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NUCLEAR REGULATORY COMMISSION  
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TO: Mr. Robert E. Browning, Director  
FROM: Paul T. Prestholt, Sr. On-Site Licensing Representative  
DATE: October 13, 1987  
SUBJECT: Newspaper Articles

Please find enclosed more information that appeared in  
our local newspaper that is of interest.

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# Metro

Monday, October 12, 1987

LAS VEGAS SUN



**TRAVELERS** — These are five Nevada legislators who recently toured European nuclear waste storage facilities. At top, from left, Sen. Tom Hickey, Assemblymen Matt Callister and Jim Schofield. At bottom, from left, are Assemblymen Gaylyn Spriggs and Jack Jeffrey.



## Atomic Age journeys Nevadans see European nuke waste methods

By Mary Manning  
SUN Staff Writer

Four of six Nevada lawmakers who went on a 10-day European tour with 18 other state legislators for \$55,000 of U.S. Department of Energy money said they are more opposed to locating a nuclear waste dump at Yucca Mountain.

Assemblyman Gaylyn Spriggs, R-Hawthorne, said salt seems to be the clear favorite, after touring facilities in France, West Germany and Sweden.

"The (U.S.) government should take New Mexico up on its offer," said Spriggs, whose district includes Yucca Mountain, 60 miles northwest of Las Vegas. However, New Mexico's congressional delegates are opposing that idea

spawned by New Mexico Gov. Garry Carothers.

Reprocessing nuclear wastes offers a more practical solution and a monitored retrievable storage facilities is a smart move in the short run, with less transportation, she added.

"They're a lot further along than we thought," Spriggs said, referring to European governments grappling with burying thousands of tons of nuclear waste.

However, Sweden approved a referendum to shut down its 12 nuclear reactors by the year 2010, said Assemblyman Jim Schofield, D-Las Vegas. "And they don't really have an alternative," he added.

Schofield said he was most im-

pressed with the Asse salt dome in West Germany, which will hold actual nuclear fuel rods. "They don't want to do it without testing," he said. "Everybody is just getting it going, everybody's just testing."

After the April 26, 1986, nuclear reactor accident at Chernobyl in the Soviet Union, Schofield said, public opinion opposed nuclear power. As a politician, however, he said the United States needs more exchanges of data and knowledge, such as the European tour.

"We're going to be faced with making the decisions," he said. "It didn't change my mind about Nevada. I don't think anybody really

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## Some legislators still against dump in Nevada

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wants it here, and if they do, it's for socio-economic reasons."

Schofield found the constant traveling on the 10-day tour grueling.

Assemblyman Jack Jeffrey, D-Henderson, said he was disappointed that lawmakers ended up

talking to officials. "I wanted to hear from the folks," he said. "We never had a chance to talk to anybody but those on the tour."

The tour didn't change his mind about opposing the dump in Nevada. Nevada is one of three sites selected by DOE as a finalist to become the nation's first nuclear repository. The other sites are

Hanford, Wash., and Deaf Smith County, Texas.

Assemblyman Matthew Callister, D-Las Vegas, said the tour was helpful, but he is more convinced than ever that the dump should never come to Nevada.

Callister's district contains many Nevada Test Site workers

who are worried that a comprehensive nuclear test ban between the superpowers will close the nation's nuclear weapons proving ground. "They are desperately concerned about jobs, but jobs created by the dump are vastly less than those there now," Callister said.

"When we're talking about repository jobs, we're not talking about a safety net for people facing a test ban," he noted. "I think the DOE favors reprocessing. It's the nuclear industry which thinks it's too expensive."

Callister said that every country they visited is considering reprocessing, so not to waste potential fuel for nuclear reactors.

"Most European countries say those who benefit from cheap nuclear energy have to pay the price," Callister said. "They have a sense of accountability."

Assembly Speaker Joe Dini, D-Yerington, and Senate Majority Leader Bill Raggio, R-Reno, were invited to go along on the European trip, but declined.

Friday, October 9, 1987

# Nuke site legislation reviewed

Associated Press

WASHINGTON — Amid renewed charges that federal efforts to find a site for the nation's first high-level nuclear waste dump were based more on politics than science, a House subcommittee Thursday began work on a bill that would set up an independent panel to review the site selection process.

The compromise legislation would allow congressional leaders to appoint a three-member commission to study the Department of Energy's implementation of the 1982 Nuclear Waste Policy Act.

The measure allows the commission "broad scope" in conducting its review, but requires that the panel, at a minimum, examine the need for a second repository and review the possibilities of creating a public corporation to implement the waste program and a permanent advisory council to oversee the program.

Under the measure, the commission would have six months to complete its work and make recommendations to Congress. Congress would then have six months to approve any changes and, if it didn't act, the Energy Department could then proceed with its current program.

The compromise bill drew quick criticism from some members of the subcommittee of the House Interior Committee, who said the deadlines may be unworkable and the revised measure narrowed the scope of the commission's review from that envisioned in the original proposal.

"I am specifically concerned about the life of the commission being reduced from 18 months to six months," said Rep. Barbara Vucanovich, R-Nev.

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## Dump

From 1B

"Basically, it requires the commission to look to the future of the Nuclear Waste Policy Act and provides no obligation to go back to enactment and see where it all went wrong," she said.

Rep. Philip Sharp, D-Ind., voiced similar concerns and charged that in picking three possible sites for the repository the Energy Department "clearly manipulated the data, especially involving the Hanford site."

The Energy Department has selected three sites for further study: the Hanford nuclear reservation in south-central Washington, Yucca Mountain, and Deaf Smith County, Texas.

Sharp said the department had played a "political game" in selecting those sites and "while it may have had short-term expedience, it didn't pay off."

Rep. Wayne Owens, D-Utah, said DOE's selection process might have been based more on politics than on scientific data.

"We in the West are concerned that we will get all the waste and the East gets all the power," said Owens.

The bulk of the waste stored in the underground repository will be used fuel from nuclear power plants.

The subcommittee, after brief debate over the size of the commission, agreed on a three-member panel and approved an amendment that would give the group subpoena powers. But the committee delayed considering a string of other amendments until next week.

The original measure, proposed by Rep. Morris Udall, D-Ariz., essentially would have imposed an 18-month moratorium on DOE investigation of the sites while the commission assessed the selection process.

Under the compromise, DOE would be allowed to proceed with some work, but would be prohibited from drilling exploratory shafts at the three sites. The department has said it would be technically impossible to sink the shafts in the next six months.

Friday, October 9, 1987

LAS VEGAS SUN

## Nuke waste transportation research center seen for LV

The Clark County Regional Transportation Commission approved a draft resolution Thursday to place a transportation research center for nuclear waste in Las Vegas.

The center would operate under the University of Nevada system.

The state Nuclear Waste Project Office has committed using U.S. Department of Energy funds for developing the center. A permanent location for the facil-

ity has not been decided.

In other action, the commission heard a representative of the state Department of Transportation present plans for three and 10 years.

Commission Chairman Ron Lurie asked DOT Deputy Director Ron Hill what could be done about unscrambling Expressway traffic near downtown on and off ramps.

Hill said the state doesn't know what to do about traffic congestion there, but plans to hire a consultant.

The commission also approved

\$5.3 million from the 1981 bond issue for use on seven new projects, including Decatur Boulevard between Cheyenne Avenue to Rancho Drive (\$310,000 for design and right of way), College Drive railroad crossing (\$230,000), traffic signal at Sunset Road and Valle Verde Drive (\$100,000), Vegas Drive overpass to Oran Gragson Expressway (\$1.6 million), Boulder City curb and sidewalk repair (\$90,000), City of Mesquite project (\$10,000) and various Clark County projects (\$2.6 million).



# Nye sues state, Bryan over Bullfrog creation

By Caryn Shetterly  
SUN Staff Writer

Nye County filed suit Wednesday against the state and Gov. Richard Bryan over the creation of Bullfrog County, alleging it violates Nevada's separation of powers provision and denies basic privileges guaranteed to citizens by the state and U.S. constitutions.

Bullfrog County also is named in the suit, which was filed by Nye County District Attorney Phil Dunleavy in Esmeralda County District Court in Goldfield. It includes 37 causes of action and

asks the court to determine Bullfrog's constitutionality and enjoin defendants from performing duties connected with the new county until that determination.

Bullfrog opponents insist the suit will be an appropriate punishment for lawmakers and state officials who support the state's 18th county.

"In one fell swoop the Clark County legislators and Gov. Bryan made a laughingstock of the state of Nevada," said Nye County Commission Chairman Joe Garcia. "On one hand, Bryan is holding out his right hand telling Con-

gress not to send us the nuclear waste dump, but in his left hand he's got a devil's pitchfork poking at all the dollar bills in Nye County."

Those who defend Bullfrog's creation, however, insist they see no gaps in the constitutionality of the bill that gave life to the new county.

"I'm not saying there's not a case to be made on the other side, but I know there's enough on our side to defend the statute," said Brenda Erdoes, the principal deputy legislative counsel who gave the go-ahead to Bullfrog County

co-creator Paul May, D-North Las Vegas.

May, an assemblyman, got senatorial support for the Bullfrog

See NYE SUES, Page 6A.

## Nye sues state, Bryan over Bullfrog

Continued from Page 1A  
bill from Tom Hickey, D-North Las Vegas. The county, a 144-square-mile area cut out of Nye County, was conceived to get as much money as possible from the federal government should a high-level nuclear waste dump be located near Yucca Mountain.

Bullfrog has no residents, and Bryan recently appointed a three-member county commission, which held its first meeting Tuesday in Carson City — Bullfrog's county seat.

Nye County representatives are furious over Bullfrog and insist it will take funds meant for the local government most affected by the dump. May has estimated as much as \$25 million will come to Nevada if the repository is located here.

Officials in the governor's and attorney general's offices, as well as Bullfrog County Chairman Mike Melner, are expected to be served with the lawsuit Thursday.

Bryan leaves for the Far East Thursday. A spokesman said the

governor is not surprised by the suit and stands by assurances from Attorney General Brian McKay that Bullfrog County's creation is constitutionally defensible.

Melner, too, said he is confident Bullfrog will prevail.

The suit maintains Bullfrog County takes taxes away from Nye County; doesn't provide for judicial, school, assembly or senatorial districts; denies residents the right to vote and to elect county and judicial officers; imposes an unequal tax rate, and has no office in which to file mining claims.

The suit also alleges Bryan's appointment of officers in Bullfrog County violates the state constitution's provision for separation of powers.

Fifth Judicial District Judge William Beko, who wrote a letter two months ago to Bryan warning him of judicial vacuums within Bullfrog County, would preside over the case. Beko's jurisdiction includes Nye, Esmeralda and Mineral counties.

Beko, a former Nye County district attorney, said the Bullfrog case won't see the Goldfield courtroom until at least January. He said his letter to Bryan indicated no opinion on Bullfrog County's constitutionality.

The judge alerted Bryan to possible troubles should anti-nuclear activists use Bullfrog County as a protest site. The county has no courtroom, no sheriff and no police officers to arrest protesters, Beko pointed out, and because it has no residents, no qualified electors could be selected as jurors if necessary.

"I was just calling attention to the judicial aspect, especially with the problems at the Test Site," Beko said. "I don't think my partiality should be a question, but if somebody wants to pay 100 bucks and file a peremptory challenge it wouldn't bother me."

A peremptory challenge would require the Nevada Supreme Court to assign another judge to the case. Such challenges are allowed in any civil action.

# Legislators call trip to European waste plants worthwhile

By Laura Wingard  
Review-Journal

Four of the six state lawmakers who made a \$15,000, 10-day trip to Europe at the expense of the federal government to examine nuclear waste disposal methods have defended the trip as worthwhile.

The two other legislators who traveled to Europe, Sens. Tom Hickey, D-North Las Vegas, and Ken Redelsperger, R-Pahrump, could not be reached for comment. Both were joined in Europe by their spouses and went on vacation at their own expense at the end of the 10-day tour.

"It wasn't a junket, but I anticipate some people will perceive it that way," said Assemblyman Matthew Callister, D-Las Vegas.

By touring nuclear waste disposal facilities in France, West Germany, Switzerland and Sweden, Callister said, the legislators are better informed now about the U.S. Department of Energy's efforts to study Yucca Mountain, 100 miles northwest of Las Vegas, as a possible site for the nation's first high-level nuclear waste dump.

"It was very enlightening and it certainly wasn't a junket of tourism and fun," said Assemblyman Jim Schofield, D-Las Vegas. "We were in 16 different airports popping on and off airplanes."

Assemblyman Jack Jeffrey, D-Henderson, said the daily schedules for the legislators went from 7 a.m. to 11 p.m. "They pretty much kept us on the go. We were either traveling or touring facilities," Jeffrey said.

Assemblyman Gaylyn Spriggs, R-Hawthorne, said she isn't worried about justifying the trip to the constituents in her district, which includes Esmeralda, Lincoln, Mineral, Nye and Bullfrog counties.

Yucca Mountain "is in my district and it affects my people," Spriggs said.

Six of the seven members of the Legislature's High-Level Radioac-

tive Waste Committee went on the tour sponsored by the National Conference of State Legislatures in Denver. Sen. James I. Gibson, D-Henderson, was unable to go because of his wife's ill health.

In all, the U.S. Department of Energy spent \$55,000 to send to Europe 22 legislators and state officials from Nevada, Washington, Texas, Tennessee and the National Conference of State Legislatures.

Energy Department revenues collected from a tax assessed on nuclear power plants were used to fund the trip.

Assembly Speaker Joe Dini, D-Yerington, and Senate Majority Leader Bill Raggio, R-Reno, were invited to attend the European trip but declined the offer. Both, however, defended the other legislators for going on the 10-day tour.

"I wasn't that close to the subject, so I didn't go," Dini said. "I don't know if they needed to send that many, but it wasn't at state expense."

Originally, the Energy Department had given the National Conference of State Legislatures enough money to send to Europe two legislators from each of the four states involved in federal nuclear waste disposal studies.

But when Nevada and Washington officials asked that more legislators be allowed to make the trip, the Energy Department provided additional funding for the tour.

The department's top three sites for a high-level nuclear waste dump are in Nevada, Washington and Texas. A site in Tennessee is being studied as the possible location for a monitored retrievable storage facility for nuclear waste.

Raggio blamed the news media for creating the public perception that the tour was a junket. "There seems to be a knee-jerk reaction — especially when the trip is to Europe — that it is a pleasure trip," Raggio said.

Spriggs, an outspoken opponent

## Trip

From 1B

of critics who reject putting the dump in Nevada, said the trip changed her mind.

Rather than Yucca Mountain, she now believes the salt mines in New Mexico would be the best place to bury the 70,000 tons of radioactive waste.

The legislators toured a disposal facility in West Germany where nuclear waste is stored in salt. Callister, Schofield and Jeffrey said they also believe storing the waste in salt mines needs to be studied further.

The federal government also should consider reprocessing the nuclear waste, making it less radioactive and reducing the amount of waste that has to be buried.

Please see TRIP/2B

# Nye County suit contests Bullfrog's birth

By Laura Wingard  
Review-Journal

Nye County followed through Wednesday on its threat to challenge in court the creation this year of Bullfrog County, but the top official in Nevada's newest county said Nye County needs to learn it is powerless to fight the state on this issue.

"I think what Nye County doesn't understand is it isn't sovereign. The Legislature has the authority to create counties and to take them away," said Mike Melner, appointed chairman of the Bullfrog County Commission by Gov. Richard Bryan.

"The Legislature could do away with Nye County if it wants," said Melner, a Reno attorney.

The precedent also exists for the Legislature to take away from one county to create another county, he said. In 1909, the Legislature cut Lincoln County in half to form Clark County, Melner said.

Even so, Nye County District Attorney Phil Dunleavy filed a lawsuit Wednesday in the state District Court in Esmeralda Coun-

ty, contending zero-population Bullfrog County violates 37 provisions in the state and U.S. constitutions.

The lawsuit against Bryan, the state and Bullfrog County also seeks a temporary injunction to stop the Bullfrog County Commission from taking any actions until the legal dispute is resolved.

Nye County officials have voiced outrage since the Legislature in June created the 144-square-mile Bullfrog County by carving out a chunk of Nye County.

Bullfrog County, with its county seat 270 miles to the north in Carson City, encompasses Yucca Mountain — one of three proposed sites for the nation's first high-level nuclear waste dump. Nevada's 18th county was approved by the Legislature and Bryan as a way to give the state control over millions of dollars in federal funds that would be available should Yucca Mountain, 100 miles northwest of Las Vegas, be studied as a dump site.

Dunleavy said, "Bullfrog County is a dictatorship, with the governor

having the exclusive right to appoint and remove commissioners." He argued that Bryan's authority ignores the republican system of government established by the U.S. Constitution that allows voters to elect their representatives.

If people eventually move to Bullfrog County, Dunleavy said, it would be two years before an election were held.

Dunleavy said other flaws in the Bullfrog County legislation are that it failed to form a school district, set up no court system to allow a trial by a jury of one's peers and made no guarantee of counsel for people arrested in the county.

Furthermore, Dunleavy said, taxes collected by the state and distributed to counties such as sales, gaming, cigarette, liquor and gas taxes would be going to Bullfrog County at the expense of the state's other 17 counties.

But John P. Comeaux, executive director of the state Taxation Department, said almost all the taxes collected by the state are given back to the counties based on their populations.

"At this point, there is no problem because there is no population in Bullfrog County."

Eventually, if government contractors working at Yucca Mountain begin to buy goods and pay sales taxes on those purchases, Bullfrog County would qualify for one-half of 1 percent of the sales tax revenues, he said.

Melner, who had not seen a copy of the lawsuit, said the issues raised by Dunleavy are "practical problems that don't make it (Bullfrog County) illegal."

Dunleavy said he also expects the state to challenge whether Nye County has a right to be suing over Bullfrog County's creation. "But we're the direct victims of this robbery," he said.

Scott Bodeau, the deputy attorney general who will handle the case, said it was premature to comment on Dunleavy's remarks.

Bryan could not be reached for comment. But his press secretary, Karen Zupon, said the action came as "no surprise" because Nye County has been threatening for months to file a lawsuit.



# Udall softens stand on nuke dump moratorium

By David Koenig  
Review-Journal Washington Bureau

WASHINGTON — On the eve of an important vote, Rep. Morris Udall, D-Ariz., has scaled back his proposal for an open-ended moratorium on the search for a nuclear waste dump.

Udall now proposes to delay the U.S. Department of Energy's search for no more than 12 months while a special commission reviews the department's work, according to a draft written Wednesday by Udall's staff. But the proposal would allow some studies to go ahead at Yucca Mountain in Nye County, and sites in Washington state and Texas.

When the House Interior energy subcommittee meets today, Udall, its chairman, is expected to offer the new proposal as a compromise between lawmakers who want to shut down the search for a dump, and those who want to speed it up.

In Nevada, the reaction might best be described as cautious optimism.

"I don't imagine we would abandon support for what the House is doing," said Bob Loux, director of the state's nuclear waste projects office. "I think we will be generally supportive, but we might have some fine-tuning suggestions."

The House has shown support for a moratorium on the Energy

Department's work, while the Senate — over the objection of both Nevada senators — appears ready to approve a bill that would speed up the selection of a favored site to January 1989.

Rep. Barbara Vucanovich, R-Nev., a member of Udall's subcommittee, praised Udall for "trying to be a statesman," but reserved judgment on the proposal.

Both Loux and Vucanovich complained that Udall has shortened the time a special commission would get to review the Energy Department's controversial handling of the nuclear waste program. Udall cut the commission's time from 18 months to six months.

The three commission members would be appointed by the leaders of the House and Senate, both of whom are now Democrats. They should have some "training, experience and attainments" that qualify them for the job, according to the draft by Udall's staff.

The commission would study the need for a second repository in the East and an interim step storage facility, and whether the waste program should be taken away from the Energy Department.

Sen. Harry Reid, D-Nev., said he wants the commission to have free reign to examine "more than just the technical aspects, and look at

Please see DUMP/2B

Las Vegas Review-Journal/Thursday, October 8, 1987

## Dump

From 1B  
some of the political decisions made by the DOE." The department caused a stir last year by shelving the search for a second dump site in the East, and internal department documents suggested that political considerations were a factor.

But Reid concluded that the Udall proposal is "certainly better than what is going on in the Senate. It's a step in the right direction."

At least some segments of the nuclear industry, which have vehemently opposed a moratorium, will support Udall. Industry officials fear they will be put out of business unless the problem of disposing of spent nuclear fuel is solved.

Andrea Dravo, a former Udall aide now with the American Nuclear Energy Council, said her group was swayed when Udall agreed to let some work go forward on the three leading sites.

"We don't like to see a moratorium of any kind on the nuclear waste program, but the most important thing to the industry is that the technical site evaluation work can continue," Dravo said.

The only work that would be banned under the new Udall proposal is the drilling of large exploratory shafts, which would be used to gather seismic, hydrological and other data about the sites. Surface studies would go ahead, as would Energy Department reports called

"site characterization plans," which spell out in detail how the underground studies will be done.

Yucca Mountain was due to be the first site to have a completed study plan, adding to the perception that if the dump selection process is hurried Nevada will be chosen.

Dravo said her industry group prefers that three sites be studied in detail to increase the odds that at least one will be found suitable. But she said the industry also likes the bill by Sen. J. Bennett Johnston, D-La., to study only one site because it "will save about \$4 billion that nuclear power companies have paid into a special fund to develop a waste disposal plan."