

THE NUCLEAR WASTE POLICY ACT OF 1982

By Attorney Michael H. Wald

Were you aware that Texas is being considered as this nation's first nuclear waste repository site, which could turn Texas into this nation's dumping ground for high-level nuclear waste? How could this happen.

In 1983, President Reagan signed into law the Nuclear Waste Policy Act of 1982. The new law established both a methodology and a timetable for the permanent disposal of radioactive wastes. The law gave the Department of Energy the responsibility for nominating and recommending three sites to the President, one of which will ultimately be selected for development as a high-level nuclear waste repository. The three sites were to be chosen based on guidelines established in the law, which called for site testing and characterization, and consideration of transportation risks and costs, proximity to water supplies and places of special interest, such as national parks. The final selection of the first repository site is slated for March 1991 and is due to start accepting wastes in 1998.

The three sites that have been recommended as repository sites are Yucca Mountain, Nevada; Hanford, Washington; and Deaf Smith County, Texas, which is located in the panhandle.

Many people oppose Texas as a site. Why? The possibility that the repository might be located in Deaf Smith County has caused land prices there to nose dive. If the repository is built, speculation is that crop and livestock prices would nose dive also, as buyers, fearing products tainted with radiation, go elsewhere for their agricultural products.

Another concern regards the transportation of wastes. Fear of nuclear waste accidents occurring

during transportation, as well as at or after delivery, abound. Since the authority and responsibility for high-level radioactive waste disposal lies with the federal government, most states would prefer to see the federal government take liability for any and all claims arising from any accidents involving nuclear waste, whether in storage or transportation, whether due to negligence or not. At the present time, the government has failed to make a statement on this issue.

Another major concern has to do with the Ogallala and Santa Rosa aquifer. This aquifer, which runs from Texas to South Dakota, provides high-quality water for irrigation and human livestock use. The tunnel shaft of the nuclear waste repository will pass through the Ogallala and Santa Rose aquifer. Should a leak or crack develop in the shaft, the aquifer could become tainted with radiation. Thus, a valuable water source in our country could be lost.

Currently, the State of Texas has filed a suit against the Department of Energy, contending that the DOE did not adhere to the Nuclear Waste Policy Act guidelines when it selected Deaf Smith County as a repository candidate. Texas will also try to block the federal government from obtaining permits to test drill. Ex-governor Mark White vigorously opposed selection of Texas as the final repository site. Governor Clements has yet to take a firm stand. The issue of nuclear waste disposal is a growing national problem, and will remain so, at least until an acceptable method of disposal is found. Before Texas accepts the program, many believe the questions of liability and the assurance of protection of human health and the environment need to be addressed.

Proponents of the program believe these issues can be resolved, or at least that the benefits of nuclear energy outweigh the risks. More public debate and study appears needed.

My thanks to Denise C. Kruse, a student in my law class at the University of Texas at Dallas,

who assisted in preparation of this column.

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