

FEDERAL DEADLINE LOOMS AS ACTIVISTS AND POLITICIANS CHALLENGE CALIFORNIA SITE FOR LOW-LEVEL RADIOACTIVE WASTE

Waste generators uphold the facility planned for Ward Valley, California as a model for the rest of the country, while anti-nuclear activists target Ward Valley in waging a national campaign against nuclear power.

OF ALL THE STATES STRIVING to meet the 1993 deadline for construction of low-level radioactive waste facilities, California seemed most likely to succeed at a desert location called Ward Valley. Then last summer a few high-ranking state officials and a coalition of anti-nuclear groups emerged in opposition to the chosen waste site, pitching what had been upheld as a model waste-siting process into a turmoil.

"It's much more than a California issue," says Ronald K. Gaynor, senior vice-president of U.S. Ecology, Inc., the firm chosen to manage the waste facility to be built in Ward Valley, California. "Ward Valley stands to be the first site developed under the Low-Level Radioactive Waste Policy Act (LLRWPA)—if it succeeds it puts great pressure on the rest of the country to establish sites." Under the amended LLRWPA, the existing disposal sites in Richland, Washington; Beatty, Nevada; and Barnwell, South Carolina are free to refuse waste at the end of 1992. The Barnwell and Beatty sites are scheduled to cease operating altogether. With LLRWPA, Congress gave the states the responsibility to build new waste sites, either alone or in regional compacts with other states. California is in a compact with Arizona, North Dakota, and South Dakota.

For anti-nuclear activists, California is an important battleground in waging their national campaign against nuclear power. At the "Conference for a Nuclear Free 1990s" held by Greenpeace USA,



Bob Hower/Quadrant for U.S. Ecology, Inc.

"It's hard to imagine a better site," one scientist says of the Ward Valley, California location for a proposed low-level radioactive waste facility.

the Nuclear Information and Resource Service, and the Safe Energy and Communication Council in April 1990, conferees singled-out Ward Valley as a pivotal site for reversing the development of new sites for waste disposal.

"Efforts to develop the Ward Valley site were proceeding very well until last April," says Carol Marcus, MD, PhD, of Harbor-UCLA Medical Center, Torrance, California. She says that was when national and local anti-nuclear groups launched their publicity campaign. Dr. Marcus spoke at many of the public forums in California about the medical need for the waste disposal facility and the safety of its design.

Opposition to the Ward Valley disposal site has caught on among California politicians. Two candidates for election to the U.S. Senate, State Controller Gray Davis and Lt. Governor Leo McCarthy, both Democrats, have publicly challenged the establishment of the Ward Valley site. Composing a majority of the three-member State Lands Commission, the two have the authority to prevent California from taking title of the land at Ward Valley, which is necessary for licensing to become official and construction to begin. The state's Department of Health Services is looking for an optional way of accomplishing the land transfer.

State Controller Davis and Lt. Governor McCarthy claim that the state will incur liability in the event of environmental damage caused by the waste site. Commentators have criticized the eleventh-hour opposition of the two candidates as a calculated campaign tactic.

Official Concerns

Mr. Davis's special assistant, Fran Diamond says the controller's interest predates his Senate campaign since as a member of the California assembly in 1983 he voted against the law that enabled the state to proceed with plans for low-level radioactive waste disposal. She hastens to add that Mr. Davis is not against nuclear power or nuclear medicine.

Mr. Davis believes, however, that the Ward Valley site will not only render the state "wide open for enormous liability" but may also "make California a national dump for low-level radioactive waste," says his special assistant. Mr. McCarthy acknowledges the urgency of establishing a safe disposal site for industrial and medical radioactive waste, but has issued a list of conditions to be met before he will support the land transfer. Among other things he calls on Congress to pass a law giving California the "unequivocal right" to ban radioactive waste from states outside the compact. (Federal law requires state compacts to accept waste from non-member states if necessary to prevent an immediate threat to the public or to national security, but the law limits this emergency access to no more than two 180-day periods.)

The state officials objecting to Ward Valley "are raising concerns that have already been dealt with by the Department of Health Services," contends Alan Pasternak, PhD, technical director of the industry-sponsored California Radioactive Materials Management Forum (Cal Rad). State law requires the operator of the waste site, U.S. Ecology, to carry \$10 million in third-party liability insurance. Separate third party insurance will be funded with fees charged to waste generators who use the Ward Valley site,

though the amount of this insurance remains undecided. The Department of Health Services considers liability coverage adequate along with provisions of the Comprehensive Environment Response, Compensation and Liability Act (CERCLA), according to the agency's Darice Bailey, PhD, associate health physicist.

The waste site will occupy a remote patch of Mojave Desert near the Nevada border about 20 miles west of the town of Needles. Less than six inches of rain falls there each year, which minimizes the chance for water-borne spread of radionuclides. Soil drillings show that water from the surface evaporates after seeping down a few feet, long before reaching ground water flowing at depths over 650 feet below the desert floor. The Sacramento Mountains stand between Ward Valley and the Colorado River. "It's hard to imagine a better site," says Dr. Pasternak, of Cal Rad.

Ideological Issue

Greenpeace USA and other activist groups say they oppose all low-level nuclear waste sites—regardless of the technical merits of any particular site—and advocate forcing the nuclear power utilities to store waste at the site of reactors. "We primarily oppose low-level nuclear waste sites because they are dangerous, but we also oppose the nuclear power industry—it's hard to separate the two," says Washington-based Greenpeace coordinator Peter Grinspoon. "We've got to stop producing more nuclear waste, and after that first step decide what to do with the waste already produced."

Blow to Science

If the Ward Valley site and others around the country are not ready by 1993, the impact will hit academic researchers, pharmaceutical manufacturers, and nuclear medicine physicians before it affects the nuclear utilities, says Dr. Pasternak. Scientists and nuclear medicine physicians say they will have no option but to store all the low-level radioactive waste they produce on their

own premises—or simply stop generating waste.

The blow to academic science and the loss inflicted by the inability to practice medical procedures are things that most of the opponents of the Ward Valley site say they want to avoid.

Mr. Grinspoon says hospitals could come up with "some scheme for on-site storage at the nearest nuclear power reactor." Diane D'Arriga of the Nuclear Information and Resource Service in Washington, D.C. says that "medicine should not be used by the nuclear power industry to establish waste sites." She says that the materials used in medicine can be managed safely without building new waste sites such as Ward Valley. To afford the costs of storing radioactive wastes for decay, she says scientists and physicians should use radionuclide "substitutes that are shorter-lived and move toward reducing the amount of waste produced." Research institutions and hospitals have, of course, achieved significant volume reductions as disposal costs have risen. But no matter how little waste is generated it must still be put somewhere.

Hospitals and laboratories lacking the resources of the power utilities to expand storage capacity would be forced to halt research and clinical medicine procedures using the radioisotopes that they can't safely or economically store on-site. The University of California, Los Angeles alone estimates that its researchers will have to forfeit \$200 million dollars in grant money unless a means for disposing of waste is available in 1993.

In spite of stepped-up opposition to the Ward Valley site, Dr. Pasternak says, "We have made progress here in California." The Department of Health Services expected to award the license for the waste site by this month and officials say there's still a chance to beat the 1993 deadline. Each month of delay, however, is costing the waste generators an estimated \$500,000 in federally mandated surcharges.

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