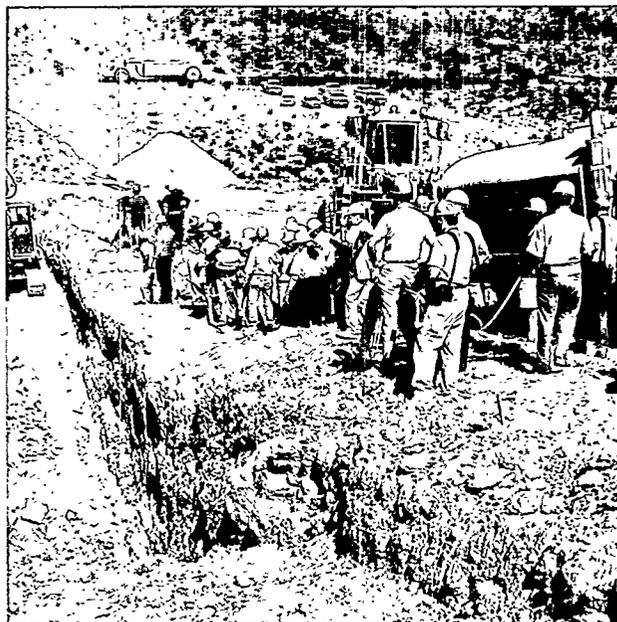


State's study of the waste site, blocked confirmation of four of the Department's assistant secretary-level nominees. Most significantly, however, in November Miller invalidated the Department's applications for state air and water permits necessary to conduct studies to determine site suitability.¹⁷⁷

The Department fought back. In late November, Deputy Secretary Moore announced an "integrated, all inclusive, responsible" high-level waste management plan. The Department's new initiatives included restructuring the Department's Office of Civilian Radioactive Waste Management and redirecting lines of responsibility. The Department also pushed the opening date for the high-level waste repository back from 2003 to 2010. In addition, Moore noted the end of Watkins' hoped-for entente with Nevada. "We've talked, we've offered compromise, we've sought to meet legitimate concerns," the deputy secretary observed. "But we have a responsibility to the Congress, and to the American people. We have sought in a responsible manner permits which should have taken 75 days to receive. It has been 2 years and we have not received the first one requested. . . . This is not a reasonable response . . . enough is enough." Accordingly, Moore stated, the Department was asking the Justice Department to file suit to obtain the necessary permits.¹⁷⁸

Site characterization work at Yucca Mountain remained stalled while the legal battle between the Department and Nevada worked itself through the courts. In late December 1989, Nevada asked a federal court to order the Department to halt all work at Yucca Mountain. Nevada claimed that the Department was violating the Nuclear Waste Policy Act by continuing efforts despite the State's legal veto of the site. A month later, the Department sued Nevada, claiming that the State's veto was "premature and without merit." The Department asked the Court to order the State to process the necessary permits for site characterization. In September 1990 the United States Court of Appeals rejected Nevada's suit, a decision upheld by the Supreme Court in March 1991. Meanwhile, the courts ordered the State to



Preliminary digging begins on July 8, 1991, for Yucca Mountain site evaluation following the State of Nevada's issuance of an air quality permit.

Source: U.S. Department of Energy

begin processing the permits. Site characterization began in July following the State's granting of the first permit. The last of the permits in question was not obtained until March 1992.¹⁷⁹

The high-level waste program, as John W. Bartlett, director of the Department's Office of Civilian Radioactive Waste Management, noted, was now showing "significant progress." But the process, Bartlett added, was "still vulnerable to delaying tactics." Indeed, Nevada officials, in spite of their legal setbacks, had hardly acquiesced to the Yucca Mountain repository. As a spokesman for Senator Bryan observed following the Supreme Court decision, it was "just one skirmish in what has been and will be a long battle."¹⁸⁰

NUCLEAR WASTE: MRS AND WIPP

The Department was also engaged in "long battles" in attempting to carry out two additional waste management projects: the Monitored Retrievable Storage (MRS) site and the Waste Isolation Pilot Plant (WIPP). The National Waste Policy Act envisioned the MRS as an interim storage site for high-level waste until a permanent site was open and operating.