep public fear and revulsion'

(Continued from Page One) done two things differently than the United States. They have rejected a strategy of early permanent waste disposal, and they have placed considerations of equity, fairness, and social acceptability on an equal footing with technical goals."

The authors note that none of the European countries is in a hurry to find a permanent disposal site, and that in "nuclear policy matters, the public is regarded as the ultimate judge."

"The European experience demonstrates that the United States is becoming increasingly isolated in

its attempt to override, rather than respond to, state and local concerns.

"To have any prospect of success, the United States must develop approaches that are socially acceptable as well as technically sound, collaborative rather than preemptive, and predicated on persuasion and negotiation rather than coercion."

The authors suggest that there are three essential elements to establish a repository process that works:

● Rethink the waste solution. "Congress should place a moratorium on the existing program and begin work on new legislation."

● Use a voluntary siting process. "It is unwise to attempt to locate either a temporary or permanent facility for radioactive wastes without the support of the host community or state."

● Keep multiple options open, as well as remove DOE from the picture. "Given DOE's record of management failures, it is unlikely that it will ever be able to gain public support for a civilian waste program."

In short, the authors suggest in the *Issues in Science and Technology* article that "to gain public approval ... a fair and equitable siting process is absolutely essential."

Running a sophisticated 'sting' operation

(Continued from Page Three)

State scientists believe that groundwater and geothermal activity could alter the site after the waste has been buried and cause major radiological releases.

And the fact is three-fourths of the citizens of Nevada do not want the dump. Why should our leaders sign off on a project that an overwhelming majority of the people object to?

In addition, Nevada's tourism-dependent economy and our unique desert environment are extremely vulnerable to the risks associated with the dump and to the thousands

of nuclear waste shipments to it every year for almost 30 years.

What price should state leaders put on the health and safety of present and future citizens or on the well-being of our economy and environment?

To suggest making deals with the federal government over Yucca Mountain, given the major problems associated with the site and the entire project, is simply irresponsible.

Nobel Prize-winning author Saul Bellow once said that "with a novelist, like a surgeon, you have to get a feeling that you've fallen into good

hands — someone from whom you can accept the anesthetic with confidence."

The information dished out by the nuclear industry, DOE and their supporters about the safety and benefits of Yucca Mountain is intended to give Nevadans the same sense of comfort — while our anesthetized body politic is subjected to a strong and long-lasting infusion of nuclear medicine.

Robert R. Loux is executive director of the Nevada Nuclear Waste Project Office.

Nuke industry transport claims debunked

(Continued from Page Two)

of the cask's radiation shield. The six-inch crack is ignored in the commercial, and never mentioned in a longer video tape also hosted by Vitto and produced by the nuclear power industry.

Castaldi: And that is not the only twist on the truth that we found in the pro-nuke persuasion campaign. The men who conducted the tests

admitted to us that the tests were never designed to show that the casks are safe.

July 1

Castaldi: They are some of the most important weapons in the battle to get you to accept a waste dump at Yucca Mountain: films showing nuclear shipping casks going through intense smash-ups. Pro-dump forces say the

films are proof that highly radioactive nuclear fuel rods can be moved into Nevada safely.

But Dan Burns found out what the nuclear industry says and the truth are two different things.

Burns: Did you ever think about what would happen to a car that crashes at 300 miles per hour? Maybe you've wondered what would

(Continued on Back Page)

What industry ad campaign fails to say

(Continued from Page Four)

happen if a fighter jet flew into a nuclear reactor. Or what a Lance missile looks like getting smashed by something moving 1,800 miles an hour.

They do these things at Sandia National Laboratories at Albuquerque, New Mexico. No surprise, then, that they smashed up nuclear fuel casks here in spectacular style.

The images of those crash tests are crucial in the nuclear industry's campaign to convince you casks are safe. But when we checked it out, the films tell a little different story.

Fifteen years ago a young scientist named Richard Yoshimura ran the crash tests. He is still at Sandia today. ... Yoshimura told me something pro-nuke dump forces probably don't want you to know: Those crash tests in the commercials advertising the safety of radioactive transport were set up to check predictions done on computers — not cask safety.

(To Yoshimura) Is it fair to say, then, that the tests that were done were not set up to show that these casks can safely transport nuclear waste?

Yoshimura: Yes, it is fair to say that. The purpose of the testing program was to test the validity of the modeling methods that we had.

Burns: The brains behind the Ron Vitto pro-nuke ad campaign that uses

the films is Las Vegas ad man Kent Oram.

(To Oram) People who did those tests say that's not a fair representation of the use of those pictures.

Oram: Well, then you would have to get them on camera and have them say so.

Burns: (To Yoshimura) The purpose of the testing was not to prove that these canisters are safe.

Yoshimura: That's true. That is correct.

Burns: There is another side to this story. The crash films are only a small part of an intense and large cask-testing program. People at Sandia aren't saying the casks aren't safe.

Luna: As I indicated earlier, the casks, in my view, are safe.

Yoshimura: Based on the experience I've had in the past, I truly believe the containers are extremely safe.

Burns: But the makers of the crash tests seem uncomfortable with the use of the films as proof the casks are safe. Yoshimura admitted he has no control over how people use the films of the tests he ran, or the accuracy of what they say.

July 2

Burns: Scientists at Sandia Labs in New Mexico smashed a nuclear fuel cask on a truck into a wall. They did

the same thing with a cask on a train. Then they crashed truck and train together.

But in one test the cask proved to be a clear failure: a terrorism test.

Luna: One of the casks that was, in fact, used in the films that we've seen was used as a target for the attack. It was determined that it was possible to penetrate the cask.

Burns: Penetrating the cask wasn't easy, though. Scientists shot a cask with some kind of cannon, or rocket — they won't say what as a matter of national security.

Luna: A hole was produced in the cask about an inch in diameter that would have let out some very small fraction of the contents of the cask.

Burns: Again, the hole is about one-inch wide. Radioactive fuel rods usually look like this, clean and straight. Whatever the scientists shot into the cask ripped through the fuel rods inside.

Most scientists think nuclear fuel casks can survive any transportation accident without opening. But these pictures prove something a lot of scientists suspected: If terrorists get hold of a spent fuel shipment, the cask is not going to stop them.

(Video copies of the reports are available from the Nevada Nuclear Waste Project Office.)

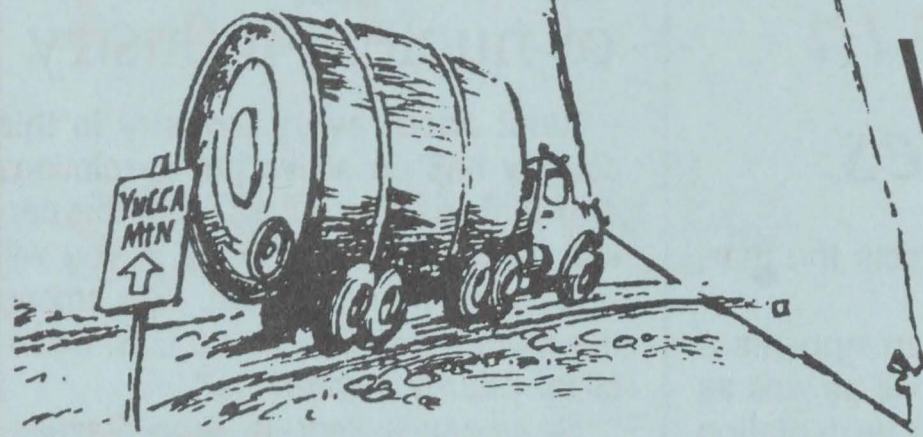
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Nevada Nuclear Waste News



Calendar

- Nov. 9 Department of Energy update meeting, Amargosa Valley
Nov. 10 DOE update meeting, Las Vegas
Nov. 12 DOE update meeting, Reno
(Places, times to be announced by DOE)

Inside

- Wyoming governor rejects MRS bid
- Commission urges reassessment of nation's nuclear waste policy
- Editorial comments on 'spin doctors'

Vol. 3, No. 9

"There is no right way to do a wrong thing"

October 1992

Case could have profound impact in Nevada

Nuke waste route devalues property

In what may be a precedent-setting decision that could have profound economic implications in Nevada, the New Mexico Supreme Court has held that governments must pay damages for loss of a person's property value if fear — regardless of whether it is well-founded — of nuclear waste transportation affects the property's market value.

In its 3-0 decision, the court said that it is not necessary to prove whether the public's fear of nuclear waste transportation is justified, only that the public perception of fear exists and that it results in a lowering of property values.

"Whether the transportation of hazardous nuclear materials actually is or is not safe is irrelevant," said Justice Gene Franchini in writing the court's main opinion. "The issue is whether public perception of those dangers has a depressing effect on the value of the property ..."

"This case, for the first time, substantiates what State of Nevada researchers have been saying for a long time: that public perception of risks associated with nuclear waste facilities and nuclear waste transportation is extremely high," said Bob Loux, executive director of the Nevada Nuclear Waste Project Office.

"This public fear has been shown by the court to result in a loss of property values," Loux said. "This could have a profound implication for property owners, business owners, and state and local governments in Nevada."

Justices said the City of Santa Fe must compensate a couple \$337,815 in loss of value to property they own near a bypass the city wants to build that will be used to transport nuclear waste to the Waste Isolation Pilot Project near Carlsbad.

The City appealed a jury's award of damages to the couple, but the higher court upheld the verdict, saying that

(Continued on Page Two)

DOE wants to scrap EPA standards

Despite boasting to Congress in 1987 that Yucca Mountain would be five times within the limits of certain Environmental Protection Agency standards that govern a high-level nuclear waste dump, the Department of Energy now wants to entirely scrap them because the standards "impose requirements that may be costly to implement, without corresponding demonstrated health benefits."

Five years ago the DOE Yucca Mountain project manager, Don Vieth, testified before the U.S. Senate Committee on Energy and Natural Resources that Yucca Mountain could meet the federal health and safety rules and regulations.

"The processes of doing the modeling and the calcula-

tions that estimate the radioactive releases from the repository tells us that we may be five orders of magnitude below a very conservative EPA standard," Vieth said.

Although DOE recently has been aggressively lobbying to weaken federal safety regulations or tailor them to meet the conditions at Yucca Mountain, it is now learned that DOE believes the entire EPA standard is too stringent and should be scrapped and developed all over again.

In a letter to the EPA, the DOE assistant secretary for environment, health and safety, Paul L. Ziemer, said:

"DOE remains concerned that the approach being

(Continued on Page Five)

Public fear of nuke waste transportation results in loss of property values

(Continued from Front Page)
 "the government entity must pay damages if it is shown that fear of a danger exists and that fear affects market value."

During the jury trial a public opinion survey was introduced that said 71 percent of the people felt that residential property near the bypass would sell for less money because of its location, and the same percentage also felt the property would decrease in value.

Newspaper accounts said the poll, commissioned by the landowners' attorneys, revealed that almost 60 percent of the respondents said they would not consider buying a house along the WIPP route. Loux said a 1988 nationwide poll conducted by State of Nevada researchers similarly found that 63 percent of the respondents would not buy a house in the immediate area of a nuclear waste transportation route.

Justice Franchini wrote that the Santa Fe poll "was an effective way to show buyer fear of the potential danger and evidence of that fear is relevant."

Further, the court rejected the argument that fear is "based on pure speculation by an ignorant public and can never be an element of

damages even if it affects the market value of the land."

The couple hired an appraiser who testified that the poll as well as publicity about the Waste Isolation Pilot Plant was used as a foundation for his belief that the transportation route did indeed devalue the property.

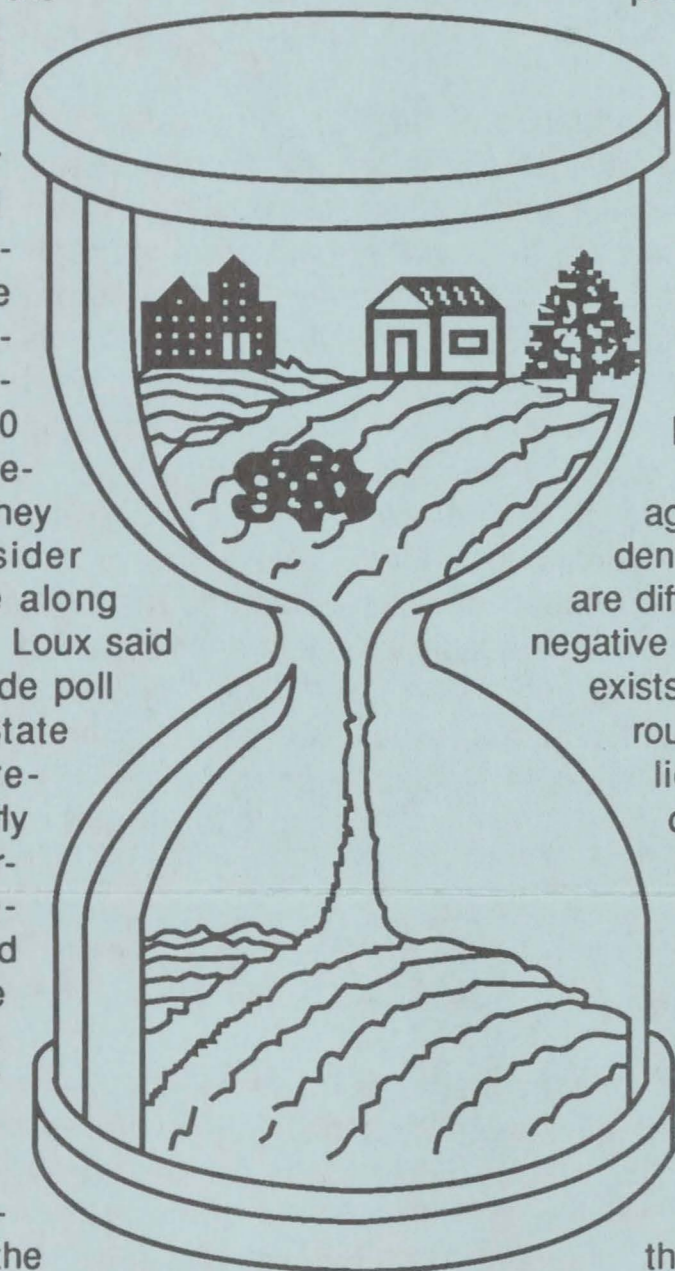
"The City argues that loss of market value based on fear was not

proven with a reasonable degree of probability," wrote Franchini. "It is difficult to prove market value loss when there are no actual sales of comparable property.

"Yet, damages should not be denied because they are difficult to prove. A negative public perception exists about the WIPP route and it was relied upon by [the couple's appraiser], along with various other informational sources, to reach his opinion on loss of value."

Franchini further wrote that "if people will not purchase property

because they fear living or working on or near a WIPP route, or if a buyer can be found, but only at a reduced price, a loss of value exists. If this loss can be proven to the jury, the landowner should be compensated."



Editorial comments on 'spin doctors' of nuclear industry

"Just about every industry in this country has an active public relations arm that likes to put its 'spin' on certain issues — propaganda, if you will — to sway public opinion. But among the more pernicious is the U.S. Council for Energy Awareness."

So began a Sept. 8 *Reno Gazette-Journal* editorial entitled "Be leery of nuclear power 'spin doctors'" about the council, a PR group of the nuclear power industry which "seems to revel in obscuring thoughtful debate on matters of public interest." The council funds the Las Vegas-based Nuclear Waste Study Committee, a pro-dump organization.

The editorial said that in a recent council newsletter, a piece under the headline "Big Quake at Yucca Mountain: No Problem" reported that underground workers at the nearby Nevada Test Site didn't even feel a June 29 earthquake that registered 5.6 on the Richter scale.

The editorial said the article quoted experts saying that an earthquake's amplitude is much greater on surface than below ground, that underground Chinese coal workers were unharmed in a 7.8 temblor in 1976, and that the dump and surface facilities could be built to withstand earthquakes.

"What the council did not comment on, though, is what might happen if a massive quake struck very close to the proposed Yucca Mountain site," said the *Gazette-Journal* editorial. "Southern Nevada has been spared from a 'big one' so there is really no way to know. Perhaps Yucca would not be unharmed as that site in China was 16 years ago.

"The nuclear power propagandists skirt by any other possibility that differs from the view that anything buried deep underground is safe at Yucca Mountain," the editorial concluded. "But based on the track record of this group, it wouldn't be asking too much to see a little more scientific evidence to back up its contention — that is, if it can be backed up."

EPA standards

Yucca Mountain can't meet the health and safety regulations — 'not by a long shot'

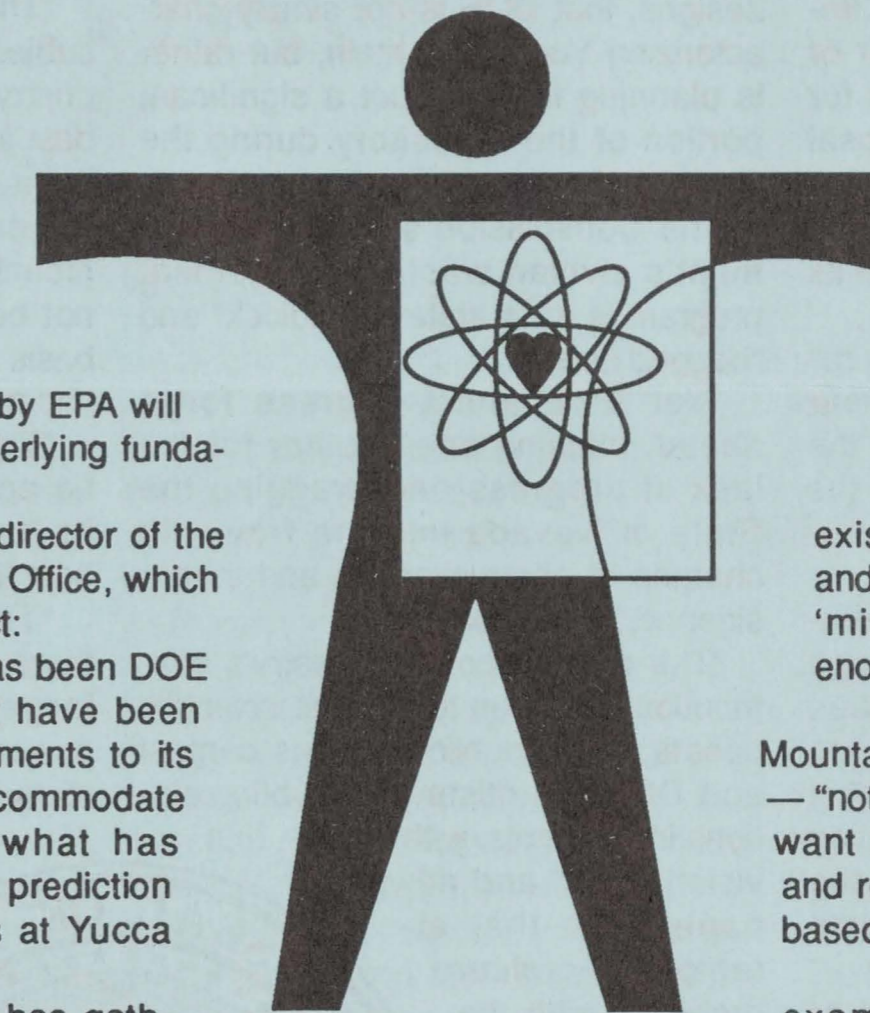
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taken by EPA is to make minor adjustments to a fundamentally flawed standard in an attempt to make it nominally workable. ... We believe that the changes being considered by EPA will not adequately correct the underlying fundamental problems with the rule."

Asked Bob Loux, executive director of the Nevada Nuclear Waste Project Office, which oversees the DOE dump project:

"Apart from the fact that it has been DOE and the nuclear industry that have been hounding EPA to make adjustments to its health and safety rules to accommodate the Yucca Mountain site, what has changed since their confident prediction five years ago? Site studies at Yucca Mountain.

"What new little data DOE has gathered at Yucca Mountain has told them what most of us already knew," said Loux. "Yucca Mountain can't meet



change the rules in the middle of the game," Loux concluded.

existing federal safety standards, and not by just a little. Otherwise, 'minor adjustments' would be enough."

Loux said that since Yucca Mountain cannot meet these standards — "not by a long shot" — DOE officials want the entire standard eliminated and redeveloped "more to their liking, based on the Yucca Mountain data.

"This is another in a long list of examples of DOE attempting to

Report urges continued opposition to dump

(Continued from Page Four)

offers of benefits."

2) The State Nuclear Waste Project Office must be supported through increased funding to provide independent scientific investigations and oversight of the dump project.

The Commission said it considered State research on socioeconomic and environmental risks associated with the dump "compelling," adding that Nevada's "unique tourism-dependent economy is perhaps more vulnerable to disruption by the impacts associated with a nuclear waste repository than that of any other state."

3) A "fundamental redirection of the country's approach to the nuclear waste problem" should take place by:

— Rethinking the program, developing interim storage

alternatives, and reassessing the approach to longer-term and permanent disposal;

— Committing to a voluntary siting process for either temporary or permanent facilities; and

— Keeping multiple options open, both for the selection of sites and for waste management strategies, to maximize chances for success and to prevent recurrences of the Yucca Mountain experience.

Members of the Commission are former Gov. Grant Sawyer, Michon Mackedon of Western Nevada Community College, Valley Bank of Nevada president and chief operating officer Peter Thomas, Clark County Commissioner Don Schlesinger, Anne Peirce, Las Vegas Mayor Jan Laverty Jones, and Frank Caine, representing organized labor.

Public fear of nuke waste transportation results in loss of property values

(Continued from Front Page)

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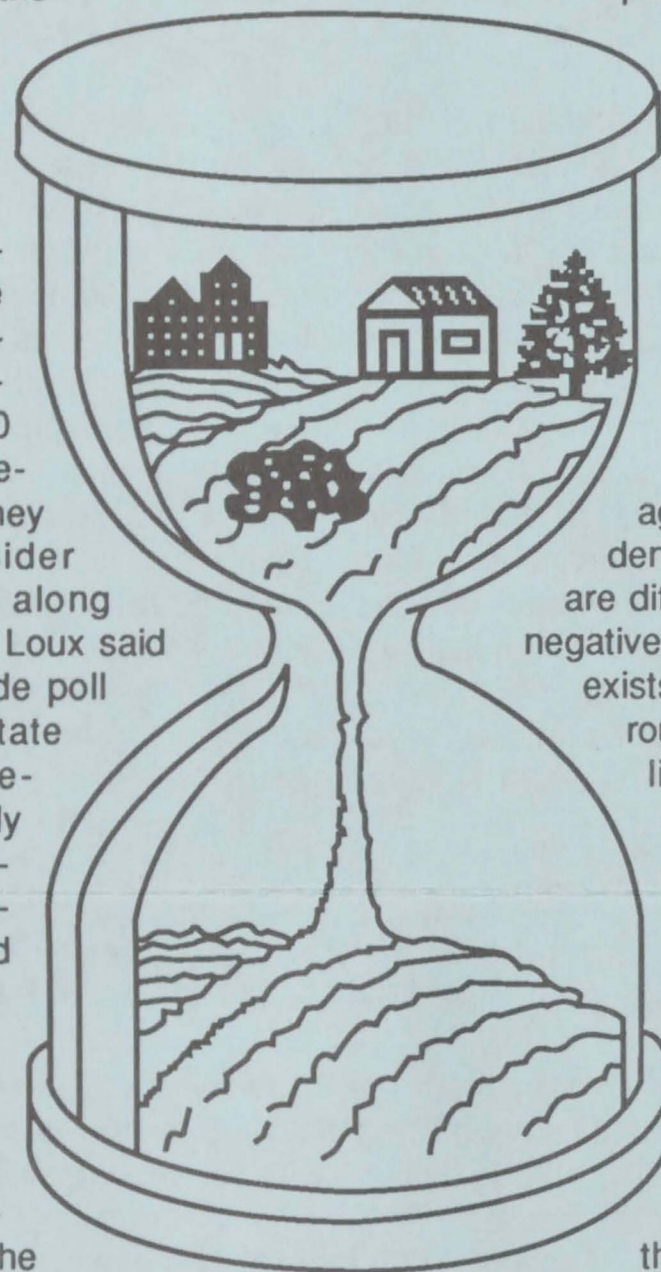
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The



Wyoming governor rejects bid for temporary nuclear dump

The federal nuclear waste negotiator is empowered under the Nuclear Waste Policy Act Amendments to find a host site for a monitored retrievable storage facility.

The MRS would be a temporary high-level nuclear waste dump that would act as a clearinghouse and repackaging facility for the waste that is piling up at the nation's commercial nuclear power plants. Many nuclear power plants will run out of pool storage space before a final, permanent dump can be constructed, by the year 2010 at the earliest.

Several Indian tribes and local governments have received grants from the Department of Energy to study the feasibility of hosting an MRS.

Commissioners in Fremont County in Wyoming sought state permission for funding for further study and perhaps site selection, but Wyoming Gov. Mike Sullivan recently vetoed the request.

This is an excerpt of Sullivan's letter to Fremont County commissioners explaining his decision:

This is not a decision I make lightly

or without considerable thought for I know this issue of continuing the process has many supporters as well as detractors and there are many people whose opinions I respect on both sides, including your own.

I arrive at this decision, which the federal government in its infinite wisdom has placed in the lap of the Governor, because I believe it to be in the best long-term interests of Wyoming.

... I am vetoing the federally adopt-

They are:

A) Does the national policy which was initially designed to place the MRS in the East near the point of origination of the waste and now appears to target the West continue to make sense?

Does a policy, which the Nuclear Regulatory Commission states is not required for public health and safety, i.e. transporting a portion of the waste from the approximately 70 points of storage half way across the country to a "temporary" site only to be moved again if and when a permanent site is established, represented appropriate national policy?

If the storage of the waste is as safe and as benign as represented, does it not make better sense to leave it where it is or, if it is to be moved temporarily, to place it at or near the location of the permanent repository?

(Continued on Back Page)

"Let us not deceive ourselves — we are being invited through continuing study to dance with a 900-pound gorilla. Are we willing to ignore the experience history would provide us for the siren song of promised economic benefits and a policy that is clearly a moving target? As Governor, I am not. ..."

ed and programmed Phase II because ... this rural sparsely populated state cannot expect to control the terms under which such a long-term decision would be implemented. ...

The process is federally engineered to avoid several basic questions. ...

The nuclear waste program

Commission says reassessment 'inevitable, imperative'; questions proliferate about the wisdom of national policy

Current national policy and its implementation by the Department of Energy "reflect serious problems for the country's nuclear waste disposal efforts unless fundamental changes are made," according to the Nevada Commission on Nuclear Projects in its fourth biennial report.

The Commission called for a reassessment of the nation's nuclear waste policy and a continuation of the "strong and unified opposition to the Yucca Mountain nuclear waste project."

The report summarizes the Commission's findings through meetings and information-gathering activities the past two years, and is intended to assist the governor, Legislature, local governments and others in formulating and carrying out policy regarding the Yucca Mountain nuclear waste dump program.

The Commission, comprised of seven members appointed by the governor, said that as more is learned about Yucca Mountain, "the more the uncertainties about the site's suitability increase, and questions proliferate about the wisdom of a national policy that has led the program in such straits."

The report pointed out that a large earthquake struck the area about 12 miles from Yucca Mountain this year and caused major damage to DOE's support facilities.

Commissioners said that "serious technical inadequacies of Yucca Mountain as a site capable of isolating wastes for 10,000 years also casts doubt on the viability of the project," and called on the Secretary of Energy to tell Congress that Yucca Mountain "is not likely to meet existing licensing and regulatory standards."

The report added that there is evidence, based on information about alterations in exploratory shaft facility

designs, that DOE is not simply characterizing Yucca Mountain, but rather is planning to construct a significant portion of the repository during the study phase.

The Commission said the government's civilian waste management program is in "a state of gridlock" and "bogged down."

"Yet DOE and Congress forge ahead, blaming one another for the lack of progress and dragging the State of Nevada into the fray with charges of obstructionism and intransigence," the report said.

"The nuclear power industry's contribution has been to turn the scientific debate into a public relations contest and DOE scientists into public relations instruments, with a television, radio and newspaper blitz that attempts to obscure problems with the site and with current waste management policy and convince Nevada's citizens and political leaders to accept Yucca Mountain, warts and all."

Calling reassessment of the nation's nuclear waste program "inevitable and imperative," the Commission urged a three-pronged strategy:

1) The State must not alter its policy of opposition to the Yucca Mountain dump nor in any way weaken its resolve by negotiating for or accepting benefits associated with the project.

"The importance of a strong, consistent policy of opposition by the State of Nevada cannot be overstated in bringing about this policy reassessment," the Commission said.

"The fact that the State has been subjected to an intensive nuclear industry public relations effort over the past year is evidence, the Commission believes, of a growing conviction on the part of proponents of the Yucca Mountain project that a repository cannot be constructed at this site on the basis of the site's technical and scientific merits alone.

"The industry and DOE appear to be acknowledging that the State and its leaders must be convinced to accept the facility despite its risks.

"The Commission believes that there are only a few special interests, largely supported by the nuclear power industry, standing to benefit directly from the project that are urging a change in policy.

"The agenda behind the nuclear industry's public relations effort is the need to change that policy despite the fact that a vast majority of the citizens of Nevada remain strongly opposed to the repository project.

"The Commission cautions Nevada state and local governments against accepting anything that could be construed as 'benefits' from the nuclear power industry or the federal government for agreeing to either the 'study' of Yucca Mountain or accepting a repository.

"Acceptance of such benefits could cause the State to legally forfeit its right to ever object to the project. The Commission believes that this forfeiture is the real motivation behind the industry's and federal government's



(Continued on Page Five)

Wyoming governor rejects MRS bid

(Continued from Page Three)

b) After five years and over a billion dollars of investment, and more billions to be spent, the permanent repository at Yucca Mountain, Nevada, is neither sited nor assured of its permanent status.

Can we and are we willing to trust the federal government's assurances that the MRS site will be temporary?

Can we be paid enough or place enough in trust to accept a permanent repository that was intended to be temporary? It is my belief we cannot.

c) Can we take comfort from the DOE record of nuclear facilities in the West? I think not.

Can we be assured of continuing control of oversight of such a facility? Last month the House of Representatives voted to exempt Yucca Mountain from state environmental permitting because DOE contended Nevada was not cooperative. Unless the Supremacy clause of the U.S. Constitution is changed, Congress, for fiscal reasons or preemptive reasons, can mandate new terms and new controls as it deems expedient or simply not accept the terms initially negotiated.

d) Can we trust the federal government or the assurance of negotiation to protect our or citizens' interests?

To do so would disregard the geographical voting power in Congress and 100 years of history and experience. We have had such assurances on issues like grazing fees, federal mineral royalty administrative costs, operations of dams and waterways, and wolves, and yet we are continually

siren song of promised economic benefits and a policy that is clearly a moving target? As Governor, I am not. ...

I am absolutely unpersuaded that Wyoming can rely on the assurances we receive from the federal government. Even granting the personal integrity and sincerity of the individuals currently speaking for the federal government, there can be no guarantees or even assurances that the federal

government's attitudes or policies will be the same one, five, ten or 50 years from now. We have seen the roller coaster ride of federal involvement and attitudes. ...

Finally, since there will be a great deal of speculation about my motivation ... I simply do not endorse the wisdom of the policy adopted by the federal government

nor do I trust the federal government or the nuclear industry to assure our interests as a state are protected.

I have great respect for this great state and faith in its future and I believe it is better served with a greater independence from the federal government rather than more dependence. ...

“ I simply do not endorse the wisdom of the policy adopted by the federal government nor do I trust the federal government or the nuclear industry to assure our interests as a state are protected. ”

called upon to fight to retain those assurances because of a change in circumstances (fiscal or otherwise) or a change in the attitudes of Congress.

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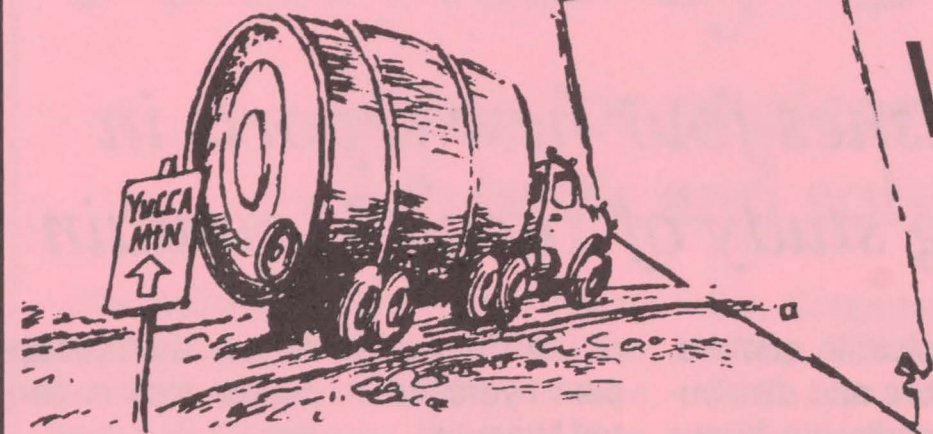
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Nevada Nuclear Waste News



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- State publishes four new reports in its ongoing study of Yucca Mountain
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- Congress rushes to weaken dump site safety standards

Vol. 3, No. 10

"There is no right way to do a wrong thing"

November 1992

Fundamental problems with DOE decisions

'Expert judgment' at Yucca Mountain?

The federal government's use of expert judgment in place of hard, scientific data in conducting risk assessments for the proposed Yucca Mountain high-level nuclear waste dump could result in serious miscalculations of the health and safety risks to present and future Nevadans.

That is one of the principal findings of a report entitled "Expert Judgment in Assessing RADWASTE risks: What Nevadans Should Know About Yucca Mountain," written by Dr. Kristin Shrader-Frechette and recently published by the Nevada Nuclear Waste Project Office.

Shrader-Frechette, Distinguished Research Professor at the University of South Florida's Center for Urban Ecology, analyzed risk assessments done for other nuclear waste facilities in the United States to evaluate how effective they are in predicting risks and to understand how the use of assumptions and expert judgment strengthen or weaken such assessments.

The author noted that in 1962, scientists calculated risks associated with a site for burial of transuranic and low-level radioactive wastes at Maxey Flats, Ky., and determined that it

would take 24,000 years for the waste to migrate one-half inch.

Yet only 10 years after opening the facility, plutonium and other radionuclides were discovered two miles from the site, causing the facility to be prematurely closed for health and safety reasons.

Shrader-Frechette found in her study that such erroneous predictions are not atypical for nuclear facilities.

"In fact, there is a disturbing pattern of overly optimistic and inaccurate risk assessments and predictions when dealing with things nuclear."

In fact, there is a disturbing pattern of overly optimistic and inaccurate risk assessments and predictions when dealing with things nuclear.

She attributes this to a tendency on the part of risk experts in the nuclear field to use methodological value judgments (consciously or unconsciously) which color and influence the way

data are interpreted and what assumptions are made.

For example, she concludes that one of the most disturbing value judgments in many of the Yucca Mountain assessments is that human error is not and will not be a significant contributor to repository risk. She points out that human error has been the basis for many of the serious problems of contamination that have occurred at Department of Energy sites in the past.

Shrader-Frechette

also found that radioactive waste risk assessments are especially prone to a number of deficiencies in logic that make predictions of future performance extremely problematic.

Fallacies of logic such as the appeal to ignorance (concluding something is true or accurate in the absence of information to the contrary), begging the question (assuming what one is trying to prove), and numerous others have caused serious consequences whenever they were used in risk assessments of radiation-related facilities (such as Hanford, Wash., Fernald, Ohio, and Maxey Flats) in the past.

(Continued on Page Four)

More science

Four new scientific reports investigating the federal government's plan to build a high-level nuclear waste dump at Yucca Mountain have been published by the Nevada Nuclear Waste Project Office.

The studies are part of a series of 109 technical, socioeconomic, transportation and general reports published by the State agency responsible for overseeing the federal Department of Energy's work at Yucca Mountain.

"The State's ongoing scientific investigation of Yucca Mountain has been universally praised for its relevancy and merit," said Bob Loux, executive director of the Nuclear Waste Project Office. "These new reports are but a sampling of years of rigorous scientific inquiry from some of the finest researchers in the country."

The new reports, available from the Nuclear Waste Project Office, are:

- *Evaluation of the Geologic Relations and Seismotectonic Stability of the Yucca Mountain Area, Progress Report.* By the Center for Neotectonic Studies, Mackay School of Mines, University of Nevada-Reno (September 30, 1991).

The report describes progress in the evaluation of quaternary tectonics, mineral deposits, seismology, neotectonics, and basinal studies relative to Yucca Mountain.

Quaternary tectonics research focused on the completion of stratigraphic studies of alluvial materials in Crater Flat, and the completion of fault mapping and stratigraphic studies associated with the 1932 Cedar Mountain earthquake in central Nevada, an analog site for assessing faulting at Yucca Mountain.

Mineral deposits research contin-

State publishes four new reports in its ongoing study of Yucca Mountain

ued dating of silici volcanic centers, understanding the nature and distribution of subsurface alteration in Yucca Mountain from an examination of drill core, and assembling trace-metal chemistry from volcanic tuff and fault zones at Yucca Mountain. A four-station micro-earthquake array was operated during the reporting period with 10 events recorded.

Neotectonic studies were completed for Pahrump and Stewart Valleys, Amargosa Valley and the Mine Moun-

of the Eleana Formation, a Mississippian hydrocarbon source rock in central Nevada.

- *Annual Report for the Period October 1990 to September 1991.* By the Center for Volcanic and Tectonic Studies, University of Nevada-Las Vegas (December 1991).

Studies by the Center for Volcanic and Tectonic Studies focus on an assessment of volcanic hazards at Yucca Mountain.

The research included geologic mapping of basaltic volcanic cones in Crater Flat, west of Yucca Mountain, mapping of geologic structures which could control volcanism in the Yucca Mountain area, mapping young felsic volcanic centers in the southern Great Basin, and understanding the magmatic processes which control the location and composition of past volcanism and may control future volcanism.

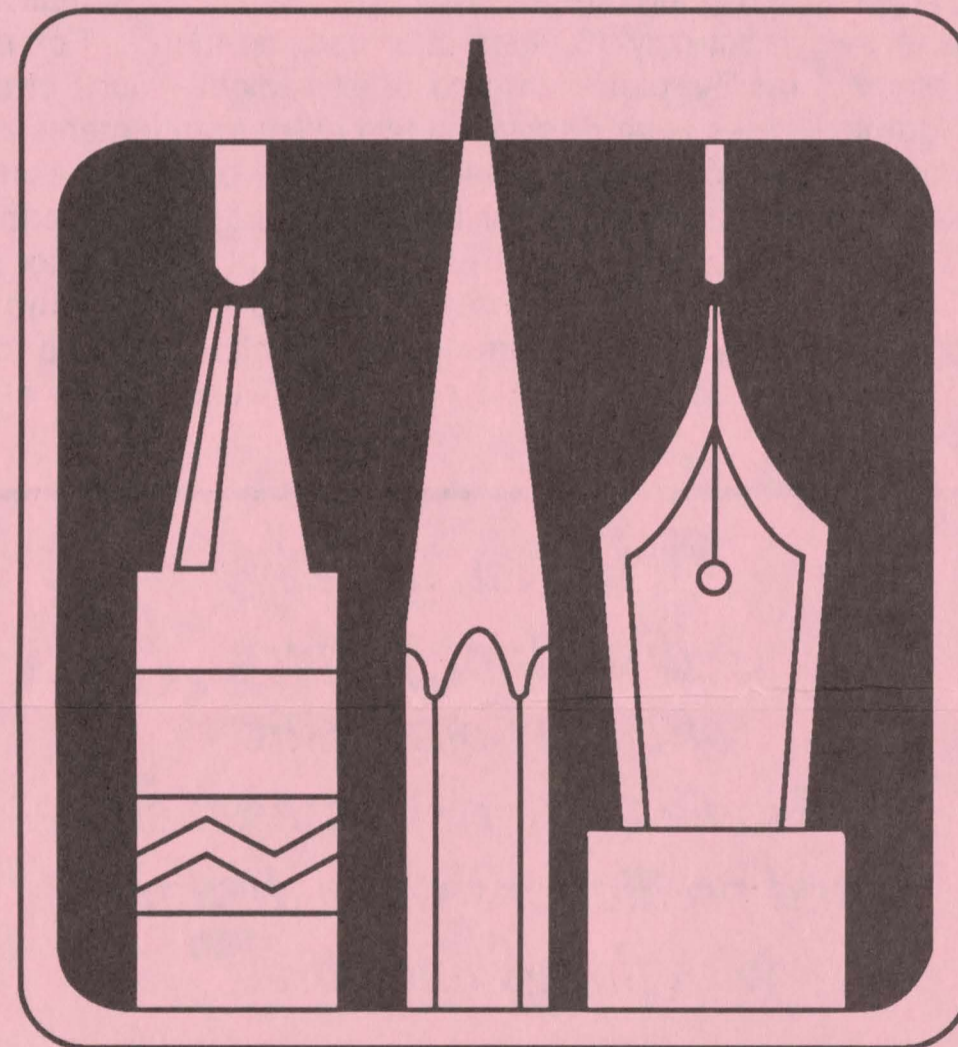
The volcanic hazards research provides input to the estimation of the probability of disruption of a Yucca Mountain repository by volcanic eruption, a project conducted by Dr. Chih-Hsiang Ho of UNLV.

- *Yucca Mountain Program, Summary of Research and Technical Review Activities, October 1990 to September 1991.* By the Desert Research Institute (December 1991).

The Desert Research Institute research program focuses on specific aspects of hydrogeology and climate change.

A key project is the analysis of short-term climate and weather influence

(Continued on Back Page)



tain and CP Hills on the Nevada Tests Site. Work continued on the Pahrana-gat shear zone in Lincoln County, and the Bare Mountains and Grapevine Mountains in Nye County.

Basinal studies focused on source rock stratigraphy both in the oil-producing region of central Nevada and the Nevada Test Site, with emphasis on defining the extent and composition

Journal of Commerce:

'Time for nuclear utilities to consider taking the job back and solving their own waste problem'

The following editorial, simply entitled "Yucca Mountain," appeared in the Oct. 16, 1992, edition of The Journal of Commerce, based in New York City. It is reprinted in its entirety.

Three decades after the debut of nuclear power in the United States, utilities haven't solved a basic problem: Where to bury spent fuel rods and other lethal waste that will remain radioactive for 10,000 years.

Under current law, the job of disposing of radioactive waste from civilian power plants belongs to the Department of Energy. But despite 10 years of study and \$4 billion in spending, DOE is far from a solution. It's time for utilities to consider taking the job back and solving their own waste problem.

Finding a burial place for 25,000 tons of spent fuel rods is not an immediate safety problem: The waste is stored in interim facilities that will last for a century. But that doesn't make the need to build a repository any less urgent. The absence of permanent storage contributes to a public perception that utilities have no idea how to deal with their own byproducts. The industry's contention that business is electricity, not trash disposal, will not wash: Ultimately, the public will demand a better answer than that.

Nevertheless, utilities 10 years ago succeeded in transferring the waste removal task to the government. They argued successfully in Congress that the Department of Energy should take title to their waste and find a place to bury it. Five years

ago, Congress went a step further, telling DOE to focus its search on Yucca Mountain, a remote ridge in the southwestern Nevada desert.

Last week, Congress moved DOE even closer to choosing Yucca Mountain, approving changes that would help the department obtain an operating license there and making DOE the permanent custodian of waste at the site. If that seems like progress, it isn't. The Yucca Mountain facility is nowhere near approval; DOE plans to study it for a few more years. More important, Nevadans are adamantly opposed, which is sure to lead to years of litigation and more bad publicity for nuclear utilities.

“ Rather than backing changes that would force Nevada to accept this facility, utilities should ask Congress to relieve DOE of the job and let them do it instead. ”

That is a public relations bruise the nuclear power industry can ill afford, especially if utilities seek public approval for a new generation of reactors. Rather than backing changes that would force Nevada to accept this facility, utilities should ask Congress to relieve DOE of the job and let them do it instead.

At a minimum, utilities are likely to spend less money than DOE to accomplish the task. The department expects to spend \$6 billion testing and studying the Yucca Mountain site before it applies for a license there — if it ultimately chooses that location. Much of the bill is being paid by utili-

ties and their ratepayers.

The Yucca Mountain site is likely to remain controversial in spite of the industry's best efforts to persuade the public it is safe. Utilities are still fighting the legacy of a prominent DOE scientist, who said the site could be flooded by an upswell of deep spring waters that might spread nuclear contamination. Other scientists have contradicted that view. Environmentalists are also concerned that increased rainfall could present a flooding problem as well.

Ultimately, it may not be necessary to fight a rancorous legal battle over a site whose safety is open to question. With the proper financial incentives and environmental safeguards, utilities may find a community that is willing to accept nuclear wastes.

Admittedly, DOE has been trying to find a state to voluntarily accept a permanent storage facility in exchange for payment. Nevada, for one, refused any deal, in part because officials there weren't sure DOE and Congress could be trusted to appropriate money in the future. If, on the other hand, utilities properly structured the incentives and a site was selected on the basis of geology and not politics, they might have an easier time than the government finding a site.

The alternative is leaving DOE in charge and allowing the debate over Yucca Mountain to continue while radioactive wastes accumulate at nuclear plants around the country. It should not take four decades for the nuclear industry to decide how to dispose of its trash.

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"The State's ongoing scientific investigation of Yucca Mountain has been universally praised for its relevancy and merit," said Bob Loux, executive director of the Nuclear Waste Project Office. "These new reports are but a sampling of years of rigorous scientific inquiry from some of the finest researchers in the country."

The new reports, available from the Nuclear Waste Project Office, are:

● *Evaluation of the Geologic Relations and Seismotectonic Stability of the Yucca Mountain Area, Progress Report.* By the Center for Neotectonic Studies, Mackay School of Mines, University of Nevada-Reno (September 30, 1991).

The report describes progress in the evaluation of quaternary tectonics, mineral deposits, seismology, neotectonics, and basinal studies relative to Yucca Mountain.

Quaternary tectonics research focused on the completion of stratigraphic studies of alluvial materials in Crater Flat, and the completion of fault mapping and stratigraphic studies associated with the 1932 Cedar Mountain earthquake in central Nevada, an analog site for assessing faulting at Yucca Mountain.

Mineral deposits research contin-

State publishes four new reports in its ongoing study of Yucca Mountain

ued dating of silici volcanic centers, understanding the nature and distribution of subsurface alteration in Yucca Mountain from an examination of drill core, and assembling trace-metal chemistry from volcanic tuff and fault zones as Yucca Mountain. A four-station micro-earthquake array was operated during the reporting period with 10 events recorded.

Neotectonic studies were completed for Pahrump and Stewart Valleys, Amargosa Valley and the Mine Moun-

tain and CP Hills on the Nevada Tests Site. Work continued on the Pahrana-gat shear zone in Lincoln County, and the Bare Mountains and Grapevine Mountains in Nye County.

Basinal studies focused on source rock stratigraphy both in the oil-producing region of central Nevada and the Nevada Test Site, with emphasis on defining the extent and composition

of the Eleana Formation, a Mississippian hydrocarbon source rock in central Nevada.

● *Annual Report for the Period October 1990 to September 1991.* By the Center for Volcanic and Tectonic Studies, University of Nevada-Las Vegas (December 1991).

Studies by the Center for Volcanic and Tectonic Studies focus on an assessment of volcanic hazards at Yucca Mountain.

The research included geologic mapping of basaltic volcanic cones in Crater Flat, west of Yucca Mountain, mapping of geologic structures which could control volcanism in the Yucca Mountain area, mapping young felsic volcanic centers in the southern Great Basin, and understanding the magmatic processes which control the location and composition of past volcanism and may control future volcanism.

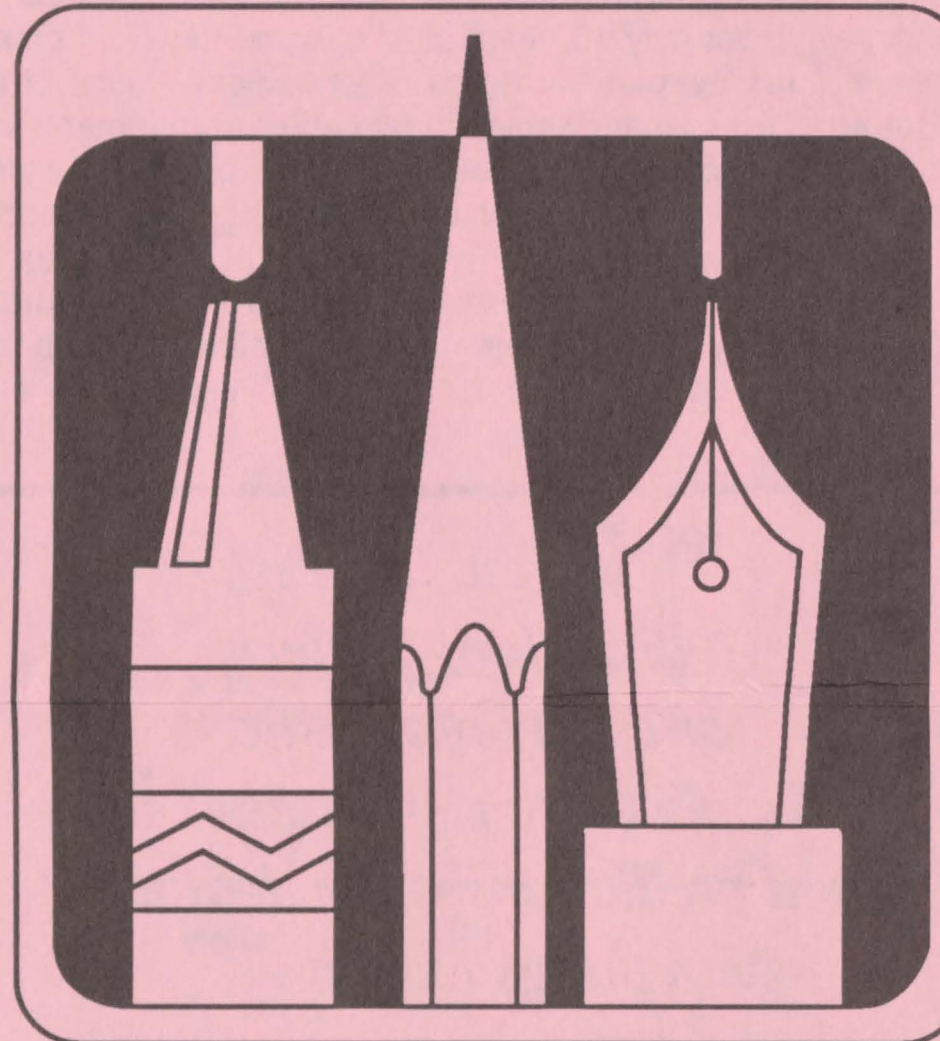
The volcanic hazards research provides input to the estimation of the probability of disruption of a Yucca Mountain repository by volcanic eruption, a project conducted by Dr. Chih-Hsiang Ho of UNLV.

● *Yucca Mountain Program, Summary of Research and Technical Review Activities, October 1990 to September 1991.* By the Desert Research Institute (December 1991).

The Desert Research Institute research program focuses on specific aspects of hydrogeology and climate change.

A key project is the analysis of short-term climate and weather influ-

(Continued on Back Page)



Yucca Mountain, continued

Without scientific scrutiny, Congress rushes to weaken dump site safety standards

An energy bill passed in the waning moments of the recent Congress "is an assault to health and safety standards and another maneuver by the Department of Energy and the nuclear power industry to attempt to build the nuclear waste dump at Yucca Mountain regardless of the risk."

Bob Loux, executive director of the Nevada Nuclear Waste Project Office, said that "without any public hearings or scientific scrutiny, those dump-at-any-cost forces took advantage of Congress' rush to adjourn to reduce the required safety standards for Yucca Mountain."

The bill eliminates certain Environmental Protection Agency standards that govern the proposed Yucca Mountain dump, despite the boasting of Department of Energy officials five years ago to the Congress that the Department could meet the standards within five times the limits.

The Department of Energy sought to remove the EPA standards because they "impose requirements that may be costly to implement, without corresponding demonstrated health benefits," according to a Department official.

"This only confirms what we have been saying all along — that the Yucca Mountain site is unsafe," said Loux.

"It further demonstrates that the site could not meet the original, more stringent, standards. The authors and supporters of this bill have actively promoted weaker standards at Yucca Mountain to accommodate the interests of the nuclear power industry. And, by doing so, they place Nevadans at a much greater health and safety risk.

"How can Nevadans trust the DOE to protect their health and safety when it supports legislation that increases risks of radiation exposure from a dump?" asked Loux.

"Merely changing the regulations in Congress does not change the safety of the site."

Loux noted that earlier this year, the Department of Energy and the nuclear power industry lobbied hard in Congress to strip Nevada of its rights to enforce environmental regulations at Yucca Mountain, but were shot down, as was their plan to build a temporary, monitored retrievable storage facility in Nevada, in violation of current law.

Stanford professor warns that a dump may not be economical in the long run

The nuclear power industry "is too focused on a nuclear repository and not focused on a solution," said a Stanford economics professor who recently spoke on "The Economics of Nuclear Waste Disposal" at the University of Nevada, Las Vegas.

In an interview with the Las Vegas Sun prior to his speech, Geoffrey Rothwell suggested it was more practical economically to temporarily store high-level nuclear waste in other areas of the country than to bury it at Yucca Mountain.

"Instead of being overly emotional about the issue, I think it's better to do a good economic analysis," said Rothwell, adding that the nuclear industry should approach the issue of waste disposal as carefully as corporations make major business decisions.

And by using economic analysis rather than politics, he said a solution to the nuclear waste dilemma may emerge.

Rothwell, a senior research associate at Stanford University's Center for Economic Policy Research and the author of numerous articles on the nuclear power industry, said the massive numbers of transportation shipments to a proposed dump at Yucca Mountain should be examined.

He posed the scenario of a multi-ton, fully-loaded cask falling off a truck. "A regular tow truck can't come out and pick this up," he told the Sun.

"Even a fender-bender between this truck and another truck on Highway 95 at 3 in the afternoon and you shut down the highway," he said.

Rothwell said that unless the federal government is willing to spend a great deal of money refurbishing and strengthening its freeways and highways, nuclear waste should not be moved.

He told the Sun that if repository costs are increasing faster than inflation, the Yucca Mountain dump project will about double in cost every 10 years.

Rothwell said the costs for disposal of low-level radioactive wastes from medical procedures and hospitals increased 15 percent each year from 1978 to 1988, and that the federal government should be allocating more money today to afford the costs of high-level nuclear waste disposal in the future.

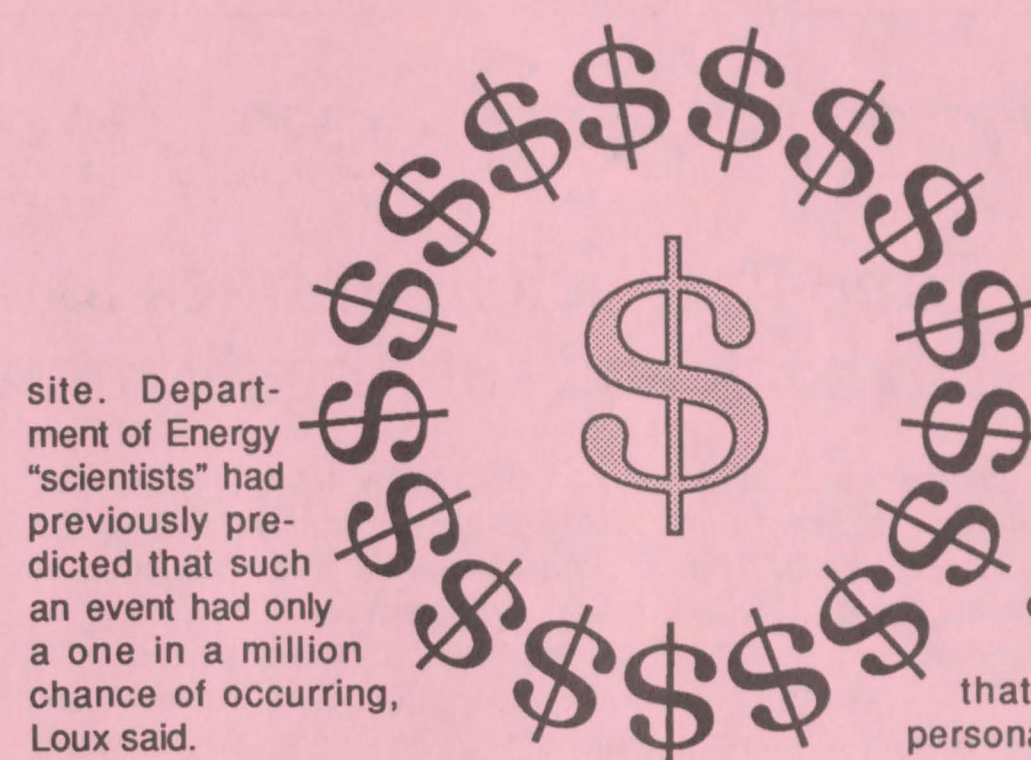
"The question is how do you evaluate what is happening to your children's grandchildren," said Rothwell.

The science of selling out to the nuclear industry

The latest media advertisement by the American Nuclear Energy Council in support of the high-level nuclear waste dump at Yucca Mountain is more notable for what it doesn't say than for what it does, according to Bob Loux, executive director of the Nuclear Waste Project Office.

Loux said Dr. Jerry King is the newest purported "scientist" to be featured in these ads, which are designed to convince Nevadans that earthquakes are nothing to worry about at Yucca Mountain.

A large, 5.6 magnitude earthquake struck near Yucca Mountain earlier this summer, causing more than \$1 million in damages to buildings at the



site. Department of Energy "scientists" had previously predicted that such an event had only a one in a million chance of occurring, Loux said.

"What the current ad doesn't mention is that Dr. King has received extensive media training by the nuclear industry's advertising operatives on how to act in this commercial and what to say to attempt to soften Nevadans' concern about earthquakes," said Loux. "In fact, in information provided by DOE, it appears that Dr. King has gone through as many as 11 such media training exercises.

"It is also noteworthy that nowhere in the print ads featuring Dr. King does it mention that they are paid for by the nuclear power industry," said Loux, "further misleading unsuspecting readers that they provide anything close to objective information."

Loux said that while working on the Yucca Mountain project for the Department of Energy, King was employed

by Science Applications International Corp., an employee profit-sharing company.

"This means that Dr. King had a personal financial stake in the continuation of the Yucca Mountain project," Loux said. "The more money SAIC made on the project by working for DOE, the more Dr. King profited personally."

Loux added that "no scientist with any integrity or the respect of his or her colleagues would allow himself or herself to be used in such a blatant, misleading disinformation campaign."

In the nuclear industry ads, King says that if a major earthquake threat is discovered at Yucca Mountain, "I guarantee you a repository will never be built there."

"What authority does Dr. King have as a consultant or contractor to DOE to stop the project, as he boldly asserts he will do if he discovers a fatal flaw?" asked Loux. "Are we to believe this is an honest evaluation of the site?"

Deficiencies in logic plague predictions

(Continued from Front Page)

The report contends that there are fundamental uncertainties and methodological value judgments in the theoretical and mathematical models used by DOE to evaluate Yucca Mountain hydrogeology, volcanism, and seismic activity as well as fundamental uncertainties in the input data for the actual risk estimates.

Because of these uncertainties, value judgments, and inconsistencies, there are fundamental problems not only with accurately portraying the risks associated with a Yucca Mountain repository, but also with the decisions DOE is making for controlling and managing those risks.

Shrader-Frechette concludes by calling for a fairer and more scientifically credible approach to risk assessment and site evaluation. "Scientists have an ethical obligation

not to be closed minded," said Shrader-Frechette.

"Also, given the pressures on scientists and risk assessors as a result of there being only one potential high-level radwaste site, at Yucca Mountain, it makes sense to insure that risk assessors are not biased for or against the site because of political, ethical, economic, or personal reasons."

While not addressed specifically in the report, the issue of DOE scientists participating in the nuclear power industry's public relations campaign promoting Yucca Mountain as a repository raises the specter of bias and casts further doubts about the veracity of assertions that the site poses no significant health and safety risks for Nevadans.

Copies of Shrader-Frechette's report are available from the Nevada Nuclear Waste Project Office.

State publishes more science reports

(Continued from Page Two)

ence on surface water hydrology and potential recharge. Field plots were installed in the Yucca Mountain area for simulating natural precipitation events. Various precipitation regimes have been simulated and modeled.

Another project is a quantitative analysis of ground water flow systems using environmental isotope-calibrated flow models. A discrete-state compartment model using carbon-14 isotope data expressed as a percentage of modern carbon was used to interpret long-term ground water flow conditions in the Yucca Mountain area.

Another line of research coupled a climate model and a stable isotope model to assist in understanding the importance that recycled moisture has on the stable isotopic ratios of downward percolating meteoric water.

A long-term research project has been to establish the past precipitation and vegetation at Yucca Mountain through studies of pack rat middens, pollen, and tree rings. Analysis of samples gathered in previous years are ongoing, but some preliminary findings are emerging.

At least four periods of increased winter precipitation with reduced annual temperatures have occurred in the last 25,000 years.

Conversely, in the same time frame three periods of increased summer

rainfall with warmer temperatures have been identified.

● *Time Trend Analysis of Basaltic Volcanism Near the Yucca Mountain Site, Progress Report.* By Chih-Hsiang Ho, Department of Mathematical Sciences, University of Nevada-Las Vegas (September 30, 1991).

Progress during the October 1990

to September 1991 reporting period focused on the use of a preliminary data set based on the quaternary volcanism in the area of most recent volcanism (as defined by E. Smith) to demonstrate and check the sensitivity of the models used to predict future eruptions during the next 10,000 years.

"The Politics of Power," a *Frontline* program presented by the Public Broadcasting System, aired in late October.

At press time, it was anticipated that the show would include a portion on the federal government's attempt to build a high-level nuclear waste dump at Yucca Mountain.

Program notes of KLVX, the Las Vegas PBS affiliate, describe the presentation: "Nineteen years after

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the first Arab oil embargo and 13 years after the accident at the Three Mile Island

nuclear plant, 'Frontline,' in coproduction with the Center for Investigative Reporting, examines the story of our nation's failed energy policy."

It is expected that the Nuclear Waste Project Office will have copies of the presentation available to the public. For more information, call 702/687-3744.

YUCCA HOTLINE

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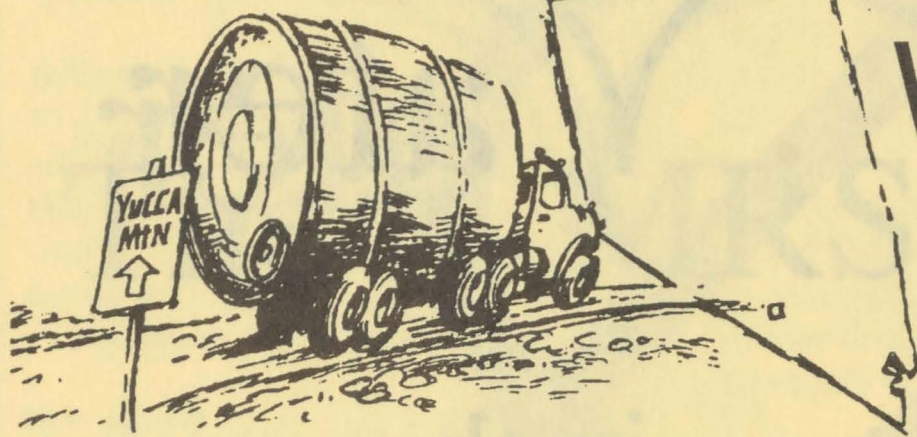
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Nevada Nuclear Waste News



DOE

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Inside

Vol. 4, No. 1

"There is no right way to do a wrong thing"

March 1993

O-1347

Federal GAO advises new Congress

Time to reconsider Yucca dump

Saying the Department of Energy's search to find a suitable location for a high-level nuclear waste dump "seems as distant as it did 10 years ago," the federal General Accounting Office has advised the new Congress that "it is time to reconsider the alternatives for storing nuclear waste."

The General Accounting Office, the investigative arm of Congress, made its comments and recommendations in a recently released report outlining major policy, management and program issues facing the Congress and the new administration in the areas of energy and science.

"Although a decade has passed since the Congress established a program for disposing of nuclear waste from electric utilities and several billion dollars have been invested," said the GAO report, "siting a nuclear waste repository seems as distant as it did 10 years ago."

The report noted that the original goal of having a nuclear waste dump in place by 1998 has been pushed back to the year 2010 by the Department of Energy, and that "completing the reposi-

tory by that date appears unlikely."

"The cost of the waste disposal program — estimated at nearly \$30 billion in today's dollars — is also being questioned," said the report. DOE has already spent \$3 billion on the dump program, and estimates it will have to spend another \$5 billion to complete studies at Yucca Mountain.

Beyond that, the report says the

presidentially appointed Technical Review Board overseeing the dump program believes that "DOE may not have allowed enough time to address and resolve technical issues that could significantly affect the performance and cost of the repository."

The Department of Energy "is having difficulty identifying a host site" for a temporary dump that is supposed to house the waste by 1998, the report said. It added that the question of whether DOE will take physical control of the waste from commercial nuclear power plants by the 1998 date may have to be resolved in the courts, even though utilities believe that DOE is obligated to do so by a "binding commitment."

"In view of the dim prospects for completing a repository by 2010 and the uncertain availability of a temporary storage facility, a reassessment is needed," the report concluded.

"It is time to reconsider the alternatives for storing nuclear waste and to ensure that funding levels and time frames realistically accord with the selected alternative(s)."

Quotable

"This project is the worst federal program I have ever seen or heard of."

"There is a pattern of corrupt management everywhere one looks in this program."

"It is totally unacceptable to me for a U.S. Government program to be conducted in such a criminal way."

"Such biased activity reflects gross mismanagement or an intentional subversion and circumvention of the law. Whichever it is, the lack of integrity is disgraceful."

"It is a sad day for our country when the public becomes unjustly cynical about the integrity of public officials. But, it is so much sadder when the cynicism is justified. The Yucca Mountain Project falls in the latter category."

— Joel T. Hall, Retired USAF Brigadier General
Former DOE Major Contractor Employee
Story on Page Three

Water in the Mountain

Scientists reassert warning of upwelling into proposed dump

An eminent geophysicist has asked the National Academy of Sciences to re-evaluate its report on the possibility of upward flooding of a proposed dump at Yucca Mountain, saying the report contained "a rather cavalier approach to elementary logic" and "is poorly done and misleading and will adversely affect both the Academy and the country's program for nuclear waste disposal."

In a report prepared for the State of Nevada, Dr. Charles Archambeau of the University of Colorado, a well-known geophysicist and recipient of a prestigious MacArthur Award, said he and several colleagues disagree with most of the conclusions and recommendations made in the NAS report released in July of last year.

The NAS report rejected the theory by former senior Department of Energy geologist Jerry Szymanski that water in the past has upwelled into Yucca Mountain above the repository

level, and that such flooding could cause radioactive material to go into the ground water of the area and creep in to the environment.

"This is not what might be termed a 'disagreement about scientific details,'" Archambeau said in a letter to Dr. Frank Press, president of the National Academy of Sciences.

"This is major criticism directed at the NAS panel for their disregard of critical data that was available and known to them, their misrepresentation of other data and results, and the use of equivocal and often contradictory field 'observations' and data to draw very strong conclusions and recommendations."

Archambeau was one of five scientists on a DOE external review panel that scrutinized Szymanski's theory prior to the NAS report.

Since then, with support from the State of Nevada Nuclear Waste Project Office, Archambeau and his col-

leagues at Technology and Resource Assessment Corp. in Boulder, Colo., have spent a great deal of time and effort assessing the emerging geologic evidence for upwelling of water at the site, as well as engaging in computer modeling of the phenomenon.

Also, Szymanski himself has produced other major reports which provide additional data and arguments in support of his interpretations.

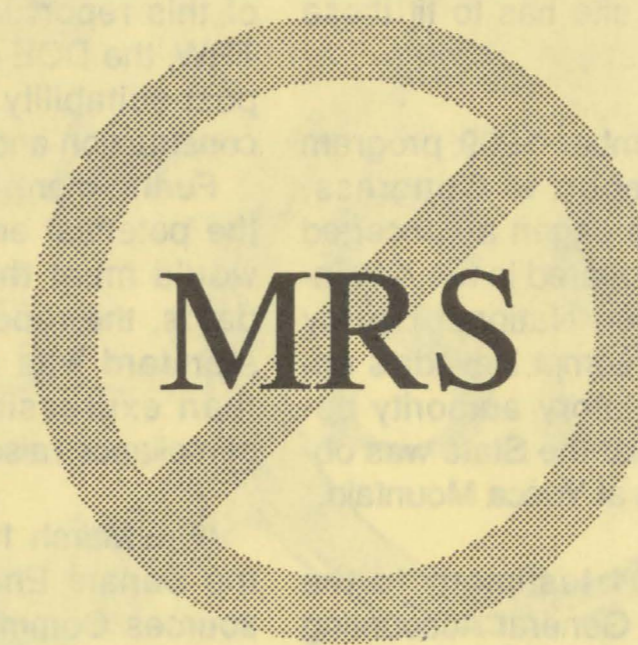
Archambeau said these recent investigations "have strengthened my previously held conclusions that a recurrence of upwelling water from depth is possible within a time frame of 10,000 years," the length of time the proposed dump is supposed to safely isolate the deadly nuclear waste from the environment.

Szymanski's model predicts episodic upwelling of ground water at Yucca Mountain in response to major tectonic events — moderate to large earthquakes and/or volcanic activity — and incorporates both seismic pumping and gas-assisted, fracture-controlled, thermal convection.

Ground water upwelling is a critical issue, since if there is a likelihood of water flooding the site within the first

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Utah is the second state to reject a bid for temporary nuclear dump

Utah Gov. Michael O. Leavitt has rejected a proposal by commissioners in San Juan County to seek funding from the Department of Energy for further study of a temporary, high-level nuclear waste dump in southeastern Utah.

In vetoing the county's request to possibly host a monitored retrievable storage facility, or MRS, Leavitt said the "federal government has not proven itself to be a reliable partner in fulfilling its promises or following policy it has established."

Leavitt thus joined Wyoming Gov. Mike Sullivan, who last year rejected a bid by Fremont County commissioners to seek further Department of Energy funding for an MRS study and questioned the ability of states to trust DOE.

The MRS would be a temporary high-level nuclear waste dump that would act as a clearing-house and repackaging facility for the waste that is piling up at the nation's commercial nuclear power plants. Many nuclear power plants will run out of pool storage space before a final, permanent dump can be

constructed, by the year 2010 at the earliest.

Leavitt said that while the concept of an MRS is supposed to be temporary storage, "the reality is that an MRS facility will likely become permanent" because "serious questions remain" as to whether Yucca Mountain in Nevada will ever become the permanent dump, based on "serious seismic problems" with the site.

The federal nuclear waste negotiator is empowered under the Nuclear Waste Policy Act Amendments to find

"The federal government has not proven itself to be a reliable partner in fulfilling its promises or following policy it has established."

a host site for a monitored retrievable storage facility. Several Indian tribes and local governments have received grants from the DOE to study the feasibility of hosting an MRS.

"Although the nuclear waste negotiator has stated that a volunteer site may withdraw from consideration even after receiving 'feasibility grants,'" Leavitt said, "the repository selection process has shown that sites which have been studied are more likely to be forced into participation, e.g. Yucca Mountain.

"The Department of Energy has a track record of numerous delays, cancellations, cost overruns, and changes of direction. This is not a process Utah should embrace ..."

In rejecting Fremont County's MRS funding request, Wyoming's Gov. Sullivan asked, "Can we trust the federal government or the assurance of negotiation to protect our or citizens' interests?"

"Let us not deceive ourselves," said Sullivan. "We are being invited through continuing study to dance with a 900-pound gorilla. Are we willing to ignore the experience history would provide us for the siren song of promised economic benefits and a policy that is clearly a moving target? As Governor, I am not. ..."

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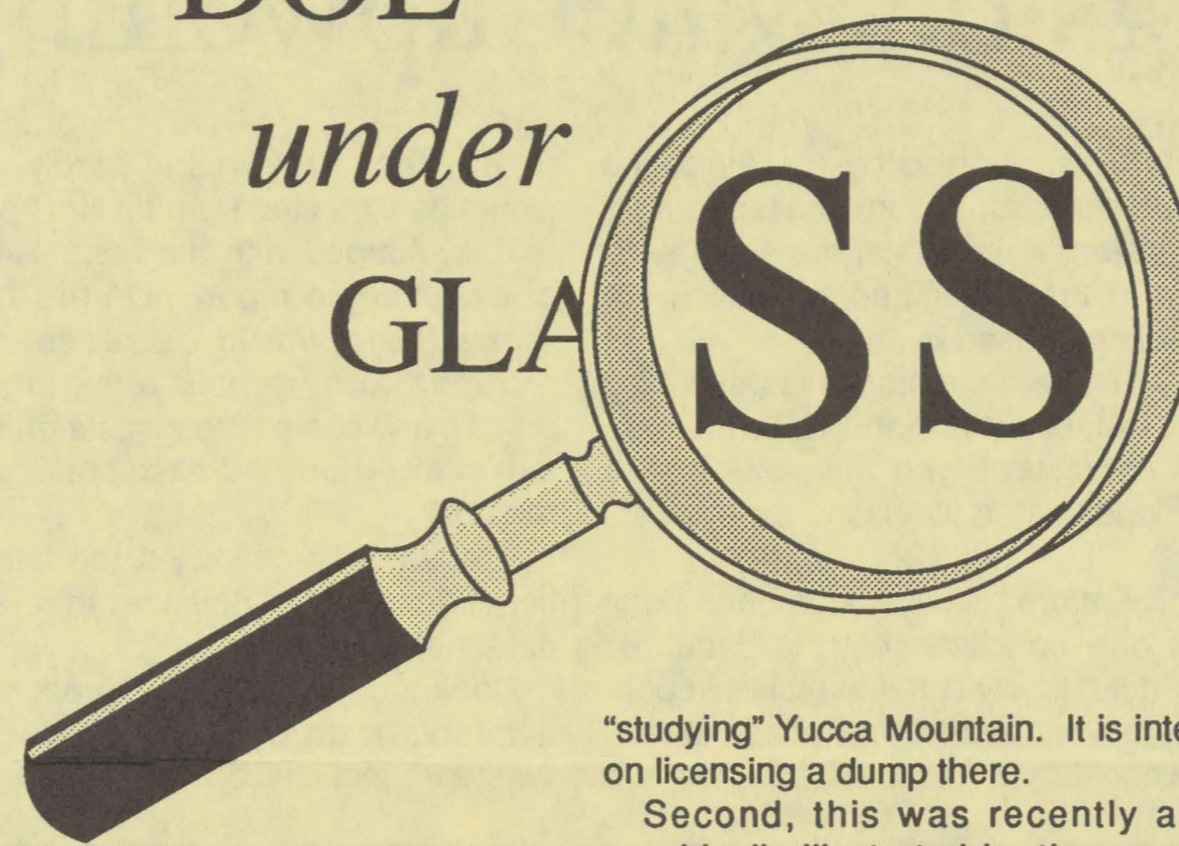
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DOE under GLASS



"studying" Yucca Mountain. It is intent on licensing a dump there.

Second, this was recently and graphically illustrated by the revelations of retired Air Force Brigadier General Joel T. Hall, a former deputy commander of NATO's 5th Allied Tactical Air Force who worked for DOE as one of its major contractor employees.

In letters to Watkins, Hall said the DOE is "fully engaged in selecting test and data requirements and alternative analytical report schemes to facilitate license application to the NRC. *Not to study the mountain scientifically and objectively, but to select and conduct those studies that support licensing application* [emphasis added]."

"It is one thing to conduct objective scientific studies, tests and evaluations of a mountain to determine whether or not it is suitable," Hall told Watkins. "However, it is a completely different matter to conduct tests, studies, and evaluations which have been exclusively selected, structured, and conducted to produce the data needed to support what one wishes the outcome to be."

This, he said, "is not the task assigned by law and spending appropriated funds on such activities is fraudulent."

Furthermore, said Hall, "One would expect a contractor with a vested financial interest in the outcome of site suitability evaluation to be excluded from the suitability determination process. ... Not so on the Yucca Mountain project."

Hall said TRW, the major DOE con-

It looks to build and license a dump, not study Yucca Mountain

tractor, has the lead role in test prioritization and selection, evaluation, and reporting on site suitability as well as post-suitability licensing, repository construction and operation. "Thus," said Hall, "their (TRW's) financial viability will depend on the outcome of a process which they control."

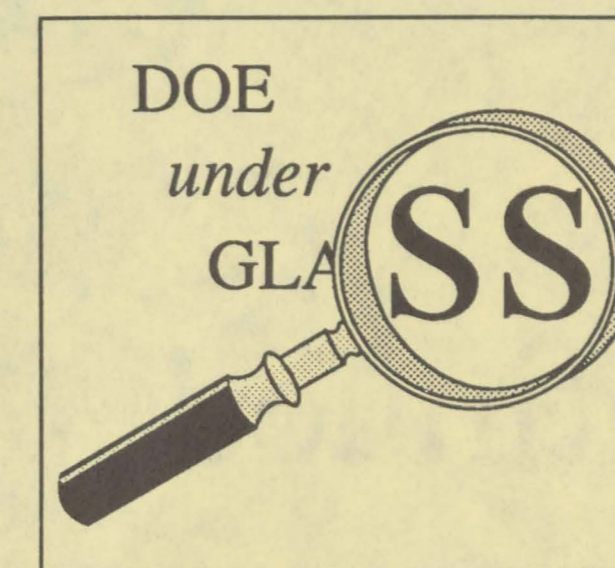
As Hall said, "Conflicts of interests should be eliminated — they are not, they are nurtured. The requirement to study, test, evaluate, and determine the suitability of Yucca Mountain, in accordance with the law, should be the preeminent task of the Yucca Mountain Project Office — it is not."

The DOE does not see it that way, however — never has and never will. There is ample historical evidence to support this conclusion:

● In June 1987, former DOE Yucca Mountain project manager Don Vieth told the Senate Energy and Natural Resources Committee that "it is not conceivable to me that we would discover (during site study) something of a major nature that would cause us to change our mind about it (Yucca Mountain's suitability)."

Shortly thereafter the Congress passed the Amendments to the Nuclear Waste Policy Act, singling out Yucca Mountain as the only site to be "studied." This effectively eliminated DOE's incentive for objective scientific and technical evaluation of Yucca Mountain, since there were no other

(Continued on Page Four)



(Continued from Page Three)
sites against which to compare it or the quality of the characterization.

● Current DOE Yucca Mountain project manager Carl Gertz, in the June 1988 *Scientific American*: "We're 99 percent sure — well, make that 95 — that Yucca Mountain will meet the regulatory requirements."

● In August 1988 16 scientists of U.S. Geological Survey, DOE's prime geologic and hydrologic contractor, wrote that "in subjugating the technical program to satisfy DOE political objectives, we may succeed in making the program comply with regulations, while being scientifically indefensible. ... DOE has attempted to prevent the discovery of problems that would doom the repository."

● In January 1989 Hugh Thompson of the Nuclear Regulatory Commission said DOE and its contractors "have not been doing well, and DOE plans to collect only data that would prove its case for determining that Yucca Mountain is suitable and not data that might show flaws that would preclude the site's use."

● From a Dec. 20, 1989, exchange between Leo Duffy, DOE director of the Office of Environmental Restoration and Waste Management, and NRC Chairman Kenneth Carr:

Carr: "If you look at all this together, it looks like we're going to wait and make the rules to fit the site (Yucca Mountain)."

Duffy: "There may be some areas that we think that would be an advisable opportunity."

Carr: "We'd like to think we can

make the rules fit public health and safety and some site has to fit those rules."

● In his November 1989 program reassessment report to Congress, Secretary Watkins began a concerted effort that later appeared in the Administration's proposed National Energy Strategy Act to preempt Nevada's environmental regulatory authority because of claims that the State was obstructing progress at Yucca Mountain.

● In April 1991 testimony to the U.S. Senate, the General Accounting Office reported that even if DOE had received permits from Nevada earlier, it was not prepared to begin new site characterization work at Yucca Mountain until March 1991, and that DOE itself was responsible for most of the delay in initiating new work since 1988. DOE then contended, as it continues to do today, that preemption of Nevada's authority is necessary "insurance" so the State cannot obstruct the project in the future.

● In October 1991, DOE abandoned its earlier exploratory shaft facility in favor of a new design for an underground exploratory studies facility. Because of its scale and emphasis on construction to repository dimensions, the presidentially appointed Nuclear Waste Technical Review Board characterized the plan as being more one of beginning repository construction than for collection of data that could give early indication of whether the site should be disqualified.

● In January 1992, the DOE issued in the form of a contractor report an early site suitability evaluation which found that there were no disqualifying factors present at Yucca Mountain, yet failed to evaluate the question of whether available information and data were sufficient to make judgments about the suitability or unsuitability of the site.

The report was based on information gathered to originally select Yucca Mountain as a place to be examined, even though the law requires that these preliminary studies be excluded from use in site characterization.

(It is also noteworthy that the author of this report later went to work for TRW, the DOE contractor in charge of post-suitability licensing, repository construction and operation.)

Furthermore, in examining whether the potential emissions of carbon-14 would meet the EPA release standards, the report concluded that the standard was inappropriate, rather than expressing the doubts about compliance raised by the evaluation.

● In March 1992, DOE officials told the Senate Energy and Natural Resources Committee that overly stringent NRC and EPA repository regulations were causing delay and greatly escalating costs in the Yucca Mountain project, implying that project success depended upon relief either from the NRC and EPA or the Congress.

This, despite the fact that in June 1987 former project manager Vieth told the Senate subcommittee that estimated releases of radionuclides from Yucca Mountain "may be five orders of magnitude below a very conservative EPA standard."

● In October 1992, when it became clear that regulatory relief satisfactory to DOE was not forthcoming from the NRC and EPA, Congress adopted, *without public hearing or scientific testimony*, the Energy Policy Act of 1992. It instructs EPA to establish new site-specific regulations for Yucca Mountain based on "reasonable" safety standards recommended by the National Academy of Sciences. It also instructs NRC to conform its repository licensing requirements to these new standards which, based on the Act's requirements, will be less stringent in their protection of health and safety.

And now the latest plan to bury waste at Yucca Mountain before it is licensed, in clear violation of the process of studying the site, licensing it, and then burying the waste.

Despite claims to the contrary, this is compelling evidence that DOE's plans and activities are more aimed at building and licensing a dump than they are at "studying" the suitability of Yucca Mountain to safely isolate the most deadly substances known to man for the next 10,000 years.

More warnings on water upwelling

(Continued from Page Two)

few thousand years after burial of the radioactive waste, then Yucca Mountain would not be suitable as a dump under current licensing regulations.

Archambeau said there are three "basic and serious problems" with the report issued by the National Academy of Sciences:

— "The report ignores a considerable body of critical data relating to the ages and nature of hydrothermal alterations at the site."

— "Many of the strong conclusions expressed in the report are not rea-

sonably supported by the evidence presented and, in some cases, are inconsistent with data and results available to the committee but which are not cited or used by them."

— "There are statements describing field relationships and data that are not consistent with the facts or are made in such a way as to be misleading."

"Therefore," said Archambeau, "one can only conclude that the panel did not actually read Szymanski's report, or if they did read it they chose to misrepresent it."

"In either case this is hardly what would be expected from an NAS panel that is charged with the responsibility of evaluating a report. On this basis alone there would be reasonable grounds to seriously question the panel's findings as it suggests an inclination to distort and misrepresent the record."

Archambeau called on the full National Academy of Sciences to re-evaluate the report.

Copies of Archambeau's report are available from the Nevada Nuclear Waste Project Office.

Utah governor rejects bid for temporary dump

(Continued from Page Five)

"I am absolutely unpersuaded that Wyoming can rely on the assurances we receive from the federal government."

Leavitt said Utah "has already been somewhat of a national sacrifice area as a result of nuclear activities," and added that health and safety issues regarding transportation of spent nuclear fuel "continue to be a problem area."

"I do not believe these issues have been adequately examined," said

Leavitt. "Transportation over long distances is especially difficult to justify if storage capacity is available at reactor sites."

Saying he recognized that San Juan County and southeastern Utah face economic problems, and that a monitored retrievable storage facility would provide jobs and an infusion of money, Leavitt added that he believed "the risks and problems outweigh the potential benefits."

Leavitt said an economic analysis by his office indicated that state and

local governments would lose about \$300,000 a year after the facility is built because any taxes collected would not be enough to pay for the increased government services, such as education, police protection and road maintenance.

"In addition," said Leavitt, "the tourism and recreation industries, which are highly important to San Juan County, would suffer significantly from the stigma of being what would be characterized nationally as a 'nuclear dumping ground.'"

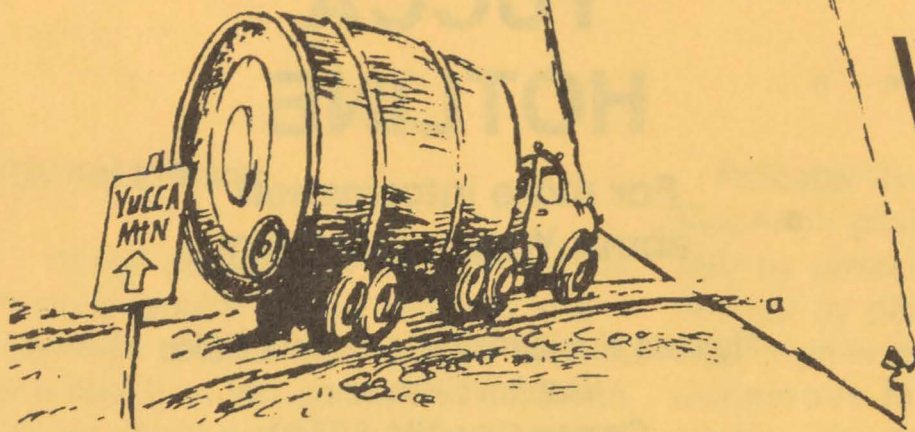
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Nevada Nuclear Waste News



Inside

- Grappling with nuclear waste: Removing the solution, not the problem
- Department of Energy discharges top man on Yucca Mountain from the dump project
- Researchers label nuclear industry ad campaign initiative in Nevada 'a risk communication fiasco'
- Other items related to Yucca Mountain

Vol. 5, No. 1

"There is no right way to do a wrong thing"

January 1994

Crucial Yucca Mountain information endangered

State scientists discover testing flaw

A testing-sequence problem first discovered by State of Nevada Nuclear Waste Project Office scientists could compromise the Department of Energy's study of Yucca Mountain's surface and destroy information that might lead to its disqualification as a nuclear dump.

The discovery came as part of the State of Nevada's annual multimillion-dollar technical and scientific oversight of the DOE's site characterization project.

Despite the State's discovery of the problem, verified and endorsed by the U.S. Geological Survey, the DOE's

main testing contractor, the DOE has yet to change its sequence of testing at Yucca Mountain.

Carl Johnson, administrator of technical programs for the State agency, pointed out in a letter to the Nuclear Regulatory Commission that DOE wants to begin tunneling at Yucca Mountain before it performs surface-based tests, which are essential to determine whether radioactive gases could be released in unacceptable amounts from a repository.

The tunneling, Johnson said, will disturb the ground and ruin crucial gas transport and geochemical information

that needs to be collected on Yucca Mountain's surface.

In another letter, Johnson called on the DOE Yucca Mountain project manager to straighten his testing priorities before significant data is irretrievably lost.

"It is unconscionable to blindly plow ahead underground in the name of 'showing progress at Yucca Mountain' at the expense of much-needed information aboveground that could demonstrate the mountain's deficiencies," Johnson said. "That's not good science — it's showmanship and obfuscation."

What nuclear waste may do to the mountain

Charlie Malone has a Ph.D. in nuclear ecology from Rutgers University and is a Certified Environmental Professional. He has worked on siting and related issues concerning nuclear facilities and nuclear waste management and has about 40 professional publications to his credit.

Dr. Malone has been with the State of Nevada's Nuclear Waste Project Office since 1986. During the preceding 17 years he worked at the National Academy of Sciences, Oak Ridge National Laboratory, and Idaho National Engineering Laboratory.

This Q&A session about environ-

mental issues regarding the proposed Yucca Mountain dump was recently conducted with Dr. Malone.

Question: It sounds like you must have had some experience with Department of Energy programs prior to the Yucca Mountain project.

Dr. Malone: That's right. I've worked on a number of DOE activities, beginning with a DOE postdoctoral fellowship. After that I worked at two of DOE's major nuclear facilities and with one of DOE's prime contractors on the high-level nuclear waste program.

Q: What brought you to Nevada?

Dr. Malone: After passage of the Nuclear Waste Policy Act in 1982, I started following the high-level nuclear waste program around the country and this is where it landed. It's a scientifically intriguing issue because there are so many uncertainties and unresolved technical questions.

Q: Tell us what the State of Nevada's role is with respect to the environment at Yucca Mountain.

Dr. Malone: Our office conducts oversight of the DOE program con-
(Continued on Page Two)

DOE removes Carl Gertz from Yucca Mountain manager role

The manager of the Department of Energy's Yucca Mountain project for the past six years has been removed and reassigned.

Carl Gertz told the press in October 1993 that he will assess the DOE's organization at its Hanford, Wash., nuclear weapons plant.

The DOE said Robert M. Nelson Jr., who was the first director of DOE's waste management project office (now the Yucca Mountain project office) from 1978 to 1981, will serve as acting project manager along with being acting associate director of the office of geologic disposal.

Nelson previously served two interim assignments as manager of DOE's Rocky Flats nuclear weapons facility in Colorado.

The DOE made no comment on why Gertz was reassigned.

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(In Nevada only)

Assessing the environment at Yucca Mountain

(Continued from Front Page)

cerning environmental impacts at Yucca Mountain, both from site characterization and from a potential repository.

Q: Why is this important?

Dr. Malone: Well, a repository poses a really long-term environmental threat, up to 10,000 years or longer. The National Environmental Policy Act addresses such matters by including the protection of future generations among its goals. DOE is investigating the underground environment at Yucca Mountain to try to assess whether or not geologic and hydrologic conditions are sufficiently adequate to protect the health of future generations. Similar kinds of studies need to be done on the above-ground environment to understand how the ecosystem might influence the underground setting at Yucca Mountain and affect the safety performance of a repository over a period of 10,000 years or longer.

Q: How can conditions at the surface possibly affect a repository that's supposed to be a thousand

feet or so underground?

Dr. Malone: In two ways. First, we already know that Yucca Mountain inhales and exhales air — that is, it breathes, as strange as that sounds. It does this through fractures in the bedrock that extend from the surface to well below the depth of a repository. Changes in atmospheric pressure are responsible for the breathing phenomenon, which is not unusual in highly fractured rocks like those at Yucca Mountain. This so-called "pneumatic process" occurs when high atmospheric pressure pushes air into the mountain and lower pressure lets the air escape.

Second, we know that DOE is thinking about packing high-level nuclear waste into Yucca Mountain so densely that the water in the rock fractures will boil away before dripping into the repository, corroding the metal waste containers and releasing nuclear waste that could then migrate into the groundwater aquifer below the repository. Heat from the packed nuclear waste will force water vapor through the cracks in the rocks above the repository all the way to the surface. This added moisture alone

might cause the ecosystem at Yucca Mountain to change.

If that isn't enough, the heat from the repository will be so great that the temperature in the soil on the surface of the mountain will increase enough to change the ecosystem, perhaps eliminating the vegetation or reducing it to the extent that erosion removes the soil and conditions become so severe that no vegetation can survive there. Bare, highly fractured bedrock will both erode faster and channel more water than ever into the repository once the temperatures drop below the boiling point after a few hundred or a thousand years.

Q: Who has responsibility for seeing that environmental requirements and regulations are complied with at Yucca Mountain?

Dr. Malone: The answer to that questions is two-fold. First, DOE is largely self-regulated regarding the environmental protection requirements of the Nuclear Waste Policy Act and the National Environmental Policy Act. And there's no one in authority over DOE to oversee the

(Continued on Page Four)

Removing the solution not the problem

By Kai Erikson

"Good riddance to bad rubbish" is both a familiar human attitude and a common political reflex. But if applied too hastily to this country's inventories of high-level nuclear waste, we could make mistakes that will haunt generations to follow.

The federal government has limited the search for a high-level nuclear waste repository to the Yucca Mountain site in Nevada. To examine the potential social and economic consequences of the repository, the State of Nevada supplemented other federally supported studies by engaging an experienced group of research specialists. The team has produced over 300

reports, articles and other technical papers, as well as three books and a summary report. I served on the committee that reviewed and helped structure that work.

On the basis of that experience, our committee has become convinced that the federal government has not adequately considered the human element in its thinking about nuclear waste.

The government has routinely ignored the deep apprehension toward nuclear waste felt by people in Nevada and the rest of the country. Some technical experts regard this fear as irrational and do not take it into account when the "hard" data are laid on the table. But feelings shape behavior. They are as real as anything else in the natural world. Indeed, the ability of radioactive waste to evoke dread has to be counted as one of its more significant properties, every bit as important as the half-lives of its constituents, its thermal qualities or any of its other physical and chemical characteristics.

Probably more important, the Yucca Mountain project is surrounded not only by profound technical uncertainties but by profound social uncertainties. High-level nuclear wastes remain dangerous for many thousands of years. The country deserves assurances that those wastes will not be disturbed by generations to come. How can we offer such assurances? It is difficult to predict what human beings will do a year from now, hard to imagine what they will do a decade from now, and simply irresponsible to act as if we know what they will do 100 or 1,000 years from now.

What technologies will people of the future have at their disposal? How can we assume that 1,000 feet of rock

the waste problem will breathe new life into a lagging industry. Disposing of those wastes by burying them deep in Yucca Mountain — and as soon as possible — would serve that purpose. To do so, however, means that the rush to burial has more to do with political and economic considerations than it does with technical ones.

There are no important scientific reasons for entombing those wastes within the time span now envisioned. To move in such haste is to foreclose opportunities to explore other solutions to the waste problem that are just now appearing on the technological horizon.

One argument for immediate geological burial is that it will avoid the necessity for future generations to deal with the wastes we leave behind. In fact, just the reverse is true. Deep burial means our generation will be leaving people of the future in charge of thousands of tons of the most dangerous materials imaginable, and at the same time making it as hard as our technology permits for them to apply their own remedies. This

“One argument for immediate geological burial is that it will avoid the necessity for future generations to deal with the wastes we leave behind. In fact, just the reverse is true.”

will pose the same obstacle to them as it does to us? How can we assume that the environmental envelope in which we live will not be rearranged altogether by advanced technologies? How can we be sure that people will not be attracted to that conveniently packaged waste because they see it as a valuable resource? Perhaps it will be perceived as a weapon buried deep in enemy territory, needing only to be activated, or as a place of such power that it excites religious awe. We do not and cannot know the answers to these questions.

Proponents of nuclear power presumably hope that a crisp solution to

is not taking the *problem* out of their hands. It is taking the *solution* out of their hands.

These arguments are enough to make us pause and reflect. We should leave the waste in secure but temporary storage, at or near the surface, while we consider our options.

Kai Erikson is professor of sociology at Yale University and chair of the Technical Advisory Committee for the State of Nevada. This article was provided by the National Academy Op-Ed Service, which is affiliated with the National Academy of Sciences and the National Research Council.

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The pro-dump ad campaign:

'A risk communication fiasco'

"The ANEC campaign to support the Yucca Mountain repository did not merely fall short of its goals; it was a spectacular failure."

So declared researchers James Flynn, Paul Slovic and C.K. Mertz after analyzing the nuclear industry ad campaign championing the federal government's plan to build a high-level nuclear waste dump some 80 north-west of Las Vegas. They made their findings in the current edition of the scientific journal *Risk Analysis* in an article entitled "The Nevada Initiative: A Risk Communication Fiasco."

The researchers conducted polls and a survey of the pro-Yucca Mountain dump advertising campaign staged in Nevada by the American Nuclear Energy Council, an East Coast-based trade association of the nuclear power industry.

The TV ads designed by nuclear power industry operative OIZ Advertising in Las Vegas had "impressive coverage," the researchers said after conducting a poll — about three-quarters

built — almost exactly the same proportion as before the ad campaign."

The blueprint for the campaign to convince Nevadans was "The Nevada Initiative," a document penned by Kent Oram of OIZ and nuclear industry lobbyist Ed Allison that recommended spending \$9 million over three years in Nevada "to sway public opinion toward acceptance of the repository."

"The Nevada Initiative" spoke in military jargon of an effort to provide "air cover" so elected officials could negotiate benefits in exchange for the dump. As part of the strategy, local reporters were hired to present the "industry's side of the stories" to their peers. Department of Energy scientists were trained by the ad campaign managers in an attempt to "convince the public that nuclear energy is safe."

The authors noted that some six weeks after the ads began in Nevada, the document was leaked to the press. "The response in Nevada to the leaked strategy documents was outrage," the researchers said. The re-

sponse was, they said, "a truly vicious reaction that aggressively attacked the campaign and its sponsors."

"Perhaps the most devastating rejoinders to the ANEC campaign," the researchers said, came from two Las Vegas disk jockeys who did parodies of each of the ads, as well as take-offs from businesses in their own ads.

"The ANEC campaign, faced with disbelief, ridicule, and little measurable influence on public opinion, was discontinued in the spring of 1992. By that time, the campaign's credibility had been damaged considerably."

Surveys conducted following its discontinuance reported that after seeing the ads only 3.3 percent of the respondents reported an increased level of trust in the dump program, while almost 41 percent were *less* trusting and the remainder were unchanged.

The researchers said that while ad campaigns designed to address risk perceptions are common, the ANEC campaign "was a spectacular failure."

The campaign "was based upon a belief that the public did not understand the issues and that what was called for was a dose of scientific assurances," the authors concluded in the article. "This attempt was misguided.

"The public opposition to Yucca Mountain is not driven entirely by the risk of radiation exposure. Distrust of the nuclear industry and the Department of Energy, concerns about equity and fairness in site selection and evaluation, and the desire for local and state government to have an effective role in project decisions also play key roles."

About Yucca Mountain's environment

(Continued from Page Two)

agency's environmental actions at Yucca Mountain with respect to those two federal acts. The State Nuclear Waste Project Office performs non-regulatory oversight of DOE's compliance with the environmental protection provisions of the Nuclear Waste Policy Act and the National Environmental Policy Act, but we have no enforcement power.

The second part of the answer to your question is that State environmental regulations for things like air quality and water quality permits are enforced by the State of Nevada Division of Environmental Protection, which we work with regarding the Yucca Mountain program.

Q: How well is DOE doing regarding environmental compliance and environmental protection?

Dr. Malone: The requirements of the Nuclear Waste Policy Act are fairly straightforward and easy to meet by protecting endangered species and by trying to reclaim areas where the vegetation has been disturbed. DOE is accomplishing those things reasonably well.

However, there's a major problem with respect to DOE's meeting the spirit and intent of the National Environmental Policy Act. The Act has the goal and purpose of broadly protecting the quality of the whole environment and not just the individual pieces like air, water, and endangered species, which are addressed by separate laws. Simply put, one of the purposes of the NEPA is to ensure that a systematic, integrated approach is used by federal agencies for protecting environmental systems, or ecosystems, as they're referred to.

Q: As I understand it, some people, perhaps including DOE, believe that the Yucca Mountain project is exempt from the National Environmental Policy Act. Is that correct?

Dr. Malone: It's a confusing issue that's subject to misinterpretation. The Nuclear Waste Policy Act exempt-

ed DOE from the procedural requirement of preparing an environmental impact statement for site characterization, but DOE is not exempt from the purpose and intent of the National Environmental Policy Act, which is to protect environmental quality in a holistic and interdisciplinary ecological sense.

What the Nuclear Waste Policy Act exemption does is to exempt DOE from having to go through the legal motions of preparing a formal environmental impact statement, which includes public hearings and public reviews and is a lengthy procedural process. However, DOE is not exempt from accomplishing the substantial things that environmental impact statements achieve: that is, developing and implementing a strategy for making decisions that includes protecting natural ecosystems.

In the early stages of the repository program in the mid-1980s, many people in DOE, especially those in the Las Vegas office, believed that the Nuclear Waste Policy Act totally excluded the site characterization phase of the project from National Environmental Policy Act compliance. They now acknowledge that the substantive provisions and intent of NEPA apply throughout all phases of the program.

Q: How are they doing now?

Dr. Malone: Unfortunately for the citizens of Nevada, not very well. As an agency, DOE has never done well with NEPA compliance, here or elsewhere. At Yucca Mountain, they have what is called an "ecosystem program" that consists of reclamation activities, protecting the threatened desert tortoise, and attempting to detect ecological impacts caused by site characterization. However, these piecemeal components of the ecosystem program aren't integrated in the substantial and systematic sense intended by NEPA. Instead of trying to understand the nature of the ecosystem at Yucca Mountain and to predict and avoid adverse impacts, DOE is interested only in detecting impacts after they've occurred. Impact assessment is the scientific

discipline on which NEPA is constructed, and it means that before a project like site characterization begins, a study has to be conducted of the natural ecosystem as it exists prior to being disturbed. On this baseline information an environmental impact specialist imposes the planned project, or action, like site characterization activities, and assesses the future impacts that might occur to the ecosystem. This is what the impact assessment process set forth by NEPA is all about.

Q: Has DOE done this for the Yucca Mountain project?

Dr. Malone: No, and the concept of impact assessment is what's missing from the Yucca Mountain project and a subjective environmental impact assessment has never been carried out.

Q: But didn't DOE do an environmental assessment in 1986?

Dr. Malone: You're right, they did, but it was for the Nuclear Waste Policy Act and was more of a simple report than an environmental document required by the National Environmental Policy Act. DOE's assessment wasn't sufficient and credible by National Environmental Policy Act standards because it was based largely on incomplete regional environmental information and not on comprehensive baseline data specific to the Yucca Mountain site. Moreover, at the time the 1986 environmental assessment was prepared, plans for site characterization were not completed.

And, finally, the real weakness of the environmental assessment is that quantitative impact assessment was not performed. Instead, without any basis in substance, DOE concluded that no impacts would occur. This kind of speculation, or "guesstimation," is called "expert judgment." DOE routinely turns to such expert judgment when it lacks complete scientific information about the site.

Q: So where do we go from here? (Continued on Back Page)

More on the mountain's environment

(Continued from Page Four)

(a) the Yucca Mountain site is already disturbed by site characterization activities, and (b) there's still no baseline ecological information, and (c) DOE isn't pursuing the environmental impact assessment process, what should DOE do at this late date?

Dr. Malone: Well, it's too late for DOE to assess the impacts from the site characterization phase at Yucca Mountain because the damage is already done and baseline conditions for the ecosystem have been lost. Without pre-disturbance information on the ecosystem, and with the questionable manner in which DOE is attempting to detect impacts after they've occurred, the issue of DOE's meeting the substance and intent of the National Environmental Policy Act is out the window.

At this stage the best that can be done is for DOE to initiate the ecosystem level studies needed to do a credible assessment of future impacts from a repository, if the Yucca Mountain project continues that far. A full-blown environmental impact statement is required for the repository by both the Nuclear Waste Policy Act and the National Environmental Policy Act and it will take several years to obtain the comprehensive information on the ecosystem that's needed. DOE should get a head start on that now

before it's too late, rather than continuing to ignore ecosystem processes at Yucca Mountain. If they stay on their current path there's sure to be trouble later with National Environmental Act compliance.

Q: You talked earlier about what the Yucca Mountain environment might be like in the future. Can scientists really forecast what plants will live on a site after thousands of years?

Dr. Malone: It's just as likely to succeed as geologists, hydrologists, and climatologists are at predicting the underground environment at Yucca Mountain for up to 10,000 years.

Seriously, systems ecologists, ecosystem modelers, and paleoecologists probably can do this, although, like many other issues at Yucca Mountain, it's a complicated process that scientists are just now beginning to understand. While DOE has no researchers looking into it, several studies relevant to predicting the nature of future ecosystems are under way elsewhere. This kind of research takes a number of years to complete and interpret, so it should be initiated for the Yucca Mountain ecosystem now so that the consequences of interactions between the surface and below-ground environments can be understood in terms of what pneumatic processes and thermal stresses

mean to the long-term safety of a repository. If this isn't resolved by the environmental impact statement process, DOE will fail again to comply with the intent and substance of the National Environmental Policy Act and a lot of uncertainty will remain at Yucca Mountain to be resolved by "expert judgment."

Q: Have these kinds of issues been called to DOE's attention, and if so, how has DOE responded?

Dr. Malone: For several years both the Nuclear Waste Technical Review Board, appointed by the White House, and the State of Nevada Nuclear Waste Project Office have tried unsuccessfully to convince DOE to adopt an ecosystem approach to its environmental program. This would allow DOE to both comply with the National Environmental Policy Act and to be in a position to respond to future scenarios like the physical scientists at Yucca Mountain are trying to do. As recently as last month the Technical Review Board and our office brought the matter up again. The Board is going to outline the kinds of ecosystem studies it believes DOE should be doing now, and early next year the Board plans to discuss such studies with DOE. When they do, we'll be there to lend support and to hope for a rational response from DOE.

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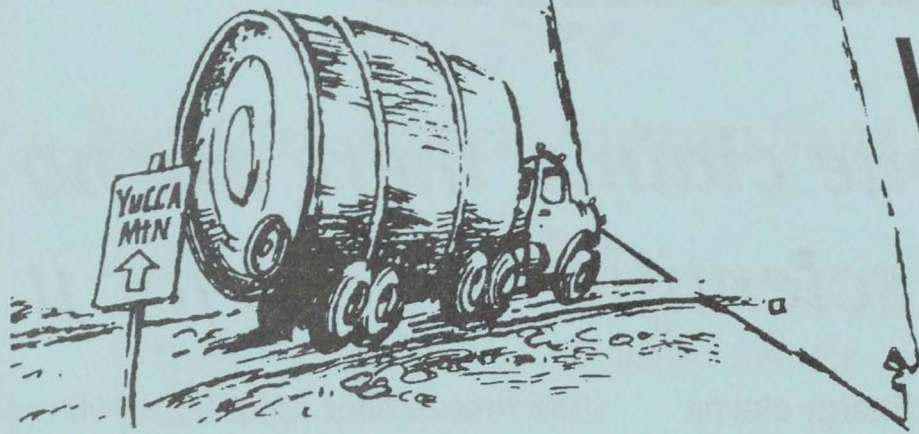
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- Nevadans state their views on the repository project
- DOE contractor faces 'major' woes
- Proposing to place waste at YM early
- State comments on DOE public involvement policy
- O'Leary pushes dump date back again
- DOE announces toll-free human experimentation hotline
- French abandon forced nuclear repository siting process

Nevada Nuclear Waste News



Vol. 5, No. 2

"There is no right way to do a wrong thing"

February 1994

Could severely reduce Yucca Mountain dump size

O-1347

Major earthquake fault discovered

A new earthquake fault has been discovered at Yucca Mountain that, coupled with the already known Ghost Dance Fault cutting directly through the site, could reduce the proposed high-level nuclear waste dump area by as much as 20 percent and cause yet another major redesign of the Department of Energy's exploratory studies facility.

Carl Johnson, administrator of technical programs for the State of Nevada Nuclear Waste Project Office, said the new fault zone was observed on recent field trips to the proposed dump site by DOE Yucca Mountain project geologists from the U.S. Geological Survey and State of Nevada geologists. He added that the fault cuts across the repository block and intersects the Ghost Dance Fault.

Johnson said a preliminary program for the International High-Level Waste Conference in Las Vegas in May indicates that a paper will be presented by USGS and other Department of

Energy contract scientists describing this newly recognized fault zone.

This northwest-trending fault zone, intersecting the north-south Ghost Dance Fault near the center of the proposed repository area, appears to be on the order of 800 feet wide, containing up to six parallel faults.

"Aside from the dangers and uncer-

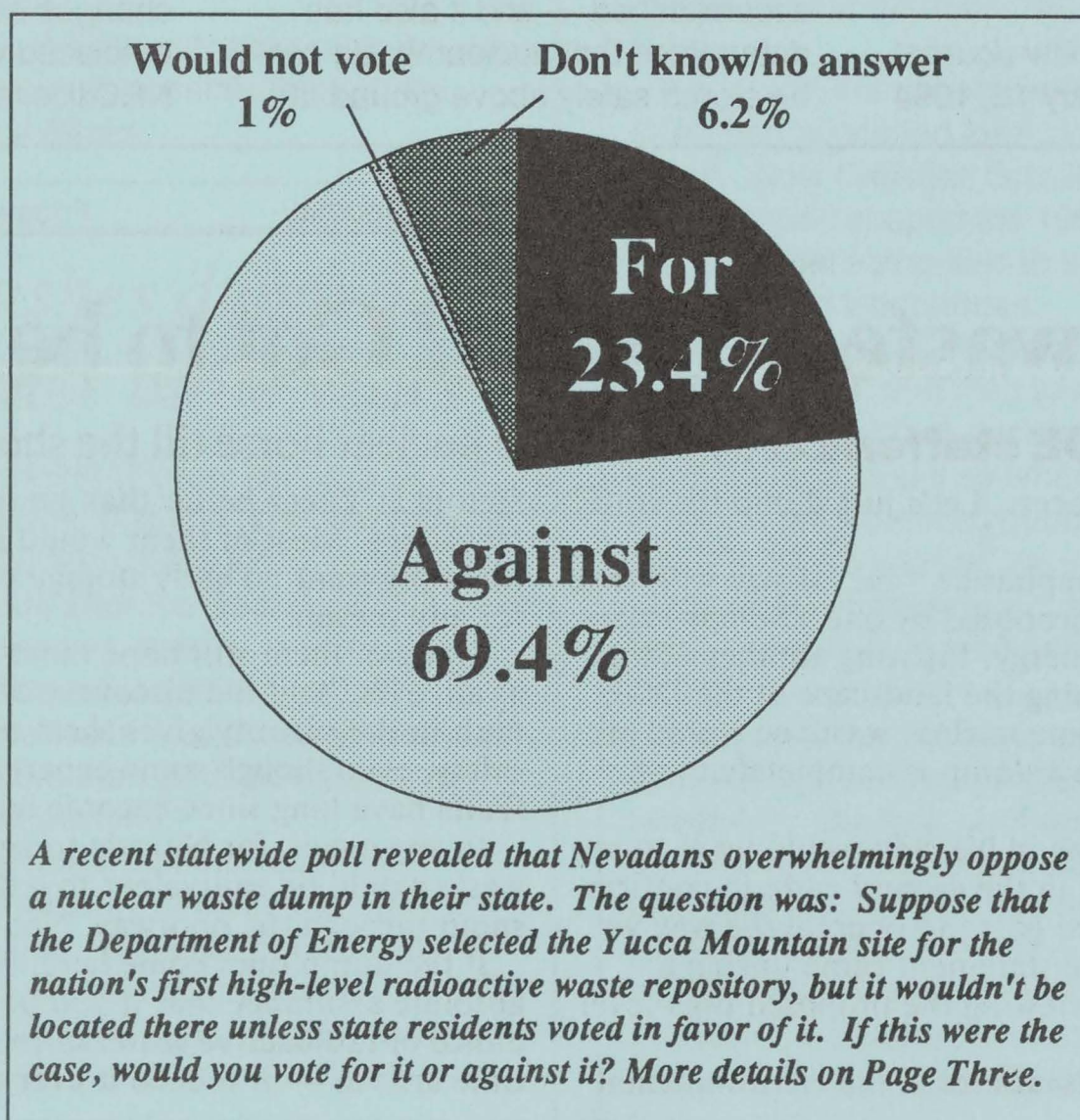
tainties of faults criss-crossing the proposed Yucca Mountain repository, each newly discovered fault zone — and more may be found — increases the area which DOE must exclude from waste emplacement," he said.

The two zones now identified could reduce the proposed approximately two-square-mile repository area by as

much as 20 percent, he said. "That's a significant reduction when there has always been a question of the adequacy of Yucca Mountain's waste capacity because other major faults surrounding the mountain limit the potential area for waste emplacement."

Geologic mapping last year revealed that the Ghost Dance Fault, the only major fault known at the time to cut directly through the proposed repository at depth, is actually a fault and fracture zone some 800 to 1,000 feet wide, rather than a single, discrete fault with limited lateral fracturing, as has been

(Continued on Page Four)



Early waste emplacement

WASHINGTON — The Department of Energy on Tuesday pressed the idea of placing nuclear waste at Yucca Mountain before a repository is completely built.

A department official made the case for early emplacement of spent radioactive fuel during a meeting of scientists who have been conducting an ongoing review of the nuclear waste program.

Speeding up the schedule so nuclear waste could be placed at Yucca Mountain as early as 2004 — at least six years before the repository is scheduled to be finished — would allow the government to phase in the storage of as much as 77,000 tons of nuclear waste, officials said.

Early emplacement "takes the pressure off immediate full scale disposal," said Thomas H. Isaacs, director of strategic planning and international programs for the department's Office of Civilian Radioactive Waste Management.

Las Vegas Review-Journal
January 12, 1994

Despite claims, there are no safety or scientific reasons for it

The Department of Energy claims many benefits for its latest scheme for early nuclear waste emplacement at Yucca Mountain.

It will, according to the Department of Energy:

- Demonstrate early the ability to begin placing waste in Yucca Mountain.
- Enhance confidence in the safety of a Yucca Mountain repository by early testing with some waste in place.
- Require no changes in site suitability and safety rules.

Contrary to these claims:

- The Nuclear Regulatory Commission has determined that licensed geologic disposal can be accomplished — and it also has determined that nuclear waste can be stored safely above ground at

the reactor sites for at least 100 years.

- NRC researchers say that testing with some waste in place in a repository does not provide data critical for site safety determination.
- The DOE, according to law, must first determine through scientific studies whether the Yucca Mountain site is suitable for waste isolation before seeking a license from the NRC to place waste underground.
- The DOE itself says its site suitability rules would have to be changed to reflect Yucca Mountain's characteristics, and the NRC says DOE's approach to piecemeal licensing with later changes as more waste is emplaced would require changing NRC license rules.

EDITORIALS

Reno Gazette-Journal

Friday, January 14, 1994—11A

Sample waste at Yucca? Got to be kidding

Proposal by DOE staffer: Let's not ride the nuclear horse till the shoes get shod, folks

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factors at Yucca better than he reads the minds of Nevadans. Most of them would say, very emphatically, that they want no early storage of waste at any time, for any reason.

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DOE announces toll-free human experimentation hotline

The following press release was issued Dec. 23, 1993, by the Department of Energy:

The Department of Energy announced today the establishment of a toll free "human experimentation hotline" for use by anyone wishing to submit information on medical and scientific experiments on humans conducted by the DOE or its predecessor agencies.

Energy Secretary Hazel R. O'Leary has directed the Department to begin an intense search for this information. Anyone wishing to relay information can dial 1-800-493-2998. The hotline will be staffed during normal business hours, 8:30 a.m. to 4:30 p.m. (EST) Monday through Friday, excluding holidays, by professional members of the Department's Office of Environment, Safety and Health. After hours callers can leave a recorded message and should receive a return call during the next business day.

Energy officials stress that the hotline is not available for an exchange of information. The toll free number has been established to serve only as a means for the public to input information.

Details about this information gathering process will be made available as soon as possible through the DOE's Office of External Affairs.

O'Leary pushes dump date back another three years

Secretary of Energy Hazel O'Leary said in a Dec. 3, 1993, New York Times story that she does not expect the proposed Yucca Mountain dump would open before 2013, another three years after the Department of Energy's official 2010 opening date.

According to *The Radioactive Exchange*, DOE spokesperson Joanne Johnson said O'Leary's mention of 2013 was "nothing more than an arbitrary date she threw out on the table at the time."

Johnson told the *Exchange* that the secretary attributed the date to necessary funding that was not appropriated in fiscal years 1993 and 1994. In so doing, Johnson said O'Leary was recognizing that "at the current level of funding, the dates might have to be pushed back."

French abandon forced nuke dump siting and have many offers to show for it

Under the headline "French debate cools over nuclear waste storage," the following appeared in the Nov. 11, 1993, issue of *Nature*, a British magazine:

Public opposition to the French government's plans for storing high-level nuclear waste appears to be evaporating. Four years ago the government abandoned plans to drill four candidate storage sites because local opposition spilled over into riots. Now as many as 30 local authorities are clamouring to host sites.

The main cause of this shift is a decision announced by the government on 30 December 1991 to impose a 15-year moratorium on deep-storage of long-lived nuclear waste; such waste will continue to be stored on site for the time being. The moratorium has bought the government time to discuss the issues with the public in a more open and relaxed atmosphere.

This contrasts with the situation during the 1980s, when the National Agency for the Management of Nuclear Waste (ANDRA), then part of the French Atomic Energy Commission (CEA), pursued a policy of deep-storage as the exclusive solution to managing nuclear waste.

Last year, the government split ANDRA off from the CEA, and appointed foreign scientists to its scientific board. Now Christian Bataille, a member of parliament whose report shaped the 1991 law, has begun negotiating with local authorities to select sites next year for two underground laboratories.

ANDRA proposed building these test laboratories over five years, and then to carry out geological tests for a further eight. A decision on whether to pursue deep-storage, and if so where, would not be taken until 2006. In addition, the government has promised to study ways of reducing the volume and longevity of waste in the interim period, for example by transmutation to shorter-lived elements (see *Nature* 365, 381; 1993).

Many feel that deep-storage remains the best solution, and are sceptical of the technical feasibility of alternatives. But they also agree that the commitment has reassured the public, and that the attention to new technologies may bring benefits.

The government has also said it will consider designing any storage sites — which would be built around 2016 — in such a way that the waste could be easily retrieved if future technologies allow it to be treated.

Early waste emplacement

WASHINGTON — The Department of Energy on Tuesday pressed the idea of placing nuclear waste at Yucca Mountain before a repository is completely built.

A department official made the case for early emplacement of spent radioactive fuel during a meeting of scientists who have been conducting an ongoing review of the nuclear waste program.

Speeding up the schedule so nuclear waste could be placed at Yucca Mountain as early as 2004 — at least six years before the repository is scheduled to be finished — would allow the government to phase in the storage of as much as 77,000 tons of nuclear waste, officials said.

Early emplacement "takes the pressure off immediate full scale disposal," said Thomas H. Isaacs, director of strategic planning and international programs for the department's Office of Civilian Radioactive Waste Management.

Las Vegas Review-Journal
January 12, 1994

Despite claims, there are no safety or scientific reasons for it

The Department of Energy claims many benefits for its latest scheme for early nuclear waste emplacement at Yucca Mountain.

It will, according to the Department of Energy:

- Demonstrate early the ability to begin placing waste in Yucca Mountain.
- Enhance confidence in the safety of a Yucca Mountain repository by early testing with some waste in place.
- Require no changes in site suitability and safety rules.

Contrary to these claims:

- The Nuclear Regulatory Commission has determined that licensed geologic disposal can be accomplished — and it also has determined that nuclear waste can be stored safely above ground at

the reactor sites for at least 100 years.

- NRC researchers say that testing with some waste in place in a repository does not provide data critical for site safety determination.
- The DOE, according to law, must first determine through scientific studies whether the Yucca Mountain site is suitable for waste isolation before seeking a license from the NRC to place waste underground.
- The DOE itself says its site suitability rules would have to be changed to reflect Yucca Mountain's characteristics, and the NRC says DOE's approach to piecemeal licensing with later changes as more waste is emplaced would require changing NRC license rules.

EDITORIALS

Reno Gazette-Journal

Friday, January 14, 1994—11A

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Nevadans still oppose a repository

A recent survey conducted under the auspices of the State of Nevada's Yucca Mountain socioeconomic impact assessment study found that 69 percent of Nevadans remain opposed to a proposed high-level nuclear waste repository at Yucca Mountain.

The survey, commissioned by the State of Nevada Nuclear Waste Project Office with a margin of error of plus or minus 4 percent, also revealed that Nevadans are opposed by more than a two-to-one margin to

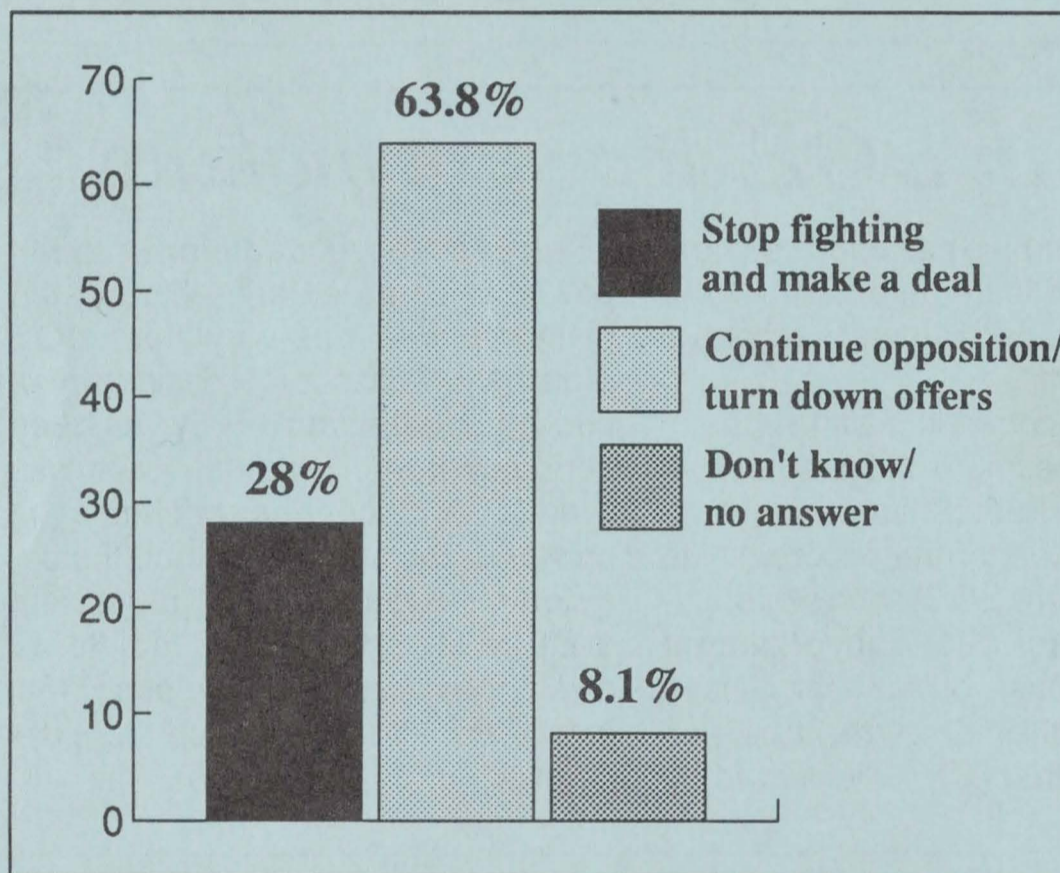
making a deal with the federal government for "benefits" related to the proposed repository.

When asked whether the State of Nevada should make a deal, or if the state should continue its opposition even if that means turning down benefits that may be offered, 64 percent were against bargaining and 28 percent in favor (8 percent did not know or did not answer).

The survey indicated that of those who had seen nuclear power industry advertisements advocating a Yucca

Mountain repository, almost 30 percent said the ads made them less supportive of the repository (about 10 percent were more supportive). Approximately 65 percent were opposed to the nuclear industry lobbying local officials and state legislators.

The survey also found that 71 percent of Nevadans did not trust the Department of Energy to provide prompt and full disclosure of any serious problems with Yucca Mountain, (Continued on Page Four)



Some people in the state think that Nevadans should stop fighting the repository and try, instead, to make a deal with the federal government in order to get benefits for the state. Other people believe that Yucca Mountain is a poor choice, and that the state's resistance should not be weakened or compromised by entering into a deal for benefits. Do you believe the state should stop its opposition and make a deal, or do you think the state should continue to do all that it can to oppose the repository even if that means turning down benefits that may be offered by the federal government?

State comments on public involvement policy

In response to the Department of Energy's draft Public Involvement Policy, which was released for a nine-day public review period in December, the Nevada Nuclear Waste Project Office prepared a set of comments which commended Energy Secretary O'Leary for setting "an encouraging tone in beginning to address the issues of past AEC, ERDA and DOE environmental contamination and radiation experimentation. In addition, the draft Public Involvement

Policy holds promise for realizing the goal of transforming the Department into an agency that values public participation in its decision making."

The State office went on to observe, however, that simply articulating a policy of increased public openness and participation will not, of itself, solve the myriad problems facing DOE's high-level waste program. State reviewers noted:

"One formidable — perhaps insur-

mountable — problem DOE faces with respect to the Yucca Mountain program is the fact that a public involvement policy is being superimposed on a program where the major decisions have already been made, most the time over the strenuous objections of the State of Nevada and its citizens."

The State comments pointed out that similar efforts to increase public input in DOE activities have been ar-

(Continued on Back Page)

Major quake fault discovered

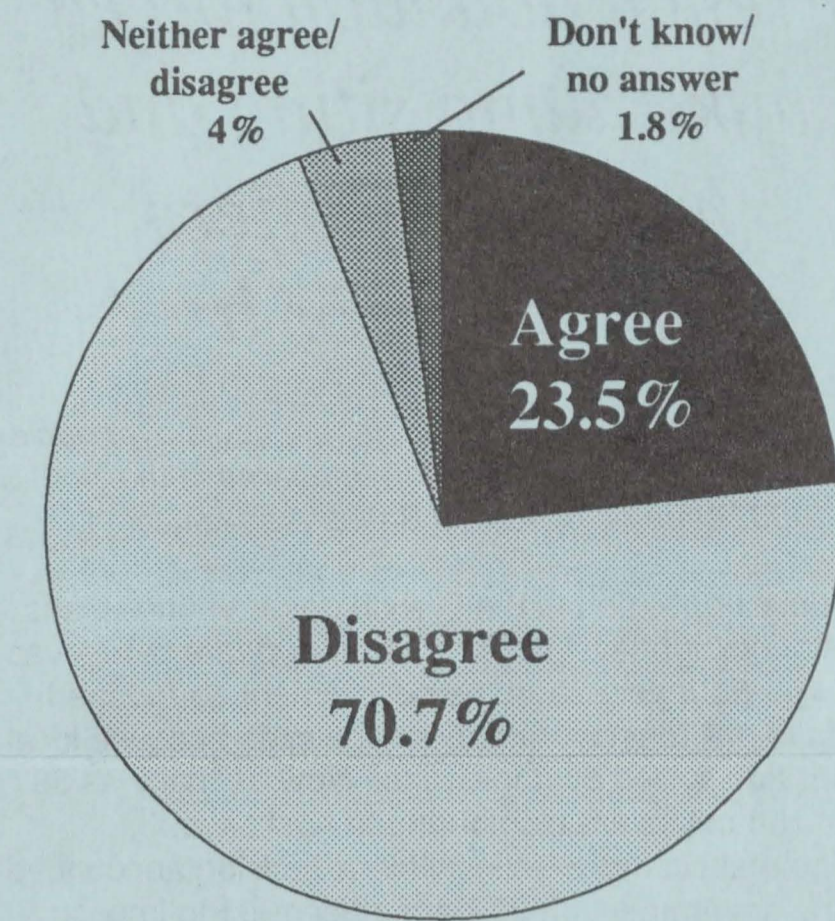
(Continued from Front Page)
thought by DOE for almost the past 10 years.

This recent mapping has put Department of Energy engineers on the verge of making official a major redesign of the six-mile long, 25-foot diameter underground exploratory studies facility. The redesign is said to be primarily for improving ease and safety of tunneling in the rock near the fault.

The change in the ESF design will also cause a significant change in the conceptual design of the underground nuclear waste disposal area to reflect DOE's commitment to avoid waste emplacement in fault and fracture zones that could lead to radioactivity escaping from the mountain.

"This extensive redesign of ESF and repository construction comes on the heels of critical information that DOE should have pursued 10 years ago, after preliminary mapping of Yucca Mountain, and not deferred for a decade while building optimism over the site's suitability for waste isolation," said Johnson.

"Nevada has insisted throughout that detailed surface-based geologic and hydrologic investigation should precede underground tunneling at Yucca Mountain," he said, "but DOE has consistently placed increasing emphasis on 'getting underground.' Now the ESF and repository redesign may be obsolete before the ink is even dry because this new major fault has been discovered."



The U.S. Department of Energy can be trusted to provide prompt and full disclosure of any serious problems with the Yucca Mountain project.

Nevadans state their views

(Continued from Page Three)

even though it was done prior to recent revelations of DOE radiation experiments conducted on unsuspecting Americans.

The results the survey, part of the State of Nevada's ongoing assessment of the Yucca Mountain repository project, are consistent with various surveys conducted during the past decade by the Nevada Nuclear Waste Project Office, the University of Nevada, and local newspapers.

Other key findings of the survey:

- Almost 89 percent said that Nevada residents should have final say on whether the repository is built in their state.
- More than half of the people believe the repository could harm the tourist and visitor economy in Nevada.
- About 60 percent felt the harms of a repository would outweigh any purported benefits.
- Two-thirds felt the selection of Yucca Mountain as the nation's only potential high-level nuclear waste site was unfair.
- Some 62 percent said it was unlikely that new information about the repository from DOE would change their positions.

YUCCA HOTLINE

For more information about Yucca Mountain

Nevada Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710
(702) 687-3744

TOLL FREE 1-800-336-0990
(In Nevada only)

DOE contractor facing 'major difficulties'

The large operating and management contractor for the Department of Energy's Yucca Mountain program is having "major difficulties" carrying out its multibillion-dollar duties, according to an article in the Dec. 9, 1993, issue of *The Electricity Daily*.

The *Daily* reported that knowledgeable sources in Washington said the DOE contractor, TRW, has hired a Chicago-based law firm with a large nuclear regulatory practice to help it get vital permits and licenses for the Yucca Mountain work.

The *Daily's* report:

"According to critics in the industry, TRW won the DOE contract despite having little expertise in dealing with the NRC, the Environmental Protection Agency and the affected state agencies. TRW has had a troubled history with the Yucca Mountain contract. DOE originally award-

ed the job in the late 1980s to a Bechtel-Westinghouse team after a competition with TRW and Stone & Webster. TRW sued and won out in the U.S. Court of Claims on procedural and conflict of interest grounds. Under pressure from nuclear utilities to get on with it, DOE did not rebid the contract, choosing instead to give it to TRW.

"Who foots the bill for [the law firm]? 'In theory [TRW] can't pass all that cost through their contract back to the government,' a source close to the company said. 'They're not supposed to go out and get a law firm to do this for them. If they have a contract and they can't do the work, they're supposed to go to the client and tell them that they can't perform and that they have to renegotiate the contract. I've never heard of a law firm being brought into a contract at DOE, because law firms are just too damned expensive.'"

Involving the public in DOE decision making

(Continued from Page Three)

ticated in the past — most notably in the Nuclear Waste Policy Act of 1982, the Mission Plan for the OCRWM Program in 1985, and the 1987 and 1991 draft Mission Plan Amendments. The State commented:

"It is important to recognize that the current draft Public Involvement Policy arrives within the historical context of numerous disingenuous promises, programs and policies

promising public participation and pre-decisional involvement in the high-level radioactive waste management program."

The State comments also suggested that, to be more than merely an exercise, the Public Involvement Policy must provide for the opportunity to actually influence DOE decisions:

"Meaningful public involvement processes must, of necessity, have an element of empowerment built in. This means that DOE will have to be

willing to share decision-making power to some extent. One of the principal reasons why past DOE protestations about the desirability of public participation were never taken seriously is the fact that there was (and is) a disconnect between the public interaction process and the decision-making process. The current draft Policy does not appear to do anything to assure that the public will, in fact, be able to influence DOE decisions."

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