

COMMITTEE TO BRIDGE THE GAP

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ILLINOIS NUCLEAR DUMP PROJECT REJECTED AFTER ADJUDICATORY HEARING

**Ruling Demonstrates Need for Formal Hearing in California on Proposed
Ward Valley Radioactive Waste Facility**

After an adjudicatory hearing on outstanding health and safety issues, an independent commission established by the State of Illinois has voted unanimously to reject plans to site a radioactive waste facility in Martinsville, Illinois. The ruling firmly establishes the need for such a hearing in California, where the administration of Governor Pete Wilson has reneged on its pledge to conduct formal evidentiary proceedings on its proposal to build a radioactive waste dump at Ward Valley, near the Colorado River in San Bernardino County.

“Illinois had an adjudicatory hearing and, based on evidence presented, found the proposed site, design, and contractor inadequate,” said Daniel Hirsch, President of Committee to Bridge the Gap, a Los Angeles nuclear watchdog group. “In California, however, US Ecology, the proposed dump contractor, has sued to block such a hearing and the Wilson Administration has joined in that request, despite solemn commitments to the State Senate to conduct evidentiary hearings. Fear that evidence presented at an adjudicatory hearing would doom the Ward Valley project is no excuse for violating one’s word and risking widespread radioactive contamination lasting generations,” said Hirsch.

“All we want is for the safety of the proposed nuclear dump to be thoroughly assessed in an evidentiary hearing before irreversible decisions are made. They did it in Illinois. We should be able to do the same here in California,” Hirsch said. “What are US Ecology and Governor Wilson frightened of— that the truth might come out?”

“US Ecology, formerly known as Nuclear Engineering Company (NECO), has had a troubled past that might well prove damaging under the scrutiny of an adjudicatory hearing,” said

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Hirsch. Two of the radioactive waste dumps it operated in other states — at Maxey Flats, Kentucky, and Sheffield, Illinois — have been closed, in part due to leaking radioactivity. Its facility in Beatty, Nevada, although still operating, has been repeatedly closed by the State of Nevada because of safety violations.

An adjudicatory hearing over US Ecology's application to construct and operate a similar radioactive waste dump at Ward Valley has been held up pending a Sacramento appellate court ruling on a lawsuit brought against the State of California by US Ecology and other dump supporters. The suit demands that a licensing decision be made in the absence of a positive safety finding by an independent Administrative Law Judge after an evidentiary hearing. Such an adjudicatory hearing would include the right to examine previously unreleased documents, present expert testimony and rebuttal under oath, and cross-examine witnesses.

Last April, the Wilson Administration admitted that there were unresolved safety and scientific issues associated with the proposed Ward Valley radioactive waste dump and committed to the State Senate that it would conduct an adjudicatory hearing before making a licensing decision on the proposed dump. When US Ecology filed suit to block the hearing, however, the Wilson Administration joined in the request that the hearing be cancelled. Although admitting it has the authority to hold the hearing, it told the court it would not do so unless required to by the court.

A ruling on the adjudicatory hearing lawsuit is expected sometime after October 21st, the deadline for parties to file legal briefs in the case.

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