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## Commission lets 36 states dump nuke waste in Texas

Commission approves plan to allow 36 states to dump low-level nuclear waste in West Texas

**AP** Associated Press

Ramit Plushnick-Masti, Associated Press, On Tuesday January 4, 2011, 7:48 pm EST

HOUSTON (AP) -- A Texas commission approved rules on Tuesday that pave the way for 36 states to export low-level radioactive waste to a remote landfill along the Texas-New Mexico border.

The 5-2 vote by the Texas Low-Level Radioactive Commission came after last-minute legal maneuvering on Monday failed to delay the meeting, environmentalists warned the dump would pollute groundwater and more than 5,000 people commented on the plan.

The expansion stokes the debate over where -- and if -- nuclear waste can be dumped in the United States, an argument that has taken on new importance since President Barack Obama vowed to decrease the country's dependence on foreign oil, partly by building more nuclear power plants.

In the end, however, the site's owner, Dallas-based Waste Control Specialists, convinced the commission the West Texas landfill was a secure solution to permanently dump radioactive waste. Until now, the site has only accepted waste from Texas, Vermont and the federal government.

"We are certainly very pleased and happy," CEO Bill Lindquist told The Associated Press after the vote in Andrews, Texas.

The vote also came two days before Vermont's incoming governor, Peter Shumlin, takes office. The Democrat has openly criticized the plan and had said he would replace the state's two commissioners with members more in line with his views.

Opponents have argued the commission was rushing to vote on the rules to ensure a majority.

Lindquist said he is expecting some legal challenges to the commission's decision, but the company is moving ahead with construction of the landfill. The first phase of construction should be completed by November. In early 2012, the second part of the site -- where federal waste will be stored -- will also be finished, he said.

While the facility will now be able to accept waste from three dozen states, the commission guaranteed Vermont -- which paid \$25 million to have two members on the commission -- 20 percent capacity in the landfill. Vermont has only one nuclear facility, but since it plans to phase it out in the next 30 to 40 years it sought to promise itself space for the waste that process would create.

Vermont's concerns about where to get rid of its waste are shared by other states. In 2008, South Carolina severely curtailed who could send waste to its low-level nuclear dump, shutting down the last major facility that had been accepting the waste. And a battle over burying high-level nuclear waste at Nevada's Yucca Mountain, a years-long, multimillion dollar project that has suffered a series of setbacks, has created fierce opposition to building additional nuclear facilities.

Opponents argue that until there are viable solutions for dealing with the dangerous radioactive waste, no new plants should be built and the U.S. should instead focus on expanding solar and wind energy. Others, including Obama, believe nuclear energy is a clean, viable alternative to oil.

"You do sense the panic in the marketplace that there's no place for this stuff to go," Lindquist said.

Texas Commissioner Bob Wilson has opposed the expansion plans and the rules for some time. He voted against the rules on Tuesday, but largely because he fears the commission is unprepared to deal with the enormity of the task once the 1,340-acre site begins accepting waste from other states. The commission, he said, is largely unfunded, getting \$25,000 a year from Vermont and money from Texas only to cover meeting and travel costs. In addition, he fears expanding the importation of waste will interfere with the site's capacity. He also questions whether it will be as profitable as is being predicted.

"I thought it was premature," Wilson said.

Trevor Lovell, a spokesman for Public Citizen, one of the most outspoken opponents of the plan, said his group will meet Wednesday to decide the next step, but he said a lawsuit was possible.

"The commission that is moving forward on this has no staff, has no bylaws, and yet they are attempting to make very substantial changes and rules that would allow in radioactive waste from the entire country," Lovell said. He noted that the landfill is close to a major aquifer that provides water to one-quarter of the country's irrigated land as well as drinking water to thousands of people.

"We don't feel that it's been demonstrated that the landfill is safe," Lovell said.

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