

# BIG DEAL WHAT KILLED TROJAN?



by Gregory Kafoury

"Nuclear power is our domestic Vietnam."  
Ralph Nader, circa 1973

"The Emperor has no clothes. The lie is over."  
Lloyd Marbet, 1993

"I didn't do anything. I just asked if they  
had any evidence that the plant was safe."  
Robert Pollard, 1993

I thought of Vietnam. There, in 1975, the opposing forces were positioning themselves for a long and perhaps decisive struggle. Suddenly the army of South Vietnam — two million strong! — panicked and disintegrated. The rout was not military, but moral. Generals and foot soldiers knew that the government was corrupt to its soul. There was nothing to fight for.

Last week, Portland General Electric officials saw no light at the end of the tunnel. Only six months before, they had announced a deal with Westinghouse to replace Trojan's deteriorating steam generators. But Westinghouse had lied about the waste tanks at Hanford, and many nuclear utilities were suing the company for fraud and racketeering. PGE had to scuttle the Westinghouse deal. Then the company announced that Trojan would close in 1996 which enabled the plant to survive the shutdown initiatives in November. Six days later a tube sprung a leak, and the plant went down. In November, it was revealed that key Nuclear Regulatory Commission (NRC) scientists had opposed continued operation of Trojan. Attempts by state and federal agencies to trivialize and ignore this had led to dozens of arrests, as activists blocked the Trojan gates. A full page ad in the *Oregonian* by Marilyn and Jerry Wilson created a flood of calls to the Governor, demanding an investigation. If the agencies and the company had only hung together, if they had gotten the plant back on line, the opposition would lose its intensity, and the moment would pass. But on December 3, the restart of the plant — then only hours away — was suspended. Now, the NRC had scheduled informal discussions in Washington, D.C., at which Robert Pollard of the Union of Concerned Scientists could question the NRC dissenters. Worse yet, these same dissenting scientists were then to come to Portland for a public hearing.

The Portland hearing promised to be a nightmare. While the state's Energy Facility Siting Council (EFSC) would try to help PGE, its grip on the controls was weak. The EFSC had ordered activists (and the rest of the public) to sit down and shut up. But not all could be expected to do so. The circus could be endured if necessary, but key players were rejecting the script. A new memorandum from Dr. J. Hopenfeld at the NRC read like a declaration of independence, systematically demolishing the official report of his more political superiors. The tone of his memo approached contempt. That damned new wind in Washington must have blown into the halls of the NRC.

Beyond the hearing, both PGE and government officials could be subpoenaed as defense witnesses in the trials of those recently arrested at Trojan. Under a "choice of evils" defense, the question of plant safety and official knowledge would be relevant. If a restart were allowed, mass arrests could be expected.

Inside those offices, barricades might not be enough. For years, many PGE officials spoke quietly of their doubts about the technology, their doubts about the plant. But now they are coming together, talking the kind of crap we first heard from Lloyd Marbet 20 years ago.

## A LOOK BACK

Early 1970s. The room is full of lawyers: Bonneville Power Administration, PGE, Pacific Power & Light, the Public Utility Commission, other agencies and interests. These are serious men; they understand how the world works. The Northwest energy future for the Northwest has been decided by the "old mules", and now future will be ratified. Electrical load growth will be about 7% a year. Within a generation, 20 nuclear plants will be built throughout the Northwest, some along the Willamette River.

But one of the men doesn't fit. He has a huge beard, an ill-fitting suit, and big leather boots. He might have been plucked out of the last century and dropped into the hearing room. The rules, he points out, say that as an interested citizen, he has a right to intervene as a party to the proceedings. He is not a serious man, because he does not understand how the world works. He believes that his vision of the future matters.

## LAST WEEK, AT THE NRC

Trojan's problems came at a bad time. There is apprehension about the new administration. Like the industry, the agency needs to hunker down. The leaked Trojan memos are a major embarrassment. Secrecy is always justified as promoting free discussion, but to the commissioners, it is the essential element of control. If agency scientists are mailing internal memos to people like Robert Pollard, then who is in charge?

With Trojan, the substantive embarrassment is even worse than the procedural. Hopenfeld calculated that the risk of a catastrophic accident at Trojan was 300 times greater than what rules allow. Dr. Joseph Muscara is in his corner, and he has been the agency's top man in the area of steam tube integrity for 15 years. The entire Office of Nuclear Regulatory Research is on record opposing the February 1992 waiver allowing Trojan to operate with deteriorating tubes. How long can the agency keep defending its decision to overrule the scientific staff?

Oregon is now insisting that Muscara and Hopenfeld be produced for a public hearing. The State says they will gag the activists, but they have invited Pollard, who is himself an ex-NRC scientist. What will happen if they try to gag him?

Trojan is not going to get out of this alive, and the agency must think about itself. What kind of precedent will it set if we send our people to run a gauntlet 3,000 miles away because someone leaked a memo? When will the next memo be leaked?

Then there is the matter of the other eight plants operating with deteriorating tubes. All have waivers like Trojan. Do we want our people in front of television cameras answering questions about Katawba and Sumner and Connecticut Yankee? Suppose the people around those plants start demanding open files and public testimony?

Trojan has embarrassed the agency for 20 years. Time to die.

## THE SERIOUS MAN

Robert Cobb ran a small business coordinating freight shipments. He gave what time he could to the energy wars, and he gave a corner of his office to young Lloyd Marbet. Marbet stretched himself to the limit, intervening in nuclear licensing hearings and utility rate hearings, attending conferences, and reading everything. Possessed of a prodigious intellect and matching physical stamina, he mastered administrative law, utility regulation and nuclear technology. He made a trailer into his home, furnishing it with treasures plucked from dumpsters.

Like every great activist, Marbet created new activists. A poet, he understood the power of metaphors, visions, dreams. Jerry Wilson explained the tenacity of the nuclear dream by describing it as a religion. On its merits, the technology should have died a generation ago. But it was sustained by the clarity and beauty of its promise, by the desire of the generation that split the atom to justify

its place in history, and by the sense that mastering the power of the atom was somehow the key to the American Century. The struggle against nuclear power has its own heroic vision. Ours is the myth of the dragon-slayer — how great must one be who chooses a towering nuclear plant as their mortal enemy? Ours are the Gods of the Sun and the Wind, of the invisible web that unites all living things, of the genetic chain that links the life of the past to the life of the future. Our enemy is a monster which transcends time, for the critical concentration of uranium produces a killer which cannot be killed. Marbet understood the vision of both religions, and he inspired others to join his mission, a campaign for Life and against Death.

## "ONCE MORE, UNTO THE BREACH, DEAR FRIENDS"

As point man for the Oregon Department of Energy staff, it did not matter to David Stewart-Smith that the activists considered him a lickspittle toady for the utilities. Had they ever kept a light burning, had they ever built anything?

What mattered was this most difficult new assignment. The siting council was soon to hear from Hopenfeld, Muscara, and the renegade Pollard. The council members were weak. He must give them the strength to do what had to be done. The council must understand its role, the opinions of the dissenting scientists must be placed in context. His cover letter would help them. "Hopenfeld", he wrote, readily admits that he does not see "the big picture"

## YEARS OF STRUGGLE

Like most who are driven, Marbet's personality was more than many could handle. A great bear of a man, his laughter shook the earth. "A force of nature" my mother once called him. In anger, his bellow threatened to shred the web of life which he so revered.

The organizational structure was always tight. The mailing list might include a few thousand people, but the core was never more than a handful. Many would dedicate a year or two, do a project or set of hearings, then return to a more normal life. Many were superior activists like J. Carl Freedman, David Hupp, John Arum. Virtually all retained their commitment, and as much of their activism as their personal lives would allow. Some won stunning victories while on their own, like Eric Stachon's successful leadership of the initiative establishing the Citizens Utility Board.

Others came to the movement without joining the circle, like Peter Bergel and the uncompromising activists of the Trojan Decommission Alliance (TDA) in the late 1970s.

Then, there were the lawyers. Ed Jones humiliated PGE in Trojan's backyard when he led the legal team which gained an acquittal for 96 TDA demonstrators who had blocked the gates to Trojan in 1977. The jury in Columbia County had never before heard the case against nuclear power.

After the cancellation of the Pebble Springs nuclear plants, Oregon, PGE and PP & L tried to stick Oregon ratepayers with hundreds of millions of dollars they spent for large holes in the ground. Dan Meek and Linda Williams, brilliant and tenacious, made them walk away from their claims, and cough up what they had already collected. Meek and Williams were awarded nearly two million dollars in legal fees, which helped sustain the Trojan ballot initiatives.

## THE COLLAPSE

January 4, 1993, 2:30 p.m. I got a call from one of PGE's lawyers. It was all over. The announcement would come in half an hour. He hoped that we would want to work with company officials to seek common ground as the wreckage was sorted out. I assured him that we would, and thanked him for his graciousness.

The champagne arrived before the television stations did, and when the reporters told Lloyd and I that PGE's Ken Harrison had attributed the decision to close the plant to "regulatory uncertainty", I responded somewhat ungraciously: "The entire Nuclear Regulatory Commission scientific staff said this plant is too dangerous to operate, that's what they mean when they say 'regulatory uncertainty'."

I had some regrets that our initial press coverage was insufficiently dignified, too much laughter and too little pontification. But everyone I knew disagreed. They said they knew it was really over when they saw the joy in our faces. Lloyd had been in the struggle for 20 years and I for more than 15. The beast was dead. Time to celebrate.

## THE ANCHOR

Over the years, what had been the vision of the "old mules" was dismembered, and the elements discarded. The Skagit plants died in hearings. The Supreme Court in *Marbet v. PGE* blocked the construction of the Pebble Springs nuclear plants, and Peter Bergel's 1980 initiative banning future nuclear plants killed them off. Washington activists passed an initiative which ended the dream of five nuclear plants under the umbrella of Washington Public Power Supply System. (WPPSS-2 at Hanford is the only surviving N.W. nuke.) Marbet lost most of the battles against the radioactive waste dump at Teledyne Wah Chang, but won the war. We fought Fred Meyer and the large shopping centers in the courts over the right to petition, creating the best law in the nation.

Marbet alone was there at the beginning, and stayed the course. He was the anchor. Fine activists like Kellie Petersen, Colleen O'Neil and Elaine Kelley are still on board, and many more want to join. With the fall of Trojan, everything is now up for grabs.

## OUR SIDE AND THEIR SIDE

In 1978, it was announced that Trojan had somehow been built to half-strength. At the resulting hearings, one of PGE's lawyers confided to me that he found it helpful not to try to understand the testimony of his expert witnesses. The stuff was too complicated, and since the experts knew what they were talking about, that was enough. Our opponents worked 9 to 5.

Critical to the success of the N.W. anti-nuclear movement has been the quality of internal debate. In bureaucracies, one's advancement depends on pleasing one's superiors. But activists are primary human beings; they depend on no one for their place in the scheme of things; they defer to no one. Neither graduate school nor law school prepared me for the intensity and quality of these debates.

Finally, we told the truth. When the press would use misinformation from our opponents as background facts, we would immediately send them the correct information. Eventually, many in the press began to get their background information from us.

## THE STRUGGLE AHEAD

PGE has sunk \$350 million dollars into Trojan which they have yet to recapture. This is why it was so difficult for them to give up Trojan, despite its high costs, low production, and the menace it presented. PGE's legal claim to further reimbursement is highly questionable. This vulnerability provides an opportunity to force the company to make massive investments in energy efficiency and renewable resources. They should earn their money by serving the community. Failing that, we should launch a Public Utility District campaign and take them over.

Washington still has a nuclear plant, and there will always be Hanford. But when I think of the future, I recall years ago when we were talking about isolating Trojan, Marbet kept to a more strategic vision. When I criticized his approach, he bellowed, "Do you think I give a damn about this plant? It's the industry I'm after!"

For Lloyd Marbet, the conquest of Trojan is not a life's work, but the toppling of one domino in a chain. The record of what really happened to Trojan has yet to be developed. 109 nuclear plants remain in this country, and eight of them may be Trojan-style time bombs. Marbet's vision remains uncompleted. He has work to do, because he is a serious man.