

## HOTLINE

**Undercover cop under fire in Arizona**

An undercover cop allegedly encouraged students at the University of Arizona to sabotage telescopes at the new Mount Graham observatory. His identity was uncovered during a lively protest on Columbus Day, when a 9mm semi-automatic pistol fell out of his backpack, according to *The Arizona Daily Star*. At least two students then identified the policeman as an activist, saying he spoke out during several meetings of students who oppose the observatory. One student recalled that at a meeting in April he said, "What we really need to do is sabotage the telescopes." University of Arizona Police Chief Harry Hueston says he was unaware that the officer infiltrated the student meetings. But the Tucson Police Department says it provided the agent after a request for assistance from the university.

**Owling for dollars**

Timber companies in the Southwest may end up making a profit without cutting down a single tree. The Forest Service has already paid three companies some \$1.3 million because they can't log trees in habitat set aside for the Mexican spotted owl and northern goshawk. Environmentalists say the Forest Service should never have allowed sales to White Sands Forest Products, Kaibab Forest Industries and Bates Lumber. They point out that federal and state wildlife agencies recommended against logging in sensitive areas. "The Forest Service pushed these sales through with full knowledge of possible habitat," says Sam Hitt of the Santa Fe-based group, Forest Guardians. "Now the taxpayers are bailing them out for their mismanagement." Kaibab Industries spokesman Jim Matson also faults the Forest Service for mishandling the contracting process. "We would just as soon have had the opportunity to complete our contracts, and would have been better served by having a contract based on a valid biological evaluation," he says. Dan Cramsey, Forest Service spokesman in Albuquerque, defended the agency's decision. But he says more sales will suffer if the owl is listed under the Endangered Species Act. A decision from the U.S. Fish and Wildlife Service is long overdue. If the owl is listed, the Forest Service is contractually obligated to award a number of timber companies up to \$6.3 million in further compensations.

## BARBS

**But where are the tree stumps and oil spills?**

Weyerhaeuser, the tree-cutting company, and ARCO, the oil giant, distributed 22,000 cheerful pop-up books on the environment to Seattle children in elementary school. A Weyerhaeuser spokeswoman says the book "will teach youngsters about ... natural resources and also how to respect our parks," reports Vancouver's *The Columbian*.

# WIPP takes one giant step forward

A bitter, five-year congressional fight over the world's first engineered nuclear waste dump has been settled in time-honored fashion: in the back room.

A last-minute, closed-door compromise bill to clear the biggest legal roadblock to opening New Mexico's \$4.4 billion Waste Isolation Pilot Plant has angered critics of the project as much as it overjoyed WIPP supporters.

New Mexico environmentalists blasted the state's senators for allegedly not standing up strongly enough for health and safety. Environmental activists also took a shot at one of Congress' most outspoken environmentalists, House Interior Committee chairman George Miller, D-Calif. They accused him of trading support for a weak WIPP bill to get a tough water conservation bill for California.

Miller and New Mexico Sens. Pete Domenici and Jeff Bingaman deny the charges. But to those who have spent years holding WIPP at bay, the passage of the bill is a classic story of insider compromise, in which big issues about how to safeguard a nuclear repository were almost drowned in Congress' last-minute rush to adjourn.

Passage gives the U.S. Department of Energy what it has wanted for years — ownership of the dump's 10,240 acres of Chihuahuan desert southeast of Carlsbad, N.M. Until now, the Interior Department owned the land, which put WIPP in legal limbo.

WIPP's warehouse-scale, above-ground buildings have been largely completed since the late 1980s. Below ground, numerous rooms have been carved into its 2,150-foot-deep salt beds. But under federal law, DOE could not bring in a single truckload of nuclear wastes to WIPP until it owned the land.

With this new law in hand, DOE is close to being able to import a few thousand drums of plutonium-tainted wastes from Idaho and California for a series of controversial tests. The only obstacles are another round of federal and state agency approvals, lasting maybe 10 months, and lawsuits from environmental groups.

DOE wants the tests to see if the site meets federal nuclear and hazardous-waste safety standards. If the tests work, it plans to permanently bury hundreds of thousands of drums of wastes brought in from weapons plants around the United States.

Environmental groups and the state watchdog, the New Mexico Environmental Evaluation Group, charge that the tests lack scientific value. The pro-WIPP National Academy of Sciences and DOE contractor Sandia National Laboratories have argued that DOE hasn't proven the tests are necessary, but they also say the idea of testing with wastes is good.

The bill allowing the tests squeaked through Congress when House Energy Committee Chairman John Dingell, D-Mich., orchestrated a compromise in a meeting of key senators and representatives. His solution was to more or less split the difference between the stronger House version of the bill and the weaker Senate version.

But critics say that this dividing of differences did not result in an acceptable compromise. The House bill, for instance, required DOE to prove that the tests are necessary to ensure that WIPP meets federal safety standards; the final version changed necessary to "directly relevant."

The House bill required EPA to hold public hearings on DOE's testing plans; the final version makes hearings optional. The House bill required DOE to produce a plan that would answer the politically explosive question of where it would ship the waste if WIPP didn't meet the safety standards. The final bill removed that requirement, although it still requires DOE to discuss more generally how it would retrieve the wastes.

The House bill required several federal agencies to inspect WIPP's structural stability and to make sure emergency workers are properly trained. The final bill forbids citizens from suing to make sure these protections are carried out properly. Finally, the compromise bill

that gives a helping hand to the Yucca Mountain, Nev., high-level nuclear waste repository.

These actions seem out of character with Miller's reputation. An article in the Sierra Club's *Sierra* magazine recently praised "Chairman George" as a "tough and uncompromising" environmentalist.

Yet without Miller's support, a WIPP bill allowing testing of nuclear wastes might never have passed. The previous Interior chairman, Arizona's Morris Udall, had opposed such a bill. Miller signed onto the measure when he replaced Udall in spring 1991.

Environmentalists favored a bill requiring WIPP to prove it is safe using computer tests — rather than the physical placing of wastes — before opening. But that bill "was never a possibility politically," a House staffer said.

Hancock and other critics contend Miller supported WIPP and an energy bill in exchange for Senate Energy and Natural Resources committee chairman Bennett



WIPP photo

**Workers excavate rock salt 2,150 feet underground at WIPP**

gives New Mexico \$300 million over 20 years for new highways to accommodate the waste trucks to roll on, but only after WIPP opens.

After the bill passed, Santa Fe syndicated columnist Roger Morris quoted anonymous sources as saying that Republican Domenici, the state's senior senator, ran roughshod over Democrat Bingaman in the final days of the fight.

When Bingaman's staff seemed to be wavering on whether to kill key safety measures in the House bill, Domenici allegedly told Bingaman in a last-minute phone call, "You can't embarrass me. You can't let me down," and Bingaman backed down.

Bingaman and Domenici denounced the column as false, but critics weren't mollified.

"If Bingaman and Domenici had said we agree with the health and safety provisions of the House bill, that is what would have passed," said Don Hancock, nuclear waste safety director for Albuquerque's Southwest Research and Information Center, which has fought WIPP for more than 15 years.

As for Miller, New Mexico and Nevada critics plan to bring a life-sized replica of a nuclear waste cask to his northern California district next spring. They want to dramatize his support of both the WIPP bill and of an energy bill

Johnston's support of a water bill Miller had wanted for years. The water bill transfers hundreds of thousands of acre-feet of California's Central Valley Project water from farms to rivers and wildlife. It, like the WIPP and energy bills, passed in the waning days of Congress.

In the energy bill fight, Johnston rammed through a provision giving the pro-nuclear National Academy of Sciences a key role in writing federal nuclear-waste disposal standards. That has set off fears among Nevada activists that it will become much easier to open the Yucca Mountain high-level waste repository. Miller's support was needed in conference committee to get the energy bill passed, while Johnston's committee had jurisdiction over the water bill.

Miller's staff and other House staffers deny that their boss traded WIPP for his water bill. "He (Hancock) should come to Congress and try to get a piece of legislation through Congress by himself," Miller's press secretary Danny Weiss said. "The bill was the result of a lot of negotiation. We got as much environmental protection for WIPP as possible."

— Tony Davis

Tony Davis writes for the *Albuquerque Tribune*.