

COMMITTEE TO BRIDGE THE GAP

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U.S. Appeals Court Rejects Ward Valley Radioactive Waste Dump Appeal Second Loss in Three Weeks for Nuclear Company

Residual efforts to revive a controversial and now-abandoned plan to construct a radioactive waste dump near the Colorado River at Ward Valley, California, were dismissed today by the U.S. Court of Appeals for the District of Columbia, marking the second such defeat in three weeks for US Ecology, the firm that had hoped to operate the nuclear facility. On October 24, California Superior Court Judge Charles Wickersham had thrown out similar efforts in state court to force the opening of the dump.

The suit that was the subject of today's ruling was filed by US Ecology in Washington, D.C., trying to force the U.S. interior Department to sell the Ward Valley land to the State of California so the company could build the waste dump on it. US Ecology lost at the District Court and appealed. The Appeals Court today ruled that US Ecology "lacks standing to pursue this appeal", as only the State of California can purchase the land.

The Ward Valley project was intended to dispose of radioactive wastes, primarily from nuclear reactors, in unlined trenches less than twenty miles from the Colorado River, the main water source for much of the Southwest. The proposal generated intense opposition in California until its abandonment last year. The Interior Department, which owns the Ward Valley land, decided last year not to sell it, and California chose not to pursue the project further.

California's Governor, Gray Davis, a long-time Ward Valley critic, has directed that the state pursue alternatives to Ward Valley, and an advisory panel established by the Governor found that waste volumes had plummeted so much that the need for and economic viability of any such facility were greatly diminished

Dan Hirsch, President of the Committee to Bridge the Gap, a public interest group that was a party to the case, said, "This latest defeat for the nuclear industry represents one more victory for the environment. Only a few loose ends remain before the Ward Valley episode can be put safely behind us, once and for all."

US Ecology still has pending an appeal of another defeat in another court, the Court of Federal Claims, and it has said it will appeal its recent state court loss.

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Copies of the Appeals Court ruling are available upon request.