



Department of Energy

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TO: Governor Atiyeh
Pat Amedeo

DATE: May 30, 1986

FROM: Lynn Frank

SUBJECT: Washington Lawsuit on Hanford Repository

Washington intends to file a lawsuit on Monday, June 2, 1986 on the Hanford repository issue. They will allege that US DOE violated the Nuclear Waste Policy Act in the three areas that are listed below:

- (1) USDOE made a preliminary determination of suitability for Hanford, Nevada, and Texas prior to the extensive site characterization studies.
- (2) USDOE has indefinitely delayed the search for a second repository.
- (3) USDOE selected Hanford as one of three sites for site characterization even though it ranked fifth in short and long term attributes.

The first two issues do not segregate Hanford from the other sites. In fact, they could increase the likelihood that Hanford be selected for a repository. We may want to express dismay publicly about dropping the second repository. But, I do **NOT** recommend that we devote any significant legal effort to these two issues at this time.

The third issue does segregate Hanford from the other sites. USDOE argues that Hanford would rank in the top three for short term attributes if the high costs of transportation and mining in basalt were ignored. On long term attributes, USDOE argues that the range among the sites is not large. Further, USDOE argues that different types of rock should be studied.

We believe that we should be looking for the best repository site among those studied to date at a reasonable cost. This should be more important than studying different types of rock.

I recommend that we ask the Attorney General to evaluate the merits of joining Washington on the third issue.