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Utah gains ally in nuclear waste fight

Cedar Mountain: Heavy lobbying wins vital support for the wilderness area

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WASHINGTON - As late as Thursday afternoon, the prognosis was grim for Utah's bid to create a wilderness area at Cedar Mountain aimed at preventing a nuclear waste storage site in the state.

Nevada Republican Sen. John Ensign was dead set against it and refused to budge. Without some give on his end, the measure would once again go down in defeat, as it had repeatedly since 2000.

But in a series of meetings Thursday, culminating in a private conference between Ensign and Utah Republicans Sen. Orrin Hatch and Rep. Rob Bishop, the Nevada senator relented. Ensign was finally convinced that the Utah delegation would work with Nevada to find alternatives to storing waste beneath Yucca Mountain, Nev., where the federal government wants to create a permanent disposal facility that is adamantly opposed by the state of Nevada.

The deal allowed Utah to land its most significant legislative blow to date against Private Fuel Storage's plan to store 44,000 tons of spent nuclear fuel on the Skull Valley Goshute Indian Reservation for as long as 40 years, although a spokeswoman for PFS says the consortium can simply truck the waste down the highway to Skull Valley.

Approval of the wilderness measure was the culmination of a year of intensive politicking by the state's delegation, backed by GOP Gov. Jon Huntsman Jr., environmental groups, House leaders and Senate Minority Leader Harry Reid, D-Nev.

Backers say the wilderness provision also preserves the Air Force's access to the Utah Test and Training Range, which could have been impeded if nuclear waste were placed in the flight path of fighter jets.

"We have protected the airspace around the range, we have put a big crimp in this plan, but we haven't finished the process, and we've done wilderness the right way," Bishop said.

The Cedar Mountain Wilderness proposal had passed the House with little opposition in the past, only to be stymied in the Senate. When Bishop introduced the House bill again in April, Sen. Bob Bennett, R-Utah, said he expected it to fail in the Senate again.

But Friday, Bennett said there was "a different atmosphere over here" in the Senate, in part because of a push for nuclear power that changed attitudes about finding different solutions to the waste issue as a way of breaking the current stalemate.

It also was due in part to overtures from Huntsman and Bennett to Reid, who had fought the Cedar Mountain wilderness bill in the past, angered by the Utah senators' support of Yucca. **Leavitt on Yucca???**

"We reached out to a number of folks and found, at least on the Senate side, a new willingness to address issues that in previous congresses we couldn't move across the goal line," said Bennett.

On Labor Day, Huntsman met with Reid in his Capitol office, making one in a series of overtures to the senator by offering to work with Reid in opposing plans to store nuclear waste in Yucca Mountain.

In the following days, Bennett also approached Reid, offering to reverse his support for Yucca Mountain and endorsing Reid's plan to store the nuclear waste near the reactors that generated it.

A few weeks later, Bennett stood on the floor of the Senate, making an extraordinary public admission that he erred in his Yucca vote. He was followed by the rest of the Utah delegation excepting Hatch, who said it would be wrong to kick the Bush administration in the teeth.

On Nov. 8, Reid issued a statement saying he no longer opposed the Cedar Mountain proposal. In fact, Reid had been quietly working behind the scenes at that point, trying to sway Ensign and the ranking Democrat on the Senate Armed Services Committee, Michigan Sen. Carl Levin.

The Reid statement came just as the Senate began debating the defense bill and the Utah delegation was intensifying its lobbying effort, focusing mainly on Levin and Sen. John Warner, the chairman of the Senate Armed Services Committee.

Warner, R-Va., was a key piece of the puzzle. With the House Armed Services Chairman Duncan Hunter, R-Calif., and top Democrat on the committee, Missouri Rep. Ike Skelton, on board, and Reid making the case to Levin, Warner was the last crucial piece. Support from three of the so-called "Big Four" would assure Cedar Mountain's passage.

Arrangements were made for Warner's daughter, who works for an environmental group, to weigh in with her father in support of the measure. Bennett and Hatch made repeated overtures to the senator.

In mid-November, Bennett again approached Warner on the Senate floor after a vote. Warner seemed almost exasperated with Bennett's repeated requests, and told his Utah colleague that he would "help us in every way he

could," Bennett said.

But then about a week later, a Friday evening, things began to unravel for Utah.

Warner's support had evaporated, caving to the opposition from Ensign, and Reid's work to bring Levin on board slid backwards. That made winning over Ensign the key to success.

The delegation hit the panic button. Huntsman wiped out his schedule and flew to Washington.

Pressure was put on the House members to stand tough against the senators and not back down on Cedar Mountain.

Compromise language was drafted to try to win back Warner and appease Ensign, but the Nevada senator was standing firm.

Bennett had written to the Air Force earlier, hoping an endorsement from Air Force Secretary Michael Wynne might help the cause. Hatch called White House Chief of Staff Andrew Card on Dec. 5 to expedite the letter, which was sent to the Utah senators and Warner and Levin the next day.

"That letter was a key letter that opened the door for us to win on this," Hatch said.

In it, Wynne said the Cedar Mountain wilderness would not create new restrictions on the Air Force's use of the Utah Test and Training Range, near the Skull Valley reservation, and that the bill would address the Air Force's concerns about the PFS plan.

The letter bolstered the state's argument that a bill that essentially creates wilderness and restricts use of BLM lands, also had a military component and belonged in the defense bill.

In the last two weeks of the House and Senate meetings, the status of the Cedar Mountain language changed hourly. It was in, then out, then partly in, then all out. Most of the signs from the conference made the outcome appear bleak, but Utah members of Congress said they would keep fighting.

The one advantage they had was that a fight between the White House and Sen. John McCain, R-Ariz., over his effort to ban torture of captives dragged out negotiations on the defense bill for more than two weeks, a stroke of luck that gave Utah delegates time to press their case.

But when McCain and the White House struck a deal Thursday, there was new urgency to get Cedar Mountain resolved before it was cast aside. Hatch and Ensign had a series of discussions.

The breakthrough was reached late Thursday, in a meeting in Hatch's Capitol hideaway office. Hatch wouldn't discuss what prompted Ensign to change his mind.

Ensign's spokesman, Jack Finn, said, "We have the Utah delegation's commitment to working with us to finding alternatives to Yucca Mountain on nuclear waste storage and we're very happy to have that ally."

Despite the dramatic, and once improbable victory, Bishop said the PFS proposal is by no means buried.

"We have put a big nail in the coffin but it's not dead yet," Bishop said. "We still must dedicate ourselves to working forward to make sure we kill it once and forever."