



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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TO: John J. Linehan, Director, (HLPD), Division of
High-Level Waste Management, M/S 4-H-3

FROM: Paul T. Prestholt, Sr. On-Site Licensing Representative

DATE: August 18, 1989

SUBJECT: NEWSPAPER ARTICLES(S)

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

PTP:nan

cc: Greg Cook
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Miller questions Yucca research

CARSON CITY (UPI) — Gov. Bob Miller said Monday he was worried that Nevada's united opposition to a high-level nuclear dump could be diluted if University of Nevada researchers are hired by the federal government to study Yucca Mountain.

Miller added his voice of concern to that of Sen. Dick Bryan, D-Nev., and former Gov. Grant Sawyer, who is chairman of the state's nuclear waste project commission.

The governor said he "didn't relish" intervening in what grants the University of Nevada can accept. Universities, he said, must be autonomous.

But he said the 1989 Legislature finally joined with the executive branch in a united voice against plans by the Energy Department to locate a nuclear repository at Yucca Mountain, about 100 miles from Las Vegas.

The Energy Department now plans to pay \$4.3 million to UNLV for research during the next five years on the suitability of Yucca Mountain.

UNLV officials, after the concerns voiced by Bryan and Sawyer, said they would take another look at the contract proposal.

Miller said there is a legal concern because of a new law that makes it illegal to locate a high-level nuclear dump in the state. But beyond that, he said he was worried about "clouding the message" of Nevada if a universi-

ty went to work for the federal government.

A hypothetical situation, he said, could occur with the state and the federal government at odds and end up in a court hearing or congressional session. He said the Energy Department might then bring in UNLV professors to testify in conflict with the position of the state.

"It makes it difficult when arguing when you have the other side bring in people from your own university to say this," said the governor.

University officials are expected to ask Attorney General Brian McKay whether the new law prohibiting a nuclear dump in Nevada would prevent them from taking the contract.

"I'm concerned if we don't speak with a single voice," said the governor. He said the state has rejected money in the past from the government to accept the site.

Bryan complained the energy department was using a "divide and conquer" tactic by trying to hire UNLV researchers.

Miller, McKay join forces to fight desert tortoise issue

CARSON CITY (UPI) — Gov. Bob Miller and Attorney General Brian McKay, possible rivals in next year's election, joined forces Tuesday to fight the U.S. Fish and Wildlife Service over the issue of the desert tortoise.

The federal agency last month invoked emergency powers to list the tortoise population in the West as an endangered species. It could mean developers in Las Vegas would have to delay or even scrap plans for millions of dollars of construction.

Miller and McKay said the state will file a motion to intervene in a suit brought by Southern Nevada developers and local governments to stop the designation by the Fish and Wildlife Service.

McKay said the facts available

do not support Fish and Wildlife's contention that a respiratory disease is endangering the desert tortoise population in Nevada, as it is in other areas.

"Protecting the desert tortoise and building to meet the needs of growth are not mutually exclusive," Miller said.

"The best solution to assure that economic growth continues and that jobs are not lost would be to move the tortoise to a preserve and maintain the preserve over a long-term basis.

A mysterious respiratory disease has broken out in the Mojave desert tortoise population in Southern California, Utah, Arizona and Nevada, according to the Fish and Wildlife Service. While listing the species as en-

dangered will not stop the spread of the disease, it will give scientists time to work to control the outbreak, providing extra protection for the tortoise.

Nevada will seek to be represented at a hearing Thursday in the court of U.S. District Judge Stanley S. Harris on a motion for a preliminary injunction sought by the developers against the federal agency.

"This case involves striking an appropriate balance between the needs of wildlife and a growing population," McKay said. "In light of this, the state must be given an adequate voice to protect its interests."

Miller, a Democrat, may be challenged next year by McKay, a Republican, but in this case they are united.

Nuclear dump foes announce they will hit the road next year

By Sean Whaley
Review-Journal Capital Bureau

CARSON CITY — A group of activists will be going across the country next year in an effort to drum up opposition to construction of nuclear waste dumps in Nevada and New Mexico.

The "national road show," which is expected to get underway in the spring, will travel the interstate freeways, stopping for events at major cities, said Bob Fulkerson, executive director of Citizen Alert, a Nevada group opposed to the nuclear dump proposed for Yucca Mountain near Las Vegas.

The purpose of the demonstra-

tion is to show people that nuclear waste dumps planned for Nevada and New Mexico will require the transportation of high level nuclear waste on highways through neighborhoods all over the country, he said.

The National Nuclear Waste Transportation Task Force, represented by about 20 organizations from across the country at a weekend meeting at the Washoe Pines Ranch, planned its strategy for the event. Representatives came from California, Idaho, Texas, Washington D.C. and other areas.

"The effect on families and their homes will be profound if

these sites open and the waste starts moving," Fulkerson said. The Nevada-based Citizen Alert is a sponsor of the national task force.

The task force intends to inform people that the nuclear waste sites will affect them whether or not they live near such a facility. The U.S. Department of Energy will have to transport the waste to the sites, either by rail or by truck on interstate highways, Fulkerson said.

If the public becomes concerned and in turn expresses that concern to representatives in Congress, a more powerful oppo-

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position group to the waste repositories could emerge, he said.

An itinerary discussed Friday by the group would start with a trip between Reno and Sacramento, move on to Los Angeles, Las Vegas and Salt Lake City.

The trip could continue throughout the country, including a stop in Washington D.C.

The show will likely consist of a caravan of automobiles and a truck carrying a nuclear waste container, which measures 5 feet by 12 feet, Fulkerson said. Stops at cities would include rallies, news conferences and meetings with local officials.

With 60 groups representing several thousand people on the task force, an effective demonstration can be accomplished, he said.

Chris Brown, the Las Vegas co-

ordinator of Citizen Alert, said the timing is important because congressional action on the waste repositories is expected next year.

The repository under consideration in Nevada is Yucca Mountain, located on the Nevada Test Site 60 miles northwest of Las Vegas. High level commercial radioactive waste is proposed to be buried in shafts drilled into the mountain.

Opposed by most Nevada elected officials, the dump has not yet been approved. The timeline for opening such a repository is several years away, but tests are ongoing at the site.

The other repository, called the Waste Isolation Pilot Plant, is located near Carlsbad, N.M., and is proposed to hold military radioactive wastes. The plant, which will store the waste 2,000 feet below ground, is not scheduled to

open until next fall. The wastes will possess lethal levels of radioactivity for 24,000 years.

Currently waste is stored at sites all over the country. Many nuclear power plants store their expended fuel on site. Military wastes have been being shipped to various locations, including a site in Idaho, pending completion of the New Mexico plant.

Lind Bjornsen, representing the Idaho-based Snake River Alliance, which counts between 5,000 and 10,000 supporters, said the group is concerned about all nuclear waste.

Bjornsen said Idaho is being used as a temporary repository for nuclear waste from the Rocky Flats nuclear research facility in Colorado. Opening the New Mexico site would mean transporting it several hundred miles.

Also at the meeting was Corbin

Harney of Battle Mountain, representing the Western Shoshone nation. Native Americans are concerned about the Yucca Mountain project and other nuclear waste storage facilities because of the effects the waste could have on the environment, he said.

"As a native people we are concerned about what Yucca Mountain will do to us and other living things," Harney said.

Pollution of the ground water is a real possibility, he said. Such a disaster would destroy their way of life, Harney said.

Fulkerson said the task force would like to see nuclear waste stored as safely as possible at each site where it is generated for the next 50 to 200 years. This would allow time for research and solutions to dealing with high level nuclear wastes, he said.

CRITICS say county dreams of nuclear waste dump benefits

By Mary Manning
SUN Staff Writer

A Nevada nuclear waste project official Thursday criticized Clark County's approach to studying impacts from a proposed high-level radioactive dump at Yucca Mountain, calling the plan a "wish list."

Representatives from Citizen Alert and Nevadans Against the Nuclear Dump said that the county's plan contradicted the state's opposition to the repository. The Clark County Nuclear Waste Steering Committee met to discuss a draft impact study plan drawn up by Richard Moore, a Wyoming consultant on the "Peacekeeper" missile project.

"I think you're on the wrong track with the socio-economic study. Other governments are being led to this Christmas wish list," said Joe Strolin of the state Nuclear Waste Projects Office.

A state study said Nevada could experience a 30 percent chill on gaming after a nuclear accident, said Chris Brown, Citizen Alert coordinator.

Fighting the dump should be our prime concern, said Tom Polikalas of NAND.

Those funds can only be used for studying repository impacts, and we don't know what the impacts are," Strolin said.

If the impact study program is seen as an invitation to the federal government to provide improvements such as streets, a beltway and a new bridge over Hoover Dam, county and local governments could lose funds, he said.

"You've got a package promoting a whole variety of benefits that may come to the county from the project, but they may not," he said. "You've approached this from a wish list. You've got the

cart before the horse."

A Boulder City representative agreed with him. Jeff Patlovich said counting Hoover Dam as a shipping route is wrong. "There's a presumption, but the plan does not study whether that is a correct route," he said.

Energy Department plans include Hoover Dam as a nuclear waste route, Patlovich said. Strolin warned county and city officials that General Accounting Office auditors will frown on nuclear waste study funds being used to build roads, streets, even the Black Canyon Bridge across Hoover Dam, if the routes are not used to transport nuclear waste to Yucca Mountain, about 90 miles northwest of Las Vegas.

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— Joe Strolin
Nevada Nuclear Waste Projects Office

"I'm at a loss for words, almost," Moore said, adding he had seen the draft plan as an impact assessment.

For example, the plan calls for upgrading the civil defense system next year and \$1 million in pavement on intersections throughout Southern Nevada in 1990.

The Energy Department has not begun its study to explore Yucca Mountain's suitability, Strolin said.

New Energy Secretary James Watkins promised to reassess the troubled nuclear waste program after President George Bush appointed him. He found a program in disarray and recently indefinitely delayed the opening of

the Waste Isolation Pilot Project in New Mexico.

In the waning hours of the 1989 Legislature, lawmakers passed AB222, forbidding nuclear dumping or storage in the state, Strolin said. "We've got to fight the Nevada law in the courts," Watkins has said that it could take four years to fight the

But Congress is holding study funds for Nevada hostage, Strolin said. The state received \$4 million of its \$23 million request, with another \$6 million left to Watkins' discretion. If the state releases environmental permits needed to study Yucca Mountain.

The state has staunchly refused to deal with the DOE, Strolin said. The county's approach could

signal an invitation, although the County Commission, Las Vegas City Council and North Las Vegas City Council have passed resolutions against the dump, Strolin said.

Federal cuts from the nuclear ratepayers fund already have affected UNLV's Nuclear Waste Transportation Research Center, said Russell di Bartolo. Instead of receiving an expected \$1 million, the center's share was cut to \$200,000, delaying monitoring of transportation impacts for at least a year.

Dennis Bechtel, county nuclear waste coordinator and committee chairman, said the approach to exploring impacts from the dump will take time.

Friday, August 18, 1989

LAS VEGAS SUN

DOE reveals possible rail routes

By Mary Manning
SUN Staff Writer

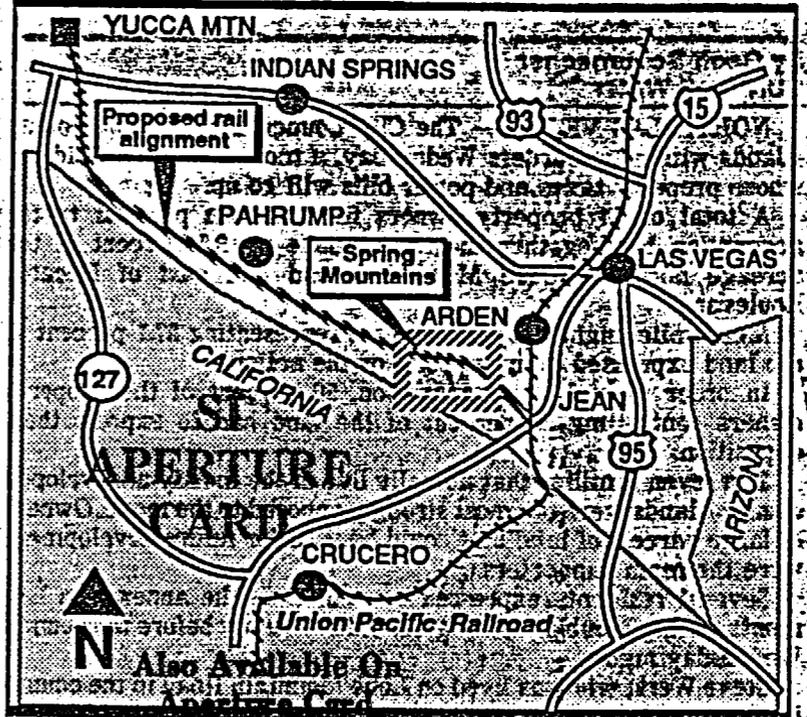
The U.S. Department of Energy on Thursday unveiled 13 possible rail routes for shipments of highly radioactive waste to Yucca Mountain, none of them near the Nevada Test Site. Three most favorable to federal government officials include spurs through Caliente, Carlin and Jean, said Wendy Dixon, DOE Yucca Mountain Project transportation division director.

The \$700 million Caliente route swings northwest near Tonopah, then drops southwest to Yucca Mountain. The \$183 million Jean plan routes 250 waste shipments a year on a track from Jean to Arden, northwest along the Nevada-California border through Pahrump and into Yucca Mountain.

Dixon said that DOE had not made any decision on rail routes through Nevada and asked for comments from state and local governments.

A state representative immediately criticized the routes. "I'm disappointed that DOE didn't look at the route on the backside of the Nevada Test Site if you want to stay away from populated areas," said Joe Strolin of the Nevada Nuclear Waste Projects Office.

Lincoln County had submitted three route alternates added to 10 submitted by DOE, Dixon said, but agency headquarters still had all of them



Graphic by NEAL C. LAURON

under review.

"Why bother spending the money to go all the way around the Nevada Test Site?" Strolin asked.

Dixon said that DOE could not consider routes cutting across Air Force land or the Nevada Test Site for national security reasons.

"What you guys have done once again is knuckled under to political pressure," Strolin said. "Some people you work for may not like those routes."

William Andrews of SAIC, a DOE contractor on the Yucca Mountain project, said that the proposed routes are not like the main track running through Las Vegas. "This will mean a train

or two a week" for the 30-year life of the dump, he said.

Although not discussed, the routes tread on tortoise habitat.

The U.S. Fish and Wildlife Service declared the Mojave desert tortoises an endangered species. Tortoises will be a consideration when DOE seeks licensing from the Nuclear Regulatory Commission, if the order becomes permanent.

Strolin said DOE may need more than one environmental impact statement to approve rail routes throughout the state. DOE expects to submit all proposed routes in a plan for public comment by December, said Katie Grassmeier of the Yucca Mountain Project Office.

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Judge told tortoise listing could 'irreparably' damage LV

WASHINGTON (UPI) — Attorneys for the city of Las Vegas and Nevada developers told a federal judge Thursday that including the state's desert tortoises in an emergency endangered species listing is "irrational."

Seeking an injunction against the emergency regulation, attorney Irwin Goldbloom argued the Mojave desert tortoises in Nevada should be excluded from the emergency listing because there is no evidence they are in jeopardy from a deadly respiratory disease that has devastated the species in California.

"There is no rational basis for this regulation," attorney Irwin Goldbloom told U.S. District Court Judge Stanley Harris. "It is irrational."

Last month the U.S. Fish and Wildlife Service invoked emergency powers to list the tortoise population in the West as an endangered species.



MARVIN SEDWAY fears state crisis

Sedway seeks tortoise relocation funds

CARSON CITY (UPI) — An influential assemblyman Thursday suggested the state allocate at least \$1 million to help solve the problem of the desert tortoise, which has brought new construction to a halt in Southern Nevada.

Assemblyman Marvin Sedway, D-Las Vegas, served notice to the Interim Finance Committee that he would ask the next meeting to dip into its emergency fund for money to help relocate the desert tortoise, which has been declared an endangered species by the U.S. Fish and Wildlife Service.

"It has stopped completely at least \$20 million

in construction," Sedway told the committee. The construction stoppage could cause a "crisis" for the state because of loss of sales tax revenue.

A mysterious illness broke out in the Mojave Desert tortoise in Southern California and the Fish and Wildlife Service says it has spread to other states. To preserve the tortoise, the federal agency issued an emergency order designating it as an endangered species meaning that new construction could not go forward in areas where these are located.

Sedway said Clark County and the city of Las Vegas are each willing to put up \$500,000

the committee.

in the state where the "stress" of urbanization, predators and other factors also endangered the species.

Government attorney Larry Bradfish said the "economic injury" to Las Vegas developers fails to constitute the kind of irreparable harm needed to justify an injunction against the endangered listing.

"There is no evidence that any of these businesses will go into oblivion," Bradfish said.

Judge Harris indicated it would be at least a week before he rules in the case. Meanwhile, he granted a motion by the State of Nevada to intervene in the case on the side of the developers.

Washington attorney Andrew Miller, representing Nevada, said the state would likely file several documents in the case over the next few days.

Goldbloom was among a bank of attorneys representing the city and developers seeking to overturn the listing, or at least modify it so that Nevada is excluded. They argued the regulation could cause "irreparable damage" because protecting the tortoises' habitat would delay or even halt

plans for millions of dollars in construction in the Las Vegas area.

Interior Secretary Manuel Lujan approved the emergency listing for tortoises west and north of the Colorado River after conservation groups petitioned the department claiming a

mysterious respiratory disease ailment, "there's no direct correlation between the listing and species dealing with the disease" to save tortoises.

"We contend that there is no documented respiratory disease in the tortoise population in Nevada," Goldbloom said. He added that because there is no known cure for the respiratory

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