

HANFORD

by Barbara McLaughlin

On May 28, upon recommendation of the U.S. Energy Secretary, John Herrington, President Reagan announced that Hanford, Washington was one of the three finalists in the selection process to locate a suitable site for the nation's first national high-level nuclear waste repository. Shortly thereafter, Governor Atiyeh announced that the state of Oregon would file suit against the federal government. The basis of the suit lies in the Nuclear Waste Policy Act (NWPA), passed by Congress in 1982, which delineates the process and schedule for determining sites for two high-level nuclear waste repositories. The Governor has decided the federal government has failed to strictly adhere to NWPA siting guidelines and that the approach of basing a siting decision on technical merits required by the Act has been violated.

Initially nine possible sites were under study. Subsequent to Draft Impact Statements released on all in 1984, the nine were reduced to five from which the final three were selected for site characteristics. According to Bill Dixon of the Oregon Department of Energy (ODOE), which was involved in making the litigation decision, the department received USDOE documentation used in the recommendation indicating Hanford ranked fifth out of the five semi-finalists in various long and short-term attributes. Among these are construction and operation costs, worker safety, transportation and mining costs and, most importantly, the long-term "postclosure" releases of radioactivity into the environment. Because Hanford was recommended and immediately approved by the President even though it had the worst overall ranking, Dixon commented that the logic of the process was not completely obvious.

Another legal question raised by the May 28 Presidential announcement is the indefinite postponement of the site specific work involving the second repository. Because the NWPA stipulates that "not later than July 1, 1989, the Secretary shall nominate and recommend to the President" a second site and that one of the two repositories would be sited in the West and the other in the East, Dixon said this decision could be another breach of federal law. In this regard it is interesting to note that eighty percent of nuclear waste is produced by nuclear facilities east of the Mississippi, which is why transportation costs would be greatest for Hanford, and that the clamor raised by the people of the Eastern states was obviously considered in the decision to postpone indefinitely the siting of a repository in that area of the country. Representative Dick Nelson of Washington is convinced that the "telescoping" of the decision on the three finalists and the "dumping" of the second-round states are clearly a response to Chernobyl and the general mood of the public regarding the nuclear industry.

Oregon Attorney General Dave Frohnmayer filed the suit in early July with the Ninth Circuit Court of Appeals in San Francisco and it is expected to be in the judicial system for many

months. The Attorney General has not yet announced any legal strategy but it is expected that Oregon will work in close conjunction with the state of Washington, which has already filed four lawsuits, one of which is based on similar grounds. The focal point of the two similar suits deals with the disputed time it would take ground water, possibly contaminated with radionuclides, to reach the Columbia River. Estimates range from twenty years (U.S. Geographic Survey) to thousands of years (USDOE).

An extensive study of the three finalists' sites will be undertaken over the next five to eight years at a cost of one billion dollars each. The centerpiece of the study at Hanford is the drilling of a three thousand foot shaft to gather information on the rock and ground water. Bill Dixon says that the USDOE is confident the study will produce quality information; but as the ground water issue is very complex due to the geology of basalt, ODOE is more skeptical and, like most in the Oregon government, remains to be convinced that Hanford is a suitable site. Frohnmayer has commented that Hanford "never was the best site, and spending one billion dollars will not make it any better."

One of the legal options available to the state of Oregon is to seek an injunction to stop work on the drilling. No decision has yet been made to do this but both Washington and Oregon are considering such action. While NWPA allows preliminary work, the shaft itself cannot be sunk until the required Site Characterization Plan is issued by the USDOE and a

hearing held. The chief concern is that the ground water baseline would be severely affected by the sinking of an exploratory shaft, hence the consideration of an injunction.

Governor Atiyeh has recently returned from a trip to Washington, D.C., during which he expressed his concerns first-hand to the USDOE. While there, he asked that Oregon be granted a broader role in the selection process, including for Oregon to review the data. According to Dixon, who accompanied Atiyeh, USDOE is looking for ways to accomplish that. He feels that funds for review would enable Oregon to have the necessary technical data which would be vital for arguing the case against Hanford should it be selected as the site for the repository. Though Oregon would not have the power to veto Hanford's selection, Dixon believes the state of Washington's veto is almost a given. And though it would take a simple majority of both Houses to overturn that veto, the Oregon congressional delegation indicated that they are supportive of the suit and would most likely work in favor of a Washington veto.

Dixon also stated he felt it was important for Oregonians to become involved and that it is always helpful to write letters to congress-people and the USDOE. It remains to be seen what effect citizen input and activism, state litigation and a Washington state referendum, among other strategies, will have on the government, which is apparently looking harder at political rather than technical criteria at Hanford.

Barbara McLaughlin and her husband Chuck are co-editors of THE HANFORD DEBATE. She is a member of the North Coast CALS (Citizen Action for Lasting Security), and lives in Cannon Beach.



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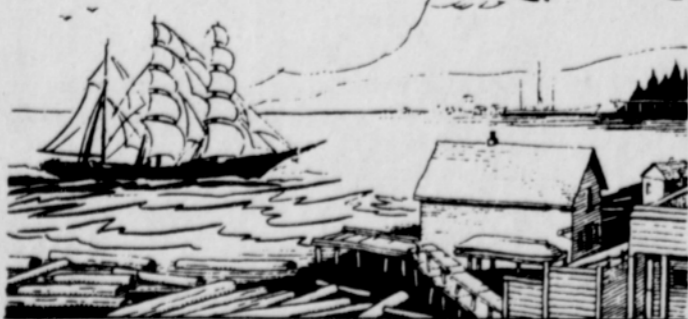
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