



Quick nuke dump site choice urged

NRC asked to allow site selection before study

By MATT YANCEY
Associated Press Writer

WASHINGTON — The Reagan administration asked atomic safety regulators today to let it declare three possible sites as suitable for the nation's first permanent graveyard for highly radioactive wastes before conducting detailed geological studies on them.

Nevada is among the states proposed for the nuclear dump.

The Nuclear Regulatory Commission was told during a 2½-hour hearing that its demand that the studies be conducted first poses "an unacceptable risk" that a congressionally mandated 1988 deadline for having a dump in operation might

not be met.

Ben Rusche, head of the Energy Department's \$20 billion program for finding a burial site, told the commission that the timing of such a determination is "a procedural issue, not a safety one."

But representatives from Indian tribes, environmental groups and states where sites are under consideration for either the first dump or a second one to be built a decade later said making that determination before the studies are conducted could preclude picking the best available location.

The NRC, which must license the dump, and the Energy Department agreed a year ago on language in the guidelines for the selection process that the "characterization" studies would take place before preliminary determinations of their suitability are made.

But when it published its formal "mission plan" for the program earlier this summer, the department said it wanted to make the determination first, before conducting the studies.

Last December, the department picked three sites — in Texas,

Nevada and Washington — as the top candidates for the first repository and said it hopes to begin the detailed geological and hydrological studies on them in 1986 with a goal of making the final choice in 1990.

However, if one of those sites is found to be unsuitable as a result of the studies — which involve extensive mining and will cost between \$500 million and \$1 billion for each location — the program could run afoul of the 1969 National Environmental Policy Act.

Most government agencies and the courts have interpreted that law

as requiring environmental impact statements detailing the reasons behind a particular selection but also as mandating the inclusion of two acceptable alternatives.

"DOE ... would face the unacceptable risk of large schedule delays and huge cost uncertainties should one of the initial sites be found unsuitable," Jay Silberg, an attorney for the Edison Electric Institute, said in supporting the Energy Department's position.

Most of the 43,000 tons of wastes that will remain dangerously radioactive for up to 10,000 years and to

be buried 1,000 feet to 3,000 feet deep are generated by atomic power plants belonging to utilities that are members of the institute.

A possible solution would be to conduct "characterization" of a fourth site among the other two — in Utah and Mississippi — that the department has labeled as being the next best choices.

However, the 1982 Nuclear Waste Policy Act setting up the program says the detailed studies should be conducted for only the top three sites. Energy Department officials, along with the utilities — which are paying for the entire program through a levy on nuclear generated

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electricity — have rejected that idea is being too expensive because of the cost of each study.

Gregg Larson, director of the high-level radioactive waste program for Minnesota, one of 17 states with possible sites for the second dump, called the Energy Department's proposed change "not surprising, given DOE's propensity for policy reversal."

Ron Half Moon, who handles nuclear waste issues for the Nez Perce tribe of Indians living near the Washington state site under consideration, also accused the department of "renegeing on its pledge" to do the studies first.

"It calls into question the validity of the siting guidelines and shakes public confidence in the program when the NRC announces that DOE has agreed to a procedure and then

DOE changes that procedure," Half Moon said. "The Energy Department has practically asked to be sued on the matter."

The NRC took no action Friday on the department's request. But Commissioners Lando Zech and Fred Bernthal expressed sympathy with the Energy Department's position, while Commissioner James Asselstine opposed it.

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