"Compact" Solution Goes Awry

By Jennifer Tichenor

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- Under Federal law, states which do not enter into exclusive "low-level" waste agreements with other states will be required to accept such waste from elsewhere in the nation.
- Only after the developer is chosen, the specific site selected, the land bought, the technology determined, and the site constructed and operating, is public comment to be scheduled.

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Dames and Moore, a New York State consulting firm, performed the geological site study for the compact. Since stable clay geology and the quantity of waste produced by an individual state were supposedly two of the criteria for selection of the host state, there was some surprise when Kansas, which produces the least amount of waste, has a high rate of annual rainfall plus an unstable glacial geology, was assigned 109 (75 percent) of the 148 possible sites in the five-state region.

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The only two companies bidding for the Central Interstate Compact site are US Ecology and Westinghouse. Citizens are becoming increasingly aware of the drawbacks of each developer, and many feel that the options are, as Bob Bland of the Arkansas Alliance puts it, "death by hanging or by electric chair."

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Since 1980, various Westinghouse facilities have been cited 30 times for violations of the Federal Toxic Substances Control Act and other civil penalties or administrative actions. And sometimes actions speak louder than words. If Westinghouse gets the Central Interstate contract, it plans to name John Razor as the site's Operations Manager. Razor was the US Ecology's assistant site manager at the leaking Maxey Flats dump.

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Organizers Defeat DOE in Upstate New York

By Carol Mongerson

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First, the DOE planned to bury "low-level" waste at the West Valley site. Citizens' groups claimed the waste is actually transuranic*, not "low-level." Secondly, DOE rejected preparing an Environmental Impact Statement (EIS) which, citizens say, is required by the National Environmental Policy Act.

In an out-of-court settlement, the Department of Energy agreed to do an EIS, and to extend the public comment period to six months. This EIS must take a careful look at the erosion potential of the site, a primary concern.

The Coalition and the Campaign hired a geology expert, Dr. Michael Wilson, who reviewed a number of geologic studies of the West Valley area, and concluded that it is a very high erosion area and that erosion rates have been underestimated by the DOE. In time, the entire site will erode away.

The DOE also agreed to apply to the Nuclear Regulatory Commission for a ruling on whether the waste is properly classified as "low-level." This is an admission that the original plan to bury the wastes was illegal. By law, the waste must be considered transuranic unless NRC decides otherwise.

Citizens of western New York are jubilant over this settlement. Burial of the waste will, at the least, be delayed until the EIS is completed. Because of the EIS process, citizens will be able to argue for above ground, retrievable storage rather than burial.

David Seeger, the lawyer hired by the citizens, who negotiated the agreement is significant because "the technology used here will serve as the model for dozens of commercial radioactive landfills around the country. This is a test run for the nation."

Expressing the feelings of the small group of hardworking citizens who made the decision to sue the DOE, Seeger commented that the settlement was also encouraging because "it shows that the little guys can go up against City Hall and win."

**Regulations for storing transuranic wastes are much more stringent*

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Compact/*continued*

advocate storage at reactors, recognize that such a study is critical if they are to ever reduce the volume of waste. Several of the compact's seven nuclear reactors already have on-site facilities which could store plant wastes for up to 15 years.

The formation of the citizen task force represented a major strategic turning point in the struggle. After June 9, the Central Interstate Commission will never again confront individuals motivated solely by self-interest. From that date forward, they will have to contend with united, informed persons whose resistance is organized, focused and determined. These people have decided that they will only go home when they know that all of their homes are secure.

At the June 9 meeting, the Compact Commission responded to increased citizen pressure by raising the stakes. The Commission agreed that any states that withdraw from the compact before the site is chosen have to pay the dues they would have had to pay had they stayed in, which amounts to $2[illegible],000 per year. The state would also have to pay the fees earmarked for the developer, about $35,000 per reactor per year.

The Commission decided that there would be a penalty if a state's withdrawal caused the Compact to miss any of the deadlines in the compact schedule, such as the $1 million rebate for choosing a developer and regional site by January 1, 1988. Furthermore, they rejected a proposal (made by the Kansas representatives) that would allow the state with the first dump to close its dump in case of an emergency.

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Community activists find themselves countered by some heavy hitting pro-nuclear interests, a clear indication of how high the stakes are in this compact struggle. Westinghouse, for example, is projecting revenues of nearly $800 million during the 30 years it would operate the site. US Ecology, allowing for inflation, projects about $1.5 billion.

In early April, a Washington, D.C.-based speakers bureau, Energy America, sent two nuclear engineers to speak to citizen gatherings in Arkansas and Oklahoma. While they protested that their motives were educational, their talks were aimed at convincing a skeptical citizenry that nuclear waste—and leaking nuclear burial grounds—pose no health or environmental hazard.

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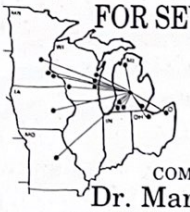

15 operating nuclear reactors are in the states of the Midwest Radioactive Waste Compact. They are hoping to dump all their "low-level" (deadly) radioactive waste in Michigan!

COME HEAR

Dr. Marvin Resnikoff

nuclear physicist and author of Living Without Landfills, addressing the

Michigan House of Representatives

Wednesday, Nov. 18, 1987 — 11 a.m.

House Chambers, State Capitol, Lansing

(public may attend in viewing gallery)

— *and speaking* —

Wednesday, Nov. 18, 7:30 p.m.

Rackham Amphitheatre, Univ. of Michigan

Ann Arbor

— *or* —

"'Low Level' Radioactive Waste: The More You Know the Less You'll Like It."

DON'T WASTE MICHIGAN: Lansing — (517) 487-6873; Ann Arbor — (313) 994-0729

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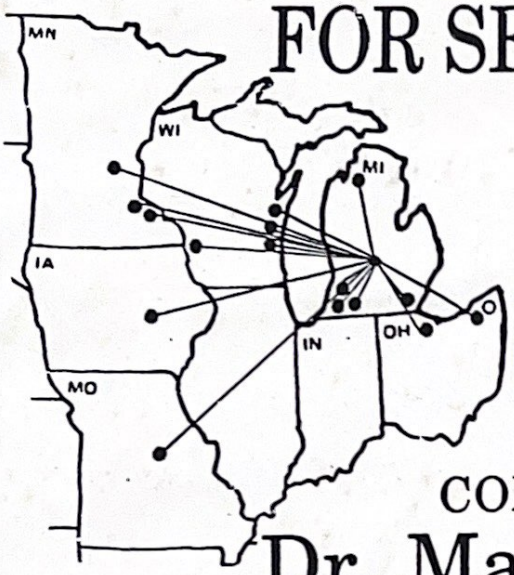

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