

DESTROYING THE EVIDENCE AT TROJAN



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Since the Trojan Nuclear Power Plant shut down in January 1993, Portland General Electric (PGE) has filed suit for hundreds of millions of dollars against the manufacturer of Trojan's faulty steam generators, Westinghouse Corporation. Westinghouse's defense against PGE's allegations is that the steam generators failed due to negligent maintenance and operator error, thus making PGE responsible for the costs. While this sweetheart lawsuit unfolds, PGE has wasted no time seeking to pass all the costs of Trojan onto ratepayers. Not only is PGE asking the Public Utility Commission for permission to charge ratepayers for the cost of replacement power, but they also want to collect their original investment in Trojan, earn a profit on that investment and collect all the costs of decommissioning. This amounts to charging ratepayers almost a billion dollars out to the year 2011, as if Trojan was a viable energy resource still producing power.

Adding insult to injury, PGE is also asking the State Energy Facility Siting Council (EFSC) for permission to remove and dispose of Trojan's four Steam Generators (each 67 feet long by 14 feet wide, containing approximately 5000 curies of radiation, and weighing 300 tons) and its Pressurizer (which is 50 feet long by 7 feet wide, containing approximately 4000 curies of radiation and weighing 100 tons). Under its "Large Component Removal Plan," PGE proposes to cut a hole in the Trojan Reactor Containment Building, separately remove each of the four steam generators and the pressurizer from the reactor, fill them with low density cellular concrete, lift them out of the Containment Building and onto a transportation vehicle. Each steam generator and the pressurizer would then be driven onto a barge for five separate 270 mile voyages up the Columbia River, followed by a 32 mile trip on land to a burial location at the Hanford Nuclear Reservation. All this would take place before a decommissioning plan has been proposed or approved for Trojan or the Westinghouse suit determines who was responsible for the failure of Trojan.

In August 1993, seven months after Trojan shut down, EFSC instigated a rulemaking proceeding in order to create rules for decommissioning Trojan. Originally this rulemaking was to end after the conclusion of two public hearings held in early 1994, but in late January, Don't Waste Oregon Committee discovered a memorandum written by Adam Bless of the Oregon Department of Energy (ODOE), which showed that the original rules proposed by EFSC had in fact been written by PGE. This memorandum also showed that a representative of PGE, Tom Walt, was directly involved with the ODOE in planning how to manage public concerns raised during the hearings. As a result EFSC was forced to hold additional hearings.

During this time, Don't Waste Oregon also obtained a copy of a PGE secret internal document entitled "Authorization For Project -- Trojan Large Component Removal Project, dated January 19, 1994, which was approved by the Board of Directors of Portland General Electric Corporation. This document revealed that, like the owners of the Yankee Rowe Nuclear Plant in Massachusetts, PGE intends to begin dismantling radioactive components at Trojan, to be shipped to Hanford before it obtains approval of its decommissioning plan and before the Nuclear Regulatory Commission (NRC) finishes its own rulemaking on setting cleanup standards for decommissioning nuclear plants. PGE's major justification for early component removal was based on an agreement reached with Hanford's U.S. Ecology, Inc., to reduce volume based disposal rates for radioactive waste by 25% for 1994-95. PGE also sought to avoid "future changes to regulations associated with decommissioning."

Contained in this Authorization for Project was no discussion of how this project would impact workers, who face the increased risks of radiation exposure, and what impact large component removal would have on the Columbia River which is to be used to barge radioactive components to Hanford. This document also ignored the fact that Trojan's high level radio-

active waste will have to remain onsite for the next 30 years, and if we let the rest of the plant sit there during that time, radiation levels would be significantly reduced by 80% to 90%. This reduction in radiation levels lowers the risk of exposure to workers and the environment. However, even though these factors were not taken into consideration, PGE emphasized that it would respond to public concerns with the usual "aggressive Public Relations campaign."

In the face of the above evidence and increasing public protest, EFSC decided to allow PGE to submit a plan for large component removal. As usual there were no surprises at EFSC.

On October 14, 1994, Don't Waste Oregon Council and the Emerald People's Utility District filed two lawsuits before the Oregon State Court of Appeals and the Marion County Circuit Court to stop EFSC from approving large components removal at Trojan. On October 28, an additional lawsuit was filed in Federal District Court under the National Environmental Policy Act (NEPA), charging the Bonneville Power Administration with failure to examine all of the environmental impacts for large component removal when it gave approval as a co-owner of Trojan.

In these lawsuits we point out serious questions of safety, unnecessary radiation exposure to Trojan workers, and a major decommissioning effort being implemented in the absence of a full decommissioning plan. Furthermore we emphasize the enormous interest that ratepayers have in the outcome of PGE's litigation against Westinghouse. According to the court affidavit of Greg Minor, an engineer with MHB Technical Associates, "The act of removing and filling the steam generators with concrete is comparable to destroying evidence at a crime scene." This raises the question, "Why is PGE so anxious to destroy the most important evidence in this case?" It would appear that PGE wants to frame Oregon ratepayers with the "crime" of Trojan's failure by burying the bodies before the autopsies have been fully performed and the real perpetrator made to pay the costs.

In mid November, the Marion County Circuit Court declined to hear Don't Waste Oregon's motion to enjoin the EFSC rulemaking on Large Component Removal. On November 17 the Energy Facility Siting Council voted unanimously to allow PGE to proceed with Large Component Removal. Don't Waste Oregon plans to appeal this decision to the highest court. Additionally we've been joined by a citizen landowner who lives adjacent to Trojan Nuclear Power Plant who has expressed concern regarding the proposed dredging which will be required to load these components on barges.

The winds of change speak to an uncertain future. It seems that again and again it is only the strength of our convictions which lights our path through darkness against great odds. We have lived to realize this with the successful effort to stop construction of the Pebble Springs Nuclear Plants, force the removal of Teledyne Wah Chang's radioactive wastes off the floodplain of the Willamette River and pressure PGE to permanently shut down Trojan. The test of our convictions lives on in our efforts to

- Responsibly decommission Trojan;
 - Stop the further production of nuclear waste while safely disposing of that waste which has already been created;
 - Prevent the expanding use of natural gas to generate electricity which thwarts the continued development of conservation and renewable energy resources while exacerbating the buildup of CO₂;
 - And preserve the integrity of our initiative process.
- None of this will be easy but when has it ever been easy?

WHAT'S IN A NAME?

In recent media reports you may have noticed references to The Don't Waste Oregon Council or the Don't Waste Oregon Caucus. These references were not an editorial error. The Don't Waste Oregon Committee founded in 1984 will retire this winter, simultaneously "fissioning" the birth of two new organizations, The Don't Waste Oregon Caucus and the Don't Waste Oregon Council. The Caucus is a registered Oregon State Political Action Committee, created to support, oppose or sponsor energy related ballot measures and work within the political system to insure that the interests of the public are represented. The Council is a nonprofit organization created for the purpose of informing the public about energy issues and to provide legal intervention in matters such as our recent lawsuits regarding the safe decommissioning of the Trojan Nuclear Power Plant and opposition to the licensing and construction of two proposed natural gas fired plants in Oregon. The Don't Waste Oregon Caucus and Council share a commitment to advocate energy resources which are the most cost effective and environmentally benign.

There is a strong likelihood of increasingly negative efforts in the Oregon Legislature this session to change the manner in which we license energy facilities in the state and the way in which our initiative process will function. Recently *The Oregonian*, in an editorial titled "Initiatives: Too Many Choices" outlined a menu of restrictions including "(1) a shorter time to gather petition signatures; (2) a requirement that petitioners get wider geographic distribution of signers; and (3) a requirement that initiatives be drafted well enough to be plainly understood." Numbers 1 & 2 have been tried in previous legislative sessions and have been resoundingly opposed; and while number 3 raises a laudable goal it begs the question of who should decide whether an initiative is plainly understood but the voters themselves. Thomas Jefferson once said:

"I know no safe depository of ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but inform their discretion."

Your help is needed to thwart PGE's attempt to destroy evidence against Westinghouse while appealing to the Public Utility Commission to make Oregon ratepayers responsible for all Trojan related costs. If you have time to volunteer or would like to help in any way, either write to Don't Waste Oregon Caucus/ Council, P.O. Box 40729, Portland, Oregon 97240, or call (503) 232-3575 or (503) 637-3549.

-LLOYD MARBET

Lloyd Marbet has been a pain in the atom of corporate nuclear power for a quarter of a century. He is cofounder of Forelaws On Board, which evolved into Don't Waste Oregon of which he continues to co-direct.

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